

SB

176



# ALASKA STATE SENATE



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**Senator Ralph Seekins**  
District D

## **SB 176 Sponsor Statement**

### **Civil Liabilities for Livestock Activity (aka The 4-H Bill)**

Senate Bill 176 is largely a reincarnation of House Bill 111 introduced in the 22<sup>nd</sup> Legislature. HB 111 was the product of several work sessions involving a group of 4-H members, stable owners and a veterinarian all located in the Tanana Valley. Like HB 111, SB 176 is intended to give livestock owners and those associated with livestock activities a certain measure of protection from frivolous lawsuits. Forty-four other states currently have similar legislation.

This Bill will recognize that a person assumes some degree of risk when placing themselves in the vicinity of livestock. The livestock owner, with the best of intentions, cannot completely prevent accidents from happening. For example, a bee could come along and sting a horse causing the horse to buck and throw a rider. Or, a bunny at a 4-H sponsored petting zoo could bite the finger of a small child attempting to feed it grain. Presently, both of these accidents could result in a lawsuit. Another example follows.

During the Miller Reach Fire in June of 1996, the Alaska State Fair in Palmer opened the fairgrounds to provide needed housing for evacuated animals. Pens were erected in the Farm Exhibition area and at the France Equestrian Center to hold a variety of animals. Both areas looked like Noah's ark had just unloaded. All the animals' owners made the best of the crowded situation and appreciated the Fair's hospitality.

That is with the notable exception of one individual who chose to ride her horse despite the crowded conditions. She happened to be bucked off the horse when it was spooked by a pig located in a nearby pen. Suffering from broken ribs and a punctured lung, she sued the fair because she had "warned" them about the problem of other animals spooking her horse. In November of 1997, the fairground's insurance company settled the case out of court for \$3,500 plus legal fees and medical expenses because to fight the suit would have cost them "four or five times as much."

SB 176 will not protect the livestock owner who acts in an unreasonable manner. But, by reducing some of the liability, the expectation is that this legislation will create an atmosphere which will encourage more livestock activity. It is important to note that this Bill is the work product of 4-H members statewide. These members will be following this proposal throughout the legislative process and participate in the passage of this Bill. A 4-H member in Fairbanks wrote the bulk of this sponsor statement.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 176  
(S) Publish Date: 4/30/03

Revision Date/Time: \_\_\_\_\_ Dept. Affected: Law  
Title: "An Act relating to civil liability for injuries  
or death resulting from livestock activities..." BRU: Civil Division  
Sponsor: Senator Seekins Component: Special Litigation  
Requester: Senate Labor and Commerce Component No.: 2213

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
SB 176 limits the civil liability of livestock activity sponsors, participants, and livestock professionals involved in livestock activities from injuries or death due to a livestock activity. Exceptions include: damages resulting from gross negligence or reckless or intentional misconduct, known faulty or defective equipment, or failure to determine ability of the participant to safely manage the livestock activity.  
  
The Department of Law does not anticipate a fiscal impact as a result of this bill.

Prepared by: Kathryn Daughetee Phone (907) 465-3673  
Division: Attorney General's Office Date/Time 4/29/03 12:09 PM  
Approved by: Kathryn Daughetee for C. J. D. Renkes, Attorney General Date 4/29/2003  
Agency: Department of Law