

Amended: 3/16/90
Offered: 2/22/90
Referred: Rules

6-1776E

Original sponsor(s): REP. SWACKHAMMER, Navarre

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 387 (Resources) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH 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. ESTABLISHMENT [CREATION] AND RESTRICTION IN USE
10 OF CONTROLLED LIVESTOCK DISTRICTS. A district judge may [CREATE AND]
11 establish a controlled livestock district within a municipality [CITY
12 OR ORGANIZED BOROUGH,] or in other settled areas of the state, as
13 provided in this chapter, to consist of [ONE OR MORE TOWNSHIPS OR
14 PORTIONS THEREOF OR OF] a contiguous area of not less than 1,280
15 acres. The owner and the person having custody and control of a
16 domestic animal may not knowingly permit the [IT IS UNLAWFUL FOR ANY]
17 domestic animal to graze or run at large within a controlled livestock
18 district [UNLESS THE DOMESTIC ANIMAL IS HERDED ON OPEN PUBLIC DOMAIN
19 AND TENDED BY A PERSON AND PREVENTED FROM GRAZING UPON PRIVATE ROADS
20 OR HIGHWAYS AND PRIVATELY OWNED LAND].
21 * Sec. 2. AS 03.35.010 is amended by adding a new subsection to read:
22 (b) Violation of (a) of this section is a class B misdemeanor.
23 * Sec. 3. AS 03.35.020(a) is amended to read:
24 (a) A controlled livestock district may be established [CREATED]
25 upon petition of not less than 60 percent of the resident owners and
26 lessees of the [CULTIVATED] land within the area to be included in the
27 district. The petition must [SHALL] contain a statement of its pur-
28 pose, [SHALL] define the boundaries of the area to be included within
29 the district, [SHALL] be signed by [THE REQUISITE] 60 percent of the

1 resident owners and lessees within the area described, and [SHALL] be
2 filed with the district judge for the district within which the land
3 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 resident owners and lessees of the
8 [CULTIVATED] land within the district or the area affected petition
9 for the elimination or dissolution under [ABOLISHMENT, IN WHICH EVENT]
10 the procedure set out in this section for the establishment [FORMA-
11 TION] of a controlled livestock district [SHALL BE FOLLOWED FOR DISSO-
12 LUTION].

13 * Sec. 5. AS 03.35.030 is amended to read:

14 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a
15 petition for the establishment, addition, elimination, or dissolution
16 of a controlled livestock district, the district judge shall set a
17 time for hearing the petition not less than 30 days after its receipt
18 [THEREAFTER]. Notice of the time and place of the hearing and its
19 purpose shall be posted in not less than three conspicuous public
20 places within the proposed district, including a post office, for a
21 period of at least 30 days before the hearing. If there is no post
22 office within the proposed district, then the notice shall be posted
23 in two conspicuous public places in the proposed district and in the
24 post office nearest the proposed district. If, at the hearing, the
25 district judge finds that the petition meets the requirements estab-
26 lished under AS 03.35.020 [IS SUFFICIENT] and that notice of the
27 hearing has been given, the district judge shall enter an order grant-
28 ing the request contained within the petition. The boundaries of the
29 district are those proposed within the petition [CREATING AND

1 ESTABLISHING THE CONTROLLED LIVESTOCK DISTRICT AND DESCRIBING ITS
2 BOUNDARIES]. The district judge shall certify to the clerk of the
3 superior court for the judicial district a copy of the findings and
4 order. The district judge shall send a copy of the order to the
5 commissioner of natural resources [DIRECTOR, DIVISION OF AGRICULTURE,
6 DEPARTMENT OF NATURAL RESOURCES].

7 * Sec. 6. AS 03.35 is amended by adding a new section to read:

8 Sec. 03.35.035. IDENTIFICATION OF DOMESTIC ANIMALS WITHIN CON-
9 TROLLED LIVESTOCK DISTRICT. (a) Within 60 days of the establishment
10 of a controlled livestock district or of the addition to an estab-
11 lished controlled livestock district under AS 03.35.010, the person
12 having custody and control of domestic animals located within the
13 district shall identify the animals under AS 03.40, use identification
14 collars to indicate ownership, or otherwise use a reliable system for
15 the identification of the ownership of the animal.

16 (b) A person who violates (a) of this section commits a viola-
17 tion.

18 * Sec. 7. AS 03.35.040 is amended to read:

19 Sec. 03.35.040. LIABILITY FOR DAMAGES, AND LIEN. (a) The owner
20 of land within a controlled livestock district, whether the land is
21 fenced or unfenced, [(1)] is entitled to recover, from the owner or
22 person having custody and control of a domestic animal, for any injury
23 done by the animal [IT] when grazing or running at large within a
24 controlled livestock district contrary to the provisions of this
25 chapter, and [(2)] has a lien upon the domestic animal for the amount
26 of the damage done.

27 (b) A [HOWEVER, NO] claim for damages may not exceed \$500 [IN
28 EXCESS OF \$50 IS ALLOWED] against any one animal for any one trespass.

29 * Sec. 8. AS 22.15.110 is amended by adding a new subsection to read:

1 (b) A district judge may establish a controlled livestock dis-
2 trict in accordance with AS 09.35.010.