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 concurred 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.

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1 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE! LAWS RELATING TO THE CROP OF GRAIN LIEN FOR SPRAYING OF Machine DUSTING: AMENDING SECTIONS 71-3-401. 71-3-804. 71-3-901. AND 71-3-904+ MCA.M 7

BE IT FNACTED 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 personfirm, corporation, or partnership which shall under contract, express or implied, perform labor or services or furnish material in crop dusting or spraying grains of 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 of 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 \$2+50-per-acre-for-spraying-or-dusting-wheaty-and-in the-case-of-other-grain-or-cropsy-such-lich-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 seedy-hadd--insurancey--threshingy--lebory--and warshouse--services--furnished-for-the-purpose-of-growing-or headling-the-particular-grain-or-erops."

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 fowls: and seed grain and threshers * liens: and_crop_or_orain_liens_for_socaving_or_dusting. The wages for which a lien way 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.

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(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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Approved by Committee on Agriwulture Livestock & Irrigation

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2	INTRODUCED BY UNDERDAL, RYAN, SOLBERG, ELLISON,
3	JACOBSEN, IVERSON, SCHULTZ, BLISS,
4	SWITZER+ DEVLIN+ MANUEL+ STOBIE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLYREVISE
7	LANSRELATINGIGTHECROPOR-GRAIN-LIEN-FOR-SPRAYING-OR
8	BUSTING;-AMENBING-SECTIONS-71-3-401+-71-3-804+-71-3-901+-4ND
9	71-3-904MEAT INCREASE THE COVERAGE OF CROP DUSTING AND
10	SPRAYING_LIENS: AMENDING_SECTION_71-3-901. MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 71-3-901, MCA, is amended to read:
14	*71-3-901. Who may have lien amount. Any person:
15	firm, corporation, or partnership which shall under
16	contract, express or implied, perform labor or services or
17	furnish material in crop dusting or spraying grains or crops
18	for the purpose of weed, disease, or insect control for
19	promoting the growth of such grains or crops shall have a
20	lien upon all such grains or crops so crop dusted or sprayed
21	for and on account of the labor or service performed and
22	material furnished, upon complying with the provisions of
23	this part; provided, however, that any such lien shall not
24	exceed #lv58-per-acre-for-spraying-or-dusting-wheatv-andin
25	the-case-of-other-grain-or-cropsy-such-lien-shall-not-exceed

1 the prevailing price charged in the particular locality in which such grain or crops is are sprayed or dusted.* 2 3 Section-2---Section-71-3-984--MEAy-is-amended-to--readt #71-3-904---Priority----The--tien-for-tabor-or-services performed-or-material-furnished-as-specified--in--this--part 6 shall-be-prior-to-and-have-precedence-over-any-mortgagey 7 encumbrancey-or-other-lien-upon-said-grain-or-cropsy--except the--tien--for--seedy--hait-insurancey-threshingy-tabory-und 9 warehouse-services-furnished-for-the-purpose-of--growing--or 10 handling-the-particular-grain-or-crops+* 11 Section-3:--Section--71-3-48ly-NEAy-is-amended-to-read: 12 #71-3-401---kho-may-have-1ten----priority-----(1)--Any 13 person--who-performs-services-for-another-in-the-capacity-of 14 a-ferm-or-ranch-laborer-has-a-lien-on--all--crops--of--every 15 kind-growny-raisedy-or-harvested-by-the-person-for-whom-the 16 services-were-performed-during-that-time-as-security-for-the 17 payment-of-any-wages--due--ar--owing--to--such--persons--for 18 services-so-performed= 19 f2}--The--Tien--has--priority--over--all--other--liens 20 chattel-mortgagesy-or-encumbrances--except--feed--sufficient 21 for--3--months-for-1-horsey-2-coms-and-their-calves+-4-hogsy 22 and-50-domestic-fowls1 and-seed-grain-and-threshers4--liens1 23 and::ccop::pc:ccip:licox:foc:apcoxing:oc:deating==The=wages 24 for-which-a-lica-may-be-claimed-may--not--be--in--excess--af

\$ły000--or--for--a--period--of--time--exceeding-60-days-next

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1	preceding-the-date-or-fitting-the-fitche-in-case-lany-lader
2	personwithoutcausequitshisemploymentbeforethe
3	expiration-of-the-time-for-which-he-is-employedy-heisnot
4	entitled-to-o-lien-as-herein-provided=
5	f3;Ifseveral-persons-have-or-abtain-liens-under-the
6	provisionsofthispartagainstpropertyofthesame
7	employerytheyhavenopriority-among-themselves-but-ali
8	must-be-paid-pro-rate-from-the-proceeds-ofonyforeclosure
9	sale-according-to-the-provisions-of-this-part**
10	Section-4Section71-3-884-MEAis-amended-to-read:
11	#ft-3-884PriorityThe-tien-for-work-or-labordone
12	or-services-rendered-as-specified-in-71-3-801-shaff-be-prior
13	toandhaveprecedence-over-ony-mortgagey-encumbrancey-or
14	other-iten-upon-said-grain-or-other-cropsexcepttheiten
15	fortheseedfurnishedforthepurpose-of-growing-this
16	partfeufor-crop- <u>and:tba:crop-or-grain:lian-far</u> ==s <u>praying==or</u>
17	dusting:tbis:crop+*

