

HOUSE BILL NO. 309

INTRODUCED BY HURWITZ, ROTH

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

January 17, 1981	Introduced and referred to Committee on Agriculture.
January 24, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted.
January 26, 1981	Considered correctly engrossed.
January 28, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 29, 1981	Introduced and referred to Committee on Business and Industry.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, pass consideration until March 11, 1981.
March 11, 1981	Second reading, pass consideration.
March 12, 1981	On motion taken from second reading and referred to Committee on Taxation. Motion adopted.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.

March 28, 1981	Second reading, concurred in.
March 30, 1981	Motion pass consideration.
March 31, 1981	Third reading, concurred in as amended. Ayes, 45; Noes, 5.  On motion rules suspended. Bill allowed to be trans- mitted on 71st legislative day. Motion adopted.

IN THE HOUSE

April 1, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments concurred in.
April 9, 1981	Third reading, amendments concurred in. Ayes, 96; Noes, 1. Sent to enrolling.  Reported correctly enrolled.

1 HOUSE BILL NO. 309  
 2 INTRODUCED BY Dan Stewart R-1A  
 3 BY REQUEST OF DEPARTMENT OF LIVESTOCK

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
 6 81-8-301, MCA, TO REQUIRE ANNUAL RENEWAL OF NOTICES OF  
 7 SECURITY AGREEMENTS AND ANNUAL RENEWAL OF ASSIGNMENTS OF  
 8 SECURITY INTERESTS WITH THE DEPARTMENT OF LIVESTOCK."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 81-8-301, MCA, is amended to read:

12 "81-8-301. Notices of security agreements ~~and renewals~~  
 13 ~~and assignments.~~ (1) The department of livestock shall accept  
 14 and file notices of security agreements, renewals,  
 15 assignments, and satisfactions covering livestock owned by a  
 16 person, firm, corporation, or association and bearing its  
 17 recorded brand and shall list the notices on the official  
 18 records of marks and brands kept by it. The department shall  
 19 also list the notices in the offices of the stock inspectors  
 20 employed by the department and stationed at the central  
 21 livestock markets where records are kept of marks and  
 22 brands. All forms on which the notices are given shall be  
 23 prescribed by the department and furnished by the secured  
 24 party who gives the notice. A livestock market to which  
 25 livestock is shipped may not be held liable to any secured

1 party for the proceeds of livestock sold through the  
 2 livestock market by the debtor unless notice of the security  
 3 agreement is filed as hereinbefore provided.

4 ~~(2) Notices of security agreements must be renewed~~  
 5 ~~annually by notifying the department in a manner prescribed~~  
 6 ~~by it and by paying the fee set pursuant to 81-8-304 not~~  
 7 ~~more than 30 days before or 30 days after the anniversary~~  
 8 ~~date of the original filing.~~

9 ~~(3) Assignments of security interests must be renewed~~  
 10 ~~annually by notifying the department and paying the fee set~~  
 11 ~~pursuant to 81-8-304 not more than 30 days before or after~~  
 12 ~~the anniversary date of assignment.~~

13 ~~(4) Failure to comply with the provisions of~~  
 14 ~~subsection (2) or (3) will result in the termination of the~~  
 15 ~~notice on the 31st day following the applicable anniversary~~  
 16 ~~date without notification by the department."~~

-End-

INTRODUCED BILL  
 HB 309

STATE OF MONTANA

REQUEST NO. 363-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 12, 19 81, there is hereby submitted a Fiscal Note for House Bill 309 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

House Bill 309 requires annual notices of security agreements and annual renewal of assignments of security interests to be filed with the Department of Livestock.

Fiscal Impact

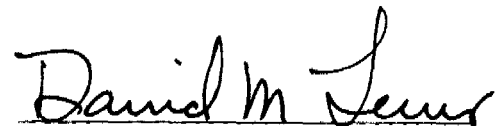
A dollar estimate cannot be made for House Bill 309.

