

Approved March 28, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Lloyd D. Polson at
Chairperson

9:00 a.m./~~p.m.~~ on March 18, 1986 in room 423-S of the Capitol.

All members were present except: Representative Sallee who was excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association
Jerry Trausch, Bekaert Steel Wire Corp.
Denny Burgess, Kansas Electric Coop.

Hearing on S.B. 403-Fence laws revised, Re Proposal No. 4.

Mike Beam testified Kansas Livestock Association has traditionally opposed changes or amendments to the Kansas fence laws. Substantial changes or amendments could increase the livestock producer's liability and changes in specifications would add substantial fencing costs to Kansas producers. Kansas Livestock Association supports S.B. 403 with the exception of two amendments, Attachment I.

Staff stated this bill would not grandfather in existing fences.

Jerry Trausch testified in support of wire having not less than 950 pounds breaking strength, Attachment II.

Denny Burgess offered amendments to S.B. 403. On page 3 in line 102, following the word equivalent, adding "not more than 48 inches from the ground" and in line 108, adding the sentence "Provided no electrically charged wire fence shall be erected or maintained in contact with public utility poles or lines or in any manner where there is danger or possibility of unreasonable interference with or damage to the equipment or service of a public utility.", Attachment III.

The Committee meeting was adjourned at 9:50 a.m.

The next meeting will be at 9:00 a.m., Wednesday, March 19, 1986, in Room 423-S.

GUEST REGISTER

DATE March 18, 1986

HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

NAME

ORGANIZATION

ADDRESS

<u>NAME</u>	<u>ORGANIZATION</u>	<u>ADDRESS</u>
Jerry Trausch	Beckwith Steel Wire Corp. - Rt 1 - Box 319 - Spring Hill, MS	66083
Howard M. Lee	KAWG	Hutchinson
Beverly L. Miller	visitor	Highland, KS
Edwin M. Grable	Visitor	Mathena, KS
Harvey Grable Sr	"	" "
Jim Sallee	"	Ida
Tom Zummel	Kansas Grain & Feed Dealers Assn	Hutchinson
Carrie Waldston	helper for Rep Joan Adams	Rushville, MO
Bob Asbuter	ATGA	Topoka
Pat Habbell	Kansas Railroad Assn.	Topoka
Barbara P. Allen	Attorney General's Office	Topoka
Wilbur Leonard	KLA	Topoka
John Blythe	K.F.B.	Manhattan



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

TESTIMONY ON BEHALF
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE
REPRESENTATIVE LLOYD POLSON, CHAIRMAN
IN REFERENCE TO FENCE LAW CHANGES - SB 403
SUBMITTED BY
MIKE BEAM, EXECUTIVE SECRETARY, COW/CALF STOCKER DIVISION
MARCH 18, 1986

Mr. Chairman and Members of the Committee I'm Mike Beam and I'm presenting testimony on behalf of the 9,000 members of the Kansas Livestock Association. Since our members are actively involved in livestock production, KLA has a deep interest in any proposal to change the fence law statutes. Monitoring the progress of SB 403 is a priority of our association and we look forward to working with the House Agricultural Committee on this issue.

Since Kansas is predominantly an agricultural state it's important that we have workable fencing guidelines. Range land, pasture and forage production account for roughly 45% of the 48 million Kansas farm acres. By

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Attachment I

my rough but conservative calculations we easily have 200,000 miles of fence in this state (Half of land grazed on average pasture size of 320 acres). As you all know livestock fences are a major capital expense. Any action by this legislature in changing the fence laws will have an impact on this state's farmers and rancers.

I'll be the first to admit that our fence laws seem obsolete and out dated. There are some sections of the statutes which date back to 1855 and found in at least four different chapters. This situation is not uncommon in other states. I've briefly reviewed ten other states' fence laws and found that most of them are as antiquated as Kansas fence statutes. In fact, portions of several other state laws are word for word with our Kansas fence and animal trespass statutes.

During my discussion with farmers and ranchers it has been a consensus that our fence laws are workable. In most areas the law is settled and fairly well understood. Even in those areas where it may seem unclear it can be beneficial. If there is no clear cut "right" or "wrong", the parties involved are usually forced to work out their own problems instead of resorting to a legal battle.

