

Original sponsor(s): REP. SWACKHAMMER, Navarre

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 387 (Resources)  
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) A district judge may [CREATE  
11 AND] establish a controlled livestock district within a municipality  
12 [CITY OR ORGANIZED BOROUGH,] or in other settled areas of the state,  
13 as 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.

16 (b) The owner and the person having custody and control of a  
17 domestic animal kept within a controlled livestock district may not  
18 with criminal negligence permit the [IT IS UNLAWFUL FOR ANY] domestic  
19 animal to graze or run at large [WITHIN A CONTROLLED LIVESTOCK DIS-  
20 TRICT UNLESS THE DOMESTIC ANIMAL IS HERDED ON OPEN PUBLIC DOMAIN AND  
21 TENDED BY A PERSON AND PREVENTED FROM GRAZING UPON PRIVATE ROADS OR  
22 HIGHWAYS AND PRIVATELY OWNED LAND].

23 \* Sec. 2. AS 03.35.010 is amended by adding new subsections to read:

24 (c) The owner and the person having custody and control of a  
25 domestic animal kept within 10 miles of the boundary of a controlled  
26 livestock district may not with criminal negligence permit the  
27 domestic animal to graze or run at large within the controlled live-  
28 stock district.

29 (d) Violation of (b) or (c) of this section is a class B

1 misdemeanor.

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

3 (a) A controlled livestock district may be established [CREATED]  
4 upon petition of not less than 60 percent of the resident owners and  
5 lessees of the [CULTIVATED] land within the area to be included in the  
6 district who own or lease 30 percent of the land described in the  
7 petition. The petition must [SHALL] contain a statement of its pur-  
8 pose, [SHALL] define the boundaries of the area to be included within  
9 the district, [SHALL] be signed by the required [REQUISITE 60 PERCENT  
10 OF THE] resident owners and lessees within the area described, and  
11 [SHALL] be filed with the district judge for the district within which  
12 the land is situated.

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

14 (c) A portion [PORTIONS] of a controlled livestock district may  
15 be eliminated or a [AN ENTIRE] district may be dissolved [ABOLISHED OR  
16 ELIMINATED] if 60 percent of the resident owners and lessees of the  
17 [CULTIVATED] land within the district who own or lease 30 percent of  
18 the land within the district [OR THE AREA AFFECTED] petition for the  
19 elimination or dissolution under [ABOLISHMENT, IN WHICH EVENT] the  
20 procedure set out in this section for the establishment [FORMATION] of  
21 a controlled livestock district [SHALL BE FOLLOWED FOR DISSOLUTION].

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

23 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a  
24 petition for the establishment, addition, elimination, or dissolution  
25 of a controlled livestock district, the district judge shall set a  
26 time for hearing the petition not less than 30 days after its receipt  
27 [THEREAFTER]. Notice of the time and place of the hearing and its  
28 purpose shall be posted in not less than three conspicuous public  
29 places within the proposed district, including a post office, for a

1 period of at least 30 days before the hearing. If there is no post  
2 office within the proposed district, then the notice shall be posted  
3 in two conspicuous public places in the proposed district and in the  
4 post office nearest the proposed district. If, at the hearing, the  
5 district judge finds that the petition meets the requirements estab-  
6 lished under AS 03.35.020 [IS SUFFICIENT] and that notice of the  
7 hearing has been given, the district judge shall enter an order grant-  
8 ing the request contained within the petition. The boundaries of the  
9 district are those proposed within the petition [CREATING AND ESTAB-  
10 LISHING THE CONTROLLED LIVESTOCK DISTRICT AND DESCRIBING ITS BOUND-  
11 ARIES]. The district judge shall certify to the clerk of the superior  
12 court for the judicial district a copy of the findings and order. The  
13 district judge shall send a copy of the order to the commissioner of  
14 natural resources [DIRECTOR, DIVISION OF AGRICULTURE, DEPARTMENT OF  
15 NATURAL RESOURCES].

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

17 Sec. 03.35.035. IDENTIFICATION OF DOMESTIC ANIMALS WITHIN CON-  
18 TROLLED LIVESTOCK DISTRICT. (a) Within 60 days of the establishment  
19 of a controlled livestock district or of the addition to an estab-  
20 lished controlled livestock district under AS 03.35.010, the person  
21 having custody and control of domestic animals located within the  
22 district shall identify the animals under AS 03.40, use identification  
23 collars to indicate ownership, or otherwise use a reliable system for  
24 the identification of the ownership of the animal.

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

27 \* Sec. 7. AS 03.35.040 is amended to read:

28 Sec. 03.35.040. LIABILITY FOR DAMAGES, AND LIEN. (a) The owner  
29 of land within a controlled livestock district, whether the land is

1 fenced or unfenced, [(1)] is entitled to recover, from the owner or  
2 person having custody and control of a domestic animal, for any injury  
3 done by the animal [IT] when grazing or running at large within a  
4 controlled livestock district contrary to the provisions of this  
5 chapter, and [(2)] has a lien upon the domestic animal for the amount  
6 of the damage done.

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

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

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