

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2095

By Committee on Water

Requested by Representative Vaughn on behalf of the Kansas Groundwater Association

1-27

1 AN ACT concerning water; relating to the department of health and
2 environment; establishing a pump installation contractor license and
3 qualifications for applicants therefor; allowing applicants for water well
4 contractor and pump installation contractor licenses to take
5 examinations online; adding additional qualifications for applicants of
6 water well contractor licenses; modifying the license terms under the
7 act to begin on July 1 of even-numbered years and end on June 30 of
8 the following even-numbered year; requiring additional information to
9 be included in the water well record as required by the secretary;
10 requiring a water well contractor to provide a water quality analysis to
11 the secretary upon request within 60 days of well completion or within
12 an extended timeframe granted by the secretary; requiring the water
13 quality analysis to be conducted by a Kansas certified laboratory;
14 requiring pump installation contractors to keep a record of each pump
15 installed and submit the record to the secretary within 30 days;
16 requiring the pump installation record to include certain data as
17 required by the secretary; requiring the entire amount of any penalty
18 fine collected under the act to be deposited in the water program fund
19 instead of the state general fund; amending K.S.A. 82a-1202, 82a-1203,
20 82a-1205, 82a-1207, 82a-1209, 82a-1210, 82a-1212, 82a-1213, 82a-
21 1214 and 82a-1216 and K.S.A. 2024 Supp. 82a-1206 and repealing the
22 existing sections; also repealing K.S.A. 82a-1218.

23

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

25 New Section 1. (a) Any pump installation contractor licensed under
26 this act shall keep a careful and accurate record of each pump installed and
27 shall furnish a record of the pump installation to the secretary within 30
28 days after installation of each pump in such form as the secretary may
29 require. The record shall include the following information:

30 (1) The name and address of the landowner and the location and legal
31 description of the well, including the latitude and longitude of the well;

32 (2) the intended use of the well water;

33 (3) pump information, including the date that the pump was installed,
34 the type of pump installed, horsepower, voltage, pump capacity in gallons

1 per minute and the drop pipe diameter and length; and

2 (4) any other data as the secretary reasonably requires.

3 (b) This section shall be a part of and supplemental to the Kansas
4 groundwater exploration and protection act.

5 Sec. 2. K.S.A. 82a-1202 is hereby amended to read as follows: 82a-
6 1202. (a) It is the purpose of this act to provide for the exploration and
7 protection of groundwater through the licensing and regulation of water
8 well contractors *and pump installation contractors* in Kansas to protect the
9 health and general welfare of the citizens of this state; to protect
10 groundwater resources from waste and potential pollution by requiring
11 proper description of the location, drilling and well construction, and
12 proper plugging of abandoned water wells and test holes; and to provide
13 data on potential water supplies through well logs, well pumping tests and
14 water quality tests ~~which that~~ will permit the economic and efficient
15 utilization and management of the water resources of this state.

16 (b) In order to achieve these objectives, this act:

17 (1) Requires licensing of water well contractors *and pump*
18 *installation contractors*;

19 (2) provides for the establishment of standards for well construction,
20 reconstruction, treatment and plugging;

21 (3) *provides for the establishment of standards for pump installation*
22 *and repair*;

23 (4) requires each ~~licensed~~ water well contractor to:

24 (A) Keep and transmit to the ~~state~~ secretary, upon request, a copy of
25 the log of the well, pump test data, if available, and water quality samples;
26 and ~~maintains~~

27 (B) *maintain* within the state geological survey of Kansas a record
28 system of well logs and water quality data ~~which that~~ will be *made*
29 available to the public; *and*

30 (5) *requires each licensed pump installation contractor to keep and*
31 *transmit to the secretary a pump information report.*

32 Sec. 3. K.S.A. 82a-1203 is hereby amended to read as follows: 82a-
33 1203. As used in this act, unless the context otherwise requires:

34 (a) "Construction of water wells" means all acts necessary to
35 obtaining groundwater by any method for any use including, without
36 limitation, the location of and excavation for the well.

