

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Simon

# A Bill

HOUSE BILL 1697

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-60-115 TO REQUIRE  
9 UNUSED WATER WELLS TO BE COVERED AND ABANDONED WATER WELLS  
10 TO BE FILLED PURSUANT TO THE ARKANSAS WATER WELL  
11 CONSTRUCTION ACT; TO AMEND ARKANSAS CODE § 17-43-103 TO  
12 DEFINE THE TERM ABANDONED WELL UNDER THE ARKANSAS WATER  
13 WELL CONSTRUCTION ACT; AND FOR OTHER PURPOSES."

## Subtitle

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15 "TO REQUIRE UNUSED WATER WELLS TO BE  
16 COVERED AND ABANDONED WATER WELLS TO BE  
17 FILLED PURSUANT TO THE ARKANSAS WATER  
18 WELL CONSTRUCTION ACT."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 5-60-115 is amended to read as follows:  
24 "5-60-115. Covering unused water wells and filling abandoned water  
25 wells.

26 (a) When the owner of lands shall cease to use any water well located  
27 on such lands, he shall place a sturdy cover over such well so as to prevent  
28 animals and persons from falling in the well.

29 (b) When the owner of lands abandons any water well located on the  
30 owner's lands, he shall fill the abandoned water well in accordance to  
31 regulations promulgated under the Arkansas Water Well Construction Act,  
32 Arkansas Code §§ 17-43-101 et seq. The water well shall be deemed abandoned  
33 when:

- 34 (1) The well's usefulness has been permanently discontinued; or  
35 (2) The well poses a physical hazard; or

- 1           (3) The well contaminates ground water; or
- 2           (4) The well is an uncapped flowing Artesian well; or
- 3           (5) The well is in a state of disrepair to an extent that the
- 4 continued use of the well for the purpose of obtaining groundwater is
- 5 impractical.

6           (c) Any person who shall willfully fail or refuse to either fill or

7 cover such well, as provided in subsections (a) or (b) of this section, shall

8 be guilty of a misdemeanor and upon conviction shall be subject to a fine of

9 *not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).*"

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11           SECTION 2. Arkansas Code § 17-43-103 is amended to read as follows:

12           "17-43-103. Definitions.

13           As used in this chapter, unless the context otherwise requires:

14           (1) Commission means the Arkansas Water Well Construction

15 Commission, as created by § 17-43-201;

16           (2) Person includes any natural person, partnership, association,

17 business trust, and public or private corporation;

18           (3) Repair means any action which results in a breaking, opening, or

19 replacement of a well seal or cap;

20           (4) Rig means the machinery used in the construction or repair of

21 water wells or the installation or repair of pumping equipment, which has a

22 lift or pulling capacity of greater than one thousand pounds (1,000 lbs.);

23           (5) Water well means any excavation that is drilled, redrilled,

24 cored, bored, washed, driven, dug, jetted, or otherwise artificially

25 constructed for the purpose of locating, acquiring, diverting, or

26 artificially recharging ground water. This term shall include excavations

27 made for the purpose of exchanging the geothermal energy found in the earth

28 as defined in subdivision (8) of this section as heat pump wells but shall

29 not include an excavation made for the purpose of obtaining or prospecting

30 for oil, natural gas, minerals, or products of mining or quarrying or for

31 inserting media to repressure oil or natural gas-bearing formations or for

32 storing petroleum, natural gas, or other products;

33           (6) Water well contractor means any person who engages in the

34 business of constructing, altering, or repairing any water well or the

35 installation or repair of pumping equipment, exclusive of surveying or other

1 acts preparatory to the construction of a water well;

2       (7) Water well driller means any natural person, whether or not  
3 connected with a firm, partnership, corporation, or other public or private  
4 association, who engages for compensation in the construction, alteration, or  
5 repair of any water well in this state;

6       (8) Heat pump wells means any excavation that is drilled, redrilled,  
7 cored, bored, washed, driven, dug, jetted, or otherwise artificially  
8 constructed for the purpose of obtaining or exchanging geothermal energy for  
9 use with ground water source air conditioning or heat pump systems. The  
10 excavation may have pipes installed inside the excavation to circulate or  
11 discharge various fluids for the use and purpose set out above, and the well  
12 may or may not be backfilled after excavation;

13       (9) Pumping equipment means all machinery and parts of pumps such as  
14 deep well turbine pumps with right angle gear drive, vertical hollow shaft  
15 motors, jet pumps and motors, submersible pumps and motors, and other parts  
16 and fittings installed or attached to the well, but shall exclude cooling  
17 units, horizontal electric motors, heat pump circulating pipe, and stationary  
18 diesel or gas engines;

19       (10) Pump installer means any natural person, whether or not  
20 connected with a firm, partnership, corporation, or public or private  
21 association, who engages for compensation in the alteration or repair of a  
22 water well and who installs or repairs pumping equipment;

23       (11) Heat pump circulating pipe means pipes that circulate fluid in  
24 heat pump wells and are a part of heat pump well construction, but are not  
25 considered pumping equipment;

26       (12) Abandoned well means any well which:

27               (A) the usefulness has been permanently discontinued; or

28               (B) poses a physical hazard; or

29               (C) contaminates ground water; or

30               (D) is an uncapped flowing Artesian well; or

31               (E) is in a state of disrepair to an extent that the continued  
32 use of the well for the purpose of obtaining groundwater is impractical."

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34       SECTION 3. All provisions of this act of general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3       SECTION 4. If any provisions of this act or the application thereof to  
4 any person or circumstance is held invalid, the invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provisions or application, and to this end the provisions of this  
7 act are declared to be severable.

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9       SECTION 5. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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*/s/Rep. Simon*

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