

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCESThe meeting was called to order by Representative Ron Fox at
Chairperson3:30 ~~xxx~~ a.m./p.m. on January 23, 1986 in room 526-S of the Capitol.

All members were present except:

Representative Holmes (excused)

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Darrel Plummer, Section Chief, Regulation & Permitting Section
Kansas Department of Health and Environment
Francis Cox, Executive Director, Kansas Water Well Association

Chairman Fox called the meeting to order, noting that several documents had been placed in the committee's folders. He called attention to a request from the conservation people in Kansas that a bill which would be part of the state water plan, dealing with construction of conservation structures, relating to the financing thereof be introduced. Representative Sutter moved that the bill be introduced as a committee bill. The motion was seconded by Representative Foster. Motion carried.

The Chairman also had a request by the municipal utilities that a bill dealing with municipals and municipal energies be introduced. A motion was made by Representative Ott that the bill be introduced as a committee bill. The motion was seconded by Representative Sutter, and the motion carried.

Chairman Fox announced that he had appointed a subcommittee of three-- Representative Spaniol, Representative Grotewiel, and chaired by Representative Barr, to work with the Governmental Organization Committee on sunset review of the Kansas Department of Health and Environment. He noted that the purpose of the subcommittee would be to give the Governmental Organization Committee guidance if there are specific policy areas of concern to the Energy Committee.

Hearings were then opened on House Bill 2648--Establishing civil penalties for violations of the Kansas groundwater exploration and protection act. Re Proposal No. 23. and House Bill 2652--Groundwater exploration and protection; pump installers required to be licensed. Re Proposal No. 23.

Darrel Plummer represented the Department of Health and Environment in his testimony on House Bill 2648. He gave background information, listed strengths and weaknesses of the bill and offered some amendments and changes for consideration. He stated that the Department was in support of House Bill 2648 and the recommended amendments. (See Attachment 1)

Darrel Plummer again represented the Department of Health and Environment in testimony on House Bill 2652. He gave background information and listed strengths and weaknesses, as well as suggested amendments and changes in the bill. He noted that the Department was in support of House Bill 2652 and the suggested amendments. (See Attachment 2) Considerable committee discussion followed Mr. Plummer's presentation. Bill Bryson of the Department of Health and Environment was present and took part in discussion.

Speaking for himself and the drillers and pump installers with whom he had visited, Francis Cox, Kansas Water Well Association, testified in support of House Bill 2652 and House Bill 2648. (See Attachment 3) Committee discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on January 23, 1986

The meeting was adjourned at 4:30 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on January 27, 1986 at 3:30 p.m. in Room 526-S.

Date: Jan. 23, 1986

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Gyle Goltz	KCC	State Office Bldg	296-3116
Kevin Davis	Lg of Ks. Municipalities	Topeka	
Bill Miller	Kansas Farm Bureau	Manhattan	
Ed Rowert	League of Voters-KS	Topeka	273-6097
Kick McKee	KLA	Topeka	232-9358
Sharon Austria	KDHE	Topeka	862-9360
Sharon R. Chumman	KDHE	Topeka	862-9360
Francis Cox	KWWA	CLIFTON, Ks	913-455-3676
Dana Goodman	KCC	State Office Bldg	296-3361
BJ SABOL	KDH + E	Topeka Ks	
Larry Knacke	KDHE	Topeka Ks	
Charles V. Hamm	KDHE	Forbes Field - Topeka	862-9360
Walter DeWitt	EKOGA	Topeka	272-5674
Dan H. Spu	DWR, WSBA	Topeka	796-3710
Jake Braenbaldy	Farmers	Lewin, Ks	
Bill Kelsey	Ks Engineering Society	Topeka	233-1867
DANA COX	SAKUW	Sedgwick K	772-5418
Don Schnack	KIOGN	Topeka	232-7772

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON H.B. 2648

PRESENTED TO House Energy and Natural Resource Committee, 1986

This is the official position taken by the Kansas Department of Health and Environment on H.B. 2648.

