

distinguishing number or manufacturer's identification number has been removed or altered; or

(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107; or

(13) Except as provided in ~~paragraph~~ paragraphs (12) and (14), obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration; or

(14) Intentionally deprives another of a lawful charge for telecommunications service by:

(i) making, using, or attempting to make or use an unauthorized connection whether physical, electrical, by wire, microwave, radio or other means to a component of a local telecommunication system as provided in chapter 237; or

(ii) attaching an unauthorized device to a cable, wire, microwave, radio or other component of a local telecommunication system as provided in chapter 237.

The existence of an unauthorized connection is prima facie evidence that the occupier of the premises:

(i) made or was aware of the connection; and

(ii) was aware that the connection was unauthorized.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 1984 and applies to crimes committed on or after that date.

Approved April 25, 1984

CHAPTER 467 — S.F.No. 1451

An act relating to commerce; including all liens on file in abstract by the county recorder; providing a lien for agricultural production inputs; establishing a procedure for priority and foreclosure requirements; amending Minnesota Statutes 1982, section 386.42; proposing new law coded in Minnesota Statutes, chapter 514.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1982, section 386.42, is amended to read:

386.42 ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES.

Any elevator company or grain buyer doing business in this state may annually make written application to the county recorder for an abstract of all designated mortgages and liens upon grains grown during the year within the filed with the county recorder. The application shall state the name and the post office address of the company and be accompanied by a fee. The fee shall be determined by resolution of the county board upon the recommendation of the county recorder based upon the estimated cost of providing the service.

Sec. 2. [514.950] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 2 to 7.

Subd. 2. AGRICULTURAL CHEMICAL. "Agricultural chemical" means fertilizers or agricultural chemicals that are applied to crops or to land that is used for raising crops, including fertilizer material, plant amendment, plant food, and soil amendment as defined in section 17.713, and pesticide and plant regulator as defined in section 18A.21.

Subd. 3. AGRICULTURAL PRODUCTION INPUT. "Agricultural production input" means crop production inputs and livestock production inputs.

Subd. 4. CROP PRODUCTION INPUT. "Crop production input" means agricultural chemicals, seeds, petroleum products, the custom application of agricultural chemicals and seeds, and labor used in preparing the land for planting, cultivating, growing, producing, harvesting, drying, and storing crops or crop products.

Subd. 5. FEED. "Feed" means commercial feeds, feed ingredients, mineral feeds, drugs, animal health products, or customer-formula feeds that are used for feeding livestock, including commercial feed as defined in section 25.33.

Subd. 6. LENDER. "Lender" means a person in the business of lending money identified in a lien-notification statement.

Subd. 7. LETTER OF COMMITMENT. "Letter of commitment" means a binding, irrevocable and unconditional agreement by a lender to honor drafts or other demands for payment upon the supplier presenting invoices signed by the purchaser or other proof of delivery.

Subd. 8. LIVESTOCK PRODUCTION INPUT. "Livestock production input" means feed and labor used in raising livestock.

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Subd. 9. **PERSON.** "Person" means an individual or an organization as defined in section 336.1-201, paragraph (30).

Subd. 10. **PETROLEUM PRODUCT.** "Petroleum product" means motor fuels and special fuels that are used in the production of crops and livestock, including petroleum products as defined in section 296.01, alcohol fuels, propane, lubes, and oils.

Subd. 11. **PROCEEDS.** "Proceeds" means proceeds as defined in section 336.9-306 except that if rights or duties are contingent upon express language in a financing statement, the requisite language may exist in a lien-notification statement under section 3, and includes farm products, inventory, warehouse receipts, and documents of title.

Subd. 12. **SEED.** "Seed" means agricultural seeds that are used to produce crops, including agricultural seed as defined in section 21.47.

Subd. 13. **SUPPLIER.** "Supplier" means a person who furnishes agricultural production inputs.

Sec. 3. [514.952] NOTIFICATION; LIEN-NOTIFICATION STATEMENT; EFFECT OF NOTIFICATION.

Subdivision 1. NOTIFICATION TO LENDER. A supplier may notify a lender of an agricultural 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.

Subd. 2. LIEN-NOTIFICATION STATEMENT. The lien-notification statement must be in a form approved by the secretary of state and disclose the following:

- (1) the name and business address of any lender;
- (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 agricultural production input;
- (4) the name, residential address, and signature of the person to whom the agricultural production input was furnished;
- (5) the name and residential address of the owner and a description of the real estate where the crops to which the lien attaches are growing or are to be grown; or for a lien attaching to livestock, the name and residential address of the owner of the livestock, the location where the livestock will be raised, and a description of the livestock; and

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(6) a statement that products and proceeds of the crops or livestock are covered by the agricultural input lien.

Subd. 3. RESPONSE OF LENDER TO NOTIFICATION. 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 of all of the amount in the lien-notification statement; or

(2) a written refusal to issue a letter of commitment.

