

## **BILL ANALYSIS**

Senate Research Center

H.B. 1630  
By: Berlanga (Armbrister)  
Natural Resources  
4-30-97  
Committee Report (Amended)

### **DIGEST**

The current statute regarding the sufficiency of fences was created in 1876 with its last revision in 1911. The current statute, which spells out specific requirements for barbed wire, picket, board, and rail fences, limits the usefulness of fences in many instances. The usual and customary purposes and needs for fences have changed, as well as the uses on private property. This bill provides new requirements for certain agricultural fences.

### **PURPOSE**

As proposed, H.B. 1630 provides new requirements for certain agricultural fences.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 143.028(a)-(c), Agriculture Code, to require a fence, in order to be sufficient, to be built and maintained according to generally accepted agricultural practices for the purpose of keeping animals in or out of a tract of land. Deletes existing text setting forth requirements for a fence to be sufficient. Authorizes a person, for any agriculture activity in any county of this state, to construct or maintain a fence on the person's property of any height and degree of impregnability.

SECTION 2. Repealer: Section 143.028(c), Agriculture Code (election regarding sufficiency of a certain type of fence).

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

(1) Amend Section 143.028, Agriculture Code, by adding the following:

(a) A person is not required to fence against animals that are not permitted to run at large. In any county in this State, a person may fence against animals that are permitted to run at large. Except as otherwise provided by this section, a fence is sufficient [strike "for purposes of this chapter"] if it is sufficient to keep out ordinary livestock permitted to run at large.

(2) On page 1, line 8, insert "in or" between the words "animals" and "out of."

(3) Insert after Subsection (b), the following:

(c) For any agriculture activity, in any county in this state, a person may construct or maintain a fence on their property of any height and degree of impregnability.