-End-

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6	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLYREVISE
7	LAWSRELATINGTOTHEEROPOR-GRAIN-LIEN-FOR-SPRATING-OR
8	BUSTING;-AMENBING-SECTION5-71-3-401y-71-3-804y-71-3-901y-AND
9	71-3-984MEAT INCREASE THE COVERAGE DE CROP DUSTING AND
10	SPRAYING LIENS: AMENDING SECTION 71-3-901 MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 71-3-901, MCA, is amended to read:
14	#71-3-901. Who may have lien amount. Any person:
15	firm, corporation, or partnership, which shall under
16	contract, express or implied, perform labor or services or
17	furnish material in crop dusting or spraying grains or crops
18	for the purpose of weed, disease, or insect control for
19	promoting the growth of such grains or crops shall have a
20	lien upon all such grains or crops so crop dusted or sprayed
21	for and on account of the labor or service performed and
22	material furnished, upon complying with the provisions of
23	this part; provided, however, that any such lien shall not
24	exceed \$1+50-per-acre-for-apraying-or-dusting-wheaty-andin
25	the-case-of-other-grain-of-cropsy-such-lien-shall-not-exceed

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1 the prevailing price charged in the particular locality in 2 which such grain or crops is are sprayed or dusted." 3 #71-3-904w--Priorityw---The--lien-for-labor-or-services performed-or-material-furnished-as-specified--in--this--pert shall-be-prior-to-and-have-precedence-ever-eny-mortgagev 7 encumbrancey-of-other-lien-upon-said-grain-or-cropsy--except the--tren--for--seedy--hait-insurancey-threshingy-labory-and 9 warehouse-services-furnished-for-the-purpose-of--growing--or 10 handling-the-particular-grain-or-crops+* 11 #71-3-401--Who-may-have-lien----priority-----12 13 person--who-performs-services-for-another-in-the-capacity-of 14 a-farm-or-ranch-laborer-has-a-lien-on--all--crops--of--every 15 kind--growny-raisedy-or-harvested-by-the-person-for-whom-the 16 services-were-performed-during-that-time-as-security-for-the 17 psyment-of-any-wages--due--or--owing--to--such--persons--for 18 services-so-performedy 19 t2}--The--tien--has--priority--over--all--other--liensy 20 chattel-mortgagesy-or-encumbrances--except--feed--sufficient 21 for--3--months-for-1-horsey-2-coms-and-their-calvesy-4-hogsy 22 and-50-domestic-fowls1 and-seed-grain-and-threshers1--liens1 23 and::ccop::criccio:licos:for:spraying:or:dusting.-The-wages 24 for-which-a-lien-may-be-claimed-may--not--be--in--excess--of 25 \$1y888--or--for--s--period--of--time--exceeding-68-days-next

preceding-the-date-of-filing-the-lienv---in--ease--ony--such
person---without--cause--quits--his--employment--before--the
expiration-of-the-time-for-which-he-is-employedv-he--is--not
entitled-to-a-lien-as-herein-provided

(3)--if--several-persons-have-ar-obtain-liens-under-the provisions--of--this--part--against--property--of--the--same employery--they--have--no--priority-among-themselves-but-olimust-be-paid-pro-rata-from-tha-proceeds-of--any--foreclosure sale-according-to-the-provisions-of-this-part+*

Section-4:-Section-71-3-804y-MEAy-is-amonded-to-readt
#71-3-804y-Priority*-The-tien-for-work-or-labor--done
or-services-rendered-as-specified-in-71-3-801-shall-se-prior
to--ond--have--precedence-over-any-mortgagey-encumbrancey-or
other-tien-upon-said-grain-or-other-eropsy-except--the--lien
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-End-

48th Legislature HB 0617/02 HB 0617/02

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8	84571N67-AMENBING-5E6718N5-71-3-481y-71-3-884y-71-3-981y-AMB
9	71-3-904MEAT INCREASE THE COVERAGE OF CROP DUSTING AND
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3	5ection-2eSection-71-3-984y-MCAy-is-omended-toread:
4	#71-3-984PriorityTheTien-for-Tabor-or-services
5	performed-or-material-furnished-as-specifiedinthispart
6	shallbepriortoand-have-precedence-aver-any-mortgages
7	encumbrancey-or-other-lien-upon-said-grain-or-cropsyexcept
В	thetienforscedyhott-insurancey-threshingy-labory-and
9	worehouse-services-furnished-for-the-purpose-ofgrowingor
10	handling-the-particular-grain-or-crops**
11	Saction-3*Section71-3-401*-MGAy-1s-amonded-to-reade
12	#71-3-401Who-may-have-lienpriority(1)Any
13	personwho-performs-services-for-another-in-the-capacity-of
14	a-farm-or-ranch-laborar-has-a-lien-onallcropsofevery
15	kindgrowny-raisedy-or-harvested-by-the-person-for-whom-the
16	services-were-performed-during-that-time-as-security-for-the
17	payment-of-any-wagesdueorowingtosuchpersonsfor
18	services-so-performed*
19	t2;Thetienhaspriorityoveraltothertiens
20	chattel-mortgagesy-or-encumbrancesexceptfeedsufficient
21	for3months-for-t-horsey-2-cows-and-their-calvesy-4-hogs
22	and-58-domestic-fowls1 and-seed-grain-and-threshers4liens1
23	and:-crop:-or:grain-lians-for-spraying-or-dustingThe-wages
24	for-which-a-lien-may-be-claimed-maynotbeinexcessof

#1:000--or--for--a--period--of--time--exceeding-60-days-next

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sale-according-to-the-provisions-of-this-part+*	
Section-4*Section71-3-884y-MEAy-is-amended-to-read*	
#71-3-884PriorityThe-lien-for-work-or-labordone	
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-End-

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particular-crop-and-the-crop-or-grain-lish-for-spraying--or