



Senate Fiscal Agency
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House Bill 6370 (as discharged)
Sponsor: Representative Roger Hauck
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform (discharged)

CONTENT

The bill would amend Public Act 200 of 1945 (which defines a marketable record title to an interest in land) to specify the Act could not bar or extinguish any land or resource use restriction, including an environmental restrictive covenant or other recorded instrument if the instrument specifically cited the State or Federal environmental statute that was the basis for the restriction.

The Act also specifies that it may not be applied to bar or extinguish an easement or interest in the nature of an easement, or any rights appurtenant to the easement or interest granted, excepted, or reserved by a recorded instrument creating the easement or interest, if the easement's or interest's existence is evidenced by the location beneath, on, or above a part of the land described in the instrument of a pipe, valve, road, wire, cable, conduit, duct, sewer, track, pole, tower, or other physical facility and whether or not the existence of the facility is observable, by reason of failure to file the notice required by the Act. Under the bill, the Act could not be applied to bar or extinguish an easement or interest in the nature of an easement, or any rights appurtenant to the easement or interest granted, excepted, or reserved by a recorded instrument creating the easement or interest *due to a failure to file the notice required under the Act* if the easement, observable or not, was for any of the following:

- The operation, construction, maintenance, improvement, removal, replacement, or protection of a pipe, valve, road, wire, cable, conduit, duct, sewer, track, pole, tower, or other physical facility, whether or not the existence of the facility was observable.
- Flowage rights for an impoundment that existed as part of a Federally licensed hydroelectric facility.
- The management of vegetation within the easement.

MCL 565.104

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-7-22

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