

SENATE JOINT RESOLUTION NO. 31

INTRODUCED BY CHRISTIAENS, MAZUREK, TOWE, KITSELMAN, HIRSCH,
HART, QUILICI, PINSONEAULT, PISTORIA, SCHYE, MERCER, ASAY,
MCCALLUM, SEVERSON, REHBERG, CRIPPEN, ABRAMS, KRUEGER, LYBECK,
GRADY, HARPER, HAGER, THAYER, HANNAH, HAND, LANE,
CONOVER, WALLIN

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Judiciary.
March 13, 1985	Committee recommend bill do pass. Report adopted.
March 14, 1985	Bill printed and placed on members' desks.
March 15, 1985	Second reading, do pass.
March 16, 1985	Considered correctly engrossed.
March 18, 1985	Third reading, passed. Ayes, 45; Noes, 4.
	Transmitted to House.

IN THE HOUSE

March 19, 1985	Introduced and referred to Committee on Business and Labor.
March 27, 1985	Committee recommend bill be concurrent in. Report adopted.
March 30, 1985	Motion pass consideration until 71st Legislative Day.
April 9, 1985	Second reading, concurred in.
April 10, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

April 15, 1985

Received from House.

April 16, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* JOINT RESOLUTION NO. *31*
 2 INTRODUCED BY *Christians* *Respect* *Ray* *K. Schman* *Hines*
 3 *M. Hart* *Zurber* *Parsons* *Platoris* *John* *Mercy*
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN *Interim*
 6 INTERIM STUDY OF MONTANA'S LIEN LAWS. *Sybiluk* *Trudy* *Hayes*
 7 *Hager* *Shoye* *Harold* *Hand* *LANE* *Conover*

8 WHEREAS, Montana adopted its basic lien laws from the
 9 "Field Code" shortly after becoming a state; and
 10 WHEREAS, the Legislature has added to and amended the
 11 basic lien laws of Montana, including the adoption of the
 12 Uniform Commercial Code in 1963, without comprehensive
 13 analysis of the various statutes that provide for liens; and
 14 WHEREAS, there have been introduced in the 49th
 15 Legislative Session numerous and conflicting bills dealing
 16 with delayed recording, lien priorities, place of filing,
 17 centralized filing, purchase free of lien, and other
 18 subjects which indicate that Montana's lien laws are
 19 confusing and that relative lien priorities are possibly
 20 unfair; and
 21 WHEREAS, it is essential to the economic growth of the
 22 State of Montana that the lien laws not hinder or obstruct
 23 the free flow of credit, especially in the agricultural
 24 area; and
 25 WHEREAS, there is insufficient time during a regular

1 legislative session to resolve the conflicting legislation
 2 or to provide a comprehensive, careful study of the existing
 3 lien laws, after considering all relevant factors, and there
 4 is insufficient time to receive information from the public,
 5 those concerned with the lien laws, and those obtaining and
 6 providing credit.

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

- 10 That an appropriate interim committee be assigned to:
- 11 (1) examine Montana laws relating to liens, including
 - 12 Montana's basic lien laws and the Uniform Commercial Code;
 - 13 (2) study the problems of delayed recording, lien
 - 14 priorities, conflicting lien priorities, and other related
 - 15 subjects;
 - 16 (3) study the problems with place of filing and the
 - 17 possibility of centralized lien filing;
 - 18 (4) obtain testimony and information relevant to
 - 19 Montana's lien laws as they may affect those who obtain or
 - 20 grant credit, including:
 - 21 (a) testimony and information addressing the
 - 22 conflicting positions of persons asking for preferential
 - 23 lien priority;
 - 24 (b) the apparent conflict or lack of uniformity of
 - 25 present laws covering lien priorities; and



- 1 (c) any other matters pertinent to the effects of lien
2 laws on such persons;
- 3 (5) study the laws of other states relating to liens
4 and lien priorities, recordation, and other relevant
5 matters;
- 6 (6) draft legislation to implement its
7 recommendations, if necessary; and
- 8 (7) report its findings and recommendations to the
9 50th Legislature.

-End-

APPROVED BY COMMITTEE ON JUDICIARY

Senate JOINT RESOLUTION NO. 31
 INTRODUCED BY *Christina Moschel, Dan K. Beckman, Hon. M. Hart, Zurlin, P. ... Pistoris, John Merg, Casoy, M. ...*
 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S LIEN LAWS. *Sybil, Study, Hager, ... Lane, Conover*

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Senate JOINT RESOLUTION NO. *31*

INTRODUCED BY *Christiansen, Meyer, P. K. Johnson, H. M. Hart, G. L. Quinn, P. A. Williams, P. A. Pistoris, J. M. Mac*
A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S LIEN LAWS. *Sybilick, D. J. Ho*

Hager, Hager, Hamer, Hamer, LANE, Conwell

WHEREAS, Montana adopted its basic lien laws from the "Field Code" shortly after becoming a state; and

WHEREAS, the Legislature has added to and amended the basic lien laws of Montana, including the adoption of the Uniform Commercial Code in 1963, without comprehensive analysis of the various statutes that provide for liens; and

WHEREAS, there have been introduced in the 49th Legislative Session numerous and conflicting bills dealing with delayed recording, lien priorities, place of filing, centralized filing, purchase free of lien, and other subjects which indicate that Montana's lien laws are confusing and that relative lien priorities are possibly unfair; and

WHEREAS, it is essential to the economic growth of the State of Montana that the lien laws not hinder or obstruct the free flow of credit, especially in the agricultural area; and

WHEREAS, there is insufficient time during a regular

legislative session to resolve the conflicting legislation or to provide a comprehensive, careful study of the existing lien laws, after considering all relevant factors, and there is insufficient time to receive information from the public, those concerned with the lien laws, and those obtaining and providing credit.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to:

- (1) examine Montana laws relating to liens, including Montana's basic lien laws and the Uniform Commercial Code;
- (2) study the problems of delayed recording, lien priorities, conflicting lien priorities, and other related subjects;
- (3) study the problems with place of filing and the possibility of centralized lien filing;
- (4) obtain testimony and information relevant to Montana's lien laws as they may affect those who obtain or grant credit, including:
 - (a) testimony and information addressing the conflicting positions of persons asking for preferential lien priority;
 - (b) the apparent conflict or lack of uniformity of present laws covering lien priorities; and

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1 (c) any other matters pertinent to the effects of lien
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