

SENATE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS GUESS, Davis

Introduced: 1/11/05

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to prerequisites for obtaining and recording a lien for payment of the**
2 **contract price for labor or materials supplied for the construction, alteration, or repair**
3 **of a building or improvement."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 34.35.050 is amended to read:

6 **Sec. 34.35.050. Lien for labor or materials furnished.** A person has a lien,
7 only to the extent provided under this chapter, to secure the payment of the contract
8 price if the person

9 (1) performs labor upon real property **under a contract with** [AT
10 THE REQUEST OF] the owner or the agent of the owner for the construction,
11 alteration, or repair of a building or improvement;

12 (2) is a trustee of an employee benefit trust for the benefit of
13 individuals performing labor on the building or improvement and has a direct contract
14 with the owner or the agent of the owner for direct payments into the trust;

1 (3) furnishes materials that are delivered to real property under a
2 contract with the owner or the agent of the owner that are incorporated in the
3 construction, alteration, or repair of a building or improvement;

4 (4) furnishes equipment that is delivered to and used upon real
5 property under a contract with the owner or the agent of the owner for the
6 construction, alteration, or repair of a building or improvement;

7 (5) performs services under a contract with the owner or the agent of
8 the owner in connection with the preparation of plans, surveys, or architectural or
9 engineering plans or drawings for the construction, alteration, or repair of a building or
10 improvement, whether or not actually implemented on that property; or

11 (6) is a general contractor.

12 * **Sec. 2.** AS 34.35.070 is amended by adding a new subsection to read:

13 (g) The claim of lien must include a copy of

14 (1) the contract or other document demonstrating the existence of the
15 contract; or

16 (2) a court order establishing the existence of a contract.

17 * **Sec. 3.** AS 34.35.120(13) is amended to read:

18 (13) "owner" means a person who owns real property or a possessory
19 interest in real property and who enters into an express [A] contract [, EXPRESS OR
20 IMPLIED,] for a project on that property;