



[Mechanic's Liens and Legislative Sausage](#)



Over the past week or two I've been covering HB 1265, a bill that was working its way through the Virginia General Assembly legislative sausage making process. I gave you my [thoughts on the original bill](#) as written and then on the [somewhat better \(though far from perfect\) amended bill](#).

Well, this past Monday I had the opportunity to take part in the hearing on the bill before the Virginia Senate committee that was considering whether to recommend the amended bill to the

entire Senate for a vote.

This was the first time I'd been a part of the process, but I had a good shepherd through the process in my new friend, and fellow attorney here in Richmond, Lee Stephens. I was also one of two lawyers asked to both get Lee up to speed on Virginia [mechanic's lien](#) law. I was also teed up to testify about those practical issues that I saw with the changes to this ages old statutory scheme (along with a friend, Jim Fullerton).

While I didn't get to testify because the chair of the committee made it clear that my testimony would be seen as redundant, the experience was educational. It quickly became clear that most in the room were against the bill and were members of the Virginia construction community. Jim and Lee testified eloquently, and several representatives of Virginia home builders and material suppliers performed wonderfully, in the approximately 15 minutes we had to make our case that the bill, as written, was filled with unintended consequences and, the bill was ultimately tabled for further consideration between now and the next legislative session (effectively a win for those that were against the bill). The "sausage" was ugly on the way in, but (in my opinion) ended up with the right result.

In short, I got to see an example of how this process works from the inside in a way I, as a [Virginia construction attorney](#) practicing in this area, hadn't seen before. The passion of Virginia construction folks was a great thing to see and it was clear that the committee members were affected by the show of solidarity. The process seemed to work as it was

supposed to, whether you like the result or not and that was gratifying. I was happy to have been a part of it and look forward to helping with the process going forward.

Thanks to Lee, Jim and all of you who read and commented about the bill over the past couple of weeks. I'd love to hear your thoughts on the result.

Image via [Wikipedia](#).

Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.