



## 2025 South Dakota Legislature

# House Bill 1083

Introduced by: **Representative** Greenfield

1 **An Act to modify the requirements for obtaining an agricultural processor's lien.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 38-17-14 be AMENDED:**

4 **38-17-14.** Any person owning and operating farm machinery to process a crop  
 5 has a lien from the date of operation on all grain threshed or combined, corn shelled,  
 6 husked or shredded, silage cut, seeds hulled, or agricultural products baled, mowed,  
 7 ground, raked, or pulverized by the person ~~with the machine~~ for the value of the services  
 8 so rendered in operation.

9 **Section 2. That § 38-17-15 be AMENDED:**

10 **38-17-15.** Any person entitled to a lien under § 38-17-14 shall provide a  
 11 ~~written account stating~~ statement:

12 (1) Indicating the kind and quantity of grain, and the quantity or other agricultural  
 13 product harvested, threshed, shelled, or otherwise processed;i

14 (2) Indicating the price agreed upon for such work, which may not exceed the price  
 15 usually charged for the service;i

16 (3) Indicating the name of the person for whom the work was done, and a description  
 17 of; and

18 (4) Describing the land on which the crop was grown.

19 After making oath to the correctness of the ~~account~~ statement, the person shall  
 20 ~~file the account in the office of the register of deeds in the county in which the land~~  
 21 ~~producing the crop is located, and also in the county of the residence of the person who~~  
 22 ~~produced the crop, if the person is a resident of this state. The office of the register of~~  
 23 ~~deeds shall file and enter the account in the manner required by law in the personal~~  
 24 ~~property index~~ the statement electronically with the secretary of state. The statement is

1        a lien pursuant to chapter 57A-9. The filing serves as notice to all purchasers and  
2        encumbrancers subsequent to the date of the filing.

3        **Section 3. That § 38-17-16 be AMENDED:**

4                **38-17-16.** Any lien under § 38-17-14 has priority over all other liens and  
5        encumbrances upon the grain or other agricultural product, if filed within ~~thirty~~ ninety  
6        days from the day on which the harvesting, threshing, shelling, or other processing was  
7        completed.

8        **Section 4.** This Act is effective beginning January 1, 2027.