Introduced: 1/8/90
Referred: Resources



BY REP. SWACKHAMMER, Navarre

IN THE HOUSE

HOUSE BILL NO. 387

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to controlled livestock districts."

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

* Section 1. AS 03.35.010 is amended to read:

Sec. 03.35.010. ESTABLISHMENT [CREATION] AND RESTRICTION IN USE OF CONTROLLED LIVESTOCK DISTRICTS. A district judge may [CREATE AND] establish a controlled livestock district within a municipality [CITY OR ORGANIZED BOROUGH,] or in other settled areas of the state, as provided in this chapter, to consist of [ONE OR MORE TOWNSHIPS OR PORTIONS THEREOF OR OF] a contiguous area of not less than 1,280 acres. The owner and the person having custody and control of a domestic animal may not knowingly permit the [IT IS UNLAWFUL FOR ANY] domestic animal to graze or run at large within a controlled livestock district [UNLESS THE DOMESTIC ANIMAL IS HERDED ON OPEN PUBLIC DOMAIN AND TENDED BY A PERSON AND PREVENTED FROM GRAZING UPON PRIVATE ROADS OR HIGHWAYS AND PRIVATELY OWNED LAND].

* Sec. 2. AS 03.35.010 is amended by adding a new subsection to read:

(b) Violation of (a) of this section is a class B misdemeanor.

* Sec. 3. AS 03.35.020(a) is amended to read:

(a) A controlled livestock district may be established [CREATED] upon petition of not less than 60 percent of the [RESIDENT] owners and lessees of the [CULTIVATED] land within the area to be included in the district. The petition must [SHALL] contain a statement of its purpose, [SHALL] define the boundaries of the area to be included within the district, [SHALL] be signed by [THE REQUISITE] 60 percent of the

1 [RESIDENT] owners and lessees within the area described, and [SHALL]
2 be filed with the district judge for the district within which the
3 land is situated.
4 * Sec. 4. AS 03.35.020(c) is amended to read:
5 (c) A portion [PORTIONS] of a controlled livestock district may
6 be eliminated or a [AN ENTIRE] district may be dissolved [ABOLISHED OR
7 ELIMINATED] if 60 percent of the owners and lessees of the [CULTI-
8 VATED] land within the district or the area affected petition for the
9 elimination or dissolution under [ABOLISHMENT, IN WHICH EVENT] the
10 procedure set out in this section for the establishment [FORMATION] of
11 a controlled livestock district [SHALL BE FOLLOWED FOR DISSOLUTION].
12 * Sec. 5. AS 03.35.030 is amended to read:
13 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a
14 petition for the establishment, addition, elimination, or dissolution
15 of a controlled livestock district, the district judge shall set a
16 time for hearing the petition not less than 30 days after its receipt
17 [THEREAFTER]. Notice of the time and place of the hearing and its
18 purpose shall be posted in not less than three conspicuous public
19 places within the proposed district, including a post office, for a
20 period of at least 30 days before the hearing. If there is no post
21 office within the proposed district, then the notice shall be posted
22 in two conspicuous public places in the proposed district and in the
23 post office nearest the proposed district. If, at the hearing, the
24 district judge finds that the petition is sufficient and that notice
25 of the hearing has been given, the district judge shall enter an order
26 granting the request contained within the petition. The boundaries of
27 the district are those proposed within the petition [CREATING AND
28 ESTABLISHING THE CONTROLLED LIVESTOCK DISTRICT AND DESCRIBING ITS
29 BOUNDARIES]. The district judge shall certify to the clerk of the

1 superior court for the judicial district a copy of the findings and
2 order. The district judge shall send a copy of the order to the
3 commissioner of natural resources [DIRECTOR, DIVISION OF AGRICULTURE,
4 DEPARTMENT OF NATURAL RESOURCES].
5 * Sec. 6. AS 03.35 is amended by adding a new section to read:
6 Sec. 03.35.035. IDENTIFICATION OF DOMESTIC ANIMALS WITHIN CON-
7 TROLLED LIVESTOCK DISTRICT. Within 60 days of the establishment of a
8 controlled livestock district or of the addition to an established
9 controlled livestock district under AS 03.35.010, the owner or the
10 person having custody and control of domestic animals located within
11 the district shall identify the animals under AS 03.40, use
12 identification collars to indicate ownership, or otherwise use a
13 reliable system for the identification of the ownership of the animal.
14 * Sec. 7. AS 03.35.040 is amended to read:
15 Sec. 03.35.040. LIABILITY FOR DAMAGES, AND LIEN. (a) The owner
16 of land within a controlled livestock district, whether the land is
17 fenced or unfenced, [(1)] is entitled to recover, from the owner or
18 person having custody and control of a domestic animal, for any injury
19 done by the animal [IT] when grazing or running at large within a
20 controlled livestock district contrary to the provisions of this
21 chapter, and [(2)] has a lien upon the domestic animal for the amount
22 of the damage done.
23 (b) A [HOWEVER, NO] claim for damages may not exceed $500 [IN
24 EXCESS OF $50 IS ALLOWED] against any one animal for any one trespass.