

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Delzer

1 A BILL for an Act to amend and reenact section 35-31-01 of the North Dakota Century Code,
2 relating to the applicability of agricultural supplier liens.

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

4 **SECTION 1. AMENDMENT.** Section 35-31-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **35-31-01. Agricultural supplier's lien authorized.** ~~Any~~

- 7 1. a. Except as provided in this subsection, a person who furnishes supplies used
8 in the production of crops, agricultural products, or livestock is entitled to a
9 lien upon the crops, products produced by the use of the supplies, and
10 livestock and their products including milk.
- 11 b. If a tenant, in accordance with the terms of a crop-share lease, is the party to
12 whom supplies are furnished and if the tenant, in accordance with the terms of
13 a crop-share lease, is the party responsible for paying the supplier, the
14 supplier is not entitled to a lien on any crops identified in the crop-share lease
15 as belonging to the landowner.
- 16 2. As used in this chapter, the term "supplies" includes seed, petroleum products,
17 fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or
18 the furnishing of services in delivering or applying the supplies.
- 19 3. Except as otherwise provided in this section, an agricultural supplier's lien filed in
20 accordance with section 35-31-02 is effective from the date the supplies are
21 furnished or the services performed. An agricultural supplier's lien filed as a
22 security interest created by contract to secure money advanced or loaned for any
23 purposes is not effective to secure a priority over liens filed under section 35-05-01.

- 1 4. This chapter does not limit the sale, assignment, or transfer of an agricultural
2 supplier's lien. However, the priority of an effective agricultural supplier's lien is not
3 transferable from the original lienholder. After sale, assignment, or transfer, the
4 priority of an effective agricultural supplier's lien is to be determined as of the date
5 the lien was filed and in accordance with section 41-09-33.