

HOUSE BILL 612

Introduced by Spring, et al.

2/05	Introduced
2/05	Referred to Agriculture, Livestock & Irrig.
2/05	First Reading
2/13	Hearing
2/15	Tabled in Committee

1 *House* BILL NO. *612*
 2 INTRODUCED BY *Spring Jack E. Egan in office*
 3 *Stephan Baldwin*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING DEPARTMENT
 5 OF LIVESTOCK AGENTS TO OBTAIN FROM THE CENTRALIZED
 6 AGRICULTURAL LIEN FILING SYSTEM INFORMATION REGARDING
 7 SECURITY INTERESTS ON BRANDED LIVESTOCK; ELIMINATING CERTAIN
 8 DUPLICATIVE DEPARTMENT DUTIES RELATING TO AGRICULTURAL
 9 LIENS; AMENDING SECTIONS 30-9-203 AND 30-9-423, MCA; AND
 10 REPEALING SECTIONS 81-8-301, 81-8-302, 81-8-303, 81-8-304,
 11 AND 81-8-305, MCA."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 30-9-423, MCA, is amended to read:

15 "30-9-423. Filing provisions not to affect department
 16 authority as to branded livestock. Nothing contained in
 17 30-9-403 may be construed to limit the authority of any
 18 agent of the department of livestock to ~~accept and file~~
 19 obtain, by telephone or otherwise, notices of security
 20 agreements covering branded livestock. ~~All liens on any~~
 21 ~~livestock bearing a recorded brand must be filed with the~~
 22 ~~department of livestock as provided for in 81-8-301.~~"

23 **Section 2.** Section 30-9-203, MCA, is amended to read:

24 "30-9-203. Attachment and enforceability of security
 25 interest -- proceeds, for al requisites. (1) Subject to the

1 provisions of 30-4-208 on the security interest of a
 2 collecting bank, 30-8-321 on security interests in
 3 securities, and 30-9-113 on a security interest arising
 4 under the Chapter on Sales, a security interest is not
 5 enforceable against the debtor or third parties with respect
 6 to the collateral and does not attach unless:

7 (a) the collateral is in the possession of the secured
 8 party pursuant to agreement or the debtor has signed a
 9 security agreement which contains a description of the
 10 collateral and in addition, when the security interest
 11 covers crops growing or to be grown or timber to be cut, a
 12 description of the land concerned;

13 (b) value has been given; and

14 (c) the debtor has rights in the collateral.

15 (2) A security interest attaches when it becomes
 16 enforceable against the debtor with respect to the
 17 collateral. Attachment occurs as soon as all of the events
 18 specified in subsection (1) have taken place unless explicit
 19 agreement postpones the time of attaching.

20 (3) Unless otherwise agreed a security agreement gives
 21 the secured party the rights to proceeds provided by
 22 30-9-306.

23 (4) A transaction, although subject to this chapter, is
 24 also subject to Title 23, chapter 2, part 5, to Title 23,
 25 chapter 2, part 6, to Title 32, chapter 5, as enacted by

-2- INTRODUCED BILL
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LC 1625/01

1 Chapter 283, Laws of Montana 1959, to Title 31, chapter 1,
2 part 2, as enacted by Chapter 282, Laws of Montana 1959, and
3 to ~~81-8-301-through-81-8-305~~, Title 61, chapter 3, Title 16,
4 chapters 1 through 6, and Title 31, chapter 1, part 4, as
5 amended, and in the case of conflict between the provisions
6 of this chapter and any such statute, the provisions of such
7 statute control. Failure to comply with any applicable
8 statute has only the effect which is specified therein."

9 NEW SECTION. **Section 3. Repealer.** Sections 81-8-301,
10 81-8-302, 81-8-303, 81-8-304, and 81-8-305, MCA, are
11 repealed.

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