



SF0137

Subdivisions-fencing requirements.

Sponsored By: Senator(s) Steinmetz and French and Representative(s) Crago and Eklund

AN ACT relating to planning and zoning; requiring subdividers to construct and pay costs for perimeter fences as specified; specifying requirements for perimeter fences for subdivisions; specifying financial responsibility for maintaining perimeter fences; requiring the inclusion of perimeter fence information in subdivision permit applications; repealing conflicting provisions; and providing for an effective date.

1/18/2023 Bill Number Assigned
1/18/2023 S Received for Introduction
1/20/2023 S Introduced and Referred to S05 - Agriculture
1/25/2023 S05 - Agriculture:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) French, Hicks, Ide, Steinmetz

Nays: Senator Kolb

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

1/25/2023 S Placed on General File

SF0137SS001/ADOPTED

Page 4-line 5 Delete "the perimeter fence and the"; after "construction" delete "of" and insert "for". STEINMETZ, CHAIRMAN

1/25/2023 S COW:Passed

SF0137S2001/ADOPTED

Page 2-line 10 After "large" insert "unless a legal perimeter fence already exists at that location".

Page 4-after line 20 Insert:

"(c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land."

Page 4-line 22 Delete "(c)" and insert "(d)". STEINMETZ

1/26/2023 S 2nd Reading:Passed
1/27/2023 S 3rd Reading:Passed 26-4-1-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, French, Furphy, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Pappas, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Nays: Senator(s) Anderson, Ellis, Gierau, Nethercott

Excused: Senator President Driskill

Ayes 26 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 0

1/27/2023 H Received for Introduction
2/13/2023 H Introduced and Referred to H05 - Agriculture

2/16/2023 H05 - Agriculture:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Banks, Conrad, Crago, Davis, Eklund, Slagle, Winter

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/16/2023 H Placed on General File

2/21/2023 H COW:Passed

2/22/2023 H 2nd Reading:Laid Back

SF0137H2001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 2-line 11 After "location" insert "or all adjacent landowners' consent that a perimeter fence is not necessary".

Page 2-line 14 After "shall be" delete balance of line.

Page 2-line 15 Delete "manners:" and insert "a lawful fence as prescribed by W.S. 11-28-102.".

Page 2-lines 17 through 23 Delete entirely.

Page 3-lines 1 through 23 Delete entirely.

Page 4-lines 1 and 2 Delete entirely.

Page 4-line 5 After "costs of" insert "the original".

Page 4-line 10 Delete ":".

Page 4-line 12 Delete "(i)".

Page 4-line 13 After "fence" insert "provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. 11-28-102(a)(i)".

Page 5-line 2 After "land" insert "except as provided in W.S. 11-28-108".

Page 5-line 10 Delete "(intro) and".

Page 5-line 21 Delete ", except for paragraph (xiii) of this subsection,". BROWN

SF0137H2002/WITHDRAWN

SF0137H2003/FAILED

(TO ENGROSSED COPY)

Page 4-after line 2

Insert and renumber as necessary:

"(iii) If the subdivision is in an ungulate wildlife migration corridor, any fence constructed shall be constructed in an animal friendly manner that:

(A) For wire fencing, shall mean that the top wire be smooth and not more than forty-two (42) inches above grade, with a middle wire not less than twelve (12) inches below the top wire and a smooth bottom wire not less than eighteen (18) inches above grade;

(B) For buck and pole fencing, shall mean that every other section of fencing shall either have only two (2) poles between and on the same side of the bucks, with the top pole not more than forty-two (42) inches above grade and the bottom pole not less than eighteen (18) inches above grade;

(C) For any other fence construction in an ungulate migration corridor, it may be used if it is animal friendly. As used in this paragraph, "animal friendly" means that ungulate wildlife can traverse a fence without undue risk of injury."

Page 4-line 4 Delete "(iii)" and insert "(iv)". STITH, SHERWOOD

2/23/2023 H 2nd Reading:Passed
2/24/2023 H 3rd Reading:Laid Back
2/27/2023 H 3rd Reading:Laid Back
2/28/2023 H 3rd Reading:Laid Back

SF0137H3001/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 7 After "shall" delete balance of line.

Page 2-line 8 Delete "be constructed" and insert "be responsible for the construction of". LARSON, JT, NIEMIEC, WYLIE

SF0137H3002/ADOPTED

(TO ENGROSSED COPY)

Page 4-line 10 Delete the Brown second reading amendment (SF0137H2001/ACE) to this line.

Page 4-line 12 Delete the Brown second reading amendment (SF0137H2001/ACE) to this line. YIN

3/1/2023 H 3rd Reading:Passed 51-9-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Alred, Angelos, Banks, Bear, Berger, Burkhart, Jr, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Heiner, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Winter, Wylie, Zwonitzer, Dave

Nays: Representative(s) Andrew, Brown, Harshman, Henderson, Hornok, Obermueller, Western, Yin, Zwonitzer, Dan

Excused: Representative(s) Byron, O'hearn

Ayes 51 Nays 9 Excused 2 Absent 0 Conflicts 0

3/1/2023 S Received for Concurrence
3/2/2023 S Concur:Passed 28-2-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Cooper, Dockstader, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones,

Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, Rothfuss, Salazar,
Schuler, Scott, Steinmetz

Nays: Senator(s) Case, Ellis

Excused: Senator President Driskill

Ayes 28 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2023 Assigned Number SEA No. 0091
3/2/2023 S President Signed SEA No. 0091
3/2/2023 H Speaker Signed SEA No. 0091
3/9/2023 Governor Signed SEA No. 0091
3/9/2023 Assigned Chapter Number 173

Chapter No. 173 Session Laws of Wyoming 2023