

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 993

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DATE	D-PG	OFFICIAL STATUS
02/15/2017	607	Introduction and first reading Referred to Agriculture, Rural Development, and Housing Policy

1.1 A bill for an act

1.2 relating to agriculture; modifying feeder's lien to clarify eligibility of those who

1.3 furnish feed to a livestock producer; eliminating livestock production input lien

1.4 and temporary livestock production input lien; amending Minnesota Statutes 2016,

1.5 sections 514.965, subdivision 2; 514.966, subdivisions 4, 5, 6, 8; repealing

1.6 Minnesota Statutes 2016, sections 514.965, subdivisions 8, 11; 514.966,

1.7 subdivisions 3, 3a.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2016, section 514.965, subdivision 2, is amended to read:

1.10 Subd. 2. **Agricultural lien.** "Agricultural lien" means an agricultural lien as defined in

1.11 section 336.9-102(a)(5) and includes a veterinarian's lien, breeder's lien, ~~livestock production~~

1.12 ~~input lien, temporary livestock production input lien,~~ and feeder's lien under this section

1.13 and section 514.966.

1.14 Sec. 2. Minnesota Statutes 2016, section 514.966, subdivision 4, is amended to read:

1.15 Subd. 4. **Feeder's lien.** (a) A person has a feeder's lien on livestock if the person, in the

1.16 ordinary course of business and at the request of the owner or legal possessor of the livestock,

1.17 either:

1.18 (1) furnishes feed for livestock; or

1.19 (2) stores, cares for, or contributes to the keeping, feeding, pasturing, or other care of

1.20 livestock, including medical or surgical treatment and shoeing, ~~and (2) does so in the ordinary~~

1.21 ~~course of business, at the request of the owner or legal possessor of the livestock.~~

2.1 (b) A feeder's lien is a lien upon the livestock for the retail price or value of the feed,
 2.2 storage, care, or contribution, and for any legal charges against the same paid by the person
 2.3 to any other person.

2.4 (c) A feeder's lien becomes effective when the feed, services₂ or contributions are provided
 2.5 the obligor.

2.6 Sec. 3. Minnesota Statutes 2016, section 514.966, subdivision 5, is amended to read:

2.7 Subd. 5. **Scope.** A veterinarian's lien, breeder's lien, ~~livestock production input lien;~~
 2.8 ~~temporary livestock production lien;~~ or feeder's lien attaches to the livestock serviced or
 2.9 furnished feed by the agricultural lienholder, and products and proceeds thereof to the extent
 2.10 of the price or value of the service provided or feed furnished.

2.11 Sec. 4. Minnesota Statutes 2016, section 514.966, subdivision 6, is amended to read:

2.12 Subd. 6. **Perfection.** (a) An agricultural lien under this section is perfected if a financing
 2.13 statement is filed pursuant to sections 336.9-501 to 336.9-530 and within the time periods
 2.14 set forth in paragraphs (b) to ~~(f)~~ (d).

2.15 (b) A veterinarian's lien must be perfected on or before 180 days after the last item of
 2.16 the veterinary service is performed.

2.17 (c) A breeder's lien must be perfected by six months after the last date that breeding
 2.18 services are provided the obligor.

2.19 ~~(d) Except as provided in paragraph (f), a livestock production input lien must be~~
 2.20 ~~perfected by six months after the last date that livestock production inputs are furnished the~~
 2.21 ~~obligor.~~

2.22 ~~(e)~~ (d) A feeder's lien must be perfected on or before 60 days after the last date that feed
 2.23 or feeding services are furnished the obligor.

2.24 ~~(f) A temporary livestock production input lien, under subdivision 3a, must be perfected~~
 2.25 ~~on or before 60 days after the last date that livestock production inputs are furnished the~~
 2.26 ~~obligor.~~

2.27 Sec. 5. Minnesota Statutes 2016, section 514.966, subdivision 8, is amended to read:

2.28 Subd. 8. **Priority.** (a) Except as provided in paragraph (b), a perfected veterinarian's
 2.29 lien under this section has priority over all competing security interests and all agricultural
 2.30 liens on the same animals.

3.1 (b) If more than one veterinarian's lien is perfected under this section, the conflicting
3.2 perfected veterinarian's liens have priority in order of the effectiveness of the liens.

3.3 (c) Except as provided in paragraph (d), a perfected feeder's lien under this section has
3.4 priority over all competing security interests and all agricultural liens except a perfected
3.5 veterinarian's lien in the livestock and the products or proceeds thereof.

3.6 (d) If more than one feeder's lien is perfected under this section, the conflicting perfected
3.7 feeder's liens have priority in order of the effectiveness of the liens.

3.8 (e) A perfected breeder's lien under this section has priority over all competing security
3.9 interests and all agricultural liens except a perfected veterinarian's lien and a perfected
3.10 feeder's lien in the livestock and the products and proceeds thereof.

