

LEG. FINANCE - BILLS 1979 - 1980 1313

SB 228 cont., thru SB 236 1313

1	over \$25,000	a fee of \$150
2	above \$25,000 and not	
3	over \$50,000	a fee of \$500
4	above \$50,000 and not	
5	over \$75,000	a fee of \$750
6	above \$75,000 and not	
7	over \$100,000	a fee of \$1000
8	above \$100,000 and not	
9	over \$150,000	a fee of \$1500
10	above \$150,000 and not	
11	over \$200,000	a fee of \$2000
12	above \$200,000 and not	
13	over \$300,000	a fee of \$3000
14	above \$300,000 and not	
15	over \$400,000	a fee of \$4000
16	above \$500,000	<u>1 per cent of the business</u>
17		<u>transacted</u>
18		[A FEE OF \$5000]

19 * Sec. 2. AS 04.10.040(a) is amended to read:

20 (a) The holder of a beverage dispensary license may sell for

21 cash or serve on the premises beer, wine and hard liquors for consump-

22 tion on the premises only. The beverage dispensary license fee is

23 ^{6.75}~~\$750~~ [\$500] in all unincorporated communities and incorporated cities

24 having a population not exceeding 1,500 persons and ¹³²⁵~~\$1500~~ [\$1,000] in

25 all unincorporated communities and incorporated cities having a popula-

26 tion in excess of 1,500 persons. The population shall be determined

27 at the time of filing the application. Each applicant for a beverage

28 dispensary license shall file with the application a cash bond or a

29 surety bond executed by a surety company approved by the board. The

1 condition of the bond or undertaking shall be that the applicant or
2 applicants are the sole owners of the business to be licensed, and
3 that no other person is financially interested directly or indirectly,
4 and that the applicant or applicants will conduct the business in
5 accordance with the applicable laws pertaining to intoxicating liquor
6 in the state. The bond shall be in the penal sum of \$2,500. Upon
7 revocation of the license, the bond may be forfeited and the amount
8 deposited into the general fund of the state.

9 * Sec. 3. AS 04.10.050 is amended to read:

10 Sec. 04.10.050. RESTAURANT LICENSE. The holder of a restaurant
11 license may sell beer and wine in a restaurant with meals furnished in
12 good faith to patrons. The restaurant license fee is ~~\$500~~⁴⁰⁰ [\$300].

13 * Sec. 4. AS 04.10.060 is amended to read:

14 Sec. 04.10.060. ROADHOUSE LICENSE. The holder of a roadhouse
15 license whose licensed premises are located not less than 18 miles
16 from the corporate limits of a city and who serves food to the travel-
17 ing public, may sell beer and wine for consumption on the premises
18 only. The roadhouse license fee is ~~\$250~~²⁰⁰ [\$150].

19 * Sec. 5. AS 04.10.070 is amended to read:

20 Sec. 04.10.070. CLUB LICENSE. A club license gives to clubs,
21 fraternal organizations, and patriotic organizations, that have a
22 state or national charter, and that have been so incorporated and
23 active for a period of two years or more, the right to sell intoxicat-
24 ing liquors to members and their families only in their club rooms.
25 The club license fee is ~~\$800~~⁵⁵⁰ [\$400], except that where any club has
26 certified to the board that the gross sales of intoxicating liquor for
27 the preceding year were less than \$5,000 the club license fee is ~~\$200~~²⁷⁵.

28 * Sec. 6. AS 04.10.080 is amended to read:

29 Sec. 04.10.080. BOTTLING WORKS LICENSE. The holder of a bottling

1 works license may operate a bottling works where beer and wine may be
2 bottled and sold. No sale of beer or wine may be made to a consumer
3 or in quantities less than five wine gallons. The bottling works
4 license fee is ¹⁵⁰~~\$500~~ [\$100].

5 * Sec. 7. AS 04.10.100 is amended to read:

6 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license
7 may sell for cash in his establishment intoxicating liquors in the
8 original packages and wine in bulk. All liquor requiring annual
9 revenue strip stamps shall have the stamps intact upon the packages.
10 The consumption of intoxicating liquor on premises licensed under this
11 provision is prohibited. Sales under a retail license are limited to
12 less than 20 wine gallons to any one person in any one sale. The
13 retail license fee is ⁸⁰⁰~~\$1,000~~ [\$600], but the retail license fee for a
14 retail liquor store having gross sales from the sale of intoxicating
15 liquors not exceeding \$20,000 in any calendar year is ⁴⁰⁰~~\$300~~.

16 * Sec. 8. AS 43.60.010(a) is amended to read:

17 (a) Every brewer, distiller, bottler, jobber, retailer, whole-
18 saler, or manufacturer who sells intoxicating liquors in the state or
19 who consigns shipments of intoxicating liquors into the state, whether
20 or not the liquors are brewed, distilled, bottled, or manufactured in
21 the state, shall pay on all malt beverages (alcoholic content of one
22 per cent or more by volume), wines, and hard or distilled liquors, the
23 following taxes: (1) malt beverages at the rate of ^{27 1/2}~~32 1/2~~ [25] cents a
24 gallon or fraction of a gallon; (2) wine or other liquor of ~~less than~~
25 ^{or less} ~~14~~ [21] per cent alcohol by volume ~~{OR LESS}~~ at the rate of ^{.80}~~\$1~~ [60
26 CENTS] a gallon or fraction of a gallon; ~~(3) wine or other liquor of~~
27 ~~at least 14 per cent alcohol by volume but not more than 21 per cent~~
28 ~~alcohol by volume at the rate of \$1.35 a gallon or fraction of a~~
29 ~~gallon; and (4) [(3)] other liquors having a content of more than 21~~

1 per cent alcohol by volume at the rate of \$5 [\$4.00] a gallon.

2 * Sec. 9. This Act takes effect July 1, 1979.

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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/23/90
Date

SB230

SENATE FINANCE COMMITTEE
BILL CHECKLIST

- 1. Committee Copy-Current Bill
 - 2. History Cover Form
 - 3. Printed Copies:
 - Original Bill
 - Committee Substitutes or Amendments
 - 4. SFC Committee Report Form
 - 5. Fiscal Information:
 - Note in File
 - Note Requested Date _____
 - Other Financial Backup
 - (See Below) _____
- Backup:
- Handouts
 - Letter from Governor
 - Letter from Sponsor
 - Completed Committee Reports
 - Committee COMPLETED
 - Other

COMMITTEE REPORT
SENATE

2/23/79

FURTHER: Finance

Date: March 15, 1979

Mr. President:

The Committee on COMMERCE has had SB 230

special appropriation to the Dept. of Transportation & Public Facilities to construct a road from Goose Bay to Point MacKenzie

under consideration and ~~(a majority of the committee)~~ (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back with ^{individual} ~~out~~ recommendations

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Brad Bradley

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly - No Rec
Arlio Sturkulowski - Funds
for advance reconnaissance
Only.
Serguson - No Rec

Brad Bradley
CHAIRMAN

<u>Funding Information</u>	
General Fund	\$8,000,000
Other Funds	-0-
	<u>\$8,000,000</u>

Introduced: 2/23/79
 Referred: Commerce and
 Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 230

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
 7 ment of Transportation and Public Facilities to con-
 8 struct a road from Goose Bay to Point MacKenzie; and
 9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. It is the intent of the legislature that the appropriation
 12 made in this Act be used to construct 20.5 miles of gravel road which follows
 13 route D as identified in the "Goose Bay to Point MacKenzie Highway Corridor
 14 Route Reconnaissance" dated 1979 which was prepared for the Matanuska-Susitna
 15 Borough.

16 * Sec. 2. The sum of \$8,000,000 is appropriated from the general fund to
 17 the Department of Transportation and Public Facilities to construct a road
 18 from Goose Bay to Point MacKenzie.

19 * Sec. 3. The appropriation made by this Act is for a capital project and
 20 is subject to AS 37.25.020.

21 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
 22 070(c).

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COMMITTEE ON

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

SENATE BILL NO. 230

By KERTTULA

"An Act making a special appropriation to the Department of Transportation and Public Facilities to construct a road from Goose Bay to Point Mackenzie; and providing for an effective date."

Introduced in the Senate 2/23/79, 19....

