

By: Birdwell, Blanco

S.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

relating to the plugging or replugging of certain inactive wells  
subject to the jurisdiction of the Railroad Commission of Texas.

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

SECTION 1. Section 89.045, Natural Resources Code, is  
amended to read as follows:

Sec. 89.045. LIABILITY FOR DAMAGES. The commission and its  
employees and agents, the operator, ~~and~~ the nonoperator, and any  
private person who has paid money to the commission to plug or  
replug a well under Section 89.084 are not liable for any damages  
that may occur as a result of acts done or omitted to be done by them  
or each of them in a good-faith effort to carry out this chapter.

SECTION 2. Subchapter C, Chapter 89, Natural Resources  
Code, is amended by adding Section 89.049 to read as follows:

Sec. 89.049. PLUGGING OR REPLUGGING OF ORPHANED WELL BY OIL  
AND GAS LESSEE OR MINERAL ESTATE OWNER. (a) In this section,  
"operator in good standing" and "orphaned well" have the meanings  
assigned by Section 89.047.

(b) An operator in good standing who is the owner of an  
interest in a current oil and gas lease or the mineral estate of a  
tract of land on which an orphaned well is located or the owner of  
the surface estate of a tract of land on which an orphaned well is  
located may contract with a commission-approved well plugger to  
plug or replug the well.

1       (c) A well plugger who enters into a contract under  
2 Subsection (b) shall:

3           (1) not later than the 30th day before the date the  
4 well is to be plugged or replugged, mail notice of the plugger's  
5 intent to plug or replug the well to the operator of the well or the  
6 surface owner, as applicable, at the operator's or surface owner's  
7 address as shown by the records of the commission; and

8           (2) plug or replug the well in accordance with  
9 commission rules.

10       (d) An operator in good standing or a surface owner who  
11 enters into a contract under Subsection (b) does not assume  
12 responsibility for the physical operation and control of the  
13 orphaned well and is not liable for any plugging or replugging  
14 responsibility or damages that may occur as a result of acts done or  
15 omitted to be done relating to plugging or replugging the well under  
16 this section.

17       (e) Paying money to or contracting with a well plugger to  
18 plug or replug an orphaned well under this section is not an  
19 admission that the person paying the money or contracting for the  
20 plugging or replugging of the well is obligated to plug or replug  
21 the well. Evidence that a person has paid money to or contracted  
22 with a well plugger to plug or replug a well under this section is  
23 not admissible against the person in a suit in which the person's  
24 obligation to plug or replug the well is an issue, and introducing  
25 the evidence is a compulsory ground for mistrial.

26       (f) The commission may require a plugging or replugging  
27 operation conducted under this section to be supervised by a

1 commission employee. A plugging or replugging operation conducted  
2 under this section is not considered complete until approved by the  
3 commission.

4 (g) This section does not apply to the owner of the surface  
5 estate of a tract of land on which an orphaned well is located if the  
6 surface owner was the operator who abandoned the well.

7 (h) The commission shall adopt any rules reasonably  
8 necessary to implement this section, including rules prescribing  
9 procedures for the approval by the commission of a well plugging or  
10 replugging operation conducted under this section.

11 SECTION 3. This Act takes effect September 1, 2025.