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Sent: Monday, June 2, 2025 12:28 PM
To: Jennifer Bremer
Subject: TLMA Monthly Newsletter - May 2025

[Texas Legislature Online](#) | [Texas House](#) | [Texas Senate](#)



May 2025 Monthly Update



Legislative Update

Another session will be behind us when the legislature adjourns *sine die* today. We will provide a full breakdown of the legislation affecting land and mineral owners in the upcoming summer issue of our magazine, but, in the meantime, we are pleased to report that our victories outweighed our setbacks.

Our governmental affairs team remained fully engaged throughout the session, actively negotiating key bills on behalf of our members. During the final month, several measures that directly impact our stakeholders continued to advance through the legislative process.

Key Legislative Highlights

- HB 2790 – *Relating to liability for capturing and storing carbon dioxide* (Rep. Drew Darby): This bill failed to reach the House floor for debate before the deadline.
- HB 49 – *Relating to the treatment and beneficial use of fluid oil and gas waste, including liability limitations* (Rep. Drew Darby): This bill was sent to the Governor on May 28. *The Texas Tribune* recently published two [articles](#) highlighting this legislation. The first article can be found [here](#).
- SB 1150 – *Relating to plugging and reporting on inactive wells under the jurisdiction of the Railroad Commission; authorizing administrative penalties* (Sen. Mayes Middleton): This bill was sent to the Governor on May 28.
- SB 1145 – *Relating to the TCEQ's authority to permit land application of water produced from certain mining and oil and gas extraction operations* (Sen. Brian Birdwell): Signed into law by the Governor on May 13.

The Governor has until June 22 to veto any remaining bills. Those not vetoed by that deadline will become law, even without the Governor's signature.

For a comprehensive list of the legislation we are tracking, visit our [2025 Legislative Session webpage](#).



Texas Supreme Court Issues Key Ruling: *Myers-Woodward v. Underground Services Markham*

In mid-May, the Texas Supreme Court issued its [opinion](#) in the *Myers-Woodward* case, a salt royalty dispute with significant implications for land and mineral owners, particularly regarding ownership of underground pore space.

As carbon sequestration and similar technologies emerge, determining who owns subsurface pore space is increasingly important for lease negotiations. The Court clarified the issue as follows:

“The holder of the surface estate owns the empty underground spaces left behind by the mineral owner’s salt mining. While the mineral owner retains the right to reasonably use both the surface and subsurface—including caverns—for mineral production, empty space is not a mineral, regardless of its economic value. Storage of off-site hydrocarbons does not relate, in this context, to the mineral owner’s activities. Therefore, absent a specific agreement, ownership of underground salt does not confer ownership or usage rights over the resulting empty space.”

A bill this session attempted to codify pore space ownership in statute; however, it did not receive a committee hearing. With this clear opinion from the Court, such legislation is now considered unnecessary.

2025 NARO Texas Convention

You are invited to join our friends at NARO Texas for their 2025 NARO Texas Convention! Registration is open!

NARO Texas Convention
July 23 – 26, 2025
Omni Barton Creek Resort
8212 Barton Club Dr.
Austin, TX 78735

Follow this link for agenda, registration, sponsors/exhibitors and more: <https://naro-us.org/event-6073792>



Do you have a topic or issues you want to be included in the monthly newsletter?
Please email it to info@tlma.org for review and potential inclusion.

Upcoming Dates of Interest

Monday, June 2 – Sine Die of 89th Legislative Session

Sunday, June 22 - Final Day for Governor Abbott to veto bills

Additional Articles and Links

Do you need to update your contact information? Please email info@tlma.org for assistance.

[Texas Legislature Online](#)

[Texas House Livestream](#)

[Texas Senate Livestream](#)

[Railroad Commission of Texas Livestream](#)

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