The last significant amendment to the Kansas statutes, relative to fence law and animal trespass, was in 1929. Since that time there have been numerous legislative proposals and interim studies conducted which considered changing our fence laws. KLA has traditionally opposed changes or amendments because of two primary reasons. First, we are afraid that a substantial change or amendment could increase livestock producer's liability. Secondly, we are opposed to changes in fencing specifications which would add substantial fencing costs to Kansas producers. This basic policy was reaffirmed at KLA's convention last December. While we are not

advocating a change, we support SB 403. In our best judgement, our major concerns are addressed in the bill as passed by the Senate. I would like to offer amendments for your consideration which I'll speak about in a few minutes.

LIVESTOCK PRODUCER LIABILITY

Over the years there have been numerous court decisions which clarify the intent and interpretation of the Kansas fence laws. Several cases have held that livestock owners are not liable unless they can be shown they are guilty of negligence in allowing the animals to escape confinement. We've also considered this philosophy of required negligence to be a reasonable approach. Most Kansas farmers and ranchers, and Americans as well, believe in the age old custom ... "innocent until proven guilty". We can all think of examples when livestock "get out" through no fault of the livestock owner. We can't control acts of nature or be totally responsible for damages which can occur in cases of vandilism or similar situations.

During the interim committee hearings a representative of the insurance industry made several points in his testimony concerning liability. They also "were reluctant to advocate any changes because such changes could result in higher insurance premiums, more lawsuits, more court costs, increased judgements and perhaps even excessive judgements that would not be covered by a farmers or ranchers insurance policy". It was reported that Nebraska has strict liability laws in regards to animal trespass and that state's farm liability insurance premiums are approximately three times greater than Kansas. Because of our concern for change in legislative intent and repealling case law we applaud the interim committee's language in New Section I which says, "In all such cases, the principals of ordinary negligence shall apply".

FENCE SPECIFICATIONS

I mentioned earlier that KLA is cautious of changes which would increase fencing costs to livestock producers. There has been a lot of technological changes since some of the fence law statutes were adopted in 1855. SB 403 recognized two areas where types of fences have changed in the last few years. The interim committee heard from a representative of the fence and wire industry which reported of wire that is not recognized in the fence law statutes but has comparable strength. (Line 80 of Page 2 and lines 146-147 on Page 4 specify that it's legal to use a new type of barbed wire fence which is comparable to the conventional number 13 gauge barbed wire.)

We're also pleased that the interim committee recognized many farmers and ranchers use power or electric fences. It's difficult and practically impossible to find a consensus of what should constitute a legal electric fence. We strongly support the amendment which allows the use of electric fences on a county option.

PARTITION FENCES

Current law says that both adjoining land owners are responsible for the costs of erection and maintenance of a partition or division fence. KLA policy supports this concepts and opposes any changes in the states' partition fence policy (KSA 29-301 to 29-319). A few reasons for supporting no change in this area include:

- 1) These sections in Article 3 have not been changed since 1923. Over the last 60 years literally thousands of landowners during several generations had developed partition fence agreements with very few problems.

- 2) On occasion a crop farmer will plant lush sorgum crops very close

to a pasture fence. During a dry summer this encourages livestock to reach through and stretch or break down fences. This can contribute to a greater animal trespass situation. If the crop farmer was responsible for maintaining one half of the fence he'll be more willing to be cooperative. Futhermore, the crop farmer will be more cautious of destroying a fence with tillage equipment if he owns and maintains one half of the fence.

3) A strong and well maintained division fence is indeed a financial advantage to both adjoining land owners. It improves the value of both properties. Futhermore, a good fence will be more likely to keep out the ocassional trespassing livestock who can cause damage to crops. Although the law does allow the farmer a method to recover damages, it is a burden to pen the livestock and practically impossible to accurately access all damages.

4) I've heard of instances where adjoining land owners have torn out their border fences and claimed they no longer need a partition fence and wished to relinquish their responsiblity to maintain or build their half of the partition fence. In many cases, a few years later, they may erect a portable fence and make use of the existing partition fence. If the land changes ownership and the new owner wishes to pasture the area it will be difficult for the adjoining owner to collect for one half the value of the partition fence.

5) Kansas is not the only state to have a policy where both the adjoining land owners are responsible for one half of the partition or division fence. My research reveals that Iowa, South Dakato, Missouri and Colorado have the same partition fence policy as Kansas.

6) There is an old saying that among farmers and ranches which is considered a commandment ... "good fences make good neighbors". When both

land owners are responsible for keeping up half of the partition fence there is a much better chance of having adequate fences and neighbors who can work with each other.

OPEN RANGE LAW

During the interim committee deliberations, several legislators asked about this bill's effect on how some counties recognize grazing areas as "open range". KSA 68-126 and KSA 68-128A outline how county commissioners can recognize certain areas as open range so that public roads will not have to be fenced through large range and pasture areas. X KSA 68-126 says that county commissioners are authorized to permit the construction and maintenance of fences across public highways. It's the responsibility of the fence owner to construct sufficient gates to allow traffic to enter.

KSA 68-128A specifically states the liability for travellers along public roads through these open range areas. It says "any users of such a road shall be personally liable for damages to livestock caused by him while traveling such road, and no liability shall be incurred by the county, township or landowner." This open range system is in place in several counties and we feel the policy outlined in Chapter 68 is working satisfactorily.

In summary, I would like to re-emphasize that any fence law change this legislature makes will have a significant impact on this state's farmers and ranchers. I hope that I have adequately outlined our thoughts in this area. I look forward to working with members of this committee on this issue. I'll be happy to address any questions or comments that committee members may have.

SUMMARY OF SB 403 (FENCE LAWS) AS PASSED BY THE SENATE

New Section 1.

The first part of this section specifies that all domestic animals must be enclosed by a lawful fence. Furthermore, the section clarifies that strict or absolute liability for damages caused from animal trespass shall not arise and ordinary negligence would continue to apply.

Section 2.

States that hedge rows, constructed or put in place after July 1, 1986 would no longer be considered a lawful or legal fence.

Section 3.

This section strikes language which makes reference to townships where "hogs are running at large".

Section 4.

This section addresses several changes in barbed wire fence specifications. The bill increases the distance of 44 inches to 48 inches for the height of the third barbed wire. In addition, the maximum height for a bottom wire is decreased from 24 inches to 18 inches.

Language on line 80 states that barbed wire of smaller gauge that has at least 950 pounds breaking strength would be considered adequate. SB 403, as introduced stated that newly constructed barbed wire fences which were put in place after the effective date of this act, would have to have at least four wires with a post spacing of one rod. The full Senate struck the provision for four wires but left the post spacing requirement the same.

New Section 5.

This language recognizes electric fences, composed of at least one 14 gauge wire, to be a legal fence. The board of county commissioners would have the option to declare that electrically charged wire fences would not be legal within their jurisdiction. The Senate Ag Committee amended this section to state that utilities would not incur liability for electric power failure for any electric fence.

Section 6.

This section clarifies that domestic animals do not include dogs or cats.

Section 7.

This section includes an amendment to current law in Chapter 66 which

deals with railroads responsibility for erecting and maintaining a fence along railroad right-of-ways. Currently the statute indicates that a railroad corporation would be required to construct a lawful fence if an adjoining land owner has enclosed three sides of his property. The Senate Ag Committee adopted an amendment proposed by the railroad industry which would not require the railroad to build a fence along their right-of-way if the other three sides of the landowner's property is fenced with an electric fence. Futhermore, the bill was amended in the Senate to allow railroads to use the smaller gauge barbed wire fence that has a breaking strength of not less than 950 pounds.

Section 8.

In addition to repelling sections which are amended in SB 403 the bill also repeals the following sections:

29-410--Osage orange plant deemed lawful fence.

29-411--Hedge and ground to be cultivated; depredation by stock.

29-412--Hedge and fence to be continuous.

29-413--Examination of hedge by viewers.

29-414--Time for such examination certificate as evidence.

29-415--Owners of domestic animals liable for damages done to hedge or crops within enclosure; lien.

29-416--Adoption of 29-410 to 29-418; partition; election.

29-417--Act not to apply until so adopted.

29-418--Annual election; hedges already grown; act not to apply to certain counties.

29-419--Trimming hedge fences; hedges for protection of orchards and feedlots.

29-420--Cutting hedges or weeds along highway; penalty for failure; tax levy for cost.

29-421--Adoption of hedge and weed law; petition; election.

29-422--Act not to apply until so adopted.

29-423--Questions of adoption may be submitted annually.

47-101--Order of county commissioners as to stock in townships, petition; publication.

47-102--Same; signatures on petition; affidavit.

47-103--Same; damages from depredation; lien.

47-105--Bull or boar; penalty.

47-106--Stag.
47-107--Stallion or jack; penalty.
47-108--Same; negligently permitting such escape; penalty; damage
liability, win.
47-109--Taking up stallion or jack; castration.
47-110--Killing stallion or jack; damages.
47-112--Swine.
47-113--Exception from 47-112; election.
47-114--Same; petition.
47-115--Same; notice of election.
47-116--Same; record, notice and effective date of exemption.
47-117--Damage liability for trespass of swine.
47-118--Liability for trespass of swine; civil action for damages.
47-119--Taking up swine.
47-301--Orders directing what animals not allowed to run at large.
47-302--Record and publication of order.
47-303--Lien for damages; taking animals into custody.
47-304--Who make take animal into custody; procedure.
47-305--Jurisdiction over animals prohibited from running at large; fences;
rights of parties.
47-306--Rescission on modification of orders directing what animals not
allowed to run at large.
47-307--Same; order to made at regular meeting.
47-308--Suspension of herd law; petition; election; publication of call for
election.
47-309--Petition of voters that certain classes of animals be prohibited
from running at large; notice; order.
47-310--Penalty for violation of order made pursuant to 47-309; complaint
and prosecution.
47-311--Owners violating order liable to persons suffering damages; lien
for damages and cost.
47-312--Construction of 47-309 to 47-312.
47-313--Order of county commissioners as to horses, mules and cattle
running at large; petition; publication.

0047 posts and planks, or palisades, or of stone, or composed of posts
 0048 and wires, or those composed of turf, shall be at least four feet
 0049 high. Those composed of rails, commonly called a worm fence,
 0050 shall be at least four feet and one-half feet high to the top of the
 0051 rider, and shall be thoroughly staked and ridered, or if not staked
 0052 and ridered shall have the corners locked with strong rails, stakes
 0053 or posts. Those composed of stone shall be at least ~~eighteen~~ 18
 0054 inches wide at the bottom and ~~twelve~~ 12 inches wide at the top.
 0055 Those composed of turf ~~to~~ shall be thoroughly staked and ri-
 0056 dered, and shall have a ditch on the outside not less than two feet
 0057 wide at the top and three feet deep. *With respect to* all fences
 0058 composed of rails or lumber, the bottom rail, board or plank shall
 0059 not be more than two feet from the ground ~~in any township, and~~
 0060 ~~in those townships where hogs are not prohibited from running~~
 0061 ~~at large it shall not be more than six inches from the ground; and.~~
 0062 All such fences shall be substantially built and sufficiently close
 0063 to prevent ~~stock domestic animals, other than cats and dogs~~ from
 0064 going through. All hedge fences shall be of such height and
 0065 thickness as will be sufficient to ~~protect the field or enclosure~~
 0066 *enclose domestic animals other than cats and dogs.*

0067 Sec. 4. K.S.A. 29-105 is hereby amended to read as follows:
 0068 29-105. ~~That~~ (a) *Except as otherwise provided in subsection (b),*
 0069 ~~and~~ in addition to ~~the~~ fence ~~now~~ declared by law to be a legal
 0070 fence, the following shall be a legal fence: A barbed-wire fence,
 0071 of not less than three wires, with ~~the~~ third wire from the ground
 0072 not less than ~~forty-four~~ 44 inches ~~nor more than forty-eight~~ 48
 0073 inches from the ground, and ~~the~~ bottom wire not more than
 0074 ~~twenty-four~~ 24 inches ~~nor less than eighteen~~ 18 inches from the
 0075 ground, with ~~the~~ center wire equidistant, or nearly so, between
 0076 upper and lower wires; ~~said~~ All such wires ~~to~~ shall be well
 0077 stretched and barbed, barbs to average not more than nine inches
 0078 apart; ~~said~~ and such barbed wire ~~to~~ shall be composed of two
 0079 wires not smaller than No. 13, or one wire not smaller than No. 9,
 0080 or wires having not less than 950 pounds breaking strength. All
 0081 such wires ~~to~~ shall be securely fastened to posts, which shall not
 0082 be more than two rods apart and not less than ~~twenty~~ 20 inches in
 0083 the ground, and set in a workmanlike manner; or the posts may

(Restores existing language)

