

HOUSE BILL NO. 617

INTRODUCED BY UNDERDAL, RYAN, SOLBERG, ELLISON,
JACOBSEN, IVERSON, SCHULTZ, BLISS,
SWITZER, DEVLIN, MANUEL, STOBIE

IN THE HOUSE

February 2, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Judiciary.
March 17, 1983	Committee recommend bill be concurring in. Report adopted.
March 19, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 22, 1983	Returned to House.
March 23, 1983	Sent to enrolling.
	Reported correctly enrolled.

1 *House* BILL NO. *617*
 2 INTRODUCED BY *Underscored Ryan Patrick Ellison*
 3 *Spencer* *Deputy* *John Leitzler* *Dublin*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE *Manuel*
 5 LAWS RELATING TO THE CROP OR GRAIN LIEN FOR SPRAYING OR *Itali*
 6 DUSTING; AMENDING SECTIONS 71-3-401, 71-3-804, 71-3-901, AND
 7 71-3-904, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 71-3-901, MCA, is amended to read:

11 "71-3-901. Who may have lien — amount. Any person,
 12 firm, corporation, or partnership which shall under
 13 contract, express or implied, perform labor or services or
 14 furnish material in crop dusting or spraying grains or crops
 15 for the purpose of weed, disease, or insect control for
 16 promoting the growth of such grains or crops shall have a
 17 lien upon all such grains or crops so crop dusted or sprayed
 18 for and on account of the labor or service performed and
 19 material furnished, upon complying with the provisions of
 20 this part; provided, however, that any such lien shall not
 21 exceed ~~\$150-per-acre-for-spraying-or-dusting-wheat-and-in~~
 22 ~~the-case-of-other-grain-or-crops-such-lien-shall-not-exceed~~
 23 the prevailing price charged in the particular locality in
 24 which such grain or crops ~~is~~ *are* sprayed or dusted."

25 Section 2. Section 71-3-904, MCA, is amended to read:

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 seed ~~---hat---insurance---threshing---labor---and~~
 6 ~~warehouse---services---furnished-for-the-purpose-of-growing-or~~
 7 ~~handling-the-particular-grain-or-crops."~~

8 Section 3. Section 71-3-401, MCA, is amended to read:

9 "71-3-401. 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 filing 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

1 entitled to a lien as herein provided.

2 (3) If several persons have or obtain liens under the
3 provisions of this part against property of the same
4 employer, they have no priority among themselves but all
5 must be paid pro rata from the proceeds of any foreclosure
6 sale according to the provisions of this part."

7 Section 4. Section 71-3-804, MCA, is amended to read:

8 "71-3-804. Priority. The lien for work or labor done
9 or services rendered as specified in 71-3-801 shall be prior
10 to and have precedence over any mortgage, encumbrance, or
11 other lien upon said grain or other crops, except the lien
12 for the seed furnished for the purpose of growing this
13 particular crop ~~and the crop or grain lien for spraying or~~
14 ~~dusting this crop."~~

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

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SWITZER, DEVLIN, MANUEL, STOBIE

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--71-3-804--71-3-901--AND
71-3-904--MCA. INCREASE THE COVERAGE OF CROP DUSTING AND
SPRAYING LIENS; AMENDING SECTION 71-3-901, MCA."

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

Section 1. Section 71-3-901, MCA, is amended to read:

"71-3-901. Who may have lien -- amount. Any person,
firm, corporation, or partnership which shall under
contract, express or implied, perform labor or services or
furnish material in crop dusting or spraying grains or crops
for the purpose of weed, disease, or insect control for
promoting the growth of such grains or crops shall have a
lien upon all such grains or crops so crop dusted or sprayed
for and on account of the labor or service performed and
material furnished, upon complying with the provisions of
this part; provided, however, that any such lien shall not
exceed \$1500 per acre for spraying or dusting wheat and in
the case of other grain or crops, such lien shall not exceed

the prevailing price charged in the particular locality in
which such grain or crops is ~~are~~ sprayed or dusted."

