

Amended: 5/2/90
Offered: 4/24/90
Referred: Rules

6-1776D

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) am S
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 a new subsection to read:
24 (c) Violation of (b) of this section is a class B misdemeanor.
25 * Sec. 3. AS 03.35.020(a) is amended to read:
26 (a) A controlled livestock district may be established [CREATED]
27 upon petition of not less than 60 percent of the resident owners and
28 lessees of the [CULTIVATED] land within the area to be included in the
29 district who own or lease 30 percent of the land described in the

1 petition. The petition must [SHALL] contain a statement of its pur-
2 pose, [SHALL] define the boundaries of the area to be included within
3 the district, [SHALL] be signed by the required [REQUISITE 60 PERCENT
4 OF THE] resident owners and lessees within the area described, and
5 [SHALL] be filed with the district judge for the district within which
6 the land is situated.

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

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

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

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

1 hearing has been given, the district judge shall enter an order grant-
2 ing the request contained within the petition. The boundaries of the
3 district are those proposed within the petition [CREATING AND ESTAB-
4 LISHING THE CONTROLLED LIVESTOCK DISTRICT AND DESCRIBING ITS BOUND-
5 ARIES]. The district judge shall certify to the clerk of the superior
6 court for the judicial district a copy of the findings and order. The
7 district judge shall send a copy of the order to the commissioner of
8 natural resources [DIRECTOR, DIVISION OF AGRICULTURE, DEPARTMENT OF
9 NATURAL RESOURCES].

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

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

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

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

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

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

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

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

6 * Sec. 9. AS 09.65 is amended by adding a new section to read:

7 Sec. 09.65.085. CIVIL LIABILITY FOR ACTIVITIES INVOLVING THE USE
8 OF LIVESTOCK. (a) A person who sponsors an activity involving live-
9 stock, including the showing, riding, boarding, or grooming of live-
10 stock, is not liable for civil damages resulting from the activity.

11 (b) This section does not preclude liability for civil damages
12 as a result of gross negligence or of reckless or intentional mis-
13 conduct.

14 (c) In this section, "person who sponsors" includes

15 (1) the owner of the livestock; and

16 (2) the agents of the person and the owner of the live-
17 stock.