

HOUSE JOINT RESOLUTION NO. 46

INTRODUCED BY BRANDEWIE, DRISCOLL

BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR

IN THE HOUSE

MARCH 18, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & LABOR.

MARCH 30, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

MARCH 31, 1987                   PRINTING REPORT.

APRIL 7, 1987                    SECOND READING, DO PASS.

                                  ENGROSSING REPORT.

APRIL 8, 1987                    THIRD READING, PASSED.  
AYES, 86; NOES, 4.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 9, 1987                    INTRODUCED AND REFERRED TO COMMITTEE  
ON AGRICULTURE, LIVESTOCK & IRRIGATION.

APRIL 15, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 16, 1987                   SECOND READING, CONCURRED IN.

APRIL 17, 1987                   THIRD READING, CONCURRED IN.  
AYES, 35; NOES, 15.

                                  RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1987                   RECEIVED FROM SENATE.

                                  SENT TO ENROLLING.

1                    House JOINT RESOLUTION NO. 46  
 2    INTRODUCED BY Jim Lewis  
 3                    BY (REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR  
 4                    Marshall  
 5    A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 6    REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 7    INTERIM STUDY OF MONTANA'S AGRICULTURAL LIEN LAWS AND  
 8    REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 51ST  
 9    LEGISLATURE.

10  
 11                    WHEREAS, Montana adopted its basic lien laws from the  
 12    "Field Code" shortly after becoming a state; and

13                    WHEREAS, the Legislature has added to and amended the  
 14    agricultural lien laws of Montana without comprehensive  
 15    analysis of the various statutes that provide for  
 16    agricultural liens; and

17                    WHEREAS, there have been introduced in several recent  
 18    legislative sessions many bills dealing with delayed  
 19    recording, lien priorities, place of filing, centralized  
 20    filing, purchase free of lien, and other subjects which  
 21    indicate that Montana's agricultural lien laws are confusing  
 22    and that relative lien priorities are possibly unfair; and

23                    WHEREAS, it is essential to the economic stability of  
 24    the State of Montana that agricultural lien laws not hinder  
 25    or obstruct the free flow of credit; and

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

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

11                    That an appropriate interim committee be assigned to:

12                    (1) examine Montana laws relating to agricultural  
 13    liens;

14                    (2) study the problems of lien priorities, conflicting  
 15    lien priorities, purchase free of lien, and other related  
 16    subjects;

17                    (3) study the problems with place of filing and  
 18    delayed recording and the possibility of centralized lien  
 19    filing;

20                    (4) obtain testimony and information relevant to  
 21    Montana's agricultural lien laws as they may affect those  
 22    who obtain or grant credit, including:

23                    (a) testimony and information addressing the positions  
 24    of persons who provide agricultural credit;

25                    (b) the apparent conflict of present laws covering

1 agricultural lien priorities; and  
2 (c) any other matters pertinent to the effects of  
3 agricultural lien laws on persons who provide or obtain  
4 agricultural credit;  
5 (5) study the laws of other states relating to  
6 agricultural liens and lien priorities, recordation, and  
7 other relevant matters;  
8 (6) draft legislation to implement its  
9 recommendations; and  
10 (7) report its findings and recommendations to the  
11 51st Legislature.

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

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