

**SENATE BILL NO. 2285**

Introduced by

Senator Krauter

Representatives Froelich, Kerzman, Mueller

1 A BILL for an Act to amend and reenact sections 35-17-04, 35-30-02, and 35-31-02 of the North  
2 Dakota Century Code, relating to notification of debtor of agister's lien, agricultural processor's  
3 lien, and agricultural supplier's lien.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 35-17-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **35-17-04. Procedure to obtain lien - Statement filed - Contents - Waiver.**

8 1. Any person entitled to an agister's lien, within ninety days after taking possession  
9 of the animal, may file in the office of the recorder in any county in this state or in  
10 the office of the secretary of state, a verified statement containing the following  
11 information:

12 ~~4.~~ a. The number of and a description of the animals subject to the lien and the  
13 legal description as to the location of the animals.

14 ~~2.~~ b. The name and address of the person for whom the animals are kept.

15 ~~3.~~ c. The name and address of the lienholder.

16 ~~4.~~ d. The price agreed upon for keeping the animals and, if no price was agreed  
17 upon, the reasonable value of the services.

18 ~~5.~~ e. The social security number or, in the case of a debtor doing business other  
19 than as an individual, the internal revenue service taxpayer identification  
20 number of the person for whom the animals are kept.

21 2. The secretary of state and the office of the recorder in any county in this state with  
22 which a verified statement under subsection 1 is submitted for filing shall reject the  
23 statement unless the statement is accompanied by proof of mailing of notification

1           of the lien to the debtor's last-known address by registered or certified mail with  
2           return receipt requested.

3           3. The secretary of state shall prescribe one form that can be used to obtain a lien  
4           under this section or gain protection under the central notice system, or both. If the  
5           statement is not filed within ninety days as required by this section, the person  
6           entitled to the lien under section 35-17-03 waives the lien.

7           **SECTION 2. AMENDMENT.** Section 35-30-02 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **35-30-02. Procedure to obtain lien.**

10          1. To obtain an agricultural processor's lien, the person entitled to the lien, within  
11          ninety days after the processing is completed, shall file a verified statement in the  
12          office of the recorder in any county in this state or in the office of the secretary of  
13          state. The statement must contain the following information:

- 14          ~~1.~~ a. The name and address of the person for whom the processing was done.  
15          ~~2.~~ b. The name and address of the processor.  
16          ~~3.~~ c. A description of the crops or agricultural products and their amount, if known,  
17          subject to the lien together with a reasonable description, including the county  
18          as to the location where the crops or agricultural products were grown and the  
19          year the crop is to be harvested or was harvested.  
20          ~~4.~~ d. The price agreed upon for processing, or if no price was agreed upon, the  
21          reasonable value of the processing.  
22          ~~5.~~ e. The social security number or, in the case of a debtor doing business other  
23          than as an individual, the internal revenue service taxpayer identification  
24          number of the person for whom the processing was done.  
25          ~~6.~~ f. A description of the processing services and the first date the services were  
26          furnished.

27          2. The secretary of state and the office of the recorder in any county in this state with  
28          which a verified statement under subsection 1 is submitted for filing shall reject the  
29          statement unless the statement is accompanied by proof of mailing of notification  
30          of the lien to the debtor's last-known address by registered or certified mail with  
31          return receipt requested.



1                    of the lien to the debtor's last-known address by registered or certified mail with  
2                    return receipt requested.

3            3. The secretary of state shall prescribe one form that can be used to obtain a lien  
4                    under this section or gain protection under the central notice system, or both.

5                    Before a supplier's lien is filed, a billing statement for the supplies furnished must  
6                    include notice to the agricultural producer that if the amount due to the agricultural  
7                    supplier is not satisfied a lien may be filed.