

SENATE CS FOR CS FOR HOUSE BILL NO. 386(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 4/11/96
Referred: Finance

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Finkelstein, B.Davis, Robinson, Davies

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals and to the power of first and second
2 class boroughs to prohibit cruelty to animals."

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

4 * Section 1. AS 11.61.140(a) is amended to read:

5 (a) A person commits the crime of cruelty to animals if the person

6 (1) knowingly [INTENTIONALLY] inflicts severe [AND
7 PROLONGED] physical pain or prolonged suffering on an animal;

8 (2) with criminal negligence, [RECKLESSLY] neglects an animal and,
9 as a result of that neglect, causes the death of the animal or causes severe physical
10 pain or prolonged suffering to the animal; or

11 (3) kills an animal by the use of a decompression chamber.

12 * Sec. 2. AS 11.61.140(b) is amended to read:

13 (b) It is a defense to a prosecution under (a)(1) or (2) of this section that the
14 conduct of the defendant

- 1 (1) conformed to accepted veterinary or animal husbandry practice;
- 2 (2) was part of scientific research governed by accepted standards; or
- 3 (3) was necessarily incident to lawful hunting or trapping activities.

4 * **Sec. 3.** AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.35.147 (regulation of cruelty to and care of animals by
6 farmers).

7 * **Sec. 4.** AS 29.35 is amended by adding a new section to article 1 to read:

8 Sec. 29.35.147. REGULATION OF CRUELTY TO AND CARE OF
9 ANIMALS BY FARMERS. (a) A municipality may not regulate, or enforce laws or
10 regulations relating to, the cruelty to and care of farm animals by farmers.

11 (b) This section applies to home rule and general law municipalities.

12 (c) In this section, "farmer" means an individual employed in agriculture,
13 which includes farming in all its branches and, among other things, includes the
14 cultivation and tillage of the soil, dairying, the production, cultivation, growing, and
15 harvesting of any agricultural or horticultural commodities, the raising of livestock,
16 bees, fur-bearing animals, or poultry, and any practices, including forestry and
17 lumbering operations, performed by a farmer or on a farm as an incident to or in
18 conjunction with the farming operations, including preparation for market, delivery to
19 storage or to market or to carriers for transportation to market.

20 * **Sec. 5.** AS 29.35.200(b) is amended to read:

21 (b) A first class borough may by ordinance exercise the following powers on an
22 areawide basis:

- 23 (1) provide transportation systems;
- 24 (2) provide water pollution control;
- 25 (3) provide air pollution control in accordance with AS 46.14.400;
- 26 (4) license day care facilities;
- 27 (5) license, impound, prohibit cruelty to, and dispose of animals.

28 * **Sec. 6.** AS 29.35.210(a)(3) is amended to read:

29 (3) license, impound, prohibit cruelty to, and dispose of animals;

30 * **Sec. 7.** AS 29.35.210(b) is amended to read:

31 (b) A second class borough may by ordinance exercise the following powers on
32 an areawide basis:

- 1 (1) provide transportation systems;
- 2 (2) license, impound, **prohibit cruelty to,** and dispose of animals;
- 3 (3) provide air pollution control under AS 46.14.400;
- 4 (4) provide water pollution control;
- 5 (5) license day care facilities.