37 (b) "*Domestic uses*" means the use of water by any person, family
38 unit or household for household purposes, the watering of livestock,
39 poultry, farm and domestic animals used in operating a farm or the
40 irrigation of lands not exceeding a total of two acres in area for the
41 growing of gardens, orchards or lawns.

42 (c) (1) ~~"Licensed pump installation contractor" and "Pump~~
43 ~~installation contractor" mean~~ **means** any person who ~~has obtained a~~

1 ~~license from the department to install, repair or maintain~~ **installs, repairs**
 2 **or maintains** well pumps, pitless well adapters or units and pumping
 3 equipment at the water well location, including all wiring and all
 4 construction or repair involved in making entrance to the water well that
 5 involves breaking the sanitary well seal.

6 (2) ~~"Licensed pump installation contractor" and "Pump installation~~
 7 ~~contractor"~~ **do does** not include:

8 (A) A person while in the act of installing a pump on land that is
 9 owned by such person and is used by such person for domestic uses at
 10 such person's place of abode, but only when the pump is installed in
 11 compliance with prescribed minimum installation standards as provided in
 12 this act; or

13 (B) a person who installs a pump for a ~~licensed~~ pump installation
 14 contractor at such contractor's direction and under such contractor's
 15 supervision.

16 (d) (1) ~~"Licensed water well contractor" and "Water well contractor"~~
 17 ~~mean~~ **means** any person who ~~has obtained a license from the department~~
 18 ~~to construct, reconstruct, plug or treat~~ **constructs, reconstructs, plugs or**
 19 **treats** a water well.

20 (2) ~~"Licensed water well contractor" and "Water well contractor"~~ **do**
 21 **does** not include:

22 (A) A person while in the act of constructing, reconstructing,
 23 plugging or treating a water well on land that is owned by such person
 24 and is used by such person for domestic uses at such person's place of
 25 abode, but only when the well is constructed, reconstructed, plugged or
 26 treated in compliance with prescribed minimum well standards as
 27 provided in this act; or

28 (B) a person who performs labor or services for a ~~licensed~~ water well
 29 contractor at such contractor's direction and under such contractor's
 30 supervision.

31 (e) "Person" means any individual, association, firm, partnership,
 32 corporation or governmental entity.

33 (e)(f) "Sand point" or "well point" means any driven well ~~which that~~
 34 is 25 feet or less in depth and is constructed by manually driving into the
 35 ground a drive point fitted to the lower end of tightly connected sections of
 36 pipe that are 2 inches or less in diameter.

37 (d) ~~"Domestic uses" means the use of water by any person, family~~
 38 ~~unit or household for household purposes, the watering of livestock,~~
 39 ~~poultry, farm and domestic animals used in operating a farm or the~~
 40 ~~irrigation of lands not exceeding a total of two acres in area for the~~
 41 ~~growing of gardens, orchards or lawns.~~

42 (e)(g) "Secretary" means the secretary of health and environment.

43 (f)(h) "Water well" means any excavation that is drilled, cored, bored,

1 washed, driven, dug, jetted or otherwise constructed, when the intended
2 use of such excavation is for the location, diversion, artificial recharge or
3 acquisition of groundwater.

4 ~~(g) "Water well contractor" or "contractor" means any person who~~
5 ~~constructs, reconstructs or treats a water well. The term shall not include:~~

6 ~~(1) An individual while in the act of constructing a water well on land~~
7 ~~which is owned by such individual and is used by such individual for~~
8 ~~domestic purposes at such individual's place of abode, but only when the~~
9 ~~well is constructed in compliance with prescribed minimum well standards~~
10 ~~as provided in this act; or~~

11 ~~(2) an individual who performs labor or services for a licensed water~~
12 ~~well contractor at such contractor's direction and under such contractor's~~
13 ~~supervision.~~

14 Sec. 4. K.S.A. 82a-1205 is hereby amended to read as follows: 82a-
15 1205. (a) The secretary shall be responsible for the administration and
16 enforcement of the provisions of this act and any rules and regulations
17 adopted pursuant thereto.