HISTORY IN THE SENATE

19 79	Read first time and referred to Committee on Commerce, <i>FINANCE</i>												
2 23													
3 15	Reported back with <i>Comm</i> recommendation that <i>1 do pass 2 more. TO Finance</i>												
	Read second time and												
	Read third time and												
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Absent	Absent												
Excused	Excused												
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Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Sent to House												
	SECRETARY OF THE SENATE												

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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Reconsideration													
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Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Returned to Senate												
	CHIEF CLERK OF THE HOUSE												

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Sackett

Funding Information	
General Fund	\$8,000,000
Other Funds	-0-
	<u>\$8,000,000</u>

Introduced: 2/23/79
Referred: Commerce and Finance

IN THE SENATE

BY KERTTULA

SENATE BILL NO. 230

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Transportation and Public Facilities to construct a road from Goose Bay to Point MacKenzie; and providing for an effective date."

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

* Section 1. It is the intent of the legislature that the appropriation made in this Act be used to construct 20.5 miles of gravel road which follows route D as identified in the "Goose Bay to Point MacKenzie Highway Corridor Route Reconnaissance" dated 1979 which was prepared for the Matanuska-Susitna Borough.

* Sec. 2. The sum of \$8,000,000 is appropriated from the general fund to the Department of Transportation and Public Facilities to construct a road from Goose Bay to Point MacKenzie.

* Sec. 3. The appropriation made by this Act is for a capital project and is subject to AS 37.25.020.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-070(c).

Inform him it will have to be part of a Capital bill, cap budget or bond.

This is in the Gov's Capital Budget and in POT supplemental. This bill need not move.

Take up the flight crew resolution



From The

**SENATE
FINANCE COMMITTEE**

3/11/80

Cathy

Add SB 230 to
your dead bill list.

G

Keep this copy in the
orig. bill file.

G

SEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. S.B. 230
 Title Road from Goose Bay to Point Mackenzie
 Requested by Kerttula Date 2/23/79

II. FISCAL DETAIL
 Agency Affected DOT/PF
 Program Category Affected Design & Construction
 Budget Request Unit(s) Affected Highway Design & Construction

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		100				
200 TRAVEL						
300 CONTRACTUAL		8600				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		370				
700 GRANTS, CLAIMS, ETC.						
TOTAL		9070				

FUNDING (Thousands of Dollars)

GENERAL FUND		9070				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Department's Highway Construction Cost Index indicates construction costs are increasing around 10% annually. The estimate in the Reconnaissance was \$8,270,000 and was made in the fall of 1978. The 1978 estimate has been adjusted to 1979 dollars.

IV. DATE 2-28-79 PREPARED BY Harry Keller
 AGENCY DOT/PF
 PHONE 364-3323
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Funding Information
General Fund \$8,000,000
Other Funds -0-
\$8,000,000

Introduced: 2/23/79
Referred: Commerce and
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 230

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities to con-
8 struct a road from Goose Bay to Point MacKenzie; and
9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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12 made in this Act be used to construct 20.5 miles of gravel road which follows
13 route D as identified in the "Goose Bay to Point MacKenzie Highway Corridor
14 Route Reconnaissance" dated 1979 which was prepared for the Matanuska-Susitna
15 Borough.

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17 the Department of Transportation and Public Facilities to construct a road
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20 is subject to AS 37.25.020.

21 * Sec. 4. This Act takes effect immediately in accordance with AS 01.i0.-
22 070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 26, 1979

SUBJECT: SB 234 (Finance) - Materialmen and
Mechanics Liens Section-by-Section Analysis

TO: Representative Russ Meekins, Jr.
ATTN: Mike Doogan

FROM: James L. Baldwin *James L. Baldwin*
Legislative Counsel

You have requested a section by section analysis of HCSSB 234 (Finance) (mechanics and materialman liens).

The analysis follows and consists of a brief summary of the provisions of HCSSB 234 (Finance) followed by a summary of existing laws.

Section 1: Amends AS 34.35.064(c).

SB 234:

Lien claimants may give a notice of right to lien after contracting to improve an owners real property.

Existing law:

All claimants except landowners and prime contractors must give a notice of right to lien before they may claim a lien.

Section 2: Amends AS 34.35 by adding new sections.

Sec. 34.35.068 new section added.

SB 234:

The provisions of AS 34.35.070(b) are restated which specify the time limit for claiming liens when a notice of completion is not recorded by the owner.

Representative Russ Meekins, Jr.
Page 2
April 26, 1979

Existing law:

AS 34.35.070(b) is repealed in sec. 9 of SB 234.

SB 234:

The provisions of AS 34.35.071(c) are restated which specify the time limit for claiming a lien if a notice of completion has been recorded by an owner but permits a lien claimant to claim a lien if a lien claim or a notice of right to lien is recorded not later than 10 days after the date the owner records a notice of completion. The owner must give advance notice of the date he will record a notice of completion to all claimants who have given him a notice of right to lien.

If a lien claimant gives a notice of right to lien within 10 days after the date a notice of completion is recorded by the owner, he gains additional time to record his claim of lien (up to 90 days). Lien claimants who gave a notice of right to lien but who did not receive notice of the recording of a notice of completion have up to 90 days after they finish their work to claim a lien.

Existing law:

Under AS 34.35.071(a)(2) an owner is required to give advance notice of the date that he will record a notice of completion. The advance notice must be given to all lien claimants who have given the owner a notice of right to lien not later than 10 days before the recordation date of the notice of completion. Under AS 34.35.071(c) a claimant who receives advance notice of the recordation of a notice of completion must claim his lien not later than 10 days after the notice of completion is recorded. AS 34.35.071(c) is repealed in sec. 9 of SB 234.

Sec. 34.35.069, new section added.

SB 234:

This section requires lien claimants, other than laborers, to obtain a written acknowledgment of lien rights from an owner before they may claim liens if the the lien claimant is providing labor, materials, services or equipment at the request of a person other than the owner.

Existing law:

No comparable provision exists.

Section 3: Amends AS 34.35.070(a).

SB 234:

Allows lien claimants other than laborers to claim a lien at any time after entering into a contract if that claimant has obtained an acknowledgment of lien rights from the owner.

Existing law:

A lien may be claimed by a claimant other than a laborer or a prime contractor only after a notice of right to lien has been given to the owner.

Section 4: Amends AS 34.35.095.

SB 234:

This amendment adds a reference to a later subsection in AS 34.35.095 which specifies the amount of a lien that may be claimed by a laborer.

Existing law:

AS 34.35.095(b) is repealed in sec. 9 of the bill. That provision limits the amount of lien claims by allowing claims only for labor, materials, service or equipment furnished 10 days before and any time after a notice of right to lien is given by a claimant.

Section 5: Amends AS 34.35.112.

SB 234:

This amendment clarifies the status of prime contractors in the order of distribution of proceeds from a foreclosure sale. Under the new lien law enacted in Ch. 175, SLA 1978, prime contractors were inadvertently excluded from the order of distribution.

Representative Russ Meekins, Jr.
Page 4
April 26, 1979

Section 6: AS 34.35.114 added.

SB 234:

This section requires the disclosure of certain information by prime contractors and other claimants after a request is received from another claimant. This section also requires lenders to inform senders of notices of right to lien if the legal description of the owner's land in the notice is incorrect or if the owner named in the notice is not a customer of the lender.

A minimum civil penalty is established for failure to give the information requested by this section.

Section 7: Amends AS 34.35.120(14) and (15).

SB 234:

This section:

(1) amends the definition of "prime contractor" to clearly provide that a materialman may be a prime contractor; and

(2) amends the definition of subcontractor to exclude a materialman.

Section 8: Amends AS 34.35.120.

SB 234:

A definition of materialman is added.

JLB:jdn

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: ~~FINANCE~~ _____

TO: HCS _____ HOUSE BILL No. _____

SENATE BILL No. 234 _____

PAGE: 6 _____

LINE: 9 _____

Section 11 is deleted, and a new Section 11 is added to read: "This Act takes effect immediately in accordance with AS 01.10.070(c).

A M E N D M E N T

OFFERED IN THE HOUSE:

By: W. H. HAYES

To: HCSSB HOUSE BILL No. _____

SENATE BILL No. 234

PAGE: 6

LINE: 9

Section 11 is deleted, and a new Section 11 is added to read: "This Act takes effect immediately in accordance with AS 01.10.070(c).

Original sponsor: Commerce Committee
by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 234 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to materialmen's and mechanics' liens;
7 and providing for an effective date."