Subd. 4. EFFECT OF RESPONSE. (a) 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 credit.

(b) If a lender responds with a refusal to provide a letter of credit the rights of the lender and the supplier are not affected.

Subd. 5. EFFECT OF NO RESPONSE. If a lender does not respond to the supplier within ten calendar days after receiving the lien-notification statement, an agricultural production input lien corresponding to the lien-notification statement has priority over any security interest of the lender in the same crops or livestock or their proceeds for the lesser of:

(1) the amount stated in the lien-notification statement;

(2) the unpaid retail cost of the agricultural production input identified in the lien-notification statement; or

(3) for livestock any limitation in section 4, subdivision 2.

Subd. 6. LIEN PRIORITY. An agricultural production input lien does not have priority over liens that arise under chapter 395 or 514, or over perfected security interests for unpaid rent for the land where the crops were grown. Agricultural production input liens are a security interest and have priority according to chapter 336, the uniform commercial code, except as provided in subdivision 5.

Sec. 4. [514.954] LIEN ATTACHMENT.

Subdivision 1. LIEN ON CROPS. A supplier who furnishes crop production inputs has an agricultural input lien for the unpaid retail cost of the crop production inputs. The lien attaches to: (1) the existing crops upon the land where a furnished agricultural chemical was applied, or if crops are not planted, to the next production crop within 16 months following the last date on which the agricultural chemical was applied; (2) the crops produced from furnished seed; or (3) the crops produced, harvested, or processed using a furnished petroleum product. If the crops are grown on leased land and the lease provides

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for payment in crops, the lien does not attach to the lessor's portion of the crops. The lien continues in crop products and proceeds, except that the lien does not continue in grain after a cash sale under section 223.16.

Subd. 2. LIEN ON LIVESTOCK. A supplier who furnishes livestock production inputs has an agricultural production input lien for the unpaid retail cost of the livestock production input. The lien attaches to all livestock consuming the feed and continues in livestock products and proceeds. A perfected agricultural 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.

Subd. 3. TIME OF ATTACHMENT. An agricultural input lien attaches when the agricultural production inputs are furnished by the supplier to the purchaser.

Sec. 5. [514.956] PERFECTION OF LIEN; FILING.

Subdivision 1. PERFECTION. To perfect an agricultural production input lien, the lien must attach and the supplier entitled to the lien must file a lien-notification statement with the appropriate filing office under section 336.9-401 by six months after the last date that the agricultural production input was furnished.

Subd. 2. FAILURE TO PERFECT. An agricultural production input lien that is not perfected has the priority of an unperfected security interest under section 336.9-312.

Subd. 3. DUTIES OF FILING OFFICER. The filing officer shall enter on the lien-notification statement the time of day and date of filing. The filing officer shall file and note the filing of a lien-notification statement under this section in the manner provided by section 336.9-403 for a financing statement.

Sec. 6. [514.958] ENFORCEMENT OF LIEN.

The holder of an agricultural production input lien may enforce the lien in the manner provided in sections 336.9-501 to 336.9-508 subject to section 550.17. For enforcement of the lien, the lienholder is the secured party and the person for whom the agricultural production input was furnished is the debtor, and each has the respective rights and duties of a secured party and a debtor under sections 336.9-501 to 336.9-508. If a right or duty under sections 336.9-501 to 336.9-508 is contingent upon the existence of express language in a security agreement or may be waived by express language in a security agreement, the requisite language does not exist.

Sec. 7. [514.959] ENFORCEMENT ACTIONS; LIEN EXTINGUISHED.

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An action to enforce an agricultural production input lien may be brought in district court in a county where some part of the crop or livestock is located after the lien is perfected. A lien-notification statement may be amended, except the amount demanded, by leave of the court in the furtherance of justice. An agricultural production input lien is extinguished if an action to enforce the lien is not brought within 18 months after the date the lien-notification statement is filed.

Sec. 8. EFFECTIVE DATE.

This act is effective July 1, 1984, except that an agricultural input lien may not attach to crops planted before December 1, 1984.

Approved April 25, 1984

CHAPTER 468 — S.F.No. 1466

An act relating to veterans; changing the eligibility for veteran's preference for civil service employment; amending Minnesota Statutes 1982, sections 43A.11, subdivision 1; and 197.447.

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

Section 1. Minnesota Statutes 1982, section 43A.11, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to United States citizens who entered the military service of this country prior to December 31, 1976 and separated under honorable conditions (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty a veteran as defined in section 197.447.

Sec. 2. Minnesota Statutes 1982, section 197.447, is amended to read:

197.447 VETERAN, DEFINED.

The word "veteran" as used in sections 43A.11, 196.02, 196.07, 197.59, 197.601, and 282.038 means any person who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, and who is a citizen of the United States.

Sec. 3. EFFECTIVE DATE.

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