

HOUSE JOINT RESOLUTION NO. 23
INTRODUCED BY R. HOLLANDSWORTH

1
2
3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF POLICIES, STATUTORY PROVISIONS, AND OTHER
6 REQUIREMENTS RELATED TO AGRICULTURAL CROP LIENS.

7
8 WHEREAS, Montana's laws addressing liens on agricultural crops have been enacted and amended
9 piecemeal over the past 100 years; and

10 WHEREAS, current statutes regarding liens on agricultural crops are frequently outdated, unclear, and
11 overlapping and are potentially in conflict with each other; and

12 WHEREAS, a thorough review of the law and policies regarding and underpinning the establishment,
13 prioritization, and execution of liens on agricultural crops is in order.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
16 STATE OF MONTANA:

17 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
18 section 5-5-217, MCA, to study the current requirements relevant to policies and statutory provisions regarding
19 agricultural crop liens to determine:

20 (1) how the current lien laws affect the stakeholders in the agricultural industry from the producers to the
21 public warehouses and from the small independent producer or elevator to the large, multinational producer or
22 warehouse;

23 (2) what policies, lien priorities, or new enactments or revisions to existing law and policy might be
24 appropriate or necessary to protect the interests of the various owners of agricultural crop inputs and of other
25 stakeholders;

26 (3) any additional cost, risk, or security that accrues to or devolves from maintaining existing or
27 establishing new agricultural crop lien priorities, taking into consideration landowners, lessors, and lessees, both
28 large and small suppliers of agricultural crop inputs, and both large and small producers of agricultural crops; and

29 (4) how the transparency of various agricultural crop liens and the priorities of crop liens could be
30 improved so the interests of all stakeholders can be equitably protected and all stakeholders can make



1 well-informed decisions.

2 BE IT FURTHER RESOLVED, that the study committee and staff are encouraged to work with the
3 Montana Department of Agriculture to incorporate any studies or reports that the department has collected,
4 conducted, or issued regarding current agricultural crop lien policies, priorities, or requirements and information
5 from other states.

6 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
7 requirements, be concluded prior to September 15, 2012.

8 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
9 comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

10 - END -