

Reprinted 3/28/85

MAR 22 1985

HOUSE FILE 712

Place On Calendar

BY COMMITTEE ON AGRICULTURE

(Formerly House Study Bill 279)

Passed House, Date 3-27-85 (p.1112) Passed Senate, Date _____
Vote: Ayes 93 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regarding the filing of documents for evidencing a
2 thresher's or cornsheller's lien.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 712

3461 -

1 Section 1. Section 571.3, Code 1985, is amended to read as
2 follows:

3 571.3 PRESERVATION OF LIEN.

3486

4 In order to preserve said the lien the person entitled
5 thereto to the lien must, within ten days from the completion
6 of the work for which the lien is claimed, file in the office
7 of the ~~clerk-of-the-district-court-of-the-county-in-which-said~~
8 ~~services-were-rendered~~ secretary of state an itemized and
9 verified statement setting forth the services rendered, the
10 number of bushels of grain threshed or corn shelled, the value
11 of said the services, and the name of the person for whom said
12 the services were rendered and the place where said the
13 services were rendered; and the ~~clerk-of-the-district-court~~
14 secretary of state shall note the filing of said the verified
15 statement in a book kept for that purpose and index the same
16 filing under the name of the person for whom such the service
17 was performed.

3486

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EXPLANATION

19 This bill requires that a thresher or cornsheller asserting
20 a lien on crops shall file a verified statement in the office
21 of the secretary of state.

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H-3486

1 Amend House File 712 as follows:

2 1. Page 1, by striking lines 15 through 17 and
 3 inserting the following: "~~statement in-a-book-kept~~
 4 ~~for-that-purpose-and-index-the-same-under-the-name-of~~
 5 ~~the-person-for-whom-such-service-was-performed~~ under
 6 this section in the manner provided by chapter 554 and
 7 shall charge a four dollar filing fee if the statement
 8 is on the standard form prescribed by the secretary of
 9 state, and a five dollar filing fee if the statement
 10 is on another form."

11 2. Page 1, by inserting before line 18 the fol-
 12 lowing:

13 "Sec. ____ . Section 571.4, Code 1985, is amended to
 14 read as follows:

15 571.4 ENFORCEMENT -- TIME LIMIT.

16 Proceedings to enforce said lien must be brought
 17 within thirty days after the filing of ~~said the~~
 18 verified statement and cannot be brought ~~thereafter~~
 19 after the lapse of the thirty days. The lienholder
 20 shall file with the secretary of state a file stamped
 21 copy of the petition to enforce the lien immediately
 22 upon commencing the action."

23 3. Page 1, by inserting before line 18 the
 24 following:

25 "Sec. ____ . NEW SECTION. 571.6 ACKNOWLEDGMENT OF
 26 SATISFACTION.

27 When a lien under this chapter is satisfied by
 28 payment of the claim, the lienholder shall acknowledge
 29 the satisfaction of the claim in writing to the
 30 secretary of state. If the lienholder failed to file
 31 an acknowledgement of satisfaction with the secretary
 32 of state within thirty days after written demand by a
 33 person having an interest in the crop, the lienholder
 34 is liable to the person for a penalty of twenty-five
 35 dollars, plus actual damages incurred as a result of
 36 the failure, plus attorney fees and court costs."

37 4. Title page, line 2, by inserting after the
 38 word "lien" the following: "and providing for a
 39 penalty".

H-3486 FILED MARCH 26, 1985 BY HUGHES of Union

Adopted 3/27 (p. 1112)

HOUSE FILE 712

H-3461

1 Amend House File 712 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 570.1, Code 1985, is amended
5 to read as follows:

6 570.1 LIEN CREATED -- PROPERTY SUBJECTED.

7 A landlord ~~shall have~~ has a lien for the rent upon
8 all crops grown upon the leased premises, and upon any
9 other personal property of the tenant which has been
10 used or kept ~~thereon~~ on the leased premises during the
11 term and which is not exempt from execution. A
12 landlord claiming a lien under this section shall file
13 an itemized and verified statement of the rent claimed
14 due. The statement shall be filed in the office of
15 the secretary of state and shall be filed within sixty
16 days after the time the rent is due and unpaid. The
17 secretary of state shall note the filing of the
18 verified statement in a book kept by the secretary for
19 that purpose and shall index the filing under the name
20 of the tenant."