Section 2. Section 71-3-904, MCA, is amended to read:
"71-3-904. Priority. The lien for labor or services
performed or material furnished as specified in this part
shall be prior to and have precedence over any mortgage
encumbrance or other lien upon said grain or crops, except
the lien for seed, hail insurance, threshing, labor, and
warehouse services furnished for the purpose of growing or
handling the particular grain or crops."

Section 3. Section 71-3-401, MCA, is amended to read:
"71-3-401. Who may have lien ---- priority. (1) Any
person who performs services for another in the capacity of
a farm or ranch laborer has a lien on all crops of every
kind grown, raised, or harvested by the person for whom the
services were performed during that time as security for the
payment of any wages due or owing to such persons for
services so performed.

(2) The lien has priority over all other liens,
chattel mortgages or encumbrances except feed sufficient
for 3 months for 1 horse, 2 cows and their calves, 4 hogs,
and 50 domestic fowl; and seed grain and threshers' liens;
and crop or grain liens for spraying or dusting the wages
for which a lien may be claimed may not be in excess of
\$1000 or for a period of time exceeding 60 days next

preceding the date of filing the lien---in case any such
 person---without cause---quits his employment before the
 expiration of the time for which he is employed, he is not
 entitled to a lien as herein provided.

(3) If several persons have or obtain liens under the
 provisions of this part against property of the same
 employer, they have no priority among themselves but all
 must be paid pro-rata from the proceeds of any foreclosure
 sale according to the provisions of this part."

Section 4. Section 71-3-804, MCA, is amended to read:

"71-3-804. Priority. The lien for work or labor done
 or services rendered as specified in 71-3-801 shall be prior
 to and have precedence over any mortgage, encumbrance, or
 other lien upon said grain or other crops except the lien
 for the seed furnished for the purpose of growing this
 particular crop and the crop or grain lien for spraying or
 dusting this crop."

-End-

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DUSTING--AMENDING--SECTIONS--71-3-401--71-3-804--71-3-901--AND
71-3-904--MCA-- INCREASE THE COVERAGE OF CROP DUSTING AND
SPRAYING LIENS; AMENDING SECTION 71-3-901, MCA."

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Section 1. Section 71-3-901, MCA, is amended to read:

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firm, corporation, or partnership which shall under
contract, express or implied, perform labor or services or
furnish material in crop dusting or spraying grains or crops
for the purpose of weed, disease, or insect control for
promoting the growth of such grains or crops shall have a
lien upon all such grains or crops so crop dusted or sprayed
for and on account of the labor or service performed and
material furnished, upon complying with the provisions of
this part; provided, however, that any such lien shall not
exceed \$150 per acre for spraying or dusting wheat, and in
the case of other grain or crops, such lien shall not exceed

the prevailing price charged in the particular locality in
which such grain or crops are sprayed or dusted."

Section 2. Section 71-3-904, MCA, is amended to read:

"71-3-904. Priority. The lien for labor or services
performed or material furnished as specified in this part
shall be prior to and have precedence over any mortgage
encumbrance or other lien upon said grain or crops, except
the lien for seed, hail insurance, threshing, labor, and
warehouse services furnished for the purpose of growing or
handling the particular grain or crops."

Section 3. Section 71-3-401, MCA, is amended to read:

"71-3-401. Who may have lien. (1) Any
person who performs services for another in the capacity of
a farm or ranch laborer has a lien on all crops of every
kind grown, raised, or harvested by the person for whom the
services were performed during that time as security for the
payment of any wages due or owing to such persons for
services so performed.

