

## **BILL ANALYSIS**

Senate Research Center  
88R4570 ANG-F

S.B. 785  
By: Birdwell  
Natural Resources & Economic Development  
3/24/2023  
As Filed

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

Texas statute does not currently state whether geothermal energy and associated resources are owned by the surface owner of real property or the owner of the mineral estate of that same property.

S.B. 785 clarifies this by simply providing that the landowner owns the geothermal energy and associated resources below their land, and the landowner, landowner's lessee, heir, or assignee are entitled to drill for or produce those resources.

As proposed, S.B. 785 amends current law relating to the ownership by a landowner of the geothermal energy and associated resources below the surface of the landowner's land.

### **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 Subchapter A, Chapter 141, Natural Resources Code, by adding Section 141.004, as follows:

Sec. 141.004. OWNERSHIP OF GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES. Provides that a landowner owns the geothermal energy and associated resources below the surface of the landowner's land as real property. Provides that the property rights described by this section, subject to the provisions of Chapter 141 (Geothermal Resources), entitle the landowner and the landowner's lessee, heir, or assign to drill for and produce the geothermal energy and associated resources below the surface of the landowner's land.

SECTION 2. Effective date: upon passage or September 1, 2023.