

HOUSE BILL No. 2231

By Committee on Agriculture and Natural Resources

2-4

1 AN ACT concerning oil and gas; relating to *oil and gas wells*, licensing of
2 well operators, fees; ~~exceptions~~ *relating to the abandoned oil and gas*
3 *well fund, extension*; amending K.S.A. 2014 Supp. 55-155 *and 55-193*
4 and repealing the existing ~~section~~ *sections*.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2014 Supp. 55-155 is hereby amended to read as
8 follows: 55-155. (a) Operators and contractors shall be licensed by the
9 commission pursuant to this section.

10 (b) Every operator and contractor shall file an application or a
11 renewal application with the commission. Application and renewal
12 application forms shall be prescribed, prepared and furnished by the
13 commission.

14 (c) No application or renewal application shall be approved until the
15 applicant has:

16 (1) Provided sufficient information, as required by the commission,
17 for purposes of identification;

18 (2) submitted evidence that all current and prior years' taxes for
19 property associated with the drilling or servicing of wells have been paid;

20 (3) demonstrated to the commission's satisfaction that the applicant
21 complies with all requirements of chapter 55 of the Kansas Statutes
22 Annotated, and amendments thereto, all rules and regulations adopted
23 thereunder and all commission orders and enforcement agreements, if the
24 applicant is registered with the federal securities and exchange
25 commission;

26 (4) demonstrated to the commission's satisfaction that the following
27 comply with all requirements of chapter 55 of the Kansas Statutes
28 Annotated, and amendments thereto, all rules and regulations adopted
29 thereunder and all commission orders and enforcement agreements, if the
30 applicant is not registered with the federal securities and exchange
31 commission: (A) The applicant; (B) any officer, director, partner or
32 member of the applicant; (C) any stockholder owning in the aggregate
33 more than 5% of the stock of the applicant; and (D) any spouse, parent,
34 brother, sister, child, parent-in-law, brother-in-law or sister-in-law of the
35 foregoing;

36 (5) paid an annual license fee of \$100, except that an applicant for a

1 license who is operating one *or more* gas-well wells used strictly for
2 ~~personal use for the purpose of heating a residential dwelling or any other~~
3 ~~structure located on the premises on the property where such gas wells~~
4 **are located** shall pay an annual license fee of \$25;

5 (6) complied with subsection (d); and

6 (7) paid an annual license fee of \$25 for each rig operated by the
7 applicant. The commission shall issue an identification tag for each such
8 rig which shall be displayed on such rig at all times.

9 (d) In order to assure financial responsibility, each operator shall
10 ~~annually demonstrate annually~~ compliance with one of the following
11 provisions:

12 (1) The operator has obtained an individual performance bond or
13 letter of credit, in an amount equal to \$.75 times the total aggregate depth
14 of all wells—(including active, inactive, injection or disposal), of the
15 operator.

16 (2) The operator has obtained a blanket performance bond or letter of
17 credit in an amount equal to the following, according to the number of
18 wells—(including active, inactive, injection or disposal), of the operator:

19 (A) Wells less than 2,000 feet in depth: 1 through 5 wells, \$7,500; 6
20 through 25 wells, \$15,000; and over 25 wells, \$30,000.

21 (B) Wells 2,000 or more feet in depth: 1 through 5 wells, \$15,000; 6
22 through 25 wells, \$30,000; and over 25 wells, \$45,000.

23 (3) The operator: (A) Has an acceptable record of compliance, as
24 demonstrated during the preceding 36 months, with commission rules and
25 regulations regarding safety and pollution or with commission orders
26 issued pursuant to such rules and regulations; (B) has no outstanding
27 undisputed orders issued by the commission or unpaid fines, penalties or
28 costs assessed by the commission and has no officer or director that has
29 been or is associated substantially with another operator that has any such
30 outstanding orders or unpaid fines, penalties or costs; and (C) pays a
31 nonrefundable fee of \$100 per year.

32 (4) The operator pays a nonrefundable fee equal to 6% of the amount
33 of the bond or letter of credit that would be required by subsection (d)(2).