8

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

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* Section 1. AS 34.35.064(a) is amended to read:

10

(a) After [AT ANY TIME AFTER] entering into a contract, a claimant

11

may [OTHER THAN A PRIME CONTRACTOR OR AN INDIVIDUAL AS DEFINED IN AS

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34.35.120(10) SHALL] give a notice of right to lien to the owner and the

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lender. The notice of right to lien shall be in writing, state that it

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is a notice of a right to assert a lien against a building or other

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improvement for labor, materials, services, or equipment furnished in

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connection with construction, alteration, or repair of the building or

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other improvement, and contain

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(1) a legal description sufficient for identification of the

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real property upon which the building or other improvement is located;

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(2) the name of the owner;

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(3) the name and address of the claimant;

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(4) the name and address of the person with whom the claimant

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contracted;

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(5) a general description of the labor, materials, services,

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or equipment provided or to be provided;

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(6) a statement that the claimant may be entitled to record a

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claim of lien; and

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(7) the following statement in type no smaller than that used

29

in providing the information required by (1) - (6) of this subsection:

1 WARNING: Unless provision has been made for payment of this claim,
2 you may be liable for payment directly to this claimant, notwith-
3 standing the fact that payment has been made to a prime contractor
4 or other party.

5 * Sec. 2. AS 34.35 is amended by adding new sections to read:

6 Sec. 34.35.068. TIME PERIODS FOR CLAIMING LIENS. (a) If a notice
7 of completion is not recorded by the owner as provided in AS 34.35.071,
8 a claim of lien shall be recorded not later than 90 days after the
9 claimant

10 (1) completes his construction contract; or

11 (2) ceases to furnish labor, material, services or equip-
12 ment for the construction, alteration or repair of the owner's pro-
13 perty.

14 (b) If a notice of completion is recorded by the owner as provided
15 in AS 34.35.071,

16 (1) the following shall record a claim of lien or a notice of
17 right to lien not later than 10 days after the notice of completion is
18 recorded:

19 (A) a claimant who has received advance notification of
20 the date that the notice of completion is recorded as provided in
21 AS 34.35.071(a)(2);

22 (B) a claimant who has not given a notice of right to
23 lien as permitted in AS 34.35.064;

24 (2) the following shall record a claim of lien not later than
25 the time specified in (a)(1) and (2) of this section:

26 (A) a claimant who records a notice of right to lien
27 before or within the period specified in (1) of this subsection;

28 (B) a claimant who has given a notice of right to lien
29 but who has not received advance notice of the date that the notice

1 of completion is recorded by the owner as provided in AS 34.35.-
2 071(a)(2).

3 (c) A claim of lien is enforceable only if recorded by a claimant
4 within the time specified in (a) or (b) of this section.

5 Sec. 34.35.069. ACKNOWLEDGEMENT OF RIGHT TO LIEN. (a) A person
6 other than an individual as defined in AS 34.35.120(10) may not claim a
7 lien under AS 34.35.050 - 34.35.120 for furnishing labor, materials,
8 services, or equipment to a person other than the owner of the real
9 property being improved unless at the time he records a claim of lien as
10 provided in AS 34.35.070 or a notice of right to lien as provided in
11 AS 34.35.067, he also records an authenticated copy of an acknowledgment
12 of right to lien received from the owner.

13 (b) An acknowledgment of right to lien must be signed by the
14 owner, be denominated "acknowledgment of right to lien", and state:

- 15 (1) the effective date of the acknowledgment;
16 (2) the name of the person to whom the acknowledgment is
17 directed;
18 (3) the name and address of the owner;
19 (4) the name and address of the lender providing construction
20 financing;
21 (5) the name and address of the person who is to furnish
22 labor, materials, services, or equipment;
23 (6) the real property being or intended to be improved or
24 directly benefited, with a legal description sufficient for identifica-
25 tion;
26 (7) a brief description of the labor, materials, services, or
27 equipment to be furnished to the person named in (5) of this subsection;
28 (8) that the owner acknowledges the right of the person to
29 claim a lien to secure payment for the cost of labor, materials, ser-

1 vices, or equipment furnished by the person named in (5) of this subsec-
2 tion for the construction, alteration, or repair of improvements on the
3 owner's real property.

4 (c) An acknowledgment of right to lien may state its duration. If
5 no duration is stated, the duration of an acknowledgment of right to
6 lien is one year from the effective date stated in the acknowledgment.

7 (d) Unless an acknowledgment of right to lien states that the
8 owner will acknowledge lien rights only for certain types or quantities
9 of labor, materials, services, or equipment, the acknowledgment applies
10 to all labor, services, materials, or equipment furnished to the person
11 named in the acknowledgment and used in the construction, alteration or
12 repair of the owner's real property.

13 * Sec. 3. AS 34.35.070(a) is amended to read:

14 (a) Subject to the provisions of AS 34.35.069(a), a [A] claimant
15 [MAY RECORD A CLAIM OF LIEN AFTER A NOTICE OF RIGHT TO LIEN IS GIVEN BY
16 THAT CLAIMANT EXCEPT THAT A CLAIMANT WHO IS NOT REQUIRED TO GIVE A
17 NOTICE OF RIGHT TO LIEN UNDER AS 34.35.064(a)] may record a claim of
18 lien after entering into a contract for the construction, alteration, or
19 repair of a building or improvement. A claim of lien may not be re-
20 corded later than the time specified under AS 34.35.068 [(b) OF THIS
21 SECTION].

22 * Sec. 4. AS 34.35.095(a) is amended to read:

23 (a) Except as provided in (c) of this section, a claimant [A PRIME
24 CONTRACTOR] may recover upon a lien recorded by him only the amount due
25 to him according to the terms of his contract, after deducting all
26 claims of other persons claiming through him for work done and materials
27 furnished.

28 * Sec. 5. AS 34.35.112 is amended to read:

29 Sec. 34.35.112. PAYMENT OF CLAIMANT'S LIENS. (a) If more than

1 one lien created under AS 34.35.050 - 34.35.120 is claimed against
2 property, the court in its judgment shall declare the rank of each lien
3 or class of liens in the following order:

4 (1) all persons other than prime contractors or subcontrac-
5 tors with lien rights under AS 34.35.050(1);

6 (2) the trustees of employment benefit trusts for persons
7 described in (1) of this subsection;

8 (3) all materialmen [OTHER THAN PRIME CONTRACTORS OR SUB-
9 CONTRACTORS];

10 (4) subcontractors, including prime contractors other than
11 the general contractor and persons described in AS 34.35.050(5);

12 (5) the general contractor.

13 (b) For purposes of AS 34.35.050 - 34.35.120, if the proceeds of
14 sale of the property are insufficient to pay the lien claims of all
15 persons who have recorded a claim of lien,

16 (1) the liens of all individuals with lien rights under
17 AS 34.35.050(1) shall first be paid in full, or pro rata if the proceeds
18 are insufficient to pay them in full;

19 (2) the liens of trustees of employment benefit trusts for
20 persons described in (1) of this subsection shall be paid in full or pro
21 rata if the proceeds are insufficient to pay them in full;

22 (3) the liens of materialmen [, OTHER THAN A PRIME CONTRACTOR
23 OR SUBCONTRACTOR,] shall be paid in full or pro rata if the proceeds are
24 insufficient to pay them in full;

25 (4) out of the remainder the subcontractors, including prime
26 contractors other than the general contractor, shall be paid in full, or
27 pro rata if the remainder is insufficient to pay them in full; and

28 (5) the balance shall be paid to the general contractor; a
29 general contractor is entitled to execution for the balance due him

1 after distribution.

2 * Sec. 6. AS 34.35 is amended by adding a new section to read:

3 Sec. 34.35.114. OBLIGATION OF CLAIMANT AND LENDER TO PROVIDE
4 INFORMATION. (a) A prime contractor, on request, shall provide the
5 following information within five days to any person entitled to claim a
6 lien through him:

7 (1) a description of the real property being improved suffi-
8 cient to identify the property;

9 (2) the name and address of the owner with whom the prime
10 contractor contracted;

11 (3) the name and address of the lender providing construction
12 financing; and

13 (4) whether there is a payment bond and, if so, the name of
14 the surety.

15 (b) At the request of any person who may claim a lien through him,
16 a claimant other than a prime contractor shall provide within five days,
17 the name of the person who contracted for the furnishing by the claimant
18 of the labor, materials, services or equipment from which a lien claim
19 may arise.

20 (c) A lender who receives a notice of right to lien which contains
21 a legal description of the owner's real property different from that on
22 file with the lender shall, within five working days after receiving the
23 notice, advise the sender in writing of the deficiencies in the notice
24 of right to lien.

25 (d) A lender who receives a notice of right to lien which desig-
26 nates a person as an owner who is not receiving construction financing
27 from the lender shall, within five working days after receiving the
28 notice, advise the sender in writing that the lender is not providing
29 construction financing to the owner named in the notice of right to

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lien.