BACKGROUND INFORMATION:

The Kansas Groundwater Exploration and Protection Act, K.S.A. 82a-1201 et. seq., applies to anyone who constructs, reconstructs, plugs, or treats water wells in Kansas including landowners. Present penalties for violations involve the revocation and/or suspension of water well contractor's licenses and the filing of class B misdemeanor charges and injunctions on violators.

Most of the enforcement and compliance problems with water wells do not justify the time and expense of initiating hearing processes for the purposes of revoking or suspending a water well contractor's license or the filing of criminal charges with district attorneys. Even if a license is revoked or charges are filed, the violation, oftentimes an unlawfully constructed water well may still remain. Administrative fines could help make the enforcement of the Act more efficient by making the process quicker and more uniform.

STRENGTHS:

By creating a substantial economic deterrent, administrative fines can help prevent many lesser but potentially environmentally dangerous violations from occurring.

The industry tends to view civil penalties as economic equalizers because some contractors do not always meet all the water well construction requirements and therefore presently have an unfair competitive advantage over contractors who strive to meet all requirements. Civil penalties, while helping to prevent groundwater contamination would also help ensure that everyone was operating under the same rules thus providing more economic incentive for complying with the laws and regulations than for violating them.

WEAKNESSES:

The wording in H.B. 2648 is somewhat confusing especially since both the criminal and civil penalties have been combined within the same section of the Act.

Although the bill will give authority to the Department to assess a civil penalty for any violation of the Act, it is unclear as to whether or not a corrective order may be issued. It is important that the authority for issuance of a corrective order be included in the administrative fine wording, otherwise the violation would remain even though a fine had been assessed.

Attachment 1

DEPARTMENT'S POSITION:

The Department would like to suggest the following amendments and changes for consideration on H.B. 2648. It is important to leave the criminal penalties of K.S.A. 82a-1214 as they are presently and create a new section or subsection specifically for civil penalties.

By substituting new wording, similar to that which is attached to this testimony, the fining order procedure would be more clear and the Department would clearly be allowed to issue corrective administrative orders in conjunction with the administrative fine.

The Department supports the passage of H.B. 2648 and the recommended amendments.

Presented by: Barbara J. Sabol, Secretary
Kansas Department of Health
and Environment

HOUSE BILL No. 2648

By Special Committee on Energy and Natural Resources

Re Proposal No. 23

12-17

0017 AN ACT concerning the Kansas groundwater exploration and
0018 protection act; providing civil penalties for violations;
0019 amending K.S.A. 1985 Supp. 82a-1214 and repealing the ex-
0020 isting section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1985 Supp. 82a-1214 is hereby amended to
0023 read as follows: 82a-1214. (a) Any person who shall willfully
0024 violate violates any lawful rule or and regulation of the secretary
0025 relating to water well contracting, or who shall engage engages
0026 in the business of constructing, reconstructing or treating water
0027 wells without first having obtained a license as is required under
0028 this act required, or who shall knowingly violate violates any
0029 provisions of this act, shall be guilty of a class B misdemeanor
0030 and subject to the penalties therefor as provided by law.

0031 (b) (1) Any person who violates any provision of the Kansas
0032 groundwater exploration and protection act or any rules and
0033 regulations adopted under the Kansas groundwater exploration
0034 and protection act, in addition to any other penalty provided by
0035 law, may incur a civil penalty imposed under paragraph (2) in
0036 an amount not to exceed \$5,000 for each violation and, in the
0037 case of a continuing violation, every day such violation con-
0038 tinues shall be deemed a separate violation.

0039 (2) [The secretary, upon a finding that a person has violated
any provision of the Kansas groundwater exploration and pro-
0042 Kansas groundwater exploration and protection act, may] im-
0043 pose a civil penalty within the limits provided in this section
0044 upon such person, which civil penalty shall be in an amount

Whenever the secretary has reason to believe that any person has violated any provision of this act or of any rule or regulation adopted pursuant thereto, the secretary may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of this act or rule or regulation alleged to be violated, and the acts constituting such alleged violation, and may include a proposed order that necessary corrective action be taken within a reasonable time period. Said notice shall include notice of the right to a hearing in accordance with the provisions of the Kansas administrative procedure act. Any such order shall become final unless, within 15 days after service of the notice and order, the person or persons named therein shall request in writing a hearing.

issue an order to such person that necessary corrective action be taken within a reasonable time period and may

0045 which constitutes an actual and substantial economic deterrent
0046 to the violation for which the civil penalty is assessed.