34 (5) The state has a first lien on tangible personal property associated
35 with oil and gas production of the operator that has a salvage value equal
36 to not less than the amount of the bond or letter of credit that would be
37 required by subsection (d)(1) or by subsection (d)(2).

38 (6) The operator has provided other financial assurance approved by
39 the commission.

40 (e) Upon the approval of the application or renewal application, the
41 commission shall issue to such applicant a license which shall be in full
42 force and effect until one year from the date of issuance or until
43 surrendered, suspended or revoked as provided in K.S.A. 55-162, and

1 amendments thereto. No new license shall be issued to any applicant who
2 has had a license revoked until the expiration of one year from the date of
3 such revocation.

4 (f) If an operator transfers responsibility for the operation of a well or
5 gas gathering system or for underground porosity storage of natural gas to
6 another person, such operator shall file a notice of transfer of operator with
7 the commission in accordance with rules and regulations of the
8 commission. The commission shall, upon receipt of such notice, send a
9 copy of such notice to the surface owner, as well as the contact
10 information, including name, address, phone number, fax or email address,
11 for a designated representative of the operator. The commission need not
12 send such information if the operator verifies that the notice filed with the
13 commission has been delivered to the surface owner. The commission
14 need not send a copy of notice to the surface owner for transfers of
15 responsibility for the operation of a gas gathering system or for
16 underground porosity storage of natural gas to another person.

17 (g) The commission shall remit all moneys received from fees
18 assessed pursuant to subsection (c)(7) of this section to the state treasurer
19 in accordance with the provisions of K.S.A. 75-4215, and amendments
20 thereto. Upon receipt of each such remittance, the state treasurer shall
21 deposit the entire amount in the state treasury. ~~Ten percent and credit 10%~~
22 ~~of each such deposit shall be credited to the state general fund and with the~~
23 ~~balance shall be credited to the conservation fee fund created by K.S.A.~~
24 ~~55-143, and amendments thereto.~~

25 (h) The commission shall remit all moneys received pursuant to
26 subsections (d)(3) and (d)(4) to the state treasurer in accordance with the
27 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
28 each such remittance, the state treasurer shall deposit the entire amount in
29 the state treasury to the credit of the well plugging assurance fund.

30 ***Sec. 2. K.S.A. 2014 Supp. 55-193 is hereby amended to read as***
31 ***follows: 55-193. On July 15, 1996, and on the 15th day of each calendar***
32 ***quarter thereafter before July 1, 2016 2020, the director of accounts and***
33 ***reports shall transfer \$100,000 from the state general fund, \$100,000***
34 ***from the state water plan fund established by K.S.A. 82a-951, and***
35 ***amendments thereto, and \$100,000 and \$200,000 from the conservation***
36 ***fee fund established by K.S.A. 55-143, and amendments thereto, to the***
37 ***abandoned oil and gas well fund established by K.S.A. 55-192, and***
38 ***amendments thereto, except that: (a) No transfers shall be made pursuant***
39 ***to this section from the state general fund to the abandoned oil and gas***
40 ***well fund during state fiscal year 2013, state fiscal year 2014, or state***
41 ***fiscal year 2015; and (b) the aggregate of the transfers made pursuant to***
42 ***this section from the state water plan fund to the abandoned oil and gas***
43 ***well fund during state fiscal year 2013, state fiscal year 2014, and state***

1 ~~fiscal year 2015, shall not exceed \$400,000 and such transfer from the~~
2 ~~state water plan fund to the abandoned oil and gas well fund shall be made~~
3 ~~on the 15th day of each calendar quarter during state fiscal year 2013, state~~
4 ~~fiscal year 2014, and state fiscal year 2015, in substantially equal amounts~~
5 ~~as determined by the director of accounts and reports.~~

6 Sec. ~~2~~. 3. K.S.A. 2014 Supp. 55-155 ~~is~~ **and 55-193 are** hereby
7 repealed.

8 Sec. ~~3~~. 4. This act shall take effect and be in force from and after its
9 publication in the statute book.