21 2. Title page, by striking line 2 and inserting
22 the following: "landlord's, thresher's, or
23 cornsheller's lien".

24 3. Renumber as necessary.

H-3461 FILED MARCH 26, 1985 BY HUGHES of Union

H/O 3/27 (p. 1111)

HOUSE FILE 712
BY COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House March 28, 1985)

Passed House, Date 3-28-85 (p. 1112) Passed Senate, Date 3-6-86 (p. 577)
Vote: Ayes 92 Nays 6 Vote: Ayes 46 Nays 0
Approved March 28, 1986 (p. 1116)
Motion to Reconsider 3/7 (p. 619) w/d 3/19 (p. 796)

A BILL FOR

- 1 An Act regarding the filing of documents for evidencing a
- 2 thresher's or cornsheller's lien and providing for a
- 3 penalty.

HOUSE FILE 712
AMENDMENT H-3486
FISCAL NOTE

REQUESTED BY REPRESENTATIVE PELLETT

In compliance with a written request received March 27, 1985, a fiscal note for AMENDMENT H-3486 TO HOUSE FILE 712 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 712 requires a thresher or cornsheller asserting a lien on crops to file a verified statement in the Office of the Secretary of State.

House Amendment 3486 requires the Secretary of State to note the filing of the verified statement in the manner provided by Chapter 554 and to charge a four dollar filing fee for the standard form and a five dollar fee if a different filing form is used.

Fiscal Effect: The approximate fiscal effect of House Amendment 3486 is as follows:

Assumptions:

- (1) There will be five filings per county per year.
- (2) One-half of the filings will be on the standard form and one-half will be on a different form.

Based on the above assumptions, the Secretary of State would annually collect \$2200 in filing fees. The fees shall be deposited in the state general fund. The Secretary of State also estimates a one-time computer programming change (required to upgrade the computer system to perform the required function) of approximately \$1500.

Source: Secretary of State
FILED MARCH 27, 1985

(LSB 2149H, TCF)
BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 571.3, Code 1985, is amended to read as
2 follows:

3 571.3 PRESERVATION OF LIEN.

4 In order to preserve said the lien the person entitled
5 thereto to the lien must, within ten days from the completion
6 of the work for which the lien is claimed, file in the office
7 of the clerk-of-the-district-court-of-the-county-in-which-said
8 services-were-rendered secretary of state an itemized and
9 verified statement setting forth the services rendered, the
10 number of bushels of grain threshed or corn shelled, the value
11 of said the services, and the name of the person for whom said
12 the services were rendered and the place where said the
13 services were rendered; and the clerk-of-the-district-court
14 secretary of state shall note the filing of said the verified
15 statement in-a-book-kept-for-that-purpose-and-index-the-same
16 under-the-name-of-the-person-for-whom-such-service-was
17 performed under this section in the manner provided by chapter
18 554 and shall charge a four dollar filing fee if the statement
19 is on the standard form prescribed by the secretary of state,
20 and a five dollar filing fee if the statement is on another
21 form.

22 Sec. 2. Section 571.4, Code 1985, is amended to read as
23 follows:

24 571.4 ENFORCEMENT -- TIME LIMIT.

25 Proceedings to enforce said lien must be brought within
26 thirty days after the filing of said the verified statement
27 and cannot be brought thereafter after the lapse of the thirty
28 days. The lienholder shall file with the secretary of state a
29 file stamped copy of the petition to enforce the lien
30 immediately upon commencing the action.

31 Sec. 3. NEW SECTION. 571.6 ACKNOWLEDGMENT OF
32 SATISFACTION.

33 When a lien under this chapter is satisfied by payment of
34 the claim, the lienholder shall acknowledge the satisfaction
35 of the claim in writing to the secretary of state. If the

1 lienholder failed to file an acknowledgement of satisfaction
2 with the secretary of state within thirty days after written
3 demand by a person having an interest in the crop, the
4 lienholder is liable to the person for a penalty of twenty-
5 five dollars, plus actual damages incurred as a result of the
6 failure, plus attorney fees and court costs.

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NSB 279

Study Bill 279

Agriculture

Agriculture: Hughes, Chair; Carter and Pellett.

