

1-1 By: Nichols S.B. No. 2107  
1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read  
1-3 first time and referred to Committee on Natural Resources &  
1-4 Economic Development; April 26, 2023, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; April 26, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Birdwell</u>	X		
1-10	<u>Zaffirini</u>	X		
1-11	<u>Alvarado</u>	X		
1-12	<u>Blanco</u>	X		
1-13	<u>Hancock</u>	X		
1-14	<u>Hughes</u>	X		
1-15	<u>Kolkhorst</u>	X		
1-16	<u>Miles</u>	X		
1-17	<u>Sparks</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2107 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the ownership of the pore space underlying the surface  
1-22 of land.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 5, Property Code, is amended by adding  
1-25 Subchapter H to read as follows:

1-26 SUBCHAPTER H. OWNERSHIP OF PORE SPACE

1-27 Sec. 5.251. DEFINITION. In this chapter, "pore space"  
1-28 means the geologic structures beneath the surface of land,  
1-29 including voids and cavities, to be used for the storage of carbon  
1-30 dioxide.

1-31 Sec. 5.252. OWNERSHIP OF PORE SPACE UNDERLYING THE SURFACE.

1-32 (a) Unless expressly modified, reserved, or altered by a deed,  
1-33 conveyance, lease, or contract, the ownership of pore space is  
1-34 vested in the owner or owners of the surface estate of the land.

1-35 (b) This section does not modify common law existing on the  
1-36 effective date of this section as it relates to the relationship  
1-37 between the mineral and surface estates.

1-38 SECTION 2. This Act takes effect immediately if it receives  
1-39 a vote of two-thirds of all the members elected to each house, as  
1-40 provided by Section 39, Article III, Texas Constitution. If this  
1-41 Act does not receive the vote necessary for immediate effect, this  
1-42 Act takes effect September 1, 2023.

1-43 \* \* \* \* \*