S T A T E O F N E W Y O R K

8479

2011-2012 Regular Sessions

I N A S S E M B L Y

June 17, 2011

Introduced by M. of A. LIFTON, P. RIVERA, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. DINOWITZ, GLICK, GOTTFRIED, NOLAN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the real property law, in relation to establishing an oil, gas or mineral land leases clearinghouse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 100-a to read as follows:

S 100-A. OIL, GAS OR MINERAL LAND LEASES CLEARINGHOUSE. 1. THE DEPARTMENT SHALL ESTABLISH AN OIL, GAS OR MINERAL LAND LEASES CLEARINGHOUSE FOR THE PURPOSE OF COLLECTING AND MAINTAINING ALL OIL, GAS OR MINERAL LAND LEASES GIVEN ON LAND SITUATED IN ANY COUNTY OF NEW YORK STATE AND RECORDED THEREIN, SUBMITTED TO THE DEPARTMENT PURSUANT TO SECTION TWO HUNDRED NINETY-ONE OF THE REAL PROPERTY LAW, ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

2. THE OIL, GAS OR MINERAL LAND LEASES CLEARINGHOUSE SHALL ESTABLISH A METHOD FOR:

(A) THE COLLECTION OF ALL OIL, GAS OR MINERAL LAND LEASES IN BOTH PHYSICAL AND ELECTRONIC FORMAT;

(B) THE MAINTENANCE OF ALL OIL, GAS OR MINERAL LAND LEASES SUBMITTED TO THE DEPARTMENT PURSUANT TO SECTION TWO HUNDRED NINETY-ONE OF THE REAL PROPERTY LAW; AND

(C) PUBLIC ACCESS TO A USER-FRIENDLY ELECTRONIC DATABASE OF ALL LEASES IN THE STATE'S OIL, GAS OR MINERAL LAND LEASES CLEARINGHOUSE, FOR TITLE SEARCHES, REAL PROPERTY ASSESSMENT AND APPRAISAL, REAL ESTATE TRANSACTION, AND ANY OTHER RELEVANT PUBLIC PURPOSE.

S 2. Section 291 of the real property law, as amended by chapter 447 of the laws of 1984, is amended to read as follows:

S 291. Recording of conveyances. A conveyance of real property, within the state, on being duly acknowledged by the person executing the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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same, or proved as required by this chapter, and such acknowledgment or proof duly certified when required by this chapter, may be recorded in the office of the clerk of the county where such real property is situated, and such county clerk shall, upon the request of any party, on tender of the lawful fees therefor, record the same in his said office, PROVIDED, HOWEVER, IN ADDITION TO ANY OTHER FILING AND/OR RECORDING REQUIREMENTS REQUIRED PURSUANT TO THIS ARTICLE OR ANY OTHER PROVISION OF LAW, ANY OIL, GAS OR MINERAL LAND LEASE ENTERED INTO ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN THAT AMENDED THIS SECTION, SHALL BE SUBMITTED BY THE LESSEE TO THE OIL, GAS OR MINERAL LAND LEASES CLEARINGHOUSE ESTABLISHED PURSUANT TO SECTION ONE HUNDRED-A OF THE EXECUTIVE LAW. Every such conveyance not so recorded is void as against any person who subsequently purchases or acquires by exchange or contracts to purchase or acquire by exchange, the same real property or any portion thereof, or acquires by assignment the rent to accrue therefrom as provided in section two hundred ninety-four-a of [the real property law] THIS ARTICLE, in good faith and for a valuable consideration, from the same vendor or assignor, his distributees or devisees, and whose conveyance, contract or assignment is first duly recorded, and is void as against the lien upon the same real property or any portion thereof arising from payments made upon the execution of or pursuant to the terms of a contract with the same vendor, his distributees or devisees, if such contract is made in good faith and is first duly recorded. Notwithstanding the foregoing, any increase in the principal balance of a mortgage lien by virtue of the addition thereto of unpaid interest in accordance with the terms of the mortgage shall retain the priority of the original mortgage lien as so increased provided that any such mortgage instrument sets forth its terms of repayment.

S 3. This act shall take effect immediately.