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HOUSE FILE 712

BY (PROPOSED COMMITTEE ON AGRICULTURE BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act regarding the filing of documents for evidencing a
 2 landlord, thresher's or cornsheller's lien.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 570.1, Code 1985, is amended to read as
2 follows:

3 570.1 LIEN CREATED -- PROPERTY SUBJECTED.

4 A landlord ~~shall have~~ has a lien for the rent upon all
5 crops grown upon the leased premises, and upon any other
6 personal property of the tenant which has been used or kept
7 thereon on the leased premises during the term and which is
8 not exempt from execution. A landlord claiming a lien under
9 this section shall file an itemized and verified statement of
10 the rent claimed due. The statement shall be filed in the
11 office of the secretary of state and shall be filed within ten
12 days after the time the rent is due and unpaid. The secretary
13 of state shall note the filing of the verified statement in a
14 book kept by the secretary for that purpose and shall index
15 the filing under the name of the tenant.

16 Sec. 2. Section 571.3, Code 1985, is amended to read as
17 follows:

18 571.3 PRESERVATION OF LIEN.

19 In order to preserve said the lien the person entitled
20 ~~thereto to the lien~~ must, within ten days from the completion
21 of the work for which the lien is claimed, file in the office
22 of the ~~clerk-of-the-district-court-of-the-county-in-which-said~~
23 ~~services-were-rendered~~ secretary of state an itemized and
24 verified statement setting forth the services rendered, the
25 number of bushels of grain threshed or corn shelled, the value
26 of said the services, and the name of the person for whom said
27 the services were rendered and the place where said the
28 services were rendered; and the ~~clerk-of-the-district-court~~
29 secretary of state shall note the filing of said the verified
30 statement in a book kept for that purpose and index the same
31 filing under the name of the person for whom such the service
32 was performed.

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EXPLANATION

34 Section 1 requires a landlord asserting a lien on crops
35 grown on the leased premises for rent of the leased premises

1 to file a verified statement in the office of the secretary of
2 state.

3 Section 2 requires that a thresher or cornsheller asserting
4 a lien on crops shall file a verified statement in the office
5 of the secretary of state.

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HOUSE FILE 712

AN ACT

REGARDING THE FILING OF DOCUMENTS FOR EVIDENCING A THRESHER'S
OR CORNSHELLER'S LIEN AND PROVIDING FOR A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 571.3, Code 1985, is amended to read as follows:

571.3 PRESERVATION OF LIEN.

In order to preserve said the lien the person entitled thereto to the lien must, within ten days from the completion of the work for which the lien is claimed, file in the office of the clerk-of-the-district-court-of-the-county-in-which-said services-were-rendered secretary of state an itemized and verified statement setting forth the services rendered, the number of bushels of grain threshed or corn shelled, the value of said the services, and the name of the person for whom said the services were rendered and the place where said the services were rendered; and the clerk-of-the-district-court secretary of state shall note the filing of said the verified statement in-a-book-kept-for-that-purpose-and-index-the-same under-the-name-of-the-person-for-whom-such-service-was performed under this section in the manner provided by chapter 554 and shall charge a four dollar filing fee if the statement is on the standard form prescribed by the secretary of state, and a five dollar filing fee if the statement is on another form.

Sec. 2. Section 571.4, Code 1985, is amended to read as follows:

571.4 ENFORCEMENT -- TIME LIMIT.

Proceedings to enforce said lien must be brought within thirty days after the filing of said the verified statement and cannot be brought thereafter after the lapse of the thirty days. The lienholder shall file with the secretary of state a

file stamped copy of the petition to enforce the lien immediately upon commencing the action.

Sec. 3. NEW SECTION. 571.6 ACKNOWLEDGMENT OF SATISFACTION.

When a lien under this chapter is satisfied by payment of the claim, the lienholder shall acknowledge the satisfaction of the claim in writing to the secretary of state. If the lienholder failed to file an acknowledgement of satisfaction with the secretary of state within thirty days after written demand by a person having an interest in the crop, the lienholder is liable to the person for a penalty of twenty-five dollars, plus actual damages incurred as a result of the failure, plus attorney fees and court costs.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 712, Seventy-first General Assembly.

Approved March 28, 1986

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor