

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 89.043, Natural Resources Code, is amended by adding Subsection (g) to read as follows:

(g) If the commission plugs or replugs a well under this section, the commission shall, unless the owner of the surface estate of the tract of land declines to have the surface restored, 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 operations began in a manner intended to promote the natural revegetation of the tract and in accordance with applicable commission rules.

SECTION 2. Section 89.044, Natural Resources Code, is amended by adding Subsection (c) to read as follows:

(c) Except as necessary to prevent injury to the public health, a person authorized to enter land under this section may not take an action that would prevent the owner of the surface estate of the land from accessing the land.

SECTION 3. Section 89.045, Natural Resources Code, is amended to read as follows:

Sec. 89.045. LIABILITY FOR DAMAGES. (a) The commission and

1 its employees and agents, the operator, and the nonoperator are not
2 liable for any damages that may occur as a result of acts done or
3 omitted to be done by them or each of them in a good-faith effort to
4 carry out this chapter.

5 (b) The owner of the surface estate of the tract of land on
6 which a well is located is immune from civil liability for any
7 damages that may occur as a result of acts done or omitted to be done
8 in carrying out this chapter by the commission, an employee or agent
9 of the commission, or any other person authorized under this
10 chapter to enter the land.

11 SECTION 4. Section 89.043(g), Natural Resources Code, as
12 added by this Act, applies only to a well that is plugged or
13 replugged on or after the effective date of this Act.

14 SECTION 5. This Act takes effect September 1, 2025.

H.B. No. 3619

President of the Senate

Speaker of the House

I certify that H.B. No. 3619 was passed by the House on May 12, 2025, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3619 on May 30, 2025, by the following vote: Yeas 108, Nays 27, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3619 was passed by the Senate, with amendments, on May 28, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor