

1 IN THE SENATE

BY SENATOR ROBISON

2 JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 79

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending Sections 26-1-3, 26-1-5,
7 and 26-1-9 ACLA 1949 relating to prior-
8 ities of mechanics' and materialmen's
9 liens and the enforcement thereof, time
10 and place of filing lien claims, and pay-
11 ments by owner to contractor or sub-
12 contractor as discharging lien of work-
13 man or materialmen; and declaring an
14 emergency."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

16 Section 1. Section 26-1-3 ACLA 1949 is amended to read
17 as follows:

18 Section 26-1-3. Priorities: Sale and removal of build-
19 ing or other improvement. All liens (A LIEN) created by
20 this code upon any parcel of land and upon any building or
21 other improvement shall be preferred to (ANY) all liens,
22 mortgages, or other incumbrances which may have attached
23 to the land upon which the building or other improvement
24 shall have been constructed, or situated when altered or
25 repaired, subsequent to the time when the building or other
26 improvement or the alteration or repair thereof was com-
27 menced, or (THE) materials for the same were commenced to
28 be furnished and placed upon or adjacent to the land; (ALSO)
29 and shall be likewise preferred to (ANY) all liens.

1 mortgage, or other incumbrances which (WAS) were unrecorded
2 at the time (WHEN) construction of the building, structure,
3 or other improvement or the alteration or repair thereof
4 was commenced or (OTHER) materials for the same were
5 commenced to be furnished and placed upon or adjacent
6 to the land and all liens created by this code in favor of
7 any person actually performing labor upon any building or
8 other improvement in the original construction thereof shall
9 be preferred to all prior liens, mortgages, or other in-
10 cumbrances upon the land upon which the building or other
11 improvement shall have been constructed (OR SITUATED WHEN
12 ALTERED OR REPAIRED) and in enforcing such lien, such build-
13 ing or other improvement may be sold separately from the land,
14 and when so sold the purchaser may remove the same, within
15 a reasonable time thereafter, not to exceed thirty days,
16 upon the payment to the owner of the land of a reasonable
17 rent for its use from the date of its purchase to the time
18 of removal: Provided, If such removal be prevented by
19 legal proceedings, the thirty days shall not begin to run
20 until the final determination of such proceedings in the
21 court of first resort or the appellate court if appeal be
22 taken.

23 Section 2. Section 26-1-5 AGLA 1949 is amended to read
24 as follows:

25 Section 26-1-5. Lien claim: Time and place of filing:
26 Contents. It shall be the duty of every original contractor,
27 after the completion of his contract, and of every mechanic,
28 artisan, machinist, builder, lumber merchant, laborer, or
29 other person, claiming the benefit of this article, within

1 (NINETY) sixty days after the completion of his contract or
2 the alteration or repair thereof, or after he has ceased to
3 labor thereon from any cause, or after he has ceased to
4 furnish materials therefor, to file with the recorder of the
5 precinct in which such building or other improvement, or
6 some part thereof, shall be situated, a claim containing a
7 true statement of his demand, after deducting all just
8 credits and offsets, with the name of the owner or reputed
9 owner, if known, and also the name of the person by whom he
10 was employed or to whom he furnished the materials, and also
11 a description of the property to be charged with the lien
12 sufficient for identification, which claim shall be verified
13 by the oath of himself or of some other person having know-
14 ledge of the facts.

15 Section 3. Section 26-1-9 ACLA 1949 is amended to read as
16 follows:

17 Section 26-1-9. Payment by owner to contractor or
18 subcontractor as discharging lien of workman or materialman.
19 No payment by the owner of the building or structure to
20 any original contractor or subcontractor, made before
21 (NINETY) sixty days from the completion of the building,
22 shall be valid for the purpose of defeating or discharging
23 any lien created by this chapter (Secs. 26-1-1 - 26-1-14
24 herein) in favor of any workman, laborer, lumber merchant,
25 or materialman, unless such payment so made by the owner of
26 the building or structure to such original contractor or
27 subcontractor has been distributed among such workman, labor-
28 ers, lumber merchants, or materialmen, or, if distributed in
29 part only, then the same shall be valid only to the extent

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the same has been so distributed.

Section 4. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.