

Introduced by

Senators Thompson, Traynor

Representatives D. Johnson, Nichols

1 A BILL for an Act to amend and reenact sections 35-30-01, 35-30-02, 35-31-01, and 35-31-02  
2 of the North Dakota Century Code, relating to the filing of agricultural processor's liens and  
3 agricultural supplier's liens.

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

5 **SECTION 1. AMENDMENT.** Section 35-30-01 of the 1995 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **35-30-01. Agricultural processor's lien authorized.** Any person who processes any  
8 crop or agricultural product is entitled to a lien upon the crop or product processed for the  
9 reasonable value of the services performed. A lien taken pursuant to this section upon  
10 anything other than the crop or product processed is void. As used in this chapter, the term  
11 "processor" includes persons threshing, combining, drying, or harvesting any crop or  
12 agricultural product. The agricultural processor's lien is effective from the date the processing  
13 is completed. An agricultural processor's lien filed as a security interest created by contract to  
14 secure money advanced or loaned for any purpose is not effective to secure a priority over  
15 liens filed under section 35-05-01.

16 **SECTION 2. AMENDMENT.** Section 35-30-02 of the 1995 Supplement to the North  
17 Dakota Century Code is amended and reenacted as follows:

18 **35-30-02. Procedure to obtain lien.** To obtain an agricultural processor's lien, the  
19 person entitled to the lien, within ninety days after the processing is completed, shall file a  
20 verified statement in the office of the register of deeds in any county in this state or in the office  
21 of the secretary of state, and shall mail a copy to the agricultural producer. The statement must  
22 contain the following information:

- 23 1. The name and address of the person for whom the processing was done.  
24 2. The name and address of the processor.

- 1           3. A description of the crops or agricultural products and their amount, if known,  
2           subject to the lien together with ~~the legal~~ a reasonable description, including the  
3           county as to the location where the crops or agricultural products were grown and  
4           the year the crop is to be harvested or was harvested.
- 5           4. The price agreed upon for processing, or if no price was agreed upon, the  
6           reasonable value of the processing.
- 7           5. The social security number or, in the case of a debtor doing business other than as  
8           an individual, the internal revenue service taxpayer identification number of the  
9           person for whom the processing was done.
- 10          6. A description of the processing services and the first date the services were  
11          furnished.

12 The secretary of state shall prescribe one form that can be used to obtain a lien under this  
13 section or gain protection under the central notice system, or both. At least ten days before  
14 filing a lien, the person entitled to the lien shall mail to the agricultural producer a notice of  
15 intent to file a lien.

16           **SECTION 3. AMENDMENT.** Section 35-31-01 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **35-31-01. Agricultural supplier's lien authorized.** Any person who furnishes  
19 supplies used in the production of crops, agricultural products, or livestock is entitled to a lien  
20 upon the crops, products produced by the use of the supplies, and livestock and their products  
21 including milk. As used in this chapter, the term "supplies" includes seed, petroleum products,  
22 fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or the  
23 furnishing of services in delivering or applying the supplies. ~~The~~ An agricultural supplier's lien  
24 filed in accordance with section 35-31-02 is effective from the date the supplies are furnished or  
25 the services performed. An agricultural supplier's lien filed as a security interest created by  
26 contract to secure money advanced or loaned for any purposes is not effective to secure a  
27 priority over liens filed under section 35-05-01.

28           **SECTION 4. AMENDMENT.** Section 35-31-02 of the 1995 Supplement to the North  
29 Dakota Century Code is amended and reenacted as follows:

30           **35-31-02. Procedure to obtain lien.** To obtain an agricultural supplier's lien, ~~except~~  
31 ~~an agricultural supplier's lien for furnishing petroleum products,~~ the person entitled to the lien,

1 within one hundred twenty days after the supplies are furnished or the services performed, shall  
2 file a verified statement in the office of the register of deeds of any county in this state or in the  
3 office of the secretary of state, and shall mail a copy to the agricultural producer. ~~To obtain an~~  
4 ~~agricultural supplier's lien for furnishing and delivering petroleum products, the person entitled~~  
5 ~~to the lien, within one hundred eighty days after the petroleum products are furnished or~~  
6 ~~delivered, shall file a verified statement in the office of the register of deeds of any county in the~~  
7 ~~state or in the office of the secretary of state.~~ The statement must contain the following  
8 information:

- 9 1. The name and address of the person to whom the supplies were furnished.
- 10 2. The name and address of the supplier.
- 11 3. A description of the crops, agricultural products, or livestock and their amount or  
12 number, if known, subject to the lien together with ~~the legal~~ a reasonable  
13 description, including the county as to the location of the crops, agricultural  
14 products, or livestock and the year the crop is to be harvested or was harvested.
- 15 4. A description and value of the supplies and the first date furnished.
- 16 5. The social security number or, in the case of a debtor doing business other than as  
17 an individual, the internal revenue service taxpayer identification number of the  
18 person to whom the supplies were furnished.

19 The secretary of state shall prescribe one form that can be used to obtain a lien under this  
20 section or gain protection under the central notice system, or both. At least ten days before  
21 filing a lien, the person entitled to the lien shall mail to the agricultural producer a notice of  
22 intent to file a lien.