



SENATOR DENNIS EGAN

MEMORANDUM

March 30, 2017

To: Senator John Coghill, Chair
Senate Judiciary Committee

From: Sen. Dennis Egan

Re: Sectional Analysis, SB 100

Sec. 1 amends the Code of Civil Procedure to exclude liens authorized by municipal code from the definition of “nonconsensual common law lien.”

Sec. 2 amends the crime of “offering a false instrument for recording in the second degree.” Currently, it is a crime to present a lien to the recorder’s office for recording, filing or registering if the lien was not one authorized by state or federal statute, or if it had not been imposed or authorized by a court of law. This bill section would allow a person to legally record, file or register a municipal lien.

Sec. 3 amends the law listing the general powers of municipalities by adding a new paragraph to let municipalities adopt ordinances authorizing liens securing payment for utility bills, abatement costs, and other fees and charges. This section also, establishes the priority these liens have for payment, in relation to other liens authorized by law.

Sec. 4 amends state law on liens to do the same as in Section 1: the definition of nonconsensual lien will exclude liens provided for by municipal ordinance.