

To: Senate Judiciary

From: Amanda L. Stanley, General Counsel

Date: February 3, 2021

RE: SB 58 Proponent Testimony

We want to thank Chairwoman Warren and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in support of SB 58.

SB 58 amends K.S.A. 58-4301 which deals with the filing of liens or claims against real or personal property. The bill would prohibit an individual from re-filing liens or claims that have already been set aside by the court without judicial approval. The bill would also make it unlawful for any person to file a false lien or claim against the real or personal property of a public official when he or she knows or should reasonably know that the lien or claim is false or contains any materially false, fictitious, or fraudulent statements or representations. Public officials would include public officers, candidates for public office, or public employees.

We have heard concerns from city managers and city clerks across the state about self-proclaimed sovereign citizens filing fictitious liens against city employees and city officials in retaliation for legitimate exercises of municipal authority. While K.S.A. 58-4301 currently provides a mechanism for nullifying these fraudulently filed liens, SB 58 adds additional protections against repeated violations. It also adds necessary criminal penalties to dissuade these types of filings.

Based on these reasons, the League of Kansas Municipalities feels SB 58 will provide additional needed protections for municipal officials and employees. We respectfully request the Committee pass SB 58 to the full Senate for its consideration.