

Offered: 4/22/86  
Referred: Community & Regional  
Affairs

Original sponsor: Marrou

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 428 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to controlled livestock districts."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 \* Section 1. AS 03.35.010 is amended to read:  
9 Sec. 03.35.010. CREATION AND RESTRICTION IN USE OF CONTROLLED  
10 LIVESTOCK DISTRICTS. Except as provided in (b) of this section, a  
11 borough assembly [A DISTRICT JUDGE] may by ordinance create and estab-  
12 lish a controlled livestock district within the [A CITY OR ORGANIZED]  
13 borough [,OR IN OTHER SETTLED AREAS OF THE STATE,] as provided in this  
14 chapter, to consist of [ONE OR MORE TOWNSHIPS OR PORTIONS THEREOF OR  
15 OF] a contiguous area of not less than 1,280 acres. It is unlawful  
16 for any domestic animal to graze or run at large within a controlled  
17 livestock district unless the domestic animal is [HERDED ON OPEN  
18 PUBLIC DOMAIN AND] tended by a person and prevented from grazing or  
19 running upon private roads or highways and privately owned land.  
20 \* Sec. 2. AS 03.35.010 is amended by adding a new subsection to read:  
21 (b) Each city of any class constitutes a controlled livestock  
22 district. The area of a former city of any class within a municipal-  
23 ity unified under AS 29.68.240 - 29.68.440 constitutes a controlled  
24 livestock district. The area of the state that is not within a con-  
25 trolled livestock district constitutes open public domain.  
26 \* Sec. 3. AS 03.35.020(a) is amended to read:  
27 Sec. 03.35.020. PETITION TO CREATE, ADD, OR ABOLISH. (a) A  
28 controlled livestock district may be created upon petition of not  
29 fewer [LESS] than 10 [60 PER CENT OF THE] resident owners or [AND]

1 lessees of cultivated or improved land within the area to be included  
2 in the district. The petition shall contain a statement of its pur-  
3 pose, shall define the boundaries of the area to be included within  
4 the district, shall be signed by the 10 [REQUISITE 60 PER CENT OF THE]  
5 resident owners or [AND] lessees within the area described, and shall  
6 be filed with the borough clerk [DISTRICT JUDGE] for the borough  
7 [DISTRICT] within which the land is situated.

8 \* Sec. 4. AS 03.35.020(c) is amended to read:

9 (c) Portions of a district or an entire district may be abol-  
10 ished or eliminated if 10 [60 PERCENT OF THE] owners or [AND] lessees  
11 of cultivated or improved land within the district or the area affect-  
12 ed petition for the abolishment, in which event the procedure set out  
13 in this section for formation of a controlled livestock district shall  
14 be followed for dissolution.

15 \* Sec. 5. AS 03.35.030 is amended to read:

16 Sec. 03.35.030. NOTICE, HEARING, AND ORDINANCE [ORDER]. (a)  
17 Upon receipt of a petition for the establishment of a controlled  
18 livestock district, the borough assembly [DISTRICT JUDGE] shall set a  
19 time for hearing the petition not less than 30 days after the receipt  
20 of the petition [THEREAFTER]. Notice of the time and place of the  
21 hearing and its purpose shall be posted in not less than three con-  
22 spicuous public places within the proposed district, including a post  
23 office, for a period of at least 30 days before the hearing. If there  
24 is no post office within the proposed district, then the notice shall  
25 be posted in two conspicuous public places in the proposed district  
26 and in the post office nearest the proposed district.

27 (b) If, at the hearing, the borough assembly [DISTRICT JUDGE]  
28 finds that the petition is sufficient and that notice of the hearing  
29 has been given, it may adopt an ordinance [THE DISTRICT JUDGE SHALL

1 ENTER AN ORDER] creating and establishing the controlled livestock  
2 district and describing its boundaries. The borough clerk [DISTRICT  
3 JUDGE SHALL CERTIFY TO THE CLERK OF THE SUPERIOR COURT FOR THE JUDI-  
4 CIAL DISTRICT A COPY OF THE FINDINGS AND ORDER. THE DISTRICT JUDGE]  
5 shall send a copy of the ordinance [ORDER] to the commissioner of  
6 natural resources [DIRECTOR, DIVISION OF AGRICULTURE, DEPARTMENT OF  
7 NATURAL RESOURCES].

8 \* Sec. 6. AS 03.35.040. is amended to read:

9 Sec. 03.35.040. LIABILITY FOR DAMAGES, AND LIEN. (a) The owner  
10 of land within a controlled livestock district, whether the land is  
11 fenced or unfenced,

12 (1) is entitled to recover, from the owner or person having  
13 custody and control of a domestic animal, for actual damages or in-  
14 juries [ANY INJURY] done or caused by the domestic animal [IT] when  
15 grazing or running at large within a controlled livestock district  
16 contrary to the provisions of this chapter, and

17 (2) has a lien upon the domestic animal for the amount of  
18 the damage done.

19 (b) A [HOWEVER, NO] claim for damages in excess of \$5,000 [\$50]  
20 is not allowed against any one animal for any one trespass.

21 \* Sec. 7. AS 03.35.070 is amended to read:

22 Sec. 03.35.070. DEFINITIONS. In [AS USED IN] this chapter

23 (1) "domestic animal" includes goats, sheep, cattle, hors-  
24 es, and swine;

25 (2) "owner of land" means a [INCLUDES A FREEHOLDER, TENANT,  
26 CONTRACT VENDEE OR OTHER] person in actual possession of land.