0047 ~~(3) No civil penalty shall be imposed under this section~~ DELETED

0048 ~~except upon the written order of the secretary, after notification~~
0049 ~~and hearing, if a hearing is requested, in accordance with the~~
0050 ~~provisions of the Kansas administrative procedure act.~~

0051 ~~(4)~~ Any person aggrieved by an order of the secretary under (3)

0052 this subsection (b) may appeal such order to the district court in
0053 the manner provided by the act for judicial review and civil
0054 enforcement of agency actions. An appeal to the district court or
0055 to an appellate court shall not stay the payment of the civil
0056 penalty. If the court sustains the appeal, the secretary shall
0057 refund the payment of any civil penalty with interest at the rate
0058 established by K.S.A. 16-204 and amendments thereto from the
0059 date of payment of the penalty.

0060 ~~(5)~~ Any penalty recovered pursuant to the provisions of this (4)

0061 section shall be remitted to the state treasurer, deposited in the
0062 state treasury and credited to the state general fund.

0063 (c) In addition the secretary of health and environment is
0064 hereby authorized to apply to the district court for enforcement
0065 of this act or rules and regulations adopted under this act in
0066 accordance with the provisions of the act for judicial review and
0067 civil enforcement of agency actions.

0068 Sec. 2. K.S.A. 1985 Supp. 82a-1214 is hereby repealed.

0069 Sec. 3. This act shall take effect and be in force from and
0070 after its publication in the statute book.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON H.B. 2652

PRESENTED TO House Energy and Natural Resource Committee, 1986

This is the official position taken by the Kansas Department of Health and Environment on H.B. 2652

BACKGROUND INFORMATION:

One of the Statutory requirements of the Kansas Groundwater Exploration and Protection Act which was adopted in 1973 was that all persons who drilled or otherwise constructed wells for the purpose of obtaining or locating groundwater for any purpose must have a license from the Department. During the 12 years which the program has been in existence, inspection of inadequately constructed water wells have revealed that many of the inadequacies were caused by alteration of the well by the person or the company installing the pump at some interval after the well was drilled by a licensed contractor.

If the objective of the Groundwater Exploration and Protection Act is to provide groundwater quality through adequate water well construction, then all those who commercially do work on the well or it's proximal appurtenances should be licensed and examined. There are an estimated 2,000 persons and companies in Kansas who install pumps, not including those who install pumps and are already licensed as water well contractors under the program. Approximately 15 to 20 percent of all water well violations can be traced to pump installing activities by persons other than licensed water well contractors.

STRENGTHS:

The bill would require anyone commercially installing pumps in water wells to be licensed.

WEAKNESSES:

H.B. 2652 includes the pump installers under the definition of a water well contractor, however, the large majority of pump installers are not drillers of water wells and therefore not water well contractors.

Another weakness in the bill is the exemption of licensed plumbers. Not only will this allow all licensed plumbers to be classified as pump installers, but it could also allow licensed plumbers to be excluded from having to obtain a water well contractor's license. Licensed plumbers may or may not be qualified to install pumps in water wells and most likely will not be knowledgeable in the techniques of constructing water wells as this bill might indicate. H.B. 2652 does not separate pump installers and water well contractors which in many cases may be two different individuals with two very different sets of qualifications. The bill does very little to address the real problem of unlicensed pump installers by not creating separate authority to regulate the pump installer. By broadening the definition of the water well contractor to include pump installers, a situation may arise where unqualified persons, plumbers and pump installers, could conceivably drill water wells which they are not qualified to do.