(e) An owner or his agent who fails to provide information as required by this section or who furnishes incorrect information which causes a claimant to fail to realize on a lien is liable to the requesting party for actual damages or \$200, whichever is greater.

* Sec. 7. AS 34.35.120(14) and (15) are amended to read:

(14) "prime contractor" means a person who enters into a contract directly with an owner to furnish labor, materials, services, or equipment for the construction, alteration or repair of a building or other improvement on the owner's real property;

(15) "subcontractor" means a person who enters into a contract with a prime contractor to furnish labor, services, or equipment for the construction, alteration or repair of a building or other improvement on the owner's real property and does not include a materialman.

* Sec. 8. AS 34.35.120 is amended by adding a new paragraph to read:

(16) "materialman" means a person who furnishes materials used in the construction, alteration or repair of the owner's real property.

* Sec. 9. AS 34.35.070(b), 34.35.071(c) and 34.35.095(b) are repealed.

* Sec. 10. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

Original sponsor: Commerce Committee
by request

Offered: 4/25/79
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 234

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to materialmen's and mechanics' liens;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 34.35.050 is amended by adding a new subsection to read:

10 (b) The delivery of materials to the site of the building or other
11 improvement, whether by the claimant or another person, creates the
12 presumption that the materials were incorporated in the construction,
13 alteration or repair of the building or other improvement.

14 * Sec. 2. AS 34.35.064(a) is amended to read:

15 (a) After [AT ANY TIME AFTER] entering into a contract, a claimant
16 may [OTHER THAN A PRIME CONTRACTOR OR AN INDIVIDUAL AS DEFINED IN AS
17 34.35.120(10) SHALL] give a notice of right to lien to the owner and the
18 lender. The notice of right to lien shall be in writing, state that it
19 is a notice of a right to assert a lien against a building or other
20 improvement for labor, materials, services, or equipment furnished in
21 connection with construction, alteration, or repair of the building or
22 other improvement, and contain

23 (1) a legal description sufficient for identification of the
24 real property upon which the building or other improvement is located;

25 (2) the name of the owner;

26 (3) the name and address of the claimant;

27 (4) the name and address of the person with whom the claimant
28 contracted;

29 (5) a general description of the labor, materials, services,

1 or equipment provided or to be provided;

2 (6) a statement that the claimant may be entitled to record a
3 claim of lien; and

4 (7) the following statement in type no smaller than that used
5 in providing the information required by (1) - (6) of this subsection:

6 WARNING: Unless provision has been made for payment of this claim,
7 you may be liable for payment directly to this claimant, notwith-
8 standing the fact that payment has been made to a prime contractor
9 or other party.

10 * Sec. 3. AS 34.35 is amended by adding a new section to read:

11 Sec. 34.35.068. TIME PERIODS FOR CLAIMING LIENS. (a) If a notice
12 of completion is not recorded by the owner as provided in AS 34.35.071,
13 a claim of lien shall be recorded not later than 90 days after the
14 claimant

15 (1) completes his construction contract; or

16 (2) ceases to furnish labor, material, services or equipment
17 for the construction, alteration or repair of the owner's property.

18 (b) If a notice of completion is recorded by the owner as provided
19 in AS 34.35.071,

20 (1) the following shall record a claim of lien or a notice of
21 right to lien not later than 15 days after the notice of completion is
22 recorded:

23 (A) a claimant who has received advance notification of
24 the date that the notice of completion would be recorded as pro-
25 vided in AS 34.35.071(a)(2);

26 (B) a claimant who has not given a notice of right to
27 lien as permitted in AS 34.35.064;

28 (2) the following shall record a claim of lien not later than
29 the time specified in (a)(1) and (2) of this section:

1 (A) a claimant who records a notice of right to lien
2 within the period specified in (1) of this subsection;

3 (B) a claimant who has given a notice of right to lien
4 but who has not received advance notice of the date that the notice
5 of completion is recorded by the owner as provided in AS 34.35.-
6 071(a)(2).

7 (c) A claim of lien is enforceable only if recorded by a claimant
8 within the time specified in (a) or (b) of this section.

9 * Sec. 4. AS 34.35.070(a) is amended to read:

10 (a) A claimant [MAY RECORD A CLAIM OF LIEN AFTER A NOTICE OF RIGHT
11 TO LIEN IS GIVEN BY THAT CLAIMANT EXCEPT THAT A CLAIMANT WHO IS NOT
12 REQUIRED TO GIVE A NOTICE OF RIGHT TO LIEN UNDER AS 34.35.064(a)] may
13 record a claim of lien after entering into a contract for the construc-
14 tion, alteration, or repair of a building or improvement. A claim of
15 lien may not be recorded later than the time specified under AS 34.35.-
16 068 [(b) OF THIS SECTION].

17 * Sec. 5. AS 34.35.095(a) is amended to read:

18 (a) Except as provided in (c) of this section, a claimant [A PRIME
19 CONTRACTOR] may recover upon a lien recorded by him only the amount due
20 to him according to the terms of his contract, after deducting all
21 claims of other persons claiming through him for work done and materials
22 furnished.

23 * Sec. 6. AS 34.35.112 is amended to read:

24 Sec. 34.35.112. PAYMENT OF CLAIMANT'S LIENS. (a) If more than
25 one lien created under AS 34.35.050 - 34.35.120 is claimed against
26 property, the court in its judgment shall declare the rank of each lien
27 or class of liens in the following order:

28 (1) all persons other than prime contractors or subcontrac-
29 tors with lien rights under AS 34.35.050(1);

1 (2) the trustees of employment benefit trusts for persons
2 described in (1) of this subsection;

3 (3) all materialmen [OTHER THAN PRIME CONTRACTORS OR SUB-
4 CONTRACTORS];

5 (4) subcontractors, including prime contractors other than
6 the general contractor and persons described in AS 34.35.050(5);

7 (5) the general contractor.

8 (b) For purposes of AS 34.35.050 - 34.35.120, if the proceeds of
9 sale of the property are insufficient to pay the lien claims of all
10 persons who have recorded a claim of lien,

11 (1) the liens of all individuals with lien rights under
12 AS 34.35.050(1) shall first be paid in full, or pro rata if the proceeds
13 are insufficient to pay them in full;

14 (2) the liens of trustees of employment benefit trusts for
15 persons described in (1) of this subsection shall be paid in full or pro
16 rata if the proceeds are insufficient to pay them in full;

17 (3) the liens of materialmen [, OTHER THAN A PRIME CONTRACTOR
18 OR SUBCONTRACTOR,] shall be paid in full or pro rata if the proceeds are
19 insufficient to pay them in full;

20 (4) out of the remainder the subcontractors, including prime
21 contractors other than the general contractor, shall be paid in full, or
22 pro rata if the remainder is insufficient to pay them in full; and

23 (5) the balance shall be paid to the general contractor; a
24 general contractor is entitled to execution for the balance due him
25 after distribution.

26 * Sec. 7. AS 34.35 is amended by adding a new section to read:

27 Sec. 34.35.114. OBLIGATION OF CLAIMANT AND LENDER TO PROVIDE
28 INFORMATION. (a) A prime contractor, on request, shall provide the
29 following information within five days to any person entitled to claim a

1 lien through him:

2 (1) a description of the real property being improved suffi-
3 cient to identify the property;

4 (2) the name and address of the owner with whom the prime
5 contractor contracted;

6 (3) the name and address of the lender providing construction
7 financing; and

8 (4) whether there is a payment bond and, if so, the name of
9 the surety.

10 (b) At the request of any person who may claim a lien through him,
11 a claimant other than a prime contractor shall provide within five days,
12 the name of the person who contracted for the furnishing by the claimant
13 of the labor, materials, services or equipment from which a lien claim
14 may arise.

15 (c) A lender who receives a notice of right to lien which contains
16 a legal description of the owner's real property different from that on
17 file with the lender shall, within five working days after receiving the
18 notice, advise the sender in writing of the deficiencies in the notice
19 of right to lien.

20 (d) A person who wilfully fails to provide information as required
21 by this section or who wilfully furnishes incorrect information which
22 causes a claimant to fail to realize on a lien is liable to the re-
23 questing party for actual damages or \$200, whichever is greater.

