



## 2020 South Dakota Legislature

# Senate Bill 63

Introduced by: **Senator Maher**

1 **An Act to establish certain provisions regarding pore spaces.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **45-11-1. Pore space defined.**

5 For the purposes of this chapter, pore space, means a cavity or void, whether  
6 natural or artificially created, in a subsurface sedimentary stratum.

7 **Section 2.** That a NEW SECTION be added:

8 **45-11-2. Title to pore space.**

9 Title to any pore space in all strata underlying the surface of land and water is  
10 vested in the owner of the overlying surface ground.

11 **Section 3.** That a NEW SECTION be added:

12 **45-11-3. Conveyance of real property.**

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

15 **Section 4.** That a NEW SECTION be added:

16 **45-11-4. Severing pore space prohibited.**

17 The title to pore space may not be severed from the title to the surface of the real  
18 property overlying the pore space. An instrument or arrangement that seeks to sever the  
19 title to pore space from the title to the surface is void as to the severance of the pore  
20 space from the surface interest.

21 **Section 5.** That a NEW SECTION be added:

1           **45-11-5. Transactions allowed.**

2           The leasing of pore space is not a severance prohibited by this chapter.

3   **Section 6.** That a NEW SECTION be added:

4           **45-11-6. Application.**

5           This chapter does not affect any transaction before July 1, 2020, that severed any  
6           pore space from the title to the surface ground.