Attachment 2

DEPARTMENT'S POSITION

The Department would like to suggest the following amendments and changes for consideration on H.B. 2652:

1. Do not change the present definition of a water well contractor. Add a new definition to the act which defines to pump installers.
2. Provide for the inclusion of pump installers in the rules and regulations and allow for implementation of fees for licenses, examinations, and pump installing records under K.S.A. 82a-1205 through 82a-1214. The attachment provided with the copy of this testimony suggests the type of wording recommended in order to license the pump installers under the Kansas Groundwater Exploration and Protection Act as a separate profession.

It is the Department's contention that a license for pump installers be included with the water well contractors license. However, if a person simply wants to install pumps into a well that person should only need to obtain a pump installers license which would be a separate license with separate fees.

The Department considers training of licensees a very important element in the protection of the groundwater. When the Kansas Groundwater Exploration Act was adopted one of the statutory requirements was that all new applicants must pass an examination to be eligible for licensing. Also, within one year of the adoption of the Act there was a grandfather clause which enabled water well contractors currently doing business to be licensed without an examination. No formal training on new techniques of water well construction, specifications of well construction and sealing materials has ever been provided for those contractors previously licensed.

Presently it is the contractor's responsibility to keep current with accepted industrial standards concerning the products and methods used in the business of constructing, reconstructing, treating and plugging water wells. The Department works with each licensed contractor to ensure they understand their obligations as a licensed water well contract under the statutes and regulations and policies thereto.

The requirement of certification in professions is not a new or unusual issue. Many professions have a similar type of requirement. It is important that the people directly involved with such an important resource as groundwater have up-to-date information regarding technology, procedures and requirements. Protection of the groundwater is so important that training sessions should not be handled on an individual basis.

In addition to the recommendations we have already made concerning amendments to H.B. 2652 as it relates to the licensing of pump installers, the Department would like to recommend amending the bill to include mandatory training of all licensees.

The Department supports H.B. 2652 and the suggested amendments.

Presented by: Barbara J. Sabol, Secretary
Kansas Department of Health
and Environment

HOUSE BILL No. 2652

By Special Committee on Energy and Natural Resources

Re Proposal No. 23

12-17

0017 AN ACT concerning water; relating to groundwater exploration
0018 and protection; amending K.S.A. 82a-1203 and repealing the
0019 existing section.

82a-1205, 82a-1206, 82a-1207, 82a-1212, and K.S.A. 1985 Supp. 82a-1209 and
82a-1214

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 82a-1203 is hereby amended to read as
0022 follows: 82a-1203. As used in this act, unless the context other-
0023 wise requires: (a) "Construction of water wells" means all acts
0024 necessary to obtaining groundwater by any method for any use
0025 including, without limitation, the location of and excavation for
0026 the well.

0027 (b) "Water well" means any excavation that is drilled, cored,
0028 bored, washed, driven, dug, jetted, or otherwise constructed,
0029 when the intended use of such excavation is for the location,
0030 diversion, artificial recharge, or acquisition of groundwater.

0031 (c) "Water well contractor" or "contractor" means any indi-
0032 vidual, firm, partnership, association or corporation who shall
0033 ~~construct, reconstruct or treat constructs, reconstructs or treats a~~
0034 ~~water well including the installation of pumps on water wells.~~

delete

0035 The term shall not include:

0036 (1) An individual while in the act of constructing a water well
0037 on land which is owned by him or her such individual and is
0038 used by him or her for domestic use as defined by K.S.A.
0039 82a-701, and amendments thereto, or for farming, ranching, or
0040 agricultural purposes at his or her such individual's place of
0041 abode, but only when the well is constructed in compliance with
0042 prescribed minimum well standards and the requirement of well
0043 logs as provided in this act;

0044 (2) an individual who performs labor or services for a li-

0045 censed water well contractor at his or her *the contractor's direc-*
 0046 *tion and under his or her the contractor's supervision; or*
 0047 ~~(2) a licensed plumber while in the act of installing a pump~~
 0048 ~~on a water well.~~

delete

0049 (d) "Secretary" means the secretary of health and environ-
 0050 ment.