18 (b) ~~(1) (A) The secretary shall fix by rules and regulations~~ *adopt rules*
19 *and regulations on a biennial basis to establish* reasonable license fees
20 ~~annually~~ for each *water well* contractor and for each drill rig operated by
21 or for such *water well* contractor. The secretary shall ~~fix by~~ *adopt* rules and
22 regulations *to establish* an additional fee for each water well drilled except
23 as provided in ~~paragraphs (1) and (2) of subsection (e) of K.S.A. 82a-~~
24 ~~1203(d)(2), and amendments thereto. Such fees shall be in an amount,~~
25 ~~which, together with any other funds available therefor, will produce an~~
26 ~~amount, which will properly administer the provisions of this act.~~

27 *(B) The secretary shall adopt rules and regulations on a biennial*
28 *basis to establish reasonable license fees for pump installation*
29 *contractors. The pump installation contractor license fee shall not apply*
30 *to a person as specified in K.S.A. 82a-1203(c)(2), and amendments*
31 *thereto.*

32 *(C) Any nonresident may secure a water well contractor's license in*
33 *Kansas upon approval of an application therefor by the secretary and the*
34 *payment of a fee equal to the fee charged for a similar nonresident license*
35 *by the state in which the applicant is a resident, but in no case shall the fee*
36 *be less than that charged to a Kansas resident.*

37 *(2) The fees established pursuant to this subsection shall be in an*
38 *amount that, when taken together with any other available funds, will*
39 *allow for the proper administration of this act.*

40 (c) The secretary shall have the power and authority ~~and may cause to~~
41 ~~be inspected water wells~~ *to inspect any water well, pump installation and*
42 *associated maintenance activities* in all phases of construction,
43 reconstruction, treatment or plugging; and shall have access to such wells

1 at all reasonable times. The secretary shall have general supervision and
2 authority over the construction, reconstruction~~—and~~, treatment *and*
3 *plugging* of all water wells and the plugging of holes drilled and
4 abandoned in search of a groundwater supply or hydrogeological
5 information.

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

11 (e) The secretary is authorized and directed to ~~cause~~:

12 (1) ~~Administer the examination to be made of applicants for licensing~~
13 ~~of water well contractor license applicants and pump installation~~
14 ~~contractor license applicants pursuant to K.S.A. 82a-1207, and~~
15 ~~amendments thereto;~~~~to~~

16 (2) ~~renew such licenses;~~~~to~~

17 (3) ~~adopt rules and regulations necessary to establish continuing~~
18 ~~educational requirements for persons licensed under this act;~~~~to~~

19 (4) ~~issue licenses to qualified water well contractors and qualified~~
20 ~~pump installation contractors in this state;~~~~to~~

21 (5) ~~deny, modify, revoke or suspend licenses after their issuance is~~
22 ~~hereafter determined, after notice to the person affected and an opportunity~~
23 ~~for hearing any license issued pursuant to this act after providing notice~~
24 ~~and an opportunity for a hearing in accordance with the provisions of the~~
25 ~~Kansas administrative procedure act; and~~~~to~~

26 (6) ~~issue or reinstate licenses previously denied, modified, revoked or~~
27 ~~suspended when justification therefor for such action is shown.~~

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

30 Sec. 5. K.S.A. 2024 Supp. 82a-1206 is hereby amended to read as
31 follows: 82a-1206. (a) ~~Every well contractor person~~ desiring to engage in
32 the business of ~~constructing, reconstructing or treating water wells a~~
33 ~~licensed~~ *water well contractor* in this state shall make initial application
34 for a *water well contractor* license to the secretary. ~~Every contractor~~ *Each*
35 *person* making such application shall set out such information as may be
36 required upon forms ~~to be adopted and furnished~~ *provided* by the secretary.
37 The secretary shall charge an application fee as established by rules and
38 regulations for the filing of such initial application ~~by a contractor, and~~.
39 The secretary shall not act upon any application until such application fee
40 has been paid.

