

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2285

Introduced by

Senator Krauter

Representatives Froelich, Kerzman, Mueller

1 A BILL for an Act to amend and reenact section 35-30-02 of the North Dakota Century Code,
2 relating to notification of debtor of agricultural processor's lien.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 35-30-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **35-30-02. Procedure to obtain lien.**

- 7 1. To obtain an agricultural processor's lien, the person entitled to the lien, within
8 ninety days after the processing is completed, shall file a verified statement in the
9 office of the recorder in any county in this state or in the office of the secretary of
10 state. The statement must contain the following information:
- 11 ~~4.~~ a. The name and address of the person for whom the processing was done.
12 ~~2.~~ b. The name and address of the processor.
13 ~~3.~~ c. A description of the crops or agricultural products and their amount, if known,
14 subject to the lien together with a reasonable description, including the county
15 as to the location where the crops or agricultural products were grown and the
16 year the crop is to be harvested or was harvested.
17 ~~4.~~ d. The price agreed upon for processing, or if no price was agreed upon, the
18 reasonable value of the processing.
19 ~~5.~~ e. The social security number or, in the case of a debtor doing business other
20 than as an individual, the internal revenue service taxpayer identification
21 number of the person for whom the processing was done.
22 ~~6.~~ f. A description of the processing services and the first date the services were
23 furnished.

- 1 2. The secretary of state and the office of the recorder in any county in this state with
2 which a verified statement under subsection 1 is submitted for filing shall reject the
3 statement unless proof of mailing of notification of the lien to the debtor's
4 last-known address by registered or certified mail with return receipt requested is
5 filed with the statement.
- 6 3. The secretary of state shall prescribe one form that can be used to obtain a lien
7 under this section or gain protection under the central notice system, or both.
8 Before a processor's lien is filed, a billing statement for the services performed
9 must include notice to the agricultural producer that if the amount due to the
10 agricultural processor is not satisfied a lien may be filed.