82a-1205, 82a-1206, 82a-1207, 82a-1212, and K.S.A. 1985 Supp. 82a-1209 and 82a-1214

0051 Sec. ~~2~~ K.S.A. 82a-1203 is hereby repealed.

(e) "Water well pump installer" or "pump

0052 Sec. ~~3~~ This act shall take effect and be in force from and
 0053 after its publication in the statute book.

installer" means any individual, firm, partnership, association or corporation who shall install pumps, treat or otherwise service any water well or any system directly connected to a water well such as the distribution system from the water well to the first connection to a residence or other building up to and including the water pressure tank. The term shall not include:

(1) An individual while in the act of installing pump, treating or servicing a water well on land which is owned by him or her and is used by him or her for farming, ranching or agricultural purposes or at his or her place of abode, but only when the pump and well is serviced or treated in compliance with prescribed minimum well standards and the requirement of well records as provided in this act;

(2) an individual who performs labor or services for a licensed water well pump installer at his or her direction and under his or her supervision.

Sec. 2. K.S.A. 82a-1205 is hereby amended to read as follows: 82a-1205.

(a) The secretary shall be responsible for the administration and enforcement of the provisions of this act and any rules and regulations adopted pursuant thereto.

(b) Water well contractors; the secretary shall fix by rules and regulations reasonable license fees annually for each contractor and for each drill rig operated by or for such contractor. The secretary shall fix by rules and regulations an additional fee for each water well drilled except as provided in paragraphs (1) and (2) of subsection (c) of K.S.A. 82a-1203 and amendment thereto. Such fee shall be in an amount which, together with any other funds available therefor, will produce an amount, which will properly administer the provisions of this act. Any nonresident may secure a water well contractors license in Kansas upon approval of an application therefor by the secretary and the payment of a fee equal to the fee charged for a similar nonresident license by the state in which the applicant is a resident, but in no case shall such fee be less than that charged a Kansas resident.

(c) Pump installers; the secretary shall fix by rules and regulations reasonable license fees annually for each pump installer. Such fees shall be in an amount, which, together with any other funds available therefor, will produce an amount which will properly administer the provisions of this act. Any nonresident may secure a water well pump installers license in Kansas upon approval of an application therefore by the secretary and a payment of a fee equal to the fee charged for a similar nonresident license by the state in which the applicant is a resident, but in no case shall the fee be less than that charged a Kansas resident.

~~(c)~~(d) The secretary shall have the power and authority and may cause to be inspected water wells in all phases of construction, reconstruction, treatment or plugging, and shall have access to such wells at all reasonable times. The secretary shall have general supervision and authority over the construction, reconstruction, pump installation, servicing and treatment of all water wells and the plugging of holes drilled and abandoned in search of a water supply or hydrogeological formation.

~~(d)~~(e) The secretary may employ within funds available such engineering, geological, legal, clerical and other personnel as may be necessary for the proper performance of responsibilities of this act. Such employees shall be within the classified service under the Kansas civil service act.

(f) The secretary is authorized and directed to cause examination to be made of applicants for licensing; to renew such licenses; to issue licenses to qualified water well contractors and/or pump installers in this state; to revoke or suspend licenses after their issuance as hereafter determined, after notice to the person affected and an opportunity for hearing; and to reinstate licenses previously revoked when justification therefor is shown.

~~(f)~~ (g) The secretary shall prepare, in the form and manner prescribed by law, a report on the administration of this act.

Sec. 3. K.S.A. 82a-1206 is hereby amended to read as follows: 82a-1206.

(a) Every well contractor and/or pump installer desiring to engage in the business of constructing, reconstructing, pump installing, servicing or treating water wells in this state shall make initial application for a license to the secretary. Every contractor and/or pump installer making such application shall set out such information as may be required upon forms to be adopted and furnished by the secretary. The secretary shall charge an application fee as established by regulation for the filing of such initial application by a contractor, or pump installer and the secretary shall not act upon any application until such application fee has been paid.

(b) All application fees and license fees collected hereunder shall be remitted to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof into the state treasury and the same shall be credited to the state general fund.

All liabilities of the water well contractors and pump installers licensing fund are hereby transferred to and imposed upon the state general fund.

