

**HOUSE BILL No. 2750**

By Committee on Appropriations

2-15

1 AN ACT concerning oil and gas; relating to responsibility for maintenance  
2 of a well; amending K.S.A. 55-179 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 55-179 is hereby amended to read as follows: 55-  
6 179. (a) Upon receipt of any complaint filed pursuant to K.S.A. 55-178,  
7 and amendments thereto, the commission shall make an investigation for  
8 the purpose of determining whether such abandoned well is polluting or is  
9 likely to pollute any usable water strata or supply or causing the loss of  
10 usable water, or the commission may initiate such investigation on its own  
11 motion. If the commission determines:

12 (1) That such abandoned well is causing or likely to cause such  
13 pollution or loss; and

14 (2) (A) that no person is legally responsible for the proper care and  
15 control of such well; or (B) that the person legally responsible for the care  
16 and control of such well is dead, is no longer in existence, is insolvent or  
17 cannot be found, then, after completing its investigation, and as funds are  
18 available, the commission shall plug, replug or repair such well, or cause it  
19 to be plugged, replugged or repaired, in such a manner as to prevent any  
20 further pollution or danger of pollution of any usable water strata or supply  
21 or loss of usable water, and shall remediate pollution from the well,  
22 whenever practicable and reasonable. The cost of the investigation; the  
23 plugging, replugging or repair; and the remediation shall be paid by the  
24 commission from the well plugging assurance fund or the abandoned oil  
25 and gas well fund, as appropriate.

26 (b) For the purposes of this section, a person who is legally  
27 responsible for the proper care and control of an abandoned well shall  
28 include, but is not limited to, one or more of the following: Any operator  
29 of a waterflood or other pressure maintenance program deemed to be  
30 causing pollution or loss of usable water; the current or last ~~operator of the~~  
31 ~~lease upon which~~ *person responsible for the physical control of such well*  
32 ~~is located~~, irrespective of whether such ~~operator~~ *person* plugged or  
33 abandoned such well; the original operator who plugged or abandoned  
34 such well; and any person who without authorization tampers with or  
35 removes surface equipment or downhole equipment from an abandoned  
36 well.

1 (c) Whenever the commission determines that a well has been  
2 abandoned and is causing or is likely to cause pollution of any usable  
3 water strata or supply or loss of usable water, and whenever the  
4 commission has reason to believe that a particular person is legally  
5 responsible for the proper care and control of such well, the commission  
6 shall cause such person to come before it at a hearing held in accordance  
7 with the provisions of the Kansas administrative procedure act to show  
8 cause why the requisite care and control has not been exercised with  
9 respect to such well. After such hearing, if the commission finds that the  
10 person is legally responsible for the proper care and control of such well  
11 and that such well is abandoned, in fact, and is causing or is likely to cause  
12 pollution of any usable water strata or supply or loss of usable water, the  
13 commission may make any order or orders prescribed in K.S.A. 55-162,  
14 and amendments thereto. Proceedings for reconsideration and judicial  
15 review of any of the commission's orders may be held pursuant to K.S.A.  
16 55-606, and amendments thereto.

17 (d) For the purpose of this section, any well which has been  
18 abandoned, in fact, and has not been plugged pursuant to the rules and  
19 regulations in effect at the time of plugging such well shall be and is  
20 hereby deemed likely to cause pollution of any usable water strata or  
21 supply.

22 (e) For the purpose of this section, the person legally responsible for  
23 the proper care and control of an abandoned well shall not include the  
24 landowner or surface owner unless the landowner or surface owner has  
25 operated or produced the well, has deliberately altered or tampered with  
26 such well thereby causing the pollution or has assumed by written contract  
27 such responsibility.

28 Sec. 2. K.S.A. 55-179 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its  
30 publication in the statute book.

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