

House Committee on Agriculture and Natural Resources

Proponent Testimony on HB 2095 Tom Stiles, Director of the Bureau of Water Kansas Department of Health and Environment February 11, 2025

The Kansas Department of Health and Environment (KDHE) stands in support of HB 2095. This bill would amend the Kansas Groundwater Exploration and Protection Act (K.S.A. 82a-1201, et seq.) and establish licensure of pump installation contractors through application and passing an exam. They will have license renewals on a biennial basis, and requirements for reporting certain pump aspects on a form provided by the Secretary of KDHE within 30 days of pump installation. This legislation will not increase expenditures by KDHE, as it can be handled by existing staff resources and reporting infrastructure as a part of its water well contractor licensing program.

Since 1974, KDHE has licensed water well contractors which requires passing an exam, then applying to KDHE, paying the application and rig fees, and providing references as to experience. Once licensed, a water well contractor renews their license annually, although this bill will alter that requirement to biennially. Continuing education requirements are part of the renewal process. As of 2024, there are 242 water well contractors with active licenses. KDHE reviews and accepts approximately 5,800 water well records annually for wells constructed, reconstructed and plugged in Kansas by those water well contractors, as well as landowners.

Support from licensed water well contractors for revising Article 12, specifically licensing pump installation contractors, reflects the following:

- The Kansas Ground Water Association (KGWA – formerly known as the Kansas Water Well Association (KWWA)), and Kansas licensed water well contractors have long requested that KDHE license pump installation contractors.
- Attempts in the late 1980s by the agency were unsuccessful and reflected an opinion from the Kansas Attorney General in 1989 (*AG Opinion 89-84*) that KDHE could not license pump installation contractors due to the wording of state law.
- All of Kansas' surrounding states require pump installation contractors to be licensed.
- Several Kansas counties require licensing of pump installation contractors in their county sanitary/environmental code.
- Plumbing codes and plumbing contractor licenses do not include information regarding KDHE water well regulations covering water well pumps, installation, associated equipment, or disinfection.
- Numerous examples of activities by non-licensed installers have been reported that allegedly violate KDHE water well regulations, jeopardizing the integrity of the water well and groundwater quality.
- By licensing pump installation contractors, KDHE will establish minimum standards to ensure consistency within the industry while protecting the safety of Kansas citizens and the quality of the groundwater resources of Kansas. These pump installation standards supplement the existing standards of water well contractors, leading to KDHE identifying best practices for performance of work.
- Should a pump installer not adhere to these minimum standards, KDHE will have legal recourse to address and correct the resulting problem.

HB 2095 also revises Article 12 by:

- Expanding the definition of license revocation to allow a contractor who wishes to no longer hold a license to voluntarily relinquish their license.
- Changing license renewal to a biennial schedule, thereby reducing the workload on small water well contractors and pump installing businesses.
- Expanding definition of licensed water well contractor to include the term “plug,” which will better ensure proper plugging of abandoned water wells in Kansas.

KDHE would suggest a Proposed Amendment to HB 2095 to avoid an unintended consequence:

- Revise line 43 on page 2 and line 1 on page 3 of section 3 to state “...*mean any person who ~~has obtained a license from the department to install, repairs or maintains well pumps, pitless well adapters...~~*”
- Revise lines 16-17 of page 3 of Section 3 to state “...*mean any person who ~~has obtained a license from the department to construct, reconstructs, plugs, or treats a water well.~~*”

Not all installers and contractors may be licensed by the department. Landowners, for example, would not be licensed to put in a water well themselves. However, KDHE would continue to have those landowners meet all minimum standards, including completing a KDHE water well record. These records include information that is critical in investigations of groundwater issues and the surrounding geology. The bill’s language would restrict that authority from KDHE to individuals who are licensed by the department.

In summary, KDHE supports HB 2095 as further protection of the integrity of the state’s groundwater resources, consistent with provisions in surrounding states and as advocated by the state’s water well contractors.

Thank you and I’ll stand for any questions from the Committee.