

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2285

2007 SENATE AGRICULTURE

SB 2285

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2285

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3219

Committee Clerk Signature

*Cassie Kroll*

Minutes:

**Sen. Flakoll** opened on the hearing on SB 2285, a bill relating to notification of debtor of agister's lien, agricultural processor's lien, and agricultural supplier's lien. Members present (6) and (1) absent, **Sen. Heckaman**.

**Sen. Krauter**, district 31, testified in favor of the bill. Went over proposed amendments that he had with the committee, amendments 70329.0101. Time 0:06-6:27.

**Sen. Wanzek**- you are assuring that it is not supplier's liens it is just processors liens?

**Sen. Krauter**- correct.

**Sen. Erbele**- do you know who else besides custom harvesters that would fall in the processors category?

**Sen. Krauter**- I am going to leave that question to someone else.

**Sen. Behm**- the person that is filing the lien or asking to get his money, he has to have an address that he can be contacted at correct?

**Sen. Krauter**- he has to provide with it a certified or registered receipt that it has been sent to you and provide the address he sent it from.

No opposition to the bill.

**Sen. Flakoll** called **Tracy Fillbrandt** to the podium.

**Tracy Fillbrandt**, representing the Secretary of States office, came to the stand to answer questions that the committee had.

**Sen. Erbele**- other examples of processor lien's besides custom harvesters who else are we touching here?

**Tracy Fillbrandt**- I pulled up 10 filings, 4 of them were 2 different custom harvesters in ND the other 6 were individuals that had done work for the farmer or another individual that had helped out at that time.

**Sen. Wanzek**- are processor lien's like suppliers lien's as far as recording them within a certain date?

**Tracy Fillbrandt**- yes it's the same.

**Sen. Wanzek**- what if somebody has a 3 different lien's one of each, who comes first?

**Tracy Fillbrandt**- we don't make that determination that is up to the courts. We are just a filing office.

**Sen. Flakoll** closed the hearing.

**Sen. Klein** motioned to move the amendments **Sen. Wanzek** seconded the motion, roll call vote 1: 6 yea, 0 nay, 1 absent.

**Sen. Klein** motioned for a Do pass as amended and was seconded by **Sen. Taylor**, roll call vote 2: 6 yea, 0 nay, 1 absent.

**Sen. Taylor** was designated to carry the bill to the floor.

*JK*  
*2-8-7*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2285

Page 1, line 1, replace "sections 35-17-04," with "section" and remove ", and 35-31-02"

Page 1, line 2, remove "agister's lien,"

Page 1, line 3, remove ", and agricultural supplier's lien"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 6

Page 2, line 29, remove "the statement is accompanied by"

Page 2, line 31, after "requested" insert "is filed with the statement"

Page 3, remove lines 6 through 31

Page 4, remove lines 1 through 7

Renumber accordingly

Date: Feb 8, 2007  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2285

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass adopt amendments

Motion Made By Klein Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman		
Robert S. Erbele	X		Ryan M. Taylor	X	
Jerry Klein	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: Feb 8, 2007  
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2285

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Klein Seconded By Taylor

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman		
Robert S. Erbele	X		Ryan M. Taylor	X	
Jerry Klein	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Sen. Taylor

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2285: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 35-17-04," with "section" and remove ", and 35-31-02"

Page 1, line 2, remove "agister's lien,"

Page 1, line 3, remove ", and agricultural supplier's lien"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 6

Page 2, line 29, remove "the statement is accompanied by"

Page 2, line 31, after "requested" insert "is filed with the statement"

Page 3, remove lines 6 through 31

Page 4, remove lines 1 through 7

Renumber accordingly



2007 HOUSE AGRICULTURE

SB 2285

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2285

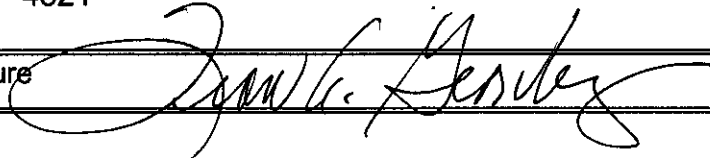
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-9-07

Recorder Job Number: 4821

Committee Clerk Signature



Minutes:

**Chairman Johnson** opened the hearing on SB 2285.

**Sen Aaron Krauter, Dist 31:** This is a piece of legislation that makes a little change to the ag processors lien system in ND. There are three types of liens that are filed in ND and this is the processors lien. What brought this piece of legislation forward was a scenario that has happened. The processor is someone that provides the processing to an agricultural commodity. And most commonly in ND that is a custom harvester. They come in and do some custom harvesting and then they move out. What has happened is where a custom harvester came in and provided a service and before that service was completed the farmer said, your service is no longer needed. I'll pay you for what we owe you and thank you very much. At that point unknown to the farmer that processor went to the courthouse and filed a lien on that farmer saying that I want more money out of this and that was not the agreement. And that process when that happened and that lien was filed, about 6 months later when that farmer went to sell his grain it had a lien on it. He could not sell it. So the process is that you have to get an attorney and to out and locate that ag processor. Custom harvesters are not always from ND This one was from down south and that process could not locate him. It was a costly matter of law to get that lien removed. It became a very cumbersome process. This

piece of legislation says when the lien is filed, it has to be filed with a registered, certified letter so that the farmer knows a lien as been put on the crop. We worked with the Secretary of State on this issue and hope you give it a do pass.

No Opposition.

**Chairman Johnson** closed the hearing.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2285

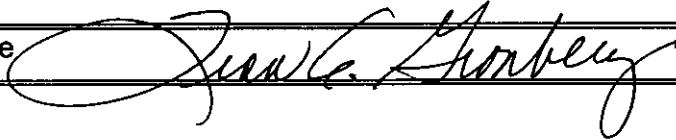
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-9-07

Recorder Job Number: 4821

Committee Clerk Signature



Minutes:

**Chairman Johnson** opened the hearing on SB 2285.

**Senator Aaron Krauter, Dist 31:** This is a piece of legislation that makes a change to the ag processors lien system in ND. There are three types of liens that filed in the state and this change is just to the processors lien. What brought this forward was a scenario that happened to a farmer in his district. This bill will ensure that when a processor files a lien, the farmer must be notified. We worked with the Secretary of State's office on this bill.

No opposition.

**Rep Froelich** moved a Do Pass on the bill

**Rep Boe** seconded the motion

(yes) 11 (no) 0 (absent) 2

**Carrier:** Rep Onstad

Date:  
Roll Call Vote #: /

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House Agriculture

Committee

Check here for Conference Committee

Legislative Council Amendment Number 2285

Action Taken Do Pass

Motion Made By Froelich

Seconded By Boe

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe	✓	
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Craig Headland			Benjamin Vig		
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Onstad

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 9, 2007 3:19 p.m.

**Module No: HR-45-4900**  
**Carrier: Onstad**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2285, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
Engrossed SB 2285 was placed on the Fourteenth order on the calendar.