

1 AN ACT concerning mineral rights.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 17-101 as follows:

6 (735 ILCS 5/17-101) (from Ch. 110, par. 17-101)

7 Sec. 17-101. Compelling partition. When lands,
8 tenements, or hereditaments are held in joint tenancy or
9 tenancy in common, whether such right or title is derived by
10 purchase, legacy or descent, or whether any or all of the
11 claimants are minors or adults, any one or more of the
12 persons interested therein may compel a partition thereof by
13 a verified complaint in the circuit court of the county where
14 the premises or part of the premises are situated. If lands,
15 tenements or hereditaments held in joint tenancy or tenancy
16 in common are situated in 2 or more counties, the venue may
17 be in any one of such counties, and the circuit court of any
18 such county first acquiring jurisdiction shall retain sole
19 and exclusive jurisdiction. Ownership of an interest in the
20 surface of lands, tenements, or hereditaments by a co-owner
21 of an interest in minerals underlying the surface does not
22 prevent partition of the mineral estate. This amendatory Act
23 of the 92nd General Assembly is a declaration of existing law
24 and is intended to remove any possible conflicts or
25 ambiguities, thereby confirming existing law pertinent to the
26 partition of interests in minerals and applies to all actions
27 for the partition of minerals now pending or filed on or
28 after the effective date of this amendatory Act of the 92nd
29 General Assembly. Nothing in this amendatory Act of the 92nd
30 General Assembly shall be construed as allowing an owner of a
31 mineral interest in coal to mine and remove the coal by the

1 surface method of mining without first obtaining the consent
2 of all of the owners of the surface to the mining and removal
3 of coal by the surface method of mining.

4 (Source: P.A. 82-280.)

5 Section 10. The Mineral Lease Release of Record Act is
6 amended by changing Sections 1 and 2 as follows:

7 (765 ILCS 510/1) (from Ch. 96 1/2, par. 4401)

8 Sec. 1. When any lease on land heretofore or hereafter
9 taken for the purpose of prospecting for or mining or
10 producing coal, oil, gas, or other minerals mineral, ~~--or--for~~
11 ~~the--purpose--of--mining--the-coal-or-other-mineral-from-said~~
12 ~~land,--so-leased,~~ shall terminate ~~become--forfeited~~ by the
13 terms of the said lease or the acts or omissions of the said
14 lessee, his, her, or their heirs, representatives, successors
15 or assigns, it shall be the duty of said lessee, his, her or
16 their heirs, representatives, successors or assigns, within
17 60 days from the date of termination of the lease within
18 ~~sixty--days-from-the-time-this-act-shall-take-effect,--if-such~~
19 ~~forfeiture-take-effect-prior-thereto,--and-within--sixty--days~~
20 ~~from--the--date-of-forfeiture-of-any-and-all-other-leases,~~ to
21 have such lease or leases, released of record in the county
22 where such land is situate, without any cost to the owner or
23 owners of the land; and any failure so to do after notice and
24 demand, shall constitute a petty offense.

25 (Source: P.A. 77-2719.)

26 (765 ILCS 510/2) (from Ch. 96 1/2, par. 4402)

27 Sec. 2. Whenever ~~the-lessee-of~~ any coal, oil, gas, or
28 other mineral lease shall terminate and the lessee, his, her,
29 or their heirs, representatives, successors, or assigns
30 ~~lands,--or--the-person,--firm,--company-or-corporation,--owning,~~
31 ~~holding-or-having-control-of-any-such-lease-shall--allow--the~~

1 same--to-become-forfeited,--or-by-his,--her-or-their-aets-shall
 2 forfeit-the-same,--and shall refuse, fail or neglect to cause
 3 the same to be released of record in the county where such
 4 lands are located situate, the lessor or owner of the lands
 5 may begin and maintain a civil action for a judgment that the
 6 lease has terminated. The recording of a judgment of
 7 termination in the office of the recorder of the county
 8 wherein are located the lands covered by such terminated
 9 lease shall constitute a release of the lease. Upon judgment
 10 being rendered that a lease has terminated and that the
 11 lessee, his, her or their heirs, representatives, successors,
 12 or assigns has not released the same of record within 60 days
 13 after notice and demand, the court shall enter judgment
 14 against all such persons who shall have failed to release
 15 such lease of record for all court costs, litigation
 16 expenses, and attorney's fees reasonably incurred by the
 17 lessor or owner of the lands or minerals in obtaining the
 18 judgment of termination. to-compel-the-party-to-release-the
 19 same-of-record-and-upon-judgment-being-rendered-ordering--the
 20 lease-forfeited-and-directing-the-release,--the-lessee,--or-the
 21 person,--firm,--company--or--corporation--owning,--holding-or
 22 controlling-the-lease,--shall-be--ordered--to--pay--all--costs
 23 accruing-by-the-action,--including-a-reasonable-attorney's-fee
 24 to-be-taxed-as-cost.

25 (Source: P.A. 84-1308.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.