41 (b) ~~All application fees and license fees collected hereunder shall be~~
42 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
43 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~

1 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
2 ~~the credit of the water program management fund established pursuant to~~
3 ~~K.S.A. 65-166b, and amendments thereto.~~ *Each person desiring to engage*
4 *in the business of a licensed pump installation contractor in this state shall*
5 *make initial application for a pump installation contractor license to the*
6 *secretary. Each person making such application shall set out such*
7 *information as may be required upon forms provided by the secretary. The*
8 *secretary shall charge an application fee as established by rules and*
9 *regulations for the filing of such initial application. The secretary shall not*
10 *act upon any application until such application fee has been paid.*

11 (c) ~~A water well contractor license or a pump installation contractor~~
12 ~~license to construct water wells shall be issued to any applicant if, under~~
13 ~~the standards set forth in K.S.A. 82a-1207, and amendments thereto, the~~
14 ~~secretary shall determine~~ *determines that such applicant is qualified to*
15 ~~conduct water well construction operations~~ *be a licensed water well*
16 *contractor or a licensed pump installation contractor. In the granting of*
17 *such licenses, due regard shall be given to the interest of the state of*
18 *Kansas in the protection of its underground water resources. Application*
19 *fees paid hereunder shall be retained by the secretary whether such initial*
20 *license is issued or denied, but if denied, the license fee shall be refunded.*

21 (d) Applicants for licenses hereunder who are engaged in business as
22 ~~a water well contractors contractor or a pump installation contractor in~~
23 ~~this state, if incorporated~~ *required to be registered and in good standing*
24 *with the secretary of state, shall submit evidence of current good standing*
25 *with the registration requirements for corporations of the secretary of state.*

26 (e) *The fees collected by the secretary under this section shall be*
27 *remitted by the secretary to the state treasurer in accordance with the*
28 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
29 *each such remittance, the state treasurer shall deposit the entire amount in*
30 *the state treasury to the credit of the water program fund.*

31 Sec. 6. K.S.A. 82a-1207 is hereby amended to read as follows: 82a-
32 1207. (a) ~~Under such reasonable rules and regulations as the secretary may~~
33 ~~adopt pertaining to the business of a water well contracting and~~
34 ~~construction of water wells contractor or pump installation contractor, the~~
35 ~~secretary shall investigate, by examination or otherwise, the qualifications~~
36 ~~of all applicants for an initial licenses as water well contractors to~~
37 ~~construct, reconstruct or treat wells for production of underground waters~~
38 ~~license as a water well contractor or pump installation contractor in this~~
39 ~~state. Where an examination is required, such examination may be oral or,~~
40 ~~written, online or both any combination thereof.~~

41 (1) The qualifications required of each candidate for ~~such an~~ *a water*
42 *well contractor examination are as follows:*

43 (a)(A) Familiarity with Kansas water laws, sanitary standards for

1 water well drilling and construction of water wells and rules and
2 regulations relating to water well construction, reconstruction, treatment
3 and plugging as adopted by the secretary;

4 ~~(b)~~(B) knowledge of groundwater and subsurface geology in its
5 relation to well construction;

6 (C) *knowledge of current drilling methods, including, but not limited*
7 *to, cable-tool, hollow-stem auger, mud-rotary, direct-push, sonic, air*
8 *rotary and sand bailing;*

9 (D) *familiarity with:*

10 (i) *Pump installation, replacement and repair for water wells,*
11 *including any necessary components of the water well system; and*

12 (ii) *installation of water treatment devices, water pressure tanks,*
13 *pressure switches, pressure relief valves and pitless well adapters or units*
14 *for water wells; and*

15 (E) *a minimum of two years of experience working under a licensed*
16 *water well contractor.*

17 (2) *The qualifications required of each candidate for a pump*
18 *installation contractor examination are as follows:*

19 (A) *Familiarity with Kansas water laws and rules and regulations*
20 *that relate to water well construction, reconstruction and treatment as*
21 *adopted by the secretary;*

22 (B) *familiarity with:*

23 (i) *Pump installation, replacement for and repair of water wells,*
24 *including any necessary components of the water well system; and*

