

(At the request of the Industrial Commission)

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

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 47-31 of the North Dakota Century Code is created and enacted
5 as follows:

6 **47-31-01. Policy.** Undivided estates in land and clarity in land titles reduce litigation,
7 enhance comprehensive management, and promote the security and stability useful for
8 economic development, environmental protection, and government operations.

9 **47-31-02. Pore space defined.** In this chapter "pore space" means a cavity or void,
10 whether natural or artificially created, in a subsurface sedimentary stratum.

11 **47-31-03. Title to pore space.** Title to pore space in all strata underlying the surface
12 of lands and waters is vested in the owner of the overlying surface estate.

13 **47-31-04. Conveying real property conveys pore space.** A conveyance of title to
14 the surface of real property conveys the pore space in all strata underlying the surface of the
15 real property.

16 **47-31-05. Severing pore space prohibited.** Title to pore space may not be severed
17 from title to the surface of the real property overlying the pore space. Any instrument or
18 arrangement that seeks to sever title to pore space from title to the surface is void.

19 **47-31-06. Transactions allowed.** Leasing pore space is not a severance prohibited by
20 this chapter.

21 **47-31-07. Application.** This chapter does not affect transactions prior to the effective
22 date of this chapter that severed pore space from title to the surface estate.