24 * Sec. 8. AS 34.35.120(14) and (15) are amended to read:

25 (14) "prime contractor" means a person who enters into a con-
26 tract directly with an owner to furnish labor, services, or equipment
27 for the construction, alteration or repair of a building or other
28 improvement on the owner's real property and does not include a material-
29 man;

1 (15) "subcontractor" means a person who enters into a contract
2 with a prime contractor to furnish labor, services, or equipment for the
3 construction, alteration or repair of a building or other improvement
4 on the owner's real property and does not include a materialman.

5 * Sec. 9. AS 34.35.120 is amended by adding a new paragraph to read:

6 (16) "materialman" means a person who furnishes materials used
7 in the construction, alteration or repair of the owner's real property.

8 * Sec. 10. AS 34.35.070(b), 34.35.071(c) and 34.35.095(b) are repealed.

9 * Sec. 11. This Act ~~takes effect~~ January 1, 1980.
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Introduced: 3/2/79
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE
BY REQUEST

2 SENATE BILL NO. 234

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to materialmen's and mechanics' liens;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 34.35.064(a) is amended to read:

10 (a) After [AT ANY TIME AFTER] entering into a contract, a claimant
11 may [OTHER THAN A PRIME CONTRACTOR OR AN INDIVIDUAL AS DEFINED IN AS
12 34.35.120(10) SHALL] give a notice of right to lien to the owner and the
13 lender. The notice of right to lien shall be in writing, state that it
14 is a notice of a right to assert a lien against a building or other
15 improvement for labor, materials, services, or equipment furnished in
16 connection with construction, alteration, or repair of the building or
17 other improvement, and contain

18 (1) a legal description sufficient for identification of the
19 real property upon which the building or other improvement is located;

20 (2) the name of the owner;

21 (3) the name and address of the claimant;

22 (4) the name and address of the person with whom the claim
23 contracted;

24 (5) a general description of the labor, materials, services,
25 or equipment provided or to be provided;

26 (6) a statement that the claimant may be entitled to record a
27 claim of lien; and

28 (7) the following statement in type no smaller than that used
29 in providing the information required by (1) - (6) of this subsection:

1 WARNING: Unless provision has been made for payment of this claim,
2 you may be liable for payment directly to this claimant, notwith-
3 standing the fact that payment has been made to a prime contractor
4 or other party.

5 * Sec. 2. AS 34.35 is amended by adding new sections to read:

6 Sec. 34.35.068. TIME PERIODS FOR CLAIMING LIENS. (a) If a notice
7 of completion is not recorded by the owner as provided in AS 34.35.071,
8 a claim of lien shall be recorded not later than 90 days after the
9 claimant

10 (1) completes his construction contract;

11 (2) ceases to labor on the owner's property for any cause; or

12 (3) ceases to furnish labor, material, services or equipment
13 for the construction, alteration or repair of the owner's property.

14 (b) If a notice of completion is recorded by the owner as provided
15 in AS 34.35.071,

16 (1) the following shall record a claim of lien or a notice of
17 right to lien not later than 10 days after the notice of completion is
18 recorded:

19 (A) a claimant who has received advance notification of
20 the date that the notice of completion is recorded as provided in
21 AS 34.35.071(a)(2);

22 (B) a claimant who has not given a notice of right to
23 lien as permitted in AS 34.35.064;

24 (2) the following shall record a claim of lien not later than
25 the time specified in (a)(1) - (3) of this section:

26 (A) a claimant who records a notice of right to lien
27 within the period specified in (1) of this subsection;

28 (B) a claimant who has given a notice of right to lien
29 but who has not received advance notice of the date that the notice

1 of completion is recorded by the owner as provided in AS 34.35.-
2 071(a)(2).

3 (c) A claim of lien is enforceable only if recorded by a claimant
4 within the time specified in (a) or (b) of this section.

5 Sec. 34.35.069. ACKNOWLEDGEMENT OF RIGHT TO LIEN. (a) A person
6 other than an individual as defined in AS 34.35.120(10) may not claim a
7 lien under AS 34.35.050 - 34.35.120 for furnishing labor, materials,
8 services, or equipment to a person other than the owner of the real
9 property being improved unless at the time he records a claim of lien as
10 provided in AS 34.35.070 or a notice of right to lien as provided in
11 AS 34.35.067, he also records an authenticated copy of an acknowledgment
12 of right to lien received from the owner.

13 (b) An acknowledgment of right to lien must be signed by the
14 owner, be denominated "acknowledgment of right to lien", and state:

- 15 (1) the effective date of the acknowledgment;
- 16 (2) the name of the person to whom the acknowledgment is
17 directed;
- 18 (3) the name and address of the owner;
- 19 (4) the name and address of the lender providing construction
20 financing;
- 21 (5) the name and address of the person who is to furnish
22 labor, materials, services, or equipment;
- 23 (6) the real property being or intended to be improved or
24 directly benefited, with a legal description sufficient for identifica-
25 tion;
- 26 (7) a brief description of the labor, materials, services, or
27 equipment to be furnished to the person named in (5) of this subsection;
- 28 (8) that the owner acknowledges the right of the person to
29 claim a lien to secure payment for the cost of labor, materials, ser-

1 vices, or equipment furnished by the person named in (5) of this subsec-
2 tion for the construction, alteration, or repair of improvements on the
3 owner's real property.

4 (c) An acknowledgment of right to lien may state its duration. If
5 no duration is stated, the duration of an acknowledgment of right to
6 lien is one year from the effective date stated in the acknowledgment.

7 (d) Unless an acknowledgment of right to lien states that the
8 owner will acknowledge lien rights only for certain types or quantities
9 of labor, materials, services, or equipment, the acknowledgment applies
10 to all labor, services, materials, or equipment furnished to the person
11 named in the acknowledgment and used in the construction, alteration or
12 repair of the owner's real property.

13 * Sec. 3. AS 34.35.070(a) is amended to read:

14 (a) Subject to the provisions of AS 34.35.069(a), a [A] claimant
15 [MAY RECORD A CLAIM OF LIEN AFTER A NOTICE OF RIGHT TO LIEN IS GIVEN BY
16 THAT CLAIMANT EXCEPT THAT A CLAIMANT WHO IS NOT REQUIRED TO GIVE A
17 NOTICE OF RIGHT TO LIEN UNDER AS 34.35.064(a)] may record a claim of
18 lien after entering into a contract for the construction, alteration, or
19 repair of a building or improvement. A claim of lien may not be re-
20 corded later than the time specified under AS 34.35.068 [(b) OF THIS
21 SECTION].

22 * Sec. 4. AS 34.35.095(a) is amended to read:

23 (a) Except as provided in (c) of this section, a claimant [A PRIME
24 CONTRACTOR] may recover upon a lien recorded by him only the amount due
25 to him according to the terms of his contract, after deducting all
26 claims of other persons claiming through him for work done and materials
27 furnished.

28 * Sec. 5. AS 34.35.112 is amended to read:

29 Sec. 34.35.112. PAYMENT OF CLAIMANT'S LIENS. (a) If more than

1 one lien created under AS 34.35.050 - 34.35.120 is claimed against
2 property, the court in its judgment shall declare the rank of each lien
3 or class of liens in the following order:

4 (1) all persons other than prime contractors or subcontractors with lien rights under AS 34.35.050(1);

5 (2) the trustees of employment benefit trusts for persons
6 described in (1) of this subsection;

7 (3) all materialmen [OTHER THAN PRIME CONTRACTORS OR SUB-
8 CONTRACTORS];

9 (4) subcontractors, including prime contractors other than
10 the general contractor and persons described in AS 34.35.050(5);

11 (5) the general contractor.

12 (b) For purposes of AS 34.35.050 - 34.35.120, if the proceeds of
13 sale of the property are insufficient to pay the lien claims of all
14 persons who have recorded a claim of lien,

15 (1) the liens of all individuals with lien rights under
16 AS 34.35.050(1) shall first be paid in full, or pro rata if the proceeds
17 are insufficient to pay them in full;

18 (2) the liens of trustees of employment benefit trusts for
19 persons described in (1) of this subsection shall be paid in full or pro
20 rata if the proceeds are insufficient to pay them in full;

21 (3) the liens of materialmen [, OTHER THAN A PRIME CONTRACTOR
22 OR SUBCONTRACTOR,] shall be paid in full or pro rata if the proceeds are
23 insufficient to pay them in full;

24 (4) out of the remainder the subcontractors, including prime
25 contractors other than the general contractor, shall be paid in full, or
26 pro rata if the remainder is insufficient to pay them in full; and

27 (5) the balance shall be paid to the general contractor; a
28 general contractor is entitled to execution for the balance due him
29

1 after distribution.