Comments

The Department of Livestock is in the process of computerizing the filing and noticing of security agreements and satisfactions.

Section 81-8-304, MCA, provides that the Department of Livestock shall charge a fee for filing and listing the notices of security agreements and satisfactions for each recorded brand listed based on actual cost to the department.

Until the computerizing process is complete and in actual use, we cannot establish costs or revenue effects resulting from House Bill 309.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-81

SECOND READING BILL  
WAS NOT PRINTED.

1 HOUSE BILL NO. 309  
 2 INTRODUCED BY Ruth Shumate Roth  
 3 BY REQUEST OF DEPARTMENT OF LIVESTOCK

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
 6 81-8-301, MCA, TO REQUIRE ANNUAL RENEWAL OF NOTICES OF  
 7 SECURITY AGREEMENTS AND ANNUAL RENEWAL OF ASSIGNMENTS OF  
 8 SECURITY INTERESTS WITH THE DEPARTMENT OF LIVESTOCK."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 81-8-301, MCA, is amended to read:  
 12 "81-8-301. Notices of security agreements ~~== renewals~~  
 13 ~~== assignments.~~ (1) The department of livestock shall accept  
 14 and file notices of security agreements, renewals,  
 15 assignments, and satisfactions covering livestock owned by a  
 16 person, firm, corporation, or association and bearing its  
 17 recorded brand and shall list the notices on the official  
 18 records of marks and brands kept by it. The department shall  
 19 also list the notices in the offices of the stock inspectors  
 20 employed by the department and stationed at the central  
 21 livestock markets where records are kept of marks and  
 22 brands. All forms on which the notices are given shall be  
 23 prescribed by the department and furnished by the secured  
 24 party who gives the notice. A livestock market to which  
 25 livestock is shipped may not be held liable to any secured

1 party for the proceeds of livestock sold through the  
 2 livestock market by the debtor unless notice of the security  
 3 agreement is filed as hereinbefore provided.

4 ~~(2) Notices of security agreements must be renewed~~  
 5 ~~annually by notifying the department in a manner prescribed~~  
 6 ~~by it and by paying the fee set pursuant to 81-8-304 not~~  
 7 ~~more than 30 days before or 30 days after the anniversary~~  
 8 ~~date of the original filing.~~

9 ~~(3) Assignments of security interests must be renewed~~  
 10 ~~annually by notifying the department and paying the fee set~~  
 11 ~~pursuant to 81-8-304 not more than 30 days before or after~~  
 12 ~~the anniversary date of assignment.~~

13 ~~(4) Failure to comply with the provisions of~~  
 14 ~~subsection (2) or (3) will result in the termination of the~~  
 15 ~~notice on the 31st day following the applicable anniversary~~  
 16 ~~date without notification by the department."~~

-End-

CONSENT CALENDAR

-2- THIRD READING  
 HB 309

HOUSE BILL NO. 309

INTRODUCED BY HURWITZ, ROTH

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 81-8-301, MCA, ~~TO REQUIRE ANNUAL RENEWAL~~ LIMITING THE LIABILITY OF THE DEPARTMENT OF LIVESTOCK AND REQUIRING A RENEWAL EVERY FIVE YEARS OF NOTICES OF SECURITY AGREEMENTS AND ~~ANNUAL RENEWAL~~ OF ASSIGNMENTS OF SECURITY INTERESTS WITH THE DEPARTMENT OF LIVESTOCK."

