

1 IN THE HOUSE

BY MR. RHODE

2 HOUSE BILL NO. 427

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fencing of stock."

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

8 Section 1. STOCK-FENCING AREA. An owner of stock may not
9 allow stock to graze or run at large on a private road or pri-
10 vately owned land in a stock-fencing area. If stock injures land
11 while grazing or running at large, the owner or occupier of the
12 land may

13 (1) recover actual damages from the owner of the stock,
14 not to exceed \$100 for each animal for each trespass, and an award
15 under this subsection is a lien upon the stock; or

16 (2) impound the stock as an estray and recover actual
17 damages, reasonable charges for keeping and feeding the stock, and
18 costs under Secs. 33-3-71 through 33-3-82, ACLA 1949.

19 Sec. 2. ESTABLISHMENT OF STOCK-FENCING AREA. (a) In an or-
20 ganized borough, stock-fencing areas to which this Act applies may
21 be established by ordinance of the borough assembly, certified to
22 the superior court.

23 (b) Outside an organized borough, a stock-fencing area may
24 be established as follows:

25 (1) a petition, together with a \$100 fee, must be pre-
26 sented to the district magistrate containing a statement of its
27 purpose, a definition of the boundaries to be included, and the
28 signatures of 25 percent of the resident owners or occupiers of
29 land in the area described;

1 (2) upon receiving the petition, the magistrate shall
2 designate a time and place for an election to determine whether
3 or not a stock-fencing area shall be established, designate the
4 boundaries of the proposed stock-fencing area, appoint three
5 qualified voters to act as election judges, and post a notice of
6 the information required in this paragraph in three or more con-
7 spicuous public places, including the nearest post office, for at
8 least 30 days before the election;

9 (3) the magistrate shall hold an election, the election
10 judges shall canvass the votes, and, if a majority of the votes
11 cast are in favor of the proposed stock-fencing area, the magis-
12 trate shall establish the area by order and shall certify the
13 results of the election to the superior court.

14 Sec. 3. SIZE OF STOCK-FENCING AREA. A stock-fencing area
15 may not be smaller than a contiguous area of two square miles.

16 Sec. 4. BALLOT. The ballot shall (1) state that its purpose
17 is to determine whether or not a stock-fencing area shall be
18 established; and (2) describe the boundaries of the area.

19 Sec. 5. ELECTION JUDGES. The election judges shall, before
20 undertaking the duties of their office, take an oath before the
21 magistrate to discharge their duties faithfully and impartially.
22 They shall canvass the votes cast and certify the results to the
23 magistrate. Their certificate shall show the number of votes cast
24 for establishment and the number cast against.

25 Sec. 6. DELAY PERIOD. There is no liability under this Act
26 in a stock-fencing area for one year after its establishment is
27 certified to the superior court.

28 Sec. 7. OTHER REMEDIES NOT SUPERSEDED. The remedies of an
29 owner or occupier of land under this Act are in addition to his

1 remedies under Sec. 33-4-4, ACLA 1949, and any other remedy
2 arising from negligent management of stock by the stock owner.

3 Sec. 8. DISSOLUTION. A stock-fencing area may be dissolved
4 in the same manner as it is formed. A dissolution does not take
5 effect for one year after the dissolution is certified to the
6 superior court.

7 Sec. 9. PENALTY FOR REMOVING STOCK. A person who takes
8 impounded stock from the possession of the person who has custody
9 of it without his consent is punishable by a fine of not more than
10 \$100, or by imprisonment for not more than 90 days, or by both.

11 Sec. 10. DEFINITIONS. In this Act

12 (1) "qualified voter" means a person at least 19 years
13 of age who resides in and is an owner or occupier of land in the
14 proposed stock-fencing area;

15 (2) "stock" includes sheep, cattle, horses, and swine.

16 Sec. 11. GRAZING DISTRICTS CONTINUED. On the effective date
17 of this Act, a grazing district which has been established under
18 Secs. 33-3-51 through 33-3-57, ACLA 1949, is considered a stock-
19 fencing area established under this Act.

20 Sec. 12. REPEALS. The following laws are repealed:

21 Sec. 33-3-51, ACLA 1949, as amended by Ch. 114, SLA 1959; Secs.
22 33-3-52 through 33-3-57, ACLA 1949.

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