

HOUSE BILL NO. 1338

Introduced by

Representatives DeKrey, Mueller, Uglen

Senators Erbele, Taylor

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

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

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

6 **35-30-01. Agricultural processor's lien authorized.** Any person who processes any
7 crop or agricultural product is entitled to a lien upon the crop or product processed for the
8 reasonable value of the services performed. A lien taken pursuant to this section upon anything
9 other than the crop or product processed is void. As used in this chapter, the term "processor"
10 includes persons threshing, combining, drying, or harvesting any crop or agricultural product.
11 The agricultural processor's lien is effective from the date the processing is completed. An
12 agricultural processor's lien filed as a security interest created by contract to secure money
13 advanced or loaned for any purpose is not effective to secure a priority over liens filed under
14 section 35-05-01. This section does not limit the effectiveness or priority of an agricultural
15 processor's lien under this chapter, after the lien's sale, assignment, or transfer.

16 **SECTION 2. 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 furnishing
23 of services in delivering or applying the supplies. An agricultural supplier's lien filed in
24 accordance with section 35-31-02 is effective from the date the supplies are furnished or the

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1 services performed. An agricultural supplier's lien filed as a security interest created by
2 contract to secure money advanced or loaned for any purposes is not effective to secure a
3 priority over liens filed under section 35-05-01. This section does not limit the effectiveness or
4 priority of an agricultural supplier's lien under this chapter, after the lien's sale, assignment, or
5 transfer.