

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,  
LIVESTOCK AND IRRIGATION COMMITTEE, FEBRUARY 16, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, February 16, 1983 at 12:30pm in Room 129, State Capitol. All members of the Committee were present.

EXECUTIVE SESSION

CHAIRMAN JACOBSEN asked Rep. Holliday to report subcommittee findings. Rep. Holliday advised the subcommittee would meet immediately upon adjournment of the Agriculture Committee meeting this date.

REP. SCHULTZ told the Committee attendance of committee members at the Department of Revenue hearing on proposed rule changes for agricultural land classification and assessment was vital.

CHAIRMAN JACOBSEN advised committee members Rep. Manuel sponsored a bill pertaining to irrigated land which would be on the House floor this date and into which committee intent could be incorporated. He said, as an alternative the Senate could address all three irrigation bills and take necessary action.

HOUSE BILL 617. Legislative Council Attorney, John MacMaster read proposed amendments to the bill (exhibit).

REP. UNDERDAL moved the bill Do Pass and then moved the proposed amendments be approved. Rep. Hanson seconded the motion.

REP. SPAETH advised the Committee, crop dusting labor would be placed third as proposed in the amendments. He suggested the Committee go through priorities for liens to expedite the amending process, to which Rep. Koehnke added his concurrence.

CHAIRMAN JACOBSEN asked if seeds, labor, crop dusting and then spraying were the intended order. Rep. Underdal replied that it was.

REP. BACHINI moved the Committee delete Sections 2,3, and 4 of the bill in addition to line 7 of the title and that the title be changed accordingly. The motion was seconded by Rep. Holliday.

REP. SPAETH said priorities would be changed by deletion of lines 5, 6 or 7. Mr. MacMaster told the Committee the title would have to be changed if Rep. Bachini's motion were approved.

Agriculture Committee Minutes  
February 16, 1983  
Page 2

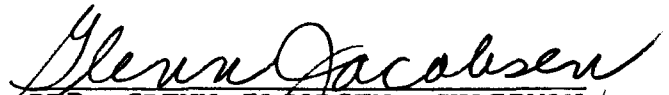
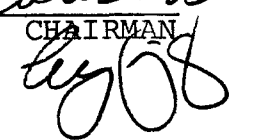
REP. BACHINI changed his motion to strike the remainder of lines 4-7 in the title following "act to" and insert "increase coverage of crop dusting and spraying liens; amending Section 71-3-901, MCA." and following line 24, page 1, strike lines 25 through line 14 on page 3.

REP. SCHULTZ asked Rep. Spaeth if any other section of the code would establish lien priorities. Rep. Spaeth said the current priority is seed, hail insurance, with labor prior to hail insurance in most instances.

The motion made by Rep. Bachini was unanimously approved by the Committee.

REP. BACHINI moved the bill Do Pass as Amended. Rep. Lybeck seconded the motion, which was unanimously approved by the Committee.

The meeting was adjourned at 1:20pm.

  
REP. GLENN JACOBSEN, CHAIRMAN  


Joann T. Gibson, Secretary

# STANDING COMMITTEE REPORT

FEBRUARY 16

83

19.....

MR. SPEAKER;.....

We, your committee on AGRICULTURE.....

having had under consideration ..... HOUSE Bill No. 617

FIRST reading copy ( WHITE )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR  
DUSTING; AMENDING SECTIONS 71-3-401, 71-3-894, 71-3-901, AND  
71-3-904, MCA."**

Respectfully report as follows: That ..... HOUSE Bill No. 617

**Be amended as follows:**

**1. Title, line 4.**

**Following: "ACT TO"**

**Strike: remainder of line 4 through line 7**

**Insert: "INCREASE THE COVERAGE OF CROP DUSTING AND  
SPRAYING LIENS; AMENDING SECTION 71-3-901, MCA."**

**2. Page 1, line 24.**

**Following: line 24**

**Strike: line 25 through line 14 on page 3.**

**AND AS AMENDED**

**DO PASS**

**REP. GLENN JACOBSEN**

**~~REP. GLENN JACOBSEN~~**

.....  
Chairman.

2-16-83

*House BILL NO. 617*  
*INTRODUCED BY* *Yvonne Stanger* *Edwin Switzer* *Dorothy*  
*Sproul* *Jensen* *Switzer* *Dorby*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE  
 GENERALLY REVISE MANUAL  
 THE COVERAGE OF CROP DUSTING  
 LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR  
 SPRAYING LIENS; AMENDING SECTIONS 71-3-901, 71-3-902, AND  
 DUSTING; AMENDING SECTIONS 71-3-901, 71-3-902, AND 71-3-904, MCA."

1 "71-3-904. Priority. The lien for labor or services  
 2 performed or material furnished as specified in this part  
 3 shall be prior to and have precedence over any mortgage,  
 4 encumbrance, or other lien upon said grain or crops, except  
 5 the lien for security ~~liens~~ ~~of~~ ~~other~~ ~~lien~~ ~~upon~~ ~~said~~ ~~grain~~ ~~or~~ ~~crops~~, except  
 6 warehouse services furnished for the purpose of growing or  
 7 handling the particular grain or crops."

8 ~~Section 3. Section 71-3-901, MCA, is amended to read:~~  
 9 ~~"71-3-901. Who may have lien -- priority. (1) Any~~  
 10 ~~person who performs services for another in the capacity of~~  
 11 ~~a farm or ranch laborer has a lien on all crops of every~~  
 12 ~~kind grown, raised, or harvested by the person for whom the~~  
 13 ~~services were performed during that time as security for the~~  
 14 ~~payment of any wages due or owing to such persons for~~  
 15 ~~services so performed.~~

16 (2) ~~The lien has priority over all other liens~~  
 17 ~~chattel mortgages, or encumbrances except feed sufficient~~  
 18 ~~for 3 months for 1 horse, 2 cows and their calves, 4 hogs,~~  
 19 ~~and 50 domestic fowls; and seed grain and threshers' liens;~~  
 20 ~~and crop or grain liens for spraying or dusting. The wages~~  
 21 ~~for which a lien may be claimed may not be in excess of~~  
 22 ~~\$1,000 or for a period of time exceeding 60 days next~~  
 23 ~~preceding the date of filling the lien. In case any such~~  
 24 ~~person without cause quits his employment before the~~  
 25 ~~expiration of the time for which he is employed, he is not~~

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Section 71-3-901, MCA, is amended to read:  
 10 "71-3-901. Who may have lien -- amount. Any person,  
 11 firm, corporation, or partnership which shall under  
 12 contract, express or implied, perform labor or services or  
 13 furnish material in crop dusting or spraying grains or crops  
 14 for the purpose of weed, disease, or insect control for  
 15 promoting the growth of such grains or crops shall have a  
 16 lien upon all such grains or crops so crop dusted or sprayed  
 17 for and on account of the labor or service performed and  
 18 material furnished, upon complying with the provisions of  
 19 this part; provided, however, that any such lien shall not  
 20 exceed \$150 per acre for spraying or dusting wheat and in  
 21 the case of other grain or crops such lien shall not exceed  
 22 the prevailing price charged in the particular locality in  
 23 which such grain or crops is sprayed or dusted."  
 24 Section 2. Section 71-3-904, MCA, is amended to read: