

Approved 3-26-85  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by SENATOR MERRILL WERTS at  
Chairperson

8:00 a.m. ~~P.M.~~ on MARCH 19, 1985 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers - Research Department  
Don Hayward - Revisor's Office  
Nancy Jones - Committee Secretary

Conferees appearing before the committee:

Representative Ed Bideau  
William Bryson, Director, Bureau of Oil Field & Environmental Geology,  
Department of Health & Environment  
Willim Fuller, Kansas Farm Bureau  
Don Schnacke, Kansas Independent Oil & Gas Association  
Omar Stavlo, Fish & Game Commission

Senator Feleciano moved that minutes of the March 5, 1985 meeting be approved. Senator Thiessen seconded the motion, and the motion carried.

HB 2229 - Concerning abandoned oil and gas wells

Representative Bideau briefly outlined HB 2229 stating this bill clarifies the statute regarding responsibility for the plugging of abandoned oil and gas wells. Legal responsibility for care and control would not rest with the landowner unless the landowner has assumed this responsibility by contract. Enforcement is slowed down with the present law in determining responsibility and often nothing is done. For this reason Representative Bideau suggests a written contract should be required. Changes being proposed will not alter the intent of the bill.

Bill Fuller testified in support of the intent of HB 2229 to place responsibility for proper care and control of abandoned wells with the actual producer or operator. KCC has taken the position that plugging responsibility may be with the landowner or farmer. Mr. Fuller stated the bill provides the exemption of landowners using gas for irrigation, home heating and grain drying from this consideration, in lines 75 through 82.

William Bryson testified in support of the concept of HB 2229 suggesting changes in the wording to clarify the intent. (Attachments A and B). Mr. Bryson directed the committee's attention to the written testimony stating the position of the Department of Health and Environment on the strengths, weaknesses and suggested recommendations and proposals by that agency. The major concern is with the word contract and its meaning as used presently in the law. Mr. Bryson suggested a change to written agreement if the landowner will have responsibility for plugging after the operator abandons a well. This would establish proof in writing of responsibility. In response to a question by Senator Thiessen he stated regular surveys are made by the Department to guard against tampering and determine responsibility for any found. In reply to Senator Martin, Mr. Bryson said the bill would not negate any contract now in effect.

Don Schnacke, testifying for KIOGA, stated they continue to support HB 2229 and suggested the word "written" be added before "contract" in line 81 of the bill. This provides proof of the landowner or farmer's responsibility when wells have been taken over from the operator.

No opponents appeared on HB 2229.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S Statehouse, at 8:00 a.m.~~7:00~~<sup>XXX</sup> on MARCH 19, 1985

HB 2095 - Relating to penalties for violation of fish and game laws

Omar Stavlo stated HB 2095 addresses the inequity existing in present law with regard to revocation of life time licenses and regular licenses. Fees for life time licenses ranges from \$200 to \$400 and regular license fee is \$9.00. Those with lifetime licenses are unfairly subject to the same revocation as those with a regular license. This bill would allow the latitude of suspension rather than revocation of the license for a period of time, and then the license would be returned to the owner. The issue of posting by the landowner for fishing and trapping as well as hunting is also addressed in HB 2229.

No opponents testified on HB 2229.

A motion was made to favorably recommend HB 2095 by Senator Thiessen. Senator Daniels seconded the motion, and the motion carried on voice vote.

SB 227 - Concerning water pollution; relating to fees

Senator Ehrlich, sponsor of the bill, has requested the committee kill this bill due to the high fiscal impact of \$670,000.

A motion was made by Senator Hayden to report SB 227 adversely. Senator Thiessen seconded the motion and the motion carried by voice vote.

A motion was made by Senator Gordon to amend HB 2229 by adding the word "written" before contract in line 81. Senator Thiessen seconded the motion and the motion carried by voice vote.

A motion was made by Senator Gordon to recommend favorably HB 2229 as amended. Senator Thiessen seconded the motion and the motion carried by voice vote.

The meeting was adjourned by Chairman Werts.

