

By: Nichols, West

S.B. No. 2107

A BILL TO BE ENTITLED

AN ACT

relating to the ownership of the pore space underlying the surface of land.

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

SECTION 1. Chapter 5, Property Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. OWNERSHIP OF PORE SPACE

Sec. 5.251. DEFINITION. In this chapter, "pore space" means the geologic structures beneath the surface of land, including voids and cavities, to be used for the storage of carbon dioxide.

Sec. 5.252. OWNERSHIP OF PORE SPACE UNDERLYING THE SURFACE.

(a) Unless expressly modified, reserved, or altered by a deed, conveyance, lease, or contract, the ownership of pore space is vested in the owner or owners of the surface estate of the land.

(b) This section does not modify common law existing on the effective date of this section as it relates to the relationship between the mineral and surface estates.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.