2 * Sec. 6. AS 34.35 is amended by adding a new section to read:

3 Sec. 34.35.114. OBLIGATION OF CLAIMANT AND LENDER TO PROVIDE
4 INFORMATION. (a) A prime contractor, on request, shall provide the
5 following information within five days to any person entitled to claim a
6 lien through him:

7 (1) a description of the real property being improved suffi-
8 cient to identify the property;

9 (2) the name and address of the owner with whom the prime
10 contractor contracted;

11 (3) the name and address of the lender providing construction
12 financing; and

13 (4) whether there is a payment bond and, if so, the name of
14 the surety.

15 (b) At the request of any person who may claim a lien through him,
16 a claimant other than a prime contractor shall provide within five days,
17 the name of the person who contracted for the furnishing by the claimant
18 of the labor, materials, services or equipment from which a lien claim
19 may arise.

20 (c) A lender who receives a notice of right to lien which contains
21 a legal description of the owner's real property different from that on
22 file with the lender shall, within five working days after receiving the
23 notice, advise the sender in writing of the deficiencies in the notice
24 of right to lien.

25 (d) A lender who receives a notice of right to lien which desig-
26 nates a person as an owner who is not receiving construction financing
27 from the lender shall, within five working days after receiving the
28 notice, advise the sender in writing that the lender is not providing
29 construction financing to the owner named in the notice of right to

1 lien.

2 (e) A person who fails to provide information as required by this
3 section or who furnishes incorrect information which causes a claimant
4 to fail to realize on a lien is liable to the requesting party for
5 actual damages or \$200, whichever is greater.

6 * Sec. 7. AS 34.35.120(14) and (15) are amended to read:

7 (14) "prime contractor" means a person who enters into a con-
8 tract directly with an owner to furnish labor, materials, services, or
9 equipment for the construction, alteration or repair of a building or
10 other improvement on the owner's real property;

11 (15) "subcontractor" means a person who enters into a contract
12 with a prime contractor to furnish labor, services, or equipment for the
13 construction, alteration or repair of a building or other improvement
14 on the owner's real property and does not include a materialman.

15 * Sec. 8. AS 34.35.120 is amended by adding a new paragraph to read:

16 (16) "materialman" means a person who furnishes materials used
17 in the construction, alteration or repair of the owner's real property.

18 * Sec. 9. AS 34.35.070(b), 34.35.071(c) and 34.35.095(b) are repealed.

19 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

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Original sponsor: Commerce Committee
by request

Offered: 4/25/79
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 234

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to materialmen's and mechanics' liens;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 34.35.050 is amended by adding a new subsection to read:

10 (b) The delivery of materials to the site of the building or other
11 improvement, whether by the claimant or another person, creates the
12 presumption that the materials were incorporated in the construction,
13 alteration or repair of the building or other improvement.

14 * Sec. 2. AS 34.35.064(a) is amended to read:

15 (a) After [AT ANY TIME AFTER] entering into a contract, a claimant
16 may [OTHER THAN A PRIME CONTRACTOR OR AN INDIVIDUAL AS DEFINED IN AS
17 34.35.120(10) SHALL] give a notice of right to lien to the owner and the
18 lender. The notice of right to lien shall be in writing, state that it
19 is a notice of a right to assert a lien against a building or other
20 improvement for labor, materials, services, or equipment furnished in
21 connection with construction, alteration, or repair of the building or
22 other improvement, and contain

23 (1) a legal description sufficient for identification of the
24 real property upon which the building or other improvement is located;

25 (2) the name of the owner;

26 (3) the name and address of the claimant;

27 (4) the name and address of the person with whom the claimant
28 contracted;

29 (5) a general description of the labor, materials, services,

1 or equipment provided or to be provided;

2 (6) a statement that the claimant may be entitled to record a
3 claim of lien; and

4 (7) the following statement in type no smaller than that used
5 in providing the information required by (1) - (6) of this subsection:

6 WARNING: Unless provision has been made for payment of this claim,
7 you may be liable for payment directly to this claimant, notwith-
8 standing the fact that payment has been made to a prime contractor
9 or other party.

10 * Sec. 3. AS 34.35 is amended by adding a new section to read:

11 Sec. 34.35.068. TIME PERIODS FOR CLAIMING LIENS. (a) If a notice
12 of completion is not recorded by the owner as provided in AS 34.35.071,
13 a claim of lie.. shall be recorded not later than 90 days after the
14 claimant

15 (1) completes his construction contract; or

16 (2) ceases to furnish labor, material, services or equipment
17 for the construction, alteration or repair of the owner's property.

18 (b) If a notice of completion is recorded by the owner as provided
19 in AS 34.35.071,

20 (1) the following shall record a claim of lien or a notice of
21 right to lien not later than 15 days after the notice of completion is
22 recorded:

23 (A) a claimant who has received advance notification of
24 the date that the notice of completion would be recorded as pro-
25 vided in AS 34.35.071(a)(2);

26 (B) a claimant who has not given a notice of right to
27 lien as permitted in AS 34.35.064;

28 (2) the following shall record a claim of lien not later than
29 the time specified in (a)(1) and (2) of this section:

1 (A) a claimant who records a notice of right to lien
2 within the period specified in (1) of this subsection;

3 (B) a claimant who has given a notice of right to lien
4 but who has not received advance notice of the date that the notice
5 of completion is recorded by the owner as provided in AS 34.35.-
6 071(a)(2).

7 (c) A claim of lien is enforceable only if recorded by a claimant
8 within the time specified in (a) or (b) of this section.

9 * Sec. 4. AS 34.35.070(a) is amended to read:

10 (a) A claimant [MAY RECORD A CLAIM OF LIEN AFTER A NOTICE OF RIGHT
11 TO LIEN IS GIVEN BY THAT CLAIMANT EXCEPT THAT A CLAIMANT WHO IS NOT
12 REQUIRED TO GIVE A NOTICE OF RIGHT TO LIEN UNDER AS 34.35.064(a)] may
13 record a claim of lien after entering into a contract for the construc-
14 tion, alteration, or repair of a building or improvement. A claim of
15 lien may not be recorded later than the time specified under AS 34.35.-
16 068 [(b) OF THIS SECTION].

17 * Sec. 5. AS 34.35.095(a) is amended to read:

18 (a) Except as provided in (c) of this section, a claimant [A PRIME
19 CONTRACTOR] may recover upon a lien recorded by him only the amount due
20 to him according to the terms of his contract, after deducting all
21 claims of other persons claiming through him for work done and materials
22 furnished.

23 * Sec. 6. AS 34.35.112 is amended to read:

24 Sec. 34.35.112. PAYMENT OF CLAIMANT'S LIENS. (a) If more than
25 one lien created under AS 34.35.050 - 34.35.120 is claimed against
26 property, the court in its judgment shall declare the rank of each lien
27 or class of liens in the following order:

28 (1) all persons other than prime contractors or subcontractors
29 with lien rights under AS 34.35.050(1);

1 (2) the trustees of employment benefit trusts for persons
2 described in (1) of this subsection;

3 (3) all materialmen [OTHER THAN PRIME CONTRACTORS OR SUB-
4 CONTRACTORS];

5 (4) subcontractors, including prime contractors other than
6 the general contractor and persons described in AS 34.35.050(5);

7 (5) the general contractor.

8 (b) For purposes of AS 34.35.050 - 34.35.120, if the proceeds of
9 sale of the property are insufficient to pay the lien claims of all
10 persons who have recorded a claim of lien,

11 (1) the liens of all individuals with lien rights under
12 AS 34.35.050(1) shall first be paid in full, or pro rata if the proceeds
13 are insufficient to pay them in full;

14 (2) the liens of trustees of employment benefit trusts for
15 persons described in (1) of this subsection shall be paid in full or pro
16 rata if the proceeds are insufficient to pay them in full;

17 (3) the liens of materialmen [, OTHER THAN A PRIME CONTRACTOR
18 OR SUBCONTRACTOR,] shall be paid in full or pro rata if the proceeds are
19 insufficient to pay them in full;

20 (4) out of the remainder the subcontractors, including prime
21 contractors other than the general contractor, shall be paid in full, or
22 pro rata if the remainder is insufficient to pay them in full; and

23 (5) the balance shall be paid to the general contractor; a
24 general contractor is entitled to execution for the balance due him
25 after distribution.

