

**HOUSE BILL No. 2164**

By Committee on Energy and Utilities

2-4

1 AN ACT concerning property; relating to ownership of pore space.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) As used in this act, "pore space" means a  
5 cavity or void, whether natural or artificially created, in a subsurface  
6 sedimentary stratum.

7 (b) Title to pore space in all strata underlying the surface of  
8 lands and waters is vested in the owner of the mineral rights or interest. A  
9 conveyance of title to the mineral rights or interest conveys the pore  
10 space in all strata underlying the surface of the real property. Title to pore  
11 space may not be severed from title to the mineral rights or interest. Any  
12 instrument or arrangement that seeks to sever title to pore space from title  
13 to the mineral rights or interest is void. Leasing pore space is not a  
14 severance prohibited by this act.

15 (c) This act does not affect transactions before the effective  
16 date of this act that severed pore space from title to the surface estate.

17 Sec. 2. The provisions of this act are declared to be severable and if  
18 any provision, word, phrase or clause of the act or the application thereof  
19 to any person shall be held invalid, such invalidity shall not affect the  
20 validity of the remaining portions of this act.

21 Sec. 3. This act shall take effect and be in force from and after its  
22 publication in the statute book.

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