

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 1949,  
8 as amended by Ch. 114, SLA 1959; amending  
9 Secs. 33-3-53 through 33-3-56; and providing  
10 for an effective date."

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

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Section 1. Sec. 33-3-51, ACLA 1949, as amended by Ch. 114,

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SLA 1959, is amended to read:

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Sec. 33-3-51. CREATION OF CONTROLLED LIVESTOCK [GRAZING]

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DISTRICTS AUTHORIZED: RESTRICTIONS ON GRAZING OR RUNNING AT

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LARGE. District magistrates [UNITED STATES COMMISSIONERS] are

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hereby authorized to create and establish controlled livestock

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[GRAZING] districts within independent school districts,

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incorporated school districts, public utility districts or

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their successors or in other settled areas of the state, as

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herein provided, to consist of one or more townships or portions

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thereof or of a contiguous area of not less than 1,280 acres

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[TWO SQUARE MILES], wherein it shall be unlawful for any

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domestic animal to graze or run at large unless such domestic

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animal is herded on open public domain and tended by one or

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more persons and prevented from grazing upon private roads or

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highways and privately owned land.

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

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Sec. 33-3-53. PETITION FOR CREATION OF DISTRICT:

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

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

16                    c.   Portions of a district or an entire district may  
17                    be abolished or eliminated if 60 per cent of the owners and  
18                    lessees of cultivated land within the district or the area  
19                    affected petition for the abolishment, in which event the  
20                    the procedure outlined herein for formation of a controlled  
21                    livestock district shall be followed for dissolution.

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

23                    Sec. 33-3-54.   NOTICE, HEARING AND ORDER.   Upon receipt  
24                    of a petition for the establishment of a controlled livestock  
25                    [GRAZING] district, the magistrate [COMMISSIONER] shall set a  
26                    time for hearing thereon not less than thirty days thereafter.  
27                    Notice of the time and place of said hearing, and its purpose,  
28                    shall be posted in not less than three conspicuous public  
29                    places within the proposed district for a period of at least

1 thirty days prior to the hearing. Included in the places  
2 posted shall be any post office within the area concerned, or  
3 if there be none, then the post office nearest the area. Upon  
4 hearing, it shall be necessary to prove only that the requisite  
5 number of signatures have been procured upon such petition,  
6 and that the posting of the notices of the hearing has been  
7 done as in this paragraph required. Upon establishment of  
8 this fact it shall be the duty of the district magistrate  
9 [UNITED STATES COMMISSIONER] to enter an order creating and  
10 establishing the controlled livestock [GRAZING] district as  
11 therein described, and to certify to the Clerk of the Superior  
12 [DISTRICT] Court for the Judicial Division a copy of the  
13 findings and order therein.

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

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

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

27 Sec. 33-3-56. IMPOUNDING OF ANIMALS RUNNING AT LARGE.  
28 The owner of any land within a controlled livestock [GRAZING]  
29 district may impound any domestic animal trespassing upon his

1 land and keep the same until damages, together with reasonable  
2 charges for keeping and feeding the same are paid. Within  
3 twenty-four hours after impounding any animal the person  
4 impounding shall give notice in writing to the owner or  
5 claimant of such animal, if the owner be known, or file a  
6 notice of such impounding with the district magistrate [UNITED  
7 STATES COMMISSIONER] for the districts [PRECINCTS] and post a  
8 copy of said notice in a public place nearest to the enclosure  
9 of the impounded animal, if the owner is unknown. If the  
10 owner or claimant fails to claim such animal and pay the  
11 reasonable charges for keeping and feeding, and damages and  
12 costs within five days after receipt or posting of such  
13 impounding notice, the said animal shall be dealt with as in  
14 the case of an estray.

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