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

Section 1. Section 81-8-301, MCA, is amended to read:

"81-8-301. Notices of security agreements ~~and renewals of assignments.~~ (1) The department of livestock shall accept and file notices of security agreements, renewals, assignments, and satisfactions covering livestock owned by a person, firm, corporation, or association and bearing its recorded brand and shall list the notices on the official records of marks and brands kept by it. The department shall ~~also list~~ TRANSFER A COPY OF the notices ~~in the offices of the stock inspectors employed by the department and stationed at~~ AND THEIR ACCOMPANYING BRANDS TO the central livestock markets ~~where records are kept of marks and brands.~~ All forms on which the notices are given shall be

prescribed by the department and furnished by the secured party who gives the notice. A livestock market to which livestock is shipped may not be held liable to any secured party for the proceeds of livestock sold through the livestock market by the debtor unless notice of the security agreement is filed AND A COPY IS TRANSFERRED as hereinbefore provided. THE DEPARTMENT OF LIVESTOCK MAY NOT BE HELD LIABLE TO ANY SECURED PARTY FOR THE PROCEEDS OF LIVESTOCK SOLD THROUGH A LIVESTOCK MARKET BY THE DEBTOR.

(2) Notices of security agreements must be renewed annually EVERY 5 YEARS COMMENCING ON JANUARY 1, 1983, by notifying the department in a manner prescribed by it and by paying the fee set pursuant to 81-8-304, not more than 30 days before or 30 90 days after the anniversary date of the original filing JANUARY 1.

(3) Assignments of security interests must be renewed annually EVERY 5 YEARS COMMENCING ON JANUARY 1, 1983, by notifying the department and paying the fee set pursuant to 81-8-304, not more than 30 days before or 90 DAYS after the anniversary date of assignment JANUARY 1.

(4) Failure to comply with the provisions of subsection (2) or (3) will result in the termination of the notice on the 31st 91ST day following the applicable anniversary date JANUARY 1 without notification by the department.

HB 0309/02

1       (5) SATISFACTIONS OF SECURITY AGREEMENTS MUST BE FILED  
2       IMMEDIATELY WITH THE DEPARTMENT OF LIVESTOCK."

-End-



March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Taxation)

That House Bill No. 309 be amended as follows:

1. Title, line 6.

Following: "MCA,"

Strike: "TO REQUIRE ANNUAL RENEWAL"

Insert: "LIMITING THE LIABILITY OF THE DEPARTMENT OF LIVESTOCK  
AND REQUIRING A RENEWAL EVERY FIVE YEARS"

2. Title, line 7.

Following: "AND"

Strike: "ANNUAL RENEWAL"

3. Page 1.

Following: line 18

Strike: "also list"

Insert: "transfer a copy of"

4. Page 1, lines 19 and 20.

Following: "notices"

Strike: "in the offices of the stock inspectors employed by the  
department and stationed at"

Insert: "and their accompanying brands to"

5. Page 1, lines 21 and 22.

Following: "markets"

Strike: "where records are kept of marks and brands"

6. Page 2, line 3.

Following: "filed"

Insert: "and a copy is transferred"

7. Page 2, line 3.

Following: "."

Insert: "The department of livestock may not be held liable to any  
secured party for the proceeds of livestock sold through a livestock  
market by the debtor."

8. Page 2, line 5.

Following: line 4

Strike: "annually"

Insert: "every five years commencing on January 1, 1983,"

9. Page 2, line 7.

Following: "or"

Strike: "30"

Insert: "90"

10. Page 2, line 7.

Following: "after"

Strike: "the anniversary"

11. Page 2, line 8.  
Following: line 7  
Strike: "date of the original filing"  
Insert: "January 1st"

12. Page 2, line 10.  
Following: line 9  
Strike: "annually"  
Insert: "every five years commencing on January 1, 1983,"

13. Page 2, line 11.  
Following: "or"  
Insert: "90 days"

14. Page 2, line 12.  
Following: "line 11"  
Strike: "the anniversary date of assignment"  
Insert: "January 1st"

15. Page 2, line 15.  
Following: "on the"  
Strike: "31st"  
Insert: "91st"  
Following: "applicable"  
Strike: "anniversary"  
Insert: "January 1st"

16. Page 2, line 16.  
Following: line 15  
Strike: "date"

17. Page 2.  
Following: line 16  
Insert: "(5) Satisfactions of security agreements must be filed immediately with the department of livestock."