25 (ii) *installation of water treatment devices, water pressure tanks,*
26 *pressure switches, pressure relief valves and pitless well adapters or units*
27 *for water wells; and*

28 (C) *a minimum of one year of experience working under a licensed*
29 *pump installation contractor.*

30 (b) The examinations conducted by the secretary shall be held at such
31 times and places as ~~he~~ *the secretary* may determine. Failure of an applicant
32 to pass such examination shall disqualify ~~him~~ *the applicant* from making
33 further application for a period of one-~~(1)~~ month. The secretary shall act
34 within a reasonable time upon all applications for licenses ~~hereunder~~ *in*
35 *this section.*

36 Sec. 7. K.S.A. 82a-1209 is hereby amended to read as follows: 82a-
37 1209. (a) The term of all licenses issued under the provisions of this act
38 shall be *for two years beginning on July 1 of each even-numbered year*
39 *through the following June 30 of the following even-numbered year.*

40 (b) Any water well contractor or pump installation contractor
41 licensed under the provisions of this act may, on or before July 1; *of each*
42 *even-numbered year, renew such license by paying the—annual fee as*
43 *determined by the secretary and complying with continuing education*

1 requirements established by the secretary.

2 (c) (1) If the licensee has not met the requirements for renewal of the
3 license on or before July 1 *of each even-numbered year*, the license shall
4 be revoked by the secretary.

5 (2) Prior to such revocation, ~~however~~, the secretary shall notify the
6 applicant of the secretary's intention to revoke *the applicant's license* at
7 least 10 days prior to the time set for action to be taken, by notice to the
8 applicant at the address appearing on such license in the records and files
9 of the secretary and compliance with the provisions of the Kansas
10 administrative procedure act.

11 (d) A license, once revoked, may not be reinstated unless the
12 revocation resulted because of an error of the secretary or other reason not
13 the fault of the licensee.

14 (e) (1) A person whose *water well contractor or pump installation*
15 *contractor* license has been revoked and who desires to ~~continue to engage~~
16 ~~in the business of water well construction~~ *become relicensed* in this state,
17 ~~must make~~ *shall submit an application as provided for in K.S.A. 82a-1207*
18 *pursuant to K.S.A. 82a-1206, and amendments thereto.*

19 (2) Such applicant may be required to retake the examination
20 *pursuant to K.S.A. 82a-1206, and amendments thereto.*

21 Sec. 8. K.S.A. 82a-1210 is hereby amended to read as follows: 82a-
22 1210. (a) Any license issued under this act may be revoked by the
23 secretary:

24 (1)- When the licensee has practiced fraud or deceit in obtaining a
25 license or ~~otherwise~~ *while* engaging in activities regulated by this act;

26 (2)- for negligence or incompetence; or

27 (3)- for violating any requirement of this act; *or*

28 (4) *when a licensee voluntarily relinquishes a license.*

29 (b) (1) Any person, in addition to the secretary, may make complaint
30 against any licensee.

31 (2) Notice shall be given to the licensee of the specific charges; *made*
32 *in any such complaint* in accordance with the notice provisions of the
33 Kansas administrative procedure act.

34 (c) Prior to revocation or suspension of a license, the water well
35 contractor *or pump installation contractor* shall be afforded the
36 opportunity promptly to bring the well up to standard or to correct the
37 error resulting in the complaint. Compliance must be acceptable to the
38 secretary.

39 (d) The secretary shall not revoke any license pursuant to this section
40 without giving the licensee an opportunity for hearing in accordance with
41 the provisions of the Kansas administrative procedure act.

