

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 SUBCHAPTER H. OWNERSHIP OF PORE SPACE

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

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

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

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

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