

1 SENATE BILL 586

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 George K. Munoz

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9  
10 AN ACT

11 RELATING TO PROPERTY; PROVIDING FOR OWNERSHIP OF PORE SPACE.

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 SECTION 1. ~~[NEW MATERIAL]~~ OWNERSHIP OF PORE SPACE.--

15 A. The pore space is an element of the surface  
16 estate. Title to pore space in all strata underlying the  
17 surface of lands and waters is vested in the owner of the  
18 overlying surface estate, unless otherwise severed by the  
19 surface owner in a deed or other severance instrument.

20 B. The provisions of this section shall not be  
21 construed to affect:

22 (1) the law with respect to underground  
23 waters; or

24 (2) the dominance of the mineral estate,  
25 including an enhanced oil recovery project or enhanced gas

.213763.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 recovery project pursuant to the Oil and Gas Act.

2 C. As used in this section:

3 (1) "pore space" means all subsurface space,  
4 whether in caverns, fissures or pores, on the surface of  
5 formation rocks or otherwise; and

6 (2) "reservoir" means any depleted oil or gas  
7 reservoir, saline aquifer, coal seam or any natural or  
8 artificial subsurface stratum, formation, aquifer, cavity or  
9 void that may be used for injection and storage of carbon  
10 dioxide, but "reservoir" does not include any aquifer or part  
11 of any aquifer that is an underground source of drinking water.

12 SECTION 2. SEVERABILITY.--If any part or application of  
13 this act is held invalid, the remainder or its application to  
14 other situations, persons or government entities shall not be  
15 affected.

16 SECTION 3. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is December 31, 2019.