3-19 85

# Guest List

OMAR Stawo	chief of LE Div. Ks fish & Game Comm
Frank Hendricks	Ks. Fish & Game Comm
M Newfeld	Leg
Edwin Bidwell	Leg
Bill Juller	Ks. Farm Bureau
WALTER DUNN	ERUGA
Bill Bryson	KDHE - KCC
Don Schuyke	KIUGA
Charles Haman	KDHE



3-19-85  
Bureau



# Kansas Farm Bureau, Inc.

2321 Anderson Avenue, Manhattan, Kansas 66502 / (913) 537-2261

## STATEMENT

of

KANSAS FARM BUREAU

to

SENATE ENERGY and NATURAL RESOURCES COMMITTEE  
Senator Merrill Werts, Chairman

RE: H.B. 2229--Exempting the landowner from legal  
responsibility for the proper care and control  
of abandoned oil and gas wells

by

Bill R. Fuller, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

March 19, 1985

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Mr. Chairman and members of the Committee:

We are pleased to have this opportunity to speak on behalf of the farmers and ranchers who are members of the Kansas Farm Bureau as you consider H.B. 2229.

Our membership recognizes the need to protect our water quality. In fact, the voting delegates at the most recent annual meeting of the Kansas Farm Bureau approved several policy statements concerning water quality, including:

*"We recognize the need for reasonable standards to protect and maintain the quality of our surface waters and groundwaters."*

*"We urge the Legislature to make adequate appropriation of funds, to assure that the agency or agencies responsible for issuance of well drilling permits and the maintenance of water quality are enforcing existing statutes and regulations relating to salt water disposal and proper plugging of dry holes."*

S. ENR 3/19/85

ATTACHMENT A

We support the proposed legislation (new section (d)):

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

In 1982, the Legislature amended the statutes concerning abandoned oil and gas wells. At that time the language selected in K.S.A. 55-140 includes "person legally responsible." Under this new language, it is our understanding that the KCC is taking the position that the plugging responsibility may be with the farmer. We do not believe that plugging has ever been a responsibility of the landowner. Therefore, we support this proposed legislation as a means to carry out what we believe has always been the intent of this legislature. In other words, we do not see H.B. 2229 as a change of policy.

We view the language in lines 0075 to 0081 of the bill to provide the exemption to landowners who may be using gas for irrigation, home heating, grain drying, etc. However, if the committee is in doubt about the landowner exemption under these conditions, we suggest language be developed to clarify such cases.

H.B. 2229 is the same as S.B. 853 which was approved by the Senate Committee, Senate and House Committee last session. Speculation has it that S.B. 873 did not complete the legislative process last session because of the threat of other legislation might be amended into the bill, not because of opposition to the proposal.

In closing, we again express our support for H.B. 2229. Thank you!

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on House Bill No. 2229

2-19-85

March 19, 1985

Senate Energy and Natural Resources Committee

This is the official position taken by the Kansas Department of Health and Environment on House Bill No. 2229.

NEED FOR:

House Bill 2229 amends K.S.A. 55-140 to explicitly set forth that landowners have no legal responsibility for the care or control of an abandoned well. K.S.A. 55-140 as currently set forth establishes responsibility back through the operator lineage and does not implicate the landowner or surface owner unless they were a partner in the active ownership of the operation of the wells.

STRENGTHS:

The proposal does not make the landowner or surface owner responsible if he has tampered with the well where such tampering has caused pollution. The issue of tampering or eradicating abandoned wells needs to be addressed in the statutes. Tampering is beyond the control and care of the operator.

WEAKNESSES:

1. Pollution from the act of tampering may not occur until sometime afterward. Any tampering could create a potential for pollution and this is not covered by the wording proposed in House Bill 2229.
2. Lines 78-79 do not specify what constitutes a contract. Perhaps "contained in the lease agreement or amendments thereto" would be better wording than just a "contract."
3. The measure doesn't address those cases where the pumper of a lease and the landowner or surface owner are one in the same. Is a person serving in that capacity assuming liability as a tamperer if pollution occurs?

PROPOSALS/RECOMMENDATIONS:

Support the general concept of the proposed language but suggest wording as shown below.

"(d) for the purpose of this section, the person legally responsible for the proper care and control of an abandoned well shall not include the landowner or surface owner unless the landowner or surface owner actually has operated or produced the lease upon which the abandoned well is located; has deliberately has altered or tampered with the abandoned such well thereby actually causing the pollution or creating a condition where potential pollution could occur; has assumed or been ordered to assume by contract, lease, deed or other written document the plugging expenses relating to the abandoned well." such responsibility.

S. ENR 3/19/85  
Attachment B