3.11 ~~(f) Except as provided in paragraph (g), a perfected livestock production input lien under~~
3.12 ~~this section has priority against all agricultural liens except a perfected veterinarian's lien,~~
3.13 ~~feeder's lien, and breeder's lien in the livestock and the products or proceeds thereof.~~

3.14 ~~(g) If more than one livestock production input lien is perfected under this section,~~
3.15 ~~conflicting perfected livestock production input liens have priority in order of the~~
3.16 ~~effectiveness of the liens.~~

3.17 ~~(h) Except as provided in paragraph (i), a perfected livestock production input lien under~~
3.18 ~~this section has priority against all competing security interests as provided in subdivision~~
3.19 ~~3 in livestock and the products and proceeds thereof.~~

3.20 ~~(i) A perfected livestock production input lien has priority over a competing security~~
3.21 ~~interest in the livestock and proceeds and products thereof if the livestock production input~~
3.22 ~~lien is effective before the secured party has given value to the debtor.~~

3.23 Sec. 6. **REPEALER.**

3.24 Minnesota Statutes 2016, sections 514.965, subdivisions 8 and 11; and 514.966,
3.25 subdivisions 3 and 3a, are repealed.

3.26 Sec. 7. **EFFECTIVE DATE.**

3.27 This act is effective August 1, 2017, and applies to agricultural liens perfected on or
3.28 after that date.

514.965 LIVESTOCK LIEN DEFINITIONS.

Subd. 8. **Livestock production input.** "Livestock production input" means feed and labor used in raising livestock.

Subd. 11. **Supplier.** "Supplier" means a person furnishing agricultural production inputs.

514.966 AGRICULTURAL LIEN ON LIVESTOCK.

Subd. 3. **Livestock production input lien.** (a) A supplier furnishing livestock production inputs in the ordinary course of business has a livestock production input lien for the unpaid retail cost of the livestock production input. A perfected livestock production input lien that attaches to livestock may not exceed the amount, if any, that the sales price of the livestock exceeds the greater of the fair market value of the livestock at the time the lien attaches or the acquisition price of the livestock. A livestock production input lien becomes effective when the agricultural production inputs are furnished by the supplier to the purchaser.

(b) A supplier shall notify a lender of a livestock production input lien by providing a lien-notification statement to the lender in an envelope marked "IMPORTANT-LEGAL NOTICE." Delivery of the notice must be made by certified mail or another verifiable method.

(c) The lien-notification statement must disclose the following:

- (1) the name and business address of the lender that is to receive notification;
- (2) the name and address of the supplier claiming the lien;
- (3) a description and the date or anticipated date or dates of the transaction and the retail cost or anticipated costs of the livestock production input;
- (4) the name and address of the person to whom the livestock production input was furnished;
- (5) the name and address of the owner of the livestock, the location where the livestock will be raised, and a description of the livestock; and
- (6) a statement that products and proceeds of the livestock are covered by the livestock input lien.

(d) Within ten calendar days after receiving a lien-notification statement, the lender must respond to the supplier with either:

- (1) a letter of commitment for part or all of the amount in the lien-notification statement; or
- (2) a written refusal to issue a letter of commitment.

A copy of the response must be mailed to the person for whom the financing was requested.

(e) If a lender responds with a letter of commitment for part or all of the amount in the lien-notification statement, the supplier may not obtain a lien for the amount stated in the letter of commitment. If a lender responds with a refusal to provide a letter of commitment, the rights of the lender and the supplier are not affected.

(f) If a lender does not respond under paragraph (d) to the supplier within ten calendar days after receiving the lien-notification statement, a perfected livestock production input lien corresponding to the lien-notification statement has priority over any security interest of the lender in the same livestock or their proceeds for the lesser of:

- (1) the amount stated in the lien-notification statement; or
- (2) the unpaid retail cost of the livestock production input identified in the lien-notification statement, subject to any limitation in paragraph (a).

Subd. 3a. **Temporary livestock production input lien; debtor in mediation.** (a) A supplier furnishing livestock production inputs in the ordinary course of business to a debtor who has filed a mediation request under chapter 583 has a temporary livestock production input lien for the unpaid retail cost of the livestock production input. A perfected temporary livestock production input lien that attaches to livestock may not exceed the amount, if any, that the sales price of the livestock for which the inputs were received exceeds the greater of the fair market value of the livestock at the time the lien attaches or the acquisition price of the livestock. A temporary livestock production input lien becomes effective when the agricultural production inputs are furnished by the supplier to the purchaser.

(b) A temporary livestock production input lien under this subdivision applies to livestock production inputs provided to the debtor during the 45 days following a mediation request under chapter 583.

(c) A person who supplies livestock production inputs under this subdivision shall provide a lien-notification statement as required under subdivision 3, paragraphs (b) and (c), but is not subject to subdivision 3, paragraphs (d) to (f). A perfected temporary livestock production input

APPENDIX

Repealed Minnesota Statutes: 17-2560

lien corresponding to the lien-notification statement has priority over any security interest of the lender in the same livestock or their proceeds for the lesser of:

- (1) the amount stated in the lien-notification statement; or
- (2) the unpaid retail cost of the livestock production input identified in the lien-notification statement, subject to any limitation in paragraph (a).