

2021 Kansas Statutes

- 55-180. Investigation of pollution by the commission; abandoned well plugging; costs; reimbursement authorized.** (a) The fact that any person has initiated or supported a proceeding before the commission, or has remedied or attempted to remedy the condition of any well under the authority of this act, shall not be construed as an admission of liability or received in evidence against such person in any action or proceeding wherein responsibility for or damages from surface or subsurface pollution, or injury to any usable water or oil-bearing or gas-bearing formation, is or may become an issue; nor shall such fact be construed as releasing or discharging any action, cause of action or claim against such person existing in favor of any third person for damages to property resulting from surface or subsurface pollution, or injury to any usable water or oil-bearing or gas-bearing formation.
- (b) The commission, on its own motion, may initiate an investigation into any pollution problem related to oil and gas activity. In taking such action the commission may require or perform the testing, sampling, monitoring or disposal of any source of groundwater pollution related to oil and gas activities.
- (c) Any abandoned well may be plugged by any person if such: (1) Person has written consent from a surface owner of the land upon which the well is located or has other legal access to such land; and (2) plugging is done by a person licensed by the commission and in accordance with all rules and regulations of the commission.
- (d) The commission or any other person authorized by the commission who has no obligation to plug, replug or repair any abandoned well, but who does so in accordance with the provisions of this act, shall have a cause of action for the reasonable cost and expense incurred in plugging, replugging or repairing the well against any person who is legally responsible for the proper care and control of such well pursuant to the provisions of K.S.A. 55-179, and amendments thereto, and the commission or other person shall have a lien upon the interest of such obligated person in and to the oil and gas rights in the land and equipment located thereon.
- (e) Any moneys recovered by the commission in an action pursuant to subsection (d) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the conservation fee fund established pursuant to K.S.A. 55-143, and amendments thereto, or the abandoned oil and gas well fund established pursuant to K.S.A. 55-192, and amendments thereto, as appropriate based on the fund from which the costs incurred by the commission were paid.
- (f) (1) For any well that has been abandoned for five years or more, any person who has no obligation to plug, replug or repair the well, that causes such well to be plugged may seek reimbursement from the abandoned oil and gas well fund created pursuant to K.S.A. 55-192, and amendments thereto. The commission shall adopt rules and regulations for determining whether, how and to what extent a request for reimbursement shall be granted.
- (2) The provisions of this subsection shall not entitle any person to receive reimbursement for the plugging of any abandoned well that has been abandoned for five years or more unless such reimbursement is approved pursuant to the rules and regulations established by the commission for such purpose.
- (g) No person shall become legally responsible for the care and control of any well solely on the basis of having appropriately plugged a well pursuant to this section.
- (h) As used in this section, "abandoned well" means a well that is not claimed on an operator's license that is active with the commission and is unplugged, improperly plugged

or no longer effectively plugged.

History: L. 1986, ch. 201, § 32; L. 1996, ch. 263, § 8; L. 2001, ch. 5, § 193; L. 2001, ch. 191, § 7; L. 2021, ch. 28, § 7; July 1.