

HOUSE BILL No. 5393

December 3, 1997, Introduced by Rep. Bobier and referred to the Committee on Local Government.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2567b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2567B. (1) UPON A CONVEYANCE OR TRANSFER OF TITLE, OR
2 FILING OF CLAIM OF CONTINUANCY INTEREST, OF A PRESENT OR FUTURE
3 INTEREST IN MINERAL RIGHTS OR A PORTION OF INTEREST IN THOSE
4 RIGHTS, INCLUDING THE BENEFICIAL USE OF THE INTEREST, EACH PERSON
5 IN THIS STATE WHO OWNS SEVERED MINERAL RIGHTS SHALL PROVIDE THE
6 REGISTER OF DEEDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED
7 WITH THE LEGAL DESCRIPTION OF THE REAL PROPERTY AND THE NAME AND
8 ADDRESS OF THE HOLDER OF THE SEVERED MINERAL RIGHTS. THE COUNTY
9 SHALL COMPILE THIS INFORMATION TO USE TO ASSURE COMPLIANCE WITH
10 SUBSECTION (2).

1 (2) A PERSON, WHO IS NOT THE STATE OR A GOVERNMENTAL ENTITY,
2 WHO OWNS MINERAL RIGHTS AND WHOSE INTEREST TO THOSE RIGHTS IS ON
3 RECORD AS REQUIRED UNDER SUBSECTION (1) BUT WHO DOES NOT OWN THE
4 SURFACE RIGHTS FOR THAT PROPERTY SHALL, BY FEBRUARY 14 OF EACH
5 YEAR, PAY AN ANNUAL FEE TO THE COUNTY TREASURER IN WHICH THE
6 PROPERTY IS LOCATED IN THE FOLLOWING AMOUNT:

7 (A) \$1.00 PER ACRE OF LAND ON WHICH THE PERSON OWNS OR
8 LEASES SEVERED MINERAL RIGHTS OR A MINIMUM FEE OF \$5.00, WHICH-
9 EVER IS MORE.

10 (B) \$2.00 PER ACRE OF PLATTED LOTS IF THERE ARE 10 OR MORE
11 PLATTED LOTS PER 40-ACRE PARCEL.

12 (3) A PERSON WHO FAILS TO PAY THE FEE PROVIDED UNDER SUBSEC-
13 TION (2) IS SUBJECT TO FORECLOSURE PROCEEDINGS IN THE SAME MANNER
14 AND PURSUANT TO THE SAME PROCEEDINGS FOR TAX FORECLOSURE AND
15 REDEMPTION AS PROVIDED UNDER THE GENERAL PROPERTY TAX ACT, 1893
16 PA 206, MCL 211.1 TO 211.157.

17 (4) THE COUNTY SHALL RETAIN ALL FEES COLLECTED UNDER THIS
18 SECTION AND THOSE FEES SHALL BE UTILIZED ONLY FOR THE FOLLOWING
19 PURPOSES:

20 (A) TO COMPILE A LIST OF PERSONS WITHIN THE COUNTY WHO ARE
21 REQUIRED TO PAY THE FEE UNDER THIS SECTION.

22 (B) TO PAY FOR NOTIFICATION OF MINERAL RIGHTS OWNERS REGARD-
23 ING THEIR OBLIGATION TO REPORT UNDER SUBSECTION (1).

24 (C) TO PAY EXPENSES RELATED TO PROCESSING DELINQUENT PAYMENT
25 OF FEES.

26 (D) TO PURCHASE MINERAL RIGHTS FROM THE STATE ON LANDS
27 WITHIN THE COUNTY OR A LOCAL GOVERNMENTAL UNIT WITHIN THE COUNTY,

1 WHEN THE LOCAL GOVERNMENTAL UNIT HOLDS THE SURFACE INTEREST BUT
2 THE STATE OWNS THE MINERAL RIGHTS.
3 (5) AS USED IN THIS SECTION, "MINERAL RIGHTS" MEANS SUBSUR-
4 FACE OIL OR GAS INTERESTS.