26 * Sec. 7. AS 34.35 is amended by adding a new section to read:

27 Sec. 34.35.114. OBLIGATION OF CLAIMANT AND LENDER TO PROVIDE
28 INFORMATION. (a) A prime contractor, on request, shall provide the
29 following information within five days to any person entitled to claim a

1 lien through him:

2 (1) a description of the real property being improved suffi-
3 cient to identify the property;

4 (2) the name and address of the owner with whom the prime
5 contractor contracted;

6 (3) the name and address of the lender providing construction
7 financing; and

8 (4) whether there is a payment bond and, if so, the name of
9 the surety.

10 (b) At the request of any person who may claim a lien through him,
11 a claimant other than a prime contractor shall provide within five days,
12 the name of the person who contracted for the furnishing by the claimant
13 of the labor, materials, services or equipment from which a lien claim
14 may arise.

15 (c) A lender who receives a notice of right to lien which contains
16 a legal description of the owner's real property different from that on
17 file with the lender shall, within five working days after receiving the
18 notice, advise the sender in writing of the deficiencies in the notice
19 of right to lien.

20 (d) A person who wilfully fails to provide information as required
21 by this section or who wilfully furnishes incorrect information which
22 causes a claimant to fail to realize on a lien is liable to the re-
23 questing party for actual damages or \$200, whichever is greater.

24 * Sec. 8. AS 34.35.120(14) and (15) are amended to read:

25 (14) "prime contractor" means a person who enters into a con-
26 tract directly with an owner to furnish labor, services, or equipment
27 for the construction, alteration or repair of a building or other
28 improvement on the owner's real property and does not include a material-
29 man;

1 (15) "subcontractor" means a person who enters into a contract
2 with a prime contractor to furnish labor, services, or equipment for the
3 construction, alteration or repair of a building or other improvement
4 on the owner's real property and does not include a materialman.

5 * Sec. 9. AS 34.35.120 is amended by adding a new paragraph to read:

6 (16) "materialman" means a person who furnishes materials used
7 in the construction, alteration or repair of the owner's real property.

8 * Sec. 10. AS 34.35.070(b), 34.35.071(c) and 34.35.095(b) are repealed.

9 * Sec. 11. This Act takes effect January 1, 1980.
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RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/23/90
Date

JB 236

SENATE FINANCE COMMITTEE
BILL CHECKLIST

1. Committee Copy-Current Bill ✓
 2. History Cover Form ✓
 3. Printed Copies:
Original Bill ✓
Committee Substitutes or
Amendments _____
 4. SFC Committee Report Form ✓
 5. Fiscal Information:
Note in File _____
Note Requested _____ Date _____
Other Financial Backup _____
(See Below) _____
- Backup:
- Handouts _____
 - Letter from Governor _____
 - Letter from Sponsor _____
 - Completed Committee Reports _____
 - Committee Commerce ✓
 - Other _____

→ Testimony - Ben Benediktsson
Mgr - AK Trucking Assoc

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE CS FOR SENATE BILL NO. 236
 Title An Act continuing the existence of the Alaska Transportation Commission and
 Requested by amending the laws relating to its responsibilities; and providing for an effective date. Date _____

II. FISCAL DETAIL

Agency Affected Alaska Transportation Commission
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected 08-53-4-005
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		-0-	-0-			
200 TRAVEL		-0-	-0-			
300 CONTRACTUAL		-0-	-0-			
400 COMMODITIES		-0-	-0-			
500 EQUIPMENT		-0-	-0-			
600 LAND & STRUCTURES		-0-	-0-			
700 GRANTS, CLAIMS, ETC.		-0-	-0-			
TOTAL		-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-	-0-			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Keith H. Miller, Chmn.

IV. DATE 4-25-79 PREPARED BY Robert J. Cacy, Jr., Executive Dir.
 AGENCY Alaska Transportation Commission
 PHONE 276-1177
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE - PAGE 2

HOUSE CS FOR SENATE BILL NO. 236

III. ANALYSIS

Section 1 - AS 44.66.010(2) No Fiscal Impact.

Section 2 - AS 02.05.035(1) Rotary Wing Aircraft. This statute will have minimal effect upon the Commission. No addition or reduction of employees will be required.

AS 02.05.035(2) Fixed Wing Aircraft under 12,500 GTOW. This subsection does not become effective until FY 81, therefore does not have a fiscal impact in FY 80.

Section 3 - AS 39.25.120(12) No Fiscal Impact.

Section 4 - AS 42.07.101 No Fiscal Impact.

Section 5 - AS 42.07.121 Removes the Bus Act AS 42.15 and the Ferry Act AS 42.25 from regulation. There were only 26 cases concerning bus transportation before this Commission in FY 79. No addition or reduction in employees required. Reduction in revenue \$10.6 from highway weight fee tax.

Section 6 - AS 42.07.126 No Fiscal Impact. Removes all Commission jurisdiction over bus and ferry transportation.

Section 7 - AS 42.07.131 No Fiscal Impact.

Section 8 - AS 42.07.135 Insurance
Effect on 02.05.035 No Fiscal Impact.
Effect on 42.07.126 No Fiscal Impact.
Effect on 42.10.020 No Fiscal Impact.

Section 9 - AS 42.10.070(5) Tow trucks. No Fiscal Impact.

Section 10 - AS 42.10.090(2) No Fiscal Impact.

Section 11 - AS 42.15 and AS 42.25
See Section 5 effects.

Section 12 - AS 02.05.035(2) See Section 2. Fixed wing aircraft.

Introduced: 3/8/79
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 SENATE BILL NO. 236

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Alaska Trans-
7 portation Commission; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 44.66.010(a)(2) is amended to read:

11 (2) Alaska Transportation Commission (AS 42.07.011) --

12 June 30, 1980 [1979];

13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
14 070(c).

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ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • Phone (907) 276-1149

TESTIMONY ON SB 236

"An Act continuing the existence of the Alaska Transportation Commission; and providing for an effective date."

For the record, I am Ben Benediktsson, Managing Director of the Alaska Trucking Association. Our 500 members are vitally interested in the entire subject of sunset legislation for the Alaska Transportation Commission.

We strongly support the continuation of the ATC and for the most part concur in the findings of the Budget and Audit review of the ATC conducted last year.

There are certain areas however, which would diverge from the findings of the Senate Commerce Committee relative to the ATC. We feel that it was the intent of the sunset legislation to either continue those agencies and boards which are reviewed for the stated 4-year period or to abolish them. Senate Bill 236 simply puts off a decision as to whether or not the ATC is functioning in the public interest. We feel this has several serious drawbacks in terms of senate scheduling and the basic function of the ATC as well. To be forced to reconsider continuation of the ATC next year puts an unnecessary additional load on the state legislature.

Field rep. / tariff spec

Under sunset law, there are additional boards and committees that must be reviewed next year. Among them is the Public Utilities Commission which we feel will be the subject of even more testimony and committee action than was necessary for the ATC.

We consider that a one-year extension would also represent a very poor management decision as far as the continuation of ATC functions are concerned. During this next year the ATC will be required to replace certain key personnel who will be retiring. With a very tenuous future, dictated by the language of SB 236 we feel it would be very difficult to hire the highly skilled and qualified people who are necessary for the ATC to function as the law requires.

intent of bill

Specifically, we offer the following recommendations:

1) That the language in section 1 of the bill be modified to read "1983" vice "1980" on line 12.

1981

2) We offer a substitute Sec. 2 as follows:

Section 2. AS 44.66.010 is amended to read: (d)
The Alaska Transportation Commission shall make

annual reports to the legislature on 1 January of each year specifically reporting on progress toward rectifying discrepancies noted in the last Division of Legislative Audit Performance Review.

3) That section 2 in the present bill be changed to section 3 and remain as is.

The Performance Review of the ATC contained a recommendation to conduct an economic study of the effects of regulation/deregulation in the state. It is our contention that this should be done through a combination of public hearings held by the legislature and an in-depth economic study conducted by a private consulting group outside state government. With the recommendation made in sub paragraph 2 above, this could be combined into an in-depth review of the underlying concepts which support the functioning of the Alaska Transportation Commission.

It is our understanding that the ATC has developed a preliminary plan of reorganization which will clarify and correct some of the discrepancies in the recently concluded performance review. The combination of Senate Bill 236 with the suggested amendments, together with Senate Bill 60, and Senate Bill 97 will go far toward resolving the problems of the ATC.

In summary, it is the position of the Alaska Trucking Association that the ATC should continue. We recognize that the organization is not perfect. However, the one-year extension proposed under Senate Bill 236, we do not feel will do anything but further complicate their situation.

Legislature would
monitor the ATC by
reviewing their
submitted yearly
reports.

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Introduced: 3/8/79
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

SENATE BILL NO. 236

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Alaska Transportation Commission; and providing for an effective date."

