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Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2139

Introduced by

Natural Resources Committee

(At the request of the Industrial Commission)

A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to ownership of subsurface pore space; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 47 of the North Dakota Century Code is created and enacted as follows:

Policy. Undivided estates in land and clarity in land titles reduce litigation, enhance comprehensive management, and promote the security and stability useful for economic development, environmental protection, and government operations.

Pore space defined. In this chapter "pore space" means a cavity or void, whether natural or artificially created, in a subsurface sedimentary stratum.

Title to pore space. Title to pore space in all strata underlying the surface of lands and waters is vested in the owner of the overlying surface estate.

Conveyance of real property conveys pore space. A conveyance of title to the surface of real property conveys the pore space in all strata underlying the surface of the real property.

Severing pore space prohibited. Title to pore space may not be severed from title to the surface of the real property overlying the pore space. An instrument or arrangement that seeks to sever title to pore space from title to the surface is void.

Transactions allowed. Leasing pore space is not a severance prohibited by this chapter.

Application. This Act does not affect transactions before the effective date of this Act that severed pore space from title to the surface estate.