On July 1, 1983, the director of accounts and reports shall transfer all moneys in the water well contractors licensing fund to the state general fund. All liabilities of the water well contractors licensing fund are hereby transferred to and imposed upon the state general fund. The water well contractors licensing fund is hereby abolished.

(c) A license to construct, reconstruct, install pumps, service or treat water wells shall be issued to any applicant if, under the standard set forth in K.S.A. 82a-1207 and amendments thereto the secretary shall determine such applicant is qualified to conduct water well construction and/or pump installation operations. In the granting of such licenses due regard shall be given to the interest of the state of Kansas in the protection of its underground water resources. Application fees paid hereunder shall be retained by the secretary whether such initial license is issued or denied but if denied, the license fee shall be refunded.

(d) Applicants for licenses hereunder who are engaged in business as water well contractors and/or pump installers in this state, if incorporated, shall submit evidence of current good standing with the registration requirements for corporations of the secretary of the state.

Sec. 4. K.S.A. 82a-1207 is hereby amended to read as follows: 82a-1207.

Under such reasonable rules and regulations as the secretary may adopt pertaining to the business of water well contracting and construction and pump installing and/or pump installation of water wells, the secretary shall investigate by examination or otherwise, the qualifications of all applicants for initial licenses as water well contractors to construct, reconstruct or treat wells or pump installers to install pumps and service water wells for production of underground waters in the state. Where an examination is required, such examination may be oral or written or both. The qualifications required of each candidate for such an examination are as follows:

(a) Familiarity with Kansas water laws, sanitary standards for water well drilling and construction of water wells and rules and regulations pertaining to water well construction, reconstruction, treatment, and plugging as adopted by the secretary;

(b) in addition applicants for a water well contractors license shall be examined for a knowledge of groundwater and subsurface geology in its relation to water well construction.

(c) The examination ~~/scheduled~~ ^{conducted} by the secretary shall be held at such times and places as the secretary may determine. Failure of an applicant to pass such examination shall disqualify him from making further application for a period of one ⁽¹⁾ month. The secretary shall act within a reasonable time upon all applications for licenses hereunder.

^{1985 Supp.}
Sec. 5. K.S.A. /82a-1209 is hereby amended to read as follows: 82a-1209.

(a) The secretary shall provide training sessions at least yearly, to help keep the licensees current with statutes, regulations, policies and accepted industrial standards pertaining to water well construction, reconstruction, treating, servicing and plugging. Every person licensed under this act shall attend at least one such training session within the first year following the issuance of the license and shall attend at least one such training

session every two years thereafter and furthermore shall provide proof of attendance at such training session to the secretary before their license shall be renewed.

(b) The term of all licenses issued under the provisions of this act shall be July 1 of each year through the following June 30.

Any contractor and/or pump installer licensed under the provisions of this act may, on or before July 1, each year, renew such license by paying the annual fee as determined by the secretary.

(c) If the licensee shall not have ~~paid~~ met the requirements for renewal of the license on or before July 1 as set out in subsections (a) and (b),

the licensee shall have the licensee's license revoked by the secretary. Prior to such revocation, however, the secretary shall notify the applicant of the secretary's intention to revoke at least 10 days prior to the time set for action to be taken, by notice to the applicant at the address appearing on such license in the records and files of the secretary and compliance with the provisions of the Kansas administrative procedure act. A license, once revoked, may not be reinstated unless the revocation resulted because of an error of the secretary or other reason not the fault of the licensee. A person whose license has been revoked and who desires to continue to engage in the business of water well construction in this state, must make application as provided for in K.S.A. 82a-1207 and amendments thereto. Such applicant may be required to retake the examination.

Sec. 6. K.S.A. 82a-1212 is hereby amended to read as follows: 82a-1212.