42 Sec. 9. K.S.A. 82a-1212 is hereby amended to read as follows: 82a-
43 1212. (a) ~~Any~~ **Every** water well contractor ~~licensed under this act who~~

1 constructs, reconstructs or plugs a water well shall keep a careful and
2 accurate log record of the construction, reconstruction or plugging of such
3 well each water well that such contractor constructs, reconstructs or plugs
4 and shall furnish a submit each record of said well log to the secretary
5 within thirty (30) days after of the completion of such constructing,
6 reconstructing or plugging such water well in such form as the secretary
7 might may require. The log record shall show include the following
8 information:

9 (a)(1) The name and address of the landowner and the location and
10 the legal description of the location of the well, including the latitude and
11 longitude of the well;

12 (b) The character and depth of the formation passed through or
13 encountered(2) the description and depth of any encountered geological
14 materials;

15 (c)(3) the depth at which water is encountered, if possible;

16 (d)(4) the depth and diameter of the borehole;

17 (5) if a gravel pack is used, the type of material, size of particles and
18 depth of such gravel pack;

19 (6) the depth and thickness of grout or other sealing material, if
20 applicable;

21 (7) blank casing information, including the length, outside diameter,
22 wall thickness and type of material of such blank casing, if applicable;

23 (8) screen information, including the length, outside diameter, slot or
24 perforation size and type, wall thickness and type of material of such
25 screen, if applicable;

26 (9) the casing joint or connection type, if applicable;

27 (10) the static water level of the completed well, if applicable;

28 (e) A copy of the record of pumping tests, if any; and(11) the water
29 level reached when pumped at the designated rate, including the rate of
30 pumping and amount of time pumped, if applicable;

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

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

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

43 (12) the yield of the water well in gallons per minute or gallons per

1 *hour, if applicable;*

2 (13) *information on any pump installed if applicable, including the*
3 *date that the pump was installed, the type of pump, horsepower, voltage,*
4 *pump capacity in gallons per minute, and the drop or column pipe*
5 *diameter and length;*

6 (14) *the intended use of the well water;*

7 (15) *certification that the well was disinfected, if applicable;*

8 (16) *identification of any permit required for the water well,*
9 *including any state, county or municipal permit;*

10 (17) *the name and signature of the ~~licensed~~ water well contractor*
11 *and license number or the name and phone number of the individual as*
12 *specified in K.S.A. 82a-1203(h)(1), and amendments thereto;*

13 (18) *the date that the construction, reconstruction or plugging, as*
14 *applicable, was completed; and*

15 (19) *any other data that the secretary reasonably requires.*

16 (b) *A water quality analysis of any well shall be provided to the*
17 *secretary, upon request, within 60 days after completion of each well*
18 *unless an extension of time is granted by the secretary. If an extension of*
19 *time is so granted, the water quality analysis shall be provided to the*
20 *secretary within such extended period of time. A Kansas-certified*
21 *laboratory shall conduct the water quality analysis.*

22 (c) *The secretary shall transmit each well record and a copy of the*
23 *water quality analysis to the state geological survey to be kept on file. The*
24 *state geological survey shall make each such transmitted record and*
25 *analysis publicly available.*

26 Sec. 10. K.S.A. 82a-1213 is hereby amended to read as follows: 82a-
27 1213. (a) All holes drilled in search of a water supply and abandoned, shall
28 be properly plugged by the ~~drilling~~ water well contractor in accordance
29 with rules and regulations established by the secretary in order to ~~assure~~
30 ensure adequate and proper plugging of abandoned wells to prevent
31 pollution of existing groundwater.

32 (b) Any water well contractor who fails to properly seal any
33 exploratory wells drilled in search of a water supply and abandoned by
34 ~~him or her~~ the water well contractor shall be subject to the penalties set
35 out in this act.

36 (c) All unplugged abandoned water wells shall be plugged or caused
37 to be plugged by the landowner in accordance with rules and regulations
38 established by the secretary in order to ~~assure~~ ensure adequate and proper
39 plugging of abandoned water wells to prevent pollution to existing
40 groundwater supplies, ~~except that no~~.

