

1 IN THE SENATE

BY SENATORS MCNEALY  
AND GREIMANN

2 SENATE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to controlled livestock  
7 districts; amending Sec. 33-3-51, ACLA  
8 1949, as amended by Ch. 114, SLA 1959;  
9 amending Secs. 33-3-53 through 33-3-56;  
10 and providing for an effective date."

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

12 Section 1. Sec. 33-3-51, ACLA 1949, as amended by Ch. 114,  
13 SLA 1959, is amended to read:

14 Sec. 33-3-51. CREATION OF CONTROLLED LIVESTOCK  
15 [GRAZING] DISTRICTS AUTHORIZED: RESTRICTIONS ON GRAZING OR  
16 RUNNING AT LARGE. District magistrates [UNITED STATES COM-  
17 MISSIONERS] are hereby authorized to create and establish  
18 controlled livestock [GRAZING] districts within independent  
19 school districts, incorporated school districts, public  
20 utility districts or their successors or in other settled  
21 areas of the state, as herein provided, to consist of one or  
22 more townships or portions thereof or of a contiguous area  
23 of not less than 1,280 acres [TWO SQUARE MILES], wherein it  
24 shall be unlawful for any domestic animal to graze or run at  
25 large unless such domestic animal is herded on open public  
26 domain and tended by one or more persons and prevented from  
27 grazing upon private roads or highways and privately owned  
28 land.

29 Sec. 2. Sec. 33-3-53, ACLA 1949, is amended to read:

1           Sec. 33-3-53. PETITION FOR CREATION OF DISTRICT:  
2           ADDITION: ABOLITION.   a. Controlled livestock [GRAZING]  
3           districts may be created upon petition of not less than 60  
4           [SEVENTY-FIVE] per centum of the resident owners and lessees  
5           of cultivated land within the area to be included in the  
6           district. The petition shall contain a statement of its  
7           purpose, shall define the boundaries of the area to be  
8           included within the district, shall be signed by the  
9           requisite 60 [SEVENTY-FIVE] per centum of the resident  
10          owners and lessees within the area described, and shall be  
11          filed with the district magistrate [UNITED STATES COMMIS-  
12          SIONER] for the district [PRECINCT] within which the land  
13          is situated.

14                b. Additions to an established controlled livestock  
15                district may be made under the same procedures set forth  
16                for creating such districts provided they have a minimum of  
17                160 acres and are contiguous to the established district.

18                c. Portions of a district or an entire district may  
19                be abolished or eliminated if 60 per cent of the owners and  
20                lessees of cultivated land within the district or the area  
21                affected can show that livestock control is not required  
22                and the elimination or abolition would not work to the harm  
23                of any individual or the district as a whole.

24          Sec. 3. Sec. 33-3-54, ACLA 1949, is amended to read:

25                Sec. 33-3-54. NOTICE, HEARING AND ORDER. Upon receipt  
26                of a petition for the establishment of a controlled live-  
27                stock [GRAZING] district, the magistrate [COMMISSIONER]  
28                shall set a time for hearing thereon not less than thirty  
29                days thereafter. Notice of the time and place of said

1 hearing, and its purpose, shall be posted in not less  
2 than three conspicuous public places within the proposed  
3 district for a period of at least thirty days prior to the  
4 hearing. Included in the places posted shall be any post  
5 office within the area concerned, or if there be none, then  
6 the post office nearest the area. Upon hearing, it shall  
7 be necessary to prove only that the requisite number of  
8 signatures have been procured upon such petition, and that  
9 the posting of the notices of the hearing has been done as  
10 in this paragraph required. Upon establishment of this  
11 fact it shall be the duty of the district magistrate  
12 [UNITED STATES COMMISSIONER] to enter an order creating and  
13 establishing the controlled livestock [GRAZING] district as  
14 therein described, and to certify to the Clerk of the  
15 Superior [DISTRICT] Court for the Judicial Division a copy  
16 of the findings and order therein.

17 Sec. 4. Sec. 33-3-55, ACLA 1949, is amended to read:

18 Sec. 33-3-55. LIABILITY FOR DAMAGES: LIEN. The owner  
19 of land within a controlled livestock [GRAZING] district,  
20 whether the land is fenced or unfenced, (a) shall be en-  
21 titled to recover, from the owner or person having custody  
22 and control of any domestic animal, for any injury done by  
23 a domestic animal which grazes or runs at large within a  
24 controlled livestock [GRAZING] district contrary to the  
25 provisions of this Act, and (b) shall have a lien upon such  
26 domestic animal for the amount of the damage done. Provided,  
27 however, that no claim for damages in excess of Fifty  
28 (\$50.00) Dollars shall be allowed against any one animal for  
29 any one trespass.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Sec. 5. Sec. 33-3-56, ACLA 1949, is amended to read:

Sec. 33-3-56. IMPOUNDING OF ANIMALS RUNNING AT LARGE.

The owner of any land within a controlled livestock [GRAZ-  
ING] district may impound any domestic animal trespassing  
upon his land and keep the same until damages, together  
with reasonable charges for keeping and feeding the same  
are paid. Within twenty-four hours after impounding any  
animal the person impounding shall give notice in writing  
to the owner or claimant of such animal, if the owner be  
known, or file a notice of such impounding with the district  
magistrate [UNITED STATES COMMISSIONER] for the districts  
[PRECINCTS] and post a copy of said notice in a public place  
nearest to the enclosure of the impounded animal, if the  
owner is unknown. If the owner or claimant fails to claim  
such animal and pay the reasonable charges for keeping and  
feeding, and damages and costs within five days after  
receipt or posting of such impounding notice, the said  
animal shall be dealt with as in the case of an estray.

Sec. 6. This Act takes effect on the day after its passage  
and approval or on the day it becomes law without such approval.