(a) Log of drilling, boring or digging; content; filed with state geological survey. Any water well contractor licensed under this act to construct, reconstruct or plug the water well shall keep a careful and accurate log of the construction reconstruction or plugging of such well and shall furnish a record of said well log to the secretary within 30 days after completion of such well in such form as the secretary might require. The log shall show:

~~(a)~~ (1) The name and address of the landowner and the legal description of the location of the well;

~~(b)~~ (2) The character and depth of the formation passed through or encountered;

~~(c)~~ (3) The depth at which water is encountered;

~~(d)~~ (4) The static water level of the completed well;

~~(e)~~ (5) A copy of the record of pumping tests, if any; and

~~(f)~~ (6) The construction or reconstruction details of the completed water well including lengths and sizes of casing, length and size of perforations or screens, and length and size of gravel packing; and

~~(g)~~ (7) The amount, type and placement of plug materials used in plugging a water well.

(b) Pump installation record; any water well pump installer licensed under this act who installs a pump or services a water well shall keep a careful accurate record of such pump installation or servicing and shall furnish a record of such to the secretary within 30 days after completion of such pump installation or service in a form that the secretary might require. The record shall show:

(1) The name and address of the landowner and the legal description of the location of the water well;

(2) The manufacture and type of pump installed in the water well;

(3) A copy of the record of pumping tests, if any;

(4) A description of any alteration of water well done by the pump installers;

(c) A water sample shall be furnished to the secretary upon request, within 30 days after completion of such well, unless an extension of time is granted by the secretary, in which case, the sample shall be furnished to the secretary within such extended period of time. The well logs and pump installation records and a copy of the water quality analysis shall be transmitted by the secretary to the state geological survey and kept on file by the survey and be available to the public.

^{1985 Supp.}
Sec. 7. K.S.A. 82a-1214 is hereby amended to read as follows: 82a-1214.

Any person who shall willfully violate any lawful rule or regulation of the secretary relating to water well contracting, and/or pump installing or who shall engage in the business of constructing, reconstructing, pump installing, servicing or treating water wells without first having obtained a license as in this act required, or who shall knowingly violate any provisions of this act, shall be guilty of a class B misdemeanor and subject to the penalties thereof as provided by law. In addition the secretary of health and environment is hereby authorized to apply to the district court for enforcement of this act or rules and regulations adopted under this act in accordance with the provisions of the act for judicial review and civil enforcement of agency actions:

I am Francis Cox with Cox-Beswick Irrigation Service, Inc. at Clifton, Kansas. I am also Executive Director of the Kansas Water Well Association.

Speaking for myself and the drillers and pump installers I have visited with, we are in favor of licensing pump installers and requiring educational seminars for both the pump installer and water well driller for license renewal.

This bill does not cover licensing pump installers without also having a license to drill water wells. The present "Rules and Regulations" for water well contractors includes the installation of pumps. What we would like to see is a pump installers license for those that install pumps but do not drill wells.

At our Water Well Advisory Committee meetings, we agreed the fee for a pump installers license should be \$50.00 annually with the water well contractors license the same as at present, \$100.00, with the water well contractors license including the pump installers license as it does now.

A plumbers license should not qualify a person to install a pump without a pump installers license.

We also believe better education of pump installers and water well contractors would upgrade the quality of water well and pump completions. Many pump installers have never seen a copy of the Rules and Regulations, so what can we expect. Proper knowledge of pump installation will benefit us in better installations. Many of the violations are done by the uninformed. We, the water well contractors, also need to be updated of new regulations and improved methods. The Kansas Geological Survey is continuously discovering results of improper well installations and wells completed in compliance with the "Rules and Regulations" but still allow water to flow from a contaminated water zone to a pure water zone. To solve this problem, grouting needs to be done between zones. Knowledge of their findings would greatly help in our constructing a water well properly to protect our groundwater.

Most contractors are looking for better methods and wish to complete the best installation possible. Those that violate the Rules and Regulations should be corrected or not allowed to install pumps or construct wells. Penalties should be imposed on those who continue to violate our "Rules and Regulations" and groundwater protection.

We are in favor of House Bill #2648, providing civil penalties for violations concerning the Kansas ground water exploration and protection act. With enforcement of our laws against violaters, we can soon solve the problems of improper well and pump installations and threats of pollution to our ground water.

Attachment 3