

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

March 18, 2025

SENATE FLOOR AMENDMENT number 2 to HOUSE BILL 458, as amended
Amendment sponsored by Senator ~~William E. Sharer~~ Sedillo Lopez

1. On page 2, between lines 13 and 14, insert:

"E. "pore space" means the empty space between rock grains, fractures and voids in the earth's subsurface; "pore space" is the available space within, and contained by, geologic formations;".

2. Reletter the succeeding subsections accordingly.

3. On page 10, between lines 16 and 17, insert:

"SECTION 7. [NEW MATERIAL] OWNERSHIP OF PORE SPACE WITHIN THE EARTH.--

A. Absent specific language in a severing instrument to the contrary, the surface estate includes the pore space, and the ownership of all pore space in all strata below the surface lands and waters of this state is declared to be vested in the several owners of the surface above the strata or formations.

B. To the extent the dominant mineral estate is reasonably utilizing the surface estate for the production of minerals located thereon and therein, the formations so used shall not be interfered with.

C. A conveyance of the surface ownership of real property shall be a conveyance of the pore space in all formations and strata below the surface of the real property unless the ownership interest in the pore space was previously severed from the surface ownership or is explicitly excluded in the conveyance.

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D. The ownership of pore space in any formations or strata may be conveyed in the manner provided by law for the transfer of interests in real property. No agreement conveying minerals or other interests underlying the surface shall act to convey ownership of any pore space in the formation or stratum unless the agreement explicitly conveys that ownership interest.

E. No provision of law, including a lawfully adopted rule or regulation, requiring notice to be given to a surface owner, to an owner of a mineral interest or to both shall be construed to require notice to persons holding ownership interests in any pore space in the underlying formations or strata unless the law specifies that notice to the persons is required."


~~William E. Sharer~~ Sedillo Lopez

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)
Date _____