

## **BILL ANALYSIS**

Senate Research Center  
89R31934 JAM-D

C.S.H.B. 3619  
By: Dean (Zaffirini)  
Natural Resources  
5/21/2025  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been reported that the Railroad Commission of Texas (RRC) is not held liable for damages during its plugging of an abandoned well, which can result in property damage, livestock loss from broken fences, and potential lawsuits from contractor injuries, leaving the landowner responsible for liability claims and damages.

C.S.H.B. 3619 would address this issue by providing certain landowner protections with respect to abandoned well plugging operations.

C.S.H.B. 3619 allows the surface landowner to decline restoration efforts, defines restoration as to contour the land surface to the topography that existed prior to the start of plugging or replugging, and clarifies that surface landowners are immune from civil liability.

C.S.H.B. 3619 amends current law relating to the rights and liabilities of the owner of the surface estate of the tract of land on which a well to be plugged or replugged by the Railroad Commission of Texas is located.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 89.043, Natural Resources Code, by adding Subsection (g) to require the Railroad Commission of Texas (RRC), if RRC plugs or replugs a well under Section 89.043 (Plugging by Commission), unless the owner of the surface estate of the tract of land declines to have the surface restored, to restore the surface of the tract of land on which the well is located by contouring the surface to the topography that existed before the plugging or replugging operation began in a manner intended to promote the natural revegetation of the tract and in accordance with applicable RRC rules.

SECTION 2. Amends Section 89.044, Natural Resources Code, by adding Subsection (c) to prohibit a person authorized to enter land under Section 89.044 (Right to Enter on Land), except as necessary to prevent injury to the public health, from taking an action that would prevent the owner of the surface estate of the land from accessing the land.

SECTION 3. Amends Section 89.045, Natural Resources Code, as follows:

Sec. 89.045. LIABILITY FOR DAMAGES. (a) Creates this subsection from existing text and makes no further changes.

(b) Provides that the owner of the surface estate of the tract of land on which a well is located is immune from civil liability for any damages that may occur as a result of acts done or omitted to be done in carrying out Chapter 89 (Abandoned Wells) by RRC, an employee or agent of RRC, or any other person authorized under this chapter to enter the land.

SECTION 4. Makes application of Section 89.043(g), Natural Resources Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2025.