(2) The lien has priority over all other liens,
except mortgages or encumbrances except feed sufficient
for 3 months for 1 horse, 2 cows and their calves, 4 hogs
and 50 domestic fowl and seed grain and threshers' liens
and crop grain liens for spraying or dusting. The wages
for which a lien may be claimed may not be in excess of
\$1,000 or for a period of time exceeding 60 days next

preceding the date of filing the lien--in case any such person--without cause--quits his employment before the expiration of the time for which he is employed--he is not entitled to a lien as herein provided.

(3)--If several persons have or obtain liens under the provisions of this part against property of the same employer--they have no priority among themselves but all must be paid pro-rata from the proceeds of any foreclosure sale according to the provisions of this part."

Section 4--Section 71-3-804 MCA is amended to read:

"71-3-804--Priority--The lien for work or labor done or services rendered as specified in 71-3-801 shall be prior to and have precedence over any mortgage, encumbrance or other lien upon said grain or other crop--except the lien for the seed furnished for the purpose of growing this particular crop and the crop or grain lien for spraying or dusting this crop."

-End-

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firm, corporation, or partnership which shall under
contract, express or implied, perform labor or services or
furnish material in crop dusting or spraying grains or crops
for the purpose of weed, disease, or insect control for
promoting the growth of such grains or crops shall have a
lien upon all such grains or crops so crop dusted or sprayed
for and on account of the labor or service performed and
material furnished, upon complying with the provisions of
this part; provided, however, that any such lien shall not
exceed \$1500-per-acre-for-spraying-or-dusting-wheat-and--in
the-case-of-other-grain-or-crops--such-lien-shall-not-exceed

the prevailing price charged in the particular locality in
which such grain or crops is ~~are~~ sprayed or dusted."

Section-2--Section-71-3-904--MCA--is-amended-to-read:
"71-3-904--Priority--The-lien-for-labor-or-services
performed-or-material-furnished-as-specified--in--this--part
shall-be-prior-to--and-have-precedence-over-any-mortgage
encumbrance-or-other-lien-upon-said-grain-or-crops--except
the-lien--for--seed--ho--insurance--threshing--labor--and
warehouse-services-furnished-for-the-purpose-of--growing--or
handling-the-particular-grain-or-crops"

Section-3--Section--71-3-401--MCA--is-amended-to-read:
"71-3-401--Who-may-have-lien-----priority--(1)--Any
person--who-performs-services-for-another-in-the-capacity-of
a-farm-or-ranch-laborer-has-a-lien-on--all--crops--of--every
kind--grown--raised--or--harvested--by--the-person-for-whom-the
services-were-performed-during-that-time-as-security-for-the
payment-of-any-wages--due--or--owing--to--such--persons--for
services-so-performed"

(2)--The-lien--has--priority--over--all--other--liens
except--mortgages--or--encumbrances--except--feed--sufficient
for--3--months--for--1-horse--2-cows--and--their--calves--4-hogs
and--50-domestic-fowls--and--seed-grain--and--threshers--liens
and--crop--or--grain--liens--for--spraying--or--dusting--The-wages
for-which-a-lien-may-be-claimed-may-not-be-in-excess-of
\$1000--or--for--a-period--of--time--exceeding-60-days-next

1 preceding the date of filing the lien, in case any such
 2 person without cause quits his employment before the
 3 expiration of the time for which he is employed, he is not
 4 entitled to a lien as herein provided.

5 (3) If several persons have or obtain liens under the
 6 provisions of this part against property of the same
 7 employer, they have no priority among themselves but all
 8 must be paid pro rata from the proceeds of any foreclosure
 9 sale according to the provisions of this part."

10 Section 4v--Section 71-3-884v MCA is amended to read:
 11 "71-3-884v--Priority--The lien for work or labor done
 12 or services rendered as specified in 71-3-881 shall be prior
 13 to and have precedence over any mortgage, encumbrance, or
 14 other lien upon said grain or other crops, except the lien
 15 for the seed furnished for the purpose of growing this
 16 particular crop and the crop or grain lien for spraying or
 17 dusting this crop."

-End-