41 (d) *Notwithstanding any provision of this section to the contrary, an*
42 *unplugged abandoned water well existing on the effective date of this act*
43 *which is not polluting or threatening to pollute a groundwater supply or*

1 *before July 1, 1973, that does not pose a threat to public health, safety or*
2 *the environment shall not be required to be plugged.*

3 Sec. 11. K.S.A. 82a-1214 is hereby amended to read as follows: 82a-
4 1214. ~~Any person who shall willfully violate any lawful rule or regulation~~
5 ~~of the secretary relating to water well contracting, or who shall engage in~~
6 ~~the business of constructing, reconstructing or treating water wells without~~
7 ~~first having obtained a license as in this act required, or who shall~~
8 ~~knowingly violate any provisions of this act, shall be guilty of a class B~~
9 ~~misdemeanor and subject to the penalties therefor as provided by law. In~~
10 ~~addition the secretary of health and environment is hereby authorized to~~
11 ~~apply to the district court for enforcement of this act or rules and~~
12 ~~regulations adopted under this act in accordance with the provisions of the~~
13 ~~Kansas judicial review act. Any person who knowingly violates any~~
14 ~~provisions of this act or any rules and regulations adopted under this act,~~
15 ~~or who engages in the business of a water well contractor or a pump~~
16 ~~installation contractor without first obtaining a license as required by this~~
17 ~~act, shall be guilty of a class B nonperson misdemeanor and subject to the~~
18 ~~penalties therefor as provided by law. The secretary is hereby authorized~~
19 ~~to apply to the district court for enforcement of this act or rules and~~
20 ~~regulations adopted under this act in accordance with the provisions of the~~
21 ~~Kansas judicial review act.~~

22 Sec. 12. K.S.A. 82a-1216 is hereby amended to read as follows: 82a-
23 1216. (a) Any person who violates any provision of the Kansas
24 groundwater exploration and protection act, any rules and regulations
25 adopted thereunder or any order issued by the secretary thereunder shall
26 incur, in addition to other penalties provided by law, a civil penalty *of* not
27 to exceed \$5,000 for each violation. In the case of a continuing violation,
28 every day *that* such violation continues shall be deemed a separate
29 violation.

30 (b) ~~(1) The secretary of the department of health and environment or~~
31 ~~the director of the division of environment, if designated by the secretary,~~
32 ~~upon a finding that a person has violated any provision of the Kansas~~
33 ~~groundwater exploration and protection act, or any order issued or any rule~~
34 ~~and regulation adopted thereunder, may:~~

35 ~~(1)-(A) Issue a written order requiring that necessary remedial or~~
36 ~~preventive action be taken within a reasonable time period;~~

37 ~~(2)-(B) assess a civil penalty for each violation within the limits~~
38 ~~provided in this section, which shall constitute an actual and substantial~~
39 ~~economic deterrent to the violation for which assessed; or~~

40 ~~(3)-(C) both issue such order and assess such penalty.~~

41 (2) The order shall specify the provisions of the act or rules and
42 regulations alleged to be violated and the facts constituting each violation.
43 Such order shall include the right to a hearing. Any such order shall

1 become final unless, within 15 days after service of the order, the person
2 named therein shall request in writing a hearing by the secretary. If a
3 hearing is requested, the secretary shall notify the alleged violator or
4 violators of the date, place and time of the hearing.

5 (c) No civil penalty shall be imposed under this section except after
6 notification by issuance and service of the written order and hearing, if a
7 hearing is requested, in accordance with the provisions of the Kansas
8 administrative procedure act.

9 (d) Any person aggrieved by an order of the secretary made under
10 this section may appeal such order to the district court in the manner
11 provided by the Kansas judicial review act.

12 (e) Any penalty recovered pursuant to the provisions of this section
13 shall be remitted to the state treasurer in accordance with the provisions of
14 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
15 remittance, the state treasurer shall deposit the entire amount in the state
16 treasury to the credit of the ~~state general~~ *water program* fund.

17 (f) Nothing in this act shall be construed to abridge, limit or otherwise
18 impair the right of any person to damages or other relief on account of
19 injury to persons or property and to maintain any action or other
20 appropriate proceeding therefor.

21 Sec. 13. K.S.A. 82a-1202, 82a-1203, 82a-1205, 82a-1207, 82a-1209,
22 82a-1210, 82a-1212, 82a-1213, 82a-1214, 82a-1216 and 82a-1218 and
23 K.S.A. 2024 Supp. 82a-1206 are hereby repealed.

24 Sec. 14. This act shall take effect and be in force from and after its
25 publication in the statute book.