

AMENDMENTS TO HOUSE BILL NO. 942

Sponsor: REPRESENTATIVE MAJOR

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1 Amend Bill, page 1, line 8, by inserting after "reprocessing"
2 ; and making editorial changes

3 Amend Bill, page 1, lines 11 through 20; page 2, lines 1
4 through 30; page 3, lines 1 through 8, by striking out all of
5 said lines on said pages and inserting

6 Section 1. The title of the act of March 18, 1875 (P.L.32,
7 No.36), entitled "Requiring recorders of deeds to prepare and
8 keep in their respective offices general, direct and ad sectum
9 indexes of deeds and mortgages recorded therein, prescribing the
10 duty of said recorders and declaring that the entries in said
11 general indexes shall be notice to all persons," is amended to
12 read:

13 Requiring recorders of deeds to prepare and keep in their
14 respective offices general, direct and ad [sectum] sectam
15 indexes of deeds and mortgages recorded therein, prescribing
16 the duty of said recorders and declaring that the entries in
17 said general indexes shall be notice to all persons.

18 Section 2. Section 1 of the act, amended October 16, 1980
19 (P.L.986, No.170), is amended to read:

20 Section 1. Be it enacted, &c., That in the addition to the
21 indexes which the recorder of deeds in each county of this
22 commonwealth is required to keep, the said recorder shall
23 carefully and accurately prepare and keep in his office two
24 general indexes of all deeds recorded therein, in one of which,
25 to be known as the direct index, he shall enter in their order
26 the name of the grantor, the name of the grantee, the volume and
27 page wherein the deed is recorded, and in the other, to be known
28 as the ad [sectum] sectam index, he shall enter in their order
29 the name of the grantee, the name of the grantor, the volume and
30 page wherein the deed is recorded. He shall in like manner also
31 prepare and keep two general indexes, one direct and the other
32 ad [sectum] sectam, of all mortgages recorded in his office. In
33 counties of the second class, he shall hereafter enter in both
34 said indexes of deeds and in both the indexes of mortgages, the
35 date of recording and the name of the city or borough or
36 township and the number of the ward thereof, if any, in which

1 the property affected is stated in the recorded instrument to be
2 located, and the primary as well as the permanent indexes shall
3 contain the foregoing entries as to date of recording and
4 locality of each property affected: Provided, That where an
5 instrument affects property in more than one ward, city,
6 borough, town or township and the space on the index is
7 insufficient to permit the writing of the locality of each
8 property affected, the name of the county alone shall be full
9 compliance with this act. Said indexes shall be arranged
10 alphabetically and in such a way as to afford an easy and ready
11 reference to said deeds and mortgages respectively, and shall be
12 written in a plain and legible hand: Provided however, That in
13 any county where such indexes have already been prepared and in
14 use, or where any special law relating to any of said indexes is
15 now in force, they shall be adopted and kept as if made in
16 pursuance of this act. Nothing herein contained shall prohibit
17 the recorder of deeds from combining the general indexes for
18 deeds with the general indexes for mortgages into one general
19 index.

20 Section 3. The act is amended by adding a section to read:

21 Section 1.1. (a) In addition to any other provision of law,
22 the recorder of deeds shall index in the direct and ad sectam
23 indexes all oil or gas documents presented for recording
24 according to:

25 (1) The name of each party to the oil or gas document.

26 (2) The name of each lessor listed in the addendum required
27 by subsection (c).

28 (b) A recorder of deeds, at his sole discretion, may refuse
29 to accept an oil or gas document containing or incorporating by
30 reference or by exhibit or by other means more than 50 leases.

31 (c) An oil or gas document containing, or referring to by
32 incorporation, multiple leases, shall include an addendum for
33 the purposes of the indexing required by subsection (a). The
34 addendum shall list each lease contained in the document or
35 incorporated by reference or exhibit or by other means by and
36 shall clearly identify for each lease:

37 (1) The names of the lessor or lessors.

38 (2) The prior recording information for the leasehold
39 interest.

40 (3) The property with which each lease is associated,
41 identified by:

42 (i) the name of any ward, city, borough, town or township in
43 which all or part of the property is located, in a county that
44 has not adopted a uniform parcel identifier system under the act
45 of January 15, 1988 (P.L.1, No.1), known as the Uniform Parcel
46 Identifier Law; or

47 (ii) the uniform parcel identifier number of the property,
48 in a county that has adopted a uniform parcel identifier system
49 under the Uniform Parcel Identifier Law.

50 (d) (1) In addition to any other fee authorized by law, for
51 an oil or gas document, the recorder of deeds in a county that

1 has not adopted a uniform parcel identifier system under the
2 Uniform Parcel Identifier Law, may assess a fee of six dollars
3 for each lease described, for which the lessor must be indexed
4 in accordance with subsection (a).

5 (2) If an oil or gas document contains, or refers to by
6 incorporation, multiple leases, the recorder of deeds, in a
7 county that has adopted the uniform parcel identifier system
8 under the Uniform Parcel Identifier Law, must index the lessor
9 in accordance with subsection (a), but may not assess the fee
10 under paragraph (1). The recorder may assess such other fees as
11 authorized under law, including a fee, if adopted, to certify
12 each uniform parcel number.

13 (e) The purpose of this section is to provide greater access
14 to the public to information regarding oil and gas documents.
15 The following shall apply:

16 (1) This section shall apply to oil or gas documents
17 presented for recording after the effective date of this
18 section.

19 (2) Nothing in this section shall be construed to limit or
20 alter any requirement of law regarding the recording of
21 documents other than oil or gas documents.

22 (3) If an oil or gas document meets the requirements of this
23 section and all other statutes providing recording requirements,
24 the document shall be recorded. Nothing in this section shall be
25 construed to confer upon a recorder of deeds additional
26 authority to reject the oil or gas document, provided that it is
27 accompanied by an amount at least equal to the required
28 recording fees.

29 (4) Nothing in this section shall affect in any manner the
30 validity and enforceability of liens, mortgages or deeds of
31 trust in oil and gas property.

32 (5) This section shall not apply to or affect in any manner
33 the provisions of 13 Pa.C.S. Division 9 (relating to secured
34 transactions), including the provisions of Division 9 relating
35 to as-extracted collateral, the proceeds of as-extracted
36 collateral or fixtures used in oil and gas exploration,
37 extraction or production.

38 (6) Subsection (c) shall not be construed to confer a
39 recorder of deeds with the responsibility or the authority to
40 verify the accuracy of the information required in the addendum
41 required by that subsection.

42 (f) The following words and phrases when used in this
43 section shall have the meanings given to them in this subsection
44 unless the context clearly indicates otherwise:

45 "Lessor." The owner of record from whom mineral rights were
46 leased at the time the lease was originally executed, regardless
47 of whether a subsequent lease amended, restated or replaced the
48 original lease, and regardless of whether the original lessor
49 conveyed its reserved royalty interests to another person.

50 "Oil or gas document." A document which transfers all or
51 part of the interests of one party to another party in multiple

1 oil or gas leases.

2 "Party." The term shall include the grantor and grantee or
3 assignor and assignee or transferor and transferee.

4 "Person." Any natural person, association, fiduciary
5 partnership, corporation or other entity, including a
6 governmental entity.

7 Amend Bill, page 3, line 9, by striking out "3" and inserting

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9 Amend Bill, page 3, line 13, by striking out "4" and

10 inserting

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