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IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
HOUSE CS FOR SENATE BILL NO. 282
IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act creating a lien in favor of an employee when an employer fails to make payments in accordance with a collective bargaining agreement to an employee benefit fund; and providing for an effective date."

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. Art. 2 of Ch. 2, Tit. 43, ACLA 1949, is amended by adding a new section to read:

43-2-14. EMPLOYEE BENEFIT FUND: LIEN IN FAVOR OF EMPLOYEE: ENFORCEMENT. (A) When an employer has entered into a collective bargaining agreement providing for a payment or payments to a medical, health, hospital, welfare or pension fund or such other fund for the benefit of the employees, but fails to make the payments when due, a lien is created in favor of each affected employee on the earnings of his employer and on all property of his employer used in the operation of his employer's business to the extent of the money, plus any penalties due to be paid on the employee's behalf to qualify him for participation in the fund and for any expenses incurred by him for which he would have been entitled to reimbursement under the fund if the required payments had been made.

(B) 1. The lien claimant, his representative or the trustee of the fund on behalf of the claimant, shall file

1 a notice of claim within sixty days after the employer's
2 payment is due with the recorder of the judicial district
3 in which the employer's place of business is located or in
4 which the claimant resides. The notice contains:

5 a. The name of employee;

6 b. The name of the employer and the name
7 of the person employing the claimant, if known;

8 c. A statement of the pertinent terms and
9 conditions of the collective bargaining agreement and
10 the employee benefit plan;

11 d. The date when payments are due and were
12 to have been paid; and

13 e. A statement of the demand including the
14 amounts due to the claimant if any expenses have been
15 incurred.

16 2. The notice of claim of lien shall be served on
17 the employer in the same manner as a summons and complaint
18 in civil actions or mailed to him by registered mail.

19 (C) The lien created by the filing of the notice of
20 claim of lien is enforced within the same time and in the
21 same manner as a mechanics' lien is foreclosed if the lien
22 is on real property, or as a chattel lien is enforced if the
23 lien is on personal property. The court may allow, as part
24 of the costs of the action, the filing and recording fees
25 for the notice of claim, reasonable attorney's fees,
26 and court costs.

27 (D) The lien created under subsec. (a) of this section
28 is preferred and superior to any encumbrance which may
29 attach after the employer's payments became due and is

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also preferred and superior to any encumbrance which may have attached previously, but which was not filed or recorded, and of which the lien claimant had no notice.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.