7

8

9

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

10

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COMMITTEE REPORT
SENATE

Finance
Rosen

FURTHER:

3/8/79

Date: March 18, 1979

Mr. President:

The Committee on COMMERCE has had SB 236 continuing the existence of the Alaska Transportation Commission

under consideration and (~~a majority of the committee~~) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without ^{individual} recommendations
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

1. Wilbur Sturgulinski
Brad Bradley

MEMBERS HAVING
OTHER RECOMMENDATIONS:

1. Tim Kelly - No Rec
2. Jimmy Hansen - No Rec

1. Brad Bradley
CHAIRMAN

Introduced: 3/13/79
Referred: Community and
Regional Affairs and Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

SENATE BILL NO. 237 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to business license fees; and provid-
7 ing for an effective date."

7

8

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

9

* Section 1. AS 43.70.030(a) is repealed and re-enacted to read:

10

(a) Until December 31, 1979, the license fee for each business is

11

\$25. After December 31, 1979, the license fee for each business is

12

based on the gross receipts of the business for the calendar year pre-

13

ceding the tax year for which the license fee is levied under this

14

section, according to the following schedule:

15

gross receipts for preceding

amount of business

16

calendar year

license fee

17

\$25,000 or less

\$ 30

18

more than \$25,000 but not exceeding \$100,000

\$ 35

19

more than \$100,000 but not exceeding \$1,000,000

\$ 75

20

more than \$1,000,000

\$100

21

* Sec. 2. AS 43.70.030(d) is amended to read:

22

(d) The license fee levied by (a) of this section must accompany

23

the application for a license under this chapter [THE FEE OF \$25

24

APPLIES TO ALL OF THE PROVISIONS OF THIS SECTION, AND SHALL ACCOMPANY

25

THE APPLICATION]. The balance under (b) of this section, if any, is due

26

and payable on the last day of the taxpayer's tax year and shall be paid

27

before the 15th day of the third month following the end of the tax

28

year, except that the time for filing the return may be extended as

29

provided in (b) of this section. To enable accurate determination of

1 the balance of the tax due at the end of each year, each person to whom
2 this chapter applies shall keep records, give statements under oath, and
3 make returns which the department requires. Returns are made under
4 penalty of perjury.

5 * Sec. 3. AS 43.70.030 is amended by adding a new subsection to read:

6 (e) For purposes of the business license fee schedule set out in
7 (a) of this section, gross receipts are the gross receipts reported by
8 the business for the preceding tax year under AS 43.20. If the business
9 did not exist or had no gross receipts during the preceding tax year,
10 the business license fee is \$30.

11 * Sec. 4. AS 43.70.110(1) is amended to read:

12 (1) "Business" includes all activities or acts, personal,
13 professional, or corporate, engaged in or caused to be engaged in, or
14 following or engaging in a trade, profession, or business, including
15 receipts from the sale of alcoholic beverages, advertising services,
16 rental of personal or real property, construction, processing, or man-
17 ufacturing, [BUT EXCLUDING FISHERIES BUSINESS, FISHERMEN, LIQUOR LICEN-
18 SES, INSURANCE BUSINESSES, MINING, AND COIN-OPERATED AMUSEMENT AND
19 GAMING MACHINES,] calling or vocation, with the object of financial or
20 pecuniary gain, profit or benefit, either direct or indirect, and not
21 exempting subactivities producing marketable commodities or services
22 used or consumed in the main business activity, each of which subactivi-
23 ties shall be considered business. The giving or supplying of services
24 as an employee and the furnishing of property, services, substances, or
25 things, by a person who does not hold himself out as regularly engaging
26 in those transactions, does not constitute business under the meaning of
27 this chapter.

28 * Sec. 5. This Act takes effect on the date that a version of Senate Bill
29 No. 2 (An Act relating to the comprehensive recycling and reduction of litter

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHIED
TO ASSURE LEGIBILITY**



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/23/90
Date

Introduced: 3/13/79
Referred: Community and
Regional Affairs and Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

SENATE BILL NO. 237 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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license fee

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\$25,000 or less

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more than \$25,000 but not exceeding \$100,000

\$ 35

19

more than \$100,000 but not exceeding \$1,000,000

\$ 75

20

more than \$1,000,000

\$100

21

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27 this chapter.

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29 No. 2 (An Act relating to the comprehensive recycling and reduction of litter)

1 becomes effective.

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Introduced: 3/13/79
Referred: Community and
Regional Affairs and Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE BILL NO. 237 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to business license fees; and provid-
7 ing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 43.70.030(a) is repealed and re-enacted to read:

10 (a) Until December 31, 1979, the license fee for each business is
11 \$25. After December 31, 1979, the license fee for each business is
12 based on the gross receipts of the business for the calendar year pre-
13 ceding the tax year for which the license fee is levied under this
14 section, according to the following schedule:

15 gross receipts for preceding	amount of business
16 calendar year	license fee
17 \$25,000 or less	\$ 30
18 more than \$25,000 but not exceeding \$100,000	\$ 35
19 more than \$100,000 but not exceeding \$1,000,000	\$ 75
20 more than \$1,000,000	\$100

21 * Sec. 2. AS 43.70.030(d) is amended to read:

22 (d) The license fee levied by (a) of this section must accompany
23 the application for a license under this chapter [THE FEE OF \$25
24 APPLIES TO ALL OF THE PROVISIONS OF THIS SECTION, AND SHALL ACCOMPANY
25 THE APPLICATION]. The balance under (b) of this section, if any, is due
26 and payable on the last day of the taxpayer's tax year and shall be paid
27 before the 15th day of the third month following the end of the tax
28 year, except that the time for filing the return may be extended as
29 provided in (b) of this section. To enable accurate determination of

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1 the balance of the tax due at the end of each year, each person to whom
2 this chapter applies shall keep records, give statements under oath, and
3 make returns which the department requires. Returns are made under
4 penalty of perjury.

5 * Sec. 3. AS 43.70.030 is amended by adding a new subsection to read:

6 (e) For purposes of the business license fee schedule set out in
7 (a) of this section, gross receipts are the gross receipts reported by
8 the business for the preceding tax year under AS 43.20. If the business
9 did not exist or had no gross receipts during the preceding tax year,
10 the business license fee is \$30.

11 * Sec. 4. AS 43.70.110(1) is amended to read:

12 (1) "Business" includes all activities or acts, personal,
13 professional, or corporate, engaged in or caused to be engaged in, or
14 following or engaging in a trade, profession, or business, including
15 receipts from the sale of alcoholic beverages, advertising services,
16 rental of personal or real property, construction, processing, or man-
17 ufacturing, [BUT EXCLUDING FISHERIES BUSINESS, FISHERMEN, LIQUOR LICEN-
18 SES, INSURANCE BUSINESSES, MINING, AND COIN-OPERATED AMUSEMENT AND
19 GAMING MACHINES,] calling or vocation, with the object of financial or
20 pecuniary gain, profit or benefit, either direct or indirect, and not
21 exempting subactivities producing marketable commodities or services
22 used or consumed in the main business activity, each of which subactivi-
23 ties shall be considered business. The giving or supplying of services
24 as an employee and the furnishing of property, services, substances, or
25 things, by a person who does not hold himself out as regularly engaging
26 in those transactions, does not constitute business under the meaning of
27 this chapter.

28 * Sec. 5. This Act takes effect on the date that a version of Senate Bill
29 No. 2 (An Act relating to the comprehensive recycling and reduction of litter

1 becomes effective.

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ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

SENATE BILL NO. 237

By THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

"An Act relating to business license fees; and providing for an effective date."

Introduced in the Senate 3/13/79, 1979

HISTORY IN THE SENATE

19 79		Read first time and referred to Committee on <i>wauch</i> Community & Reg. Affairs and Finance
3 13		Reported back with <i>Jenone</i> recommendation that <i>1 does not</i>
3 14		<i>4 more: 2 do not</i>
3 20		<i>Rule: Calendar 3/21</i>
3 21		Read second time and <i>amended & advanced</i>
3 21		Read third time and
3 21		PASS Effective Date Yeas 15 Yeas Nays 5 Nays <i>same</i> Absent Absent Excused Excused
		Reconsideration PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
3 21		Reported correctly engrossed
3 21		Signed by President
3 21		Sent to House
		<i>Ray Williams</i> SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 79		Read first time and referred to Committee on <i>State Affairs</i>
mar 22		Reported back with <i>Jodillary</i> recommendation that
		Read second time and
		Read third time and
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reconsideration PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
		CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.