

HOUSE BILL NO. 1169

Introduced by

Representatives Delzer, Skarphol, Wieland, Dosch

Senator J. Lee

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. A supplier is not entitled to a lien on any crops identified in a crop-share lease
12 as belonging to a landowner if the tenant, in accordance with the terms of the
13 crop-share lease, is the party to whom supplies are furnished and is the party
14 responsible for paying the supplier.

15 2. As used in this chapter, the term "supplies" includes seed, petroleum products,
16 fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or
17 the furnishing of services in delivering or applying the supplies.

18 3. Except as otherwise provided in this section, an agricultural supplier's lien filed in
19 accordance with section 35-31-02 is effective from the date the supplies are
20 furnished or the services performed. An agricultural supplier's lien filed as a
21 security interest created by contract to secure money advanced or loaned for any
22 purposes is not effective to secure a priority over liens filed under section 35-05-01.

23 4. This chapter does not limit the sale, assignment, or transfer of an agricultural
24 supplier's lien. However, the priority of an effective agricultural supplier's lien is not

- 1 transferable from the original lienholder. After sale, assignment, or transfer, the
- 2 priority of an effective agricultural supplier's lien is to be determined as of the date
- 3 the lien was filed and in accordance with section 41-09-33.