44 inches nor more than 48

24 inches nor less than

0084 be not more than ~~forty-eight~~ 48 feet apart, with slats placed
 0085 perpendicularly, not more than ~~twelve~~ 12 feet apart, between the
 0086 posts and fastened to the wires by staples, or with holes in the
 0087 slats: ~~Provided, That in townships or counties where hogs are~~
 0088 ~~allowed to run at large, there shall be three additional barbed~~
 0089 ~~wires, the lower one of which shall not be more than four inches~~
 0090 ~~from the ground, the other two to be placed an equal distance~~
 0091 ~~apart, or nearly so, between this and the lower wire as required~~
 0092 ~~above.~~

0093 (b) On and after the effective date of this act, ~~a newly~~
 0094 ~~constructed barbed-wire fence to be deemed a legal fence under~~
 0095 ~~this section, shall, in addition to all other requirements of~~
 0096 ~~subsection (a), be constructed of four wires with a post for every~~
 0097 ~~rod of distance with the fourth wire from the ground being not~~
 0098 ~~less than 48 inches from the ground and the first wire from the~~
 0099 ~~ground being not more than 18 inches from the ground.~~

0100 New Sec. 5. In addition to fences otherwise declared by law
 0101 to be a legal fence, an electrically charged wire fence with at
 0102 least one 14 gauge wire or its equivalent and which is deemed by
 0103 the fence viewers in whose jurisdiction such fence is located, to
 0104 be equivalent to other legal fences, is hereby deemed a legal
 0105 fence. The board of county commissioners of any county may, by
 0106 enacting a resolution so providing, elect to declare that such
 0107 electrically charged wire fence shall not be a legal fence within
 0108 the jurisdiction of such board. *No utility which furnishes elec-*
 0109 *tricity shall have or incur any liability to any person in the event*
 0110 *of electric power failure to or for any electric fence.*

0111 Sec. 6. K.S.A. 47-122 is hereby amended to read as follows:
 0112 47-122. ~~That~~ It shall be unlawful for any ~~neat~~ cattle, horses,
 0113 ~~mules, asses, swine or sheep, domestic animal, other than dogs~~
 0114 ~~and cats, to run at large.~~

0115 Sec. 7. K.S.A. 66-308 is hereby amended to read as follows:
 0116 66-308. (a) Any person, persons or corporations owning land by
 0117 or through which any railroad or any electric interurban line
 0118 has been or may be constructed, who has enclosed or may
 0119 enclose the same or any part thereof, and adjacent to the line of
 0120 such railroad or interurban line, with either a lawful fence or a

the board of county commission-
 ers of any county may, by en-
 acting a resolution so provid-
 ing, elect to declare that a
 newly constructed legal fence
 within the jurisdiction of such
 board shall be constructed of
 four wires with posts not less
 than 12 feet or more than 20
 feet apart, with the fourth
 wire from the ground being not
 less than 48 inches from the
 ground and the first wire from
 the ground being not more than
 18 inches from the ground.



BEKAERT

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March 18, 1986

STATEMENT OF
BEKAERT STEEL WIRE CORPORATION
TO THE
HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE
REPRESENTATIVE LLOYD D. POLSON, CHAIRMAN
RELATIVE TO
SENATE BILL 403 -- RE PROPOSAL NO. 4

I am Jerry Trausch, Representative for Bekaert Steel Wire Corporation. I want to thank you for this opportunity to appear and present testimony before this committee.

Producers of Barb Wire are governed by American Society for Testing and Materials -- commonly abbreviated as ASTM.

Attached to this statement is a copy of ASTM - A - 121 - 81, page 49. On this page, table 2 specifies minimum weights for Zinc coating, and, table 3 specifies minimum breaking strength of Zinc Coated Strands.

Bekaert Steel Wire produces a Gaucho barb wire, 15 $\frac{1}{2}$ gauge strands which meets or exceeds the ASTM-A-121. This product has been marketed for 25 years, and is currently being produced in our Van Buren, Arkansas plant as it has been for over 10 years.

In the attached table 2, of ASTM-A-121, let us compare the commonly available Class 1 Zinc coated 12 $\frac{1}{2}$ gauge barb wire with the 15 $\frac{1}{2}$ gauge Gaucho. You will note our Gaucho 15 $\frac{1}{2}$ gauge is produced only in the heavier Class 3 Zinc coating. In

3-18-86 Hs. ASB

Attachment II

table 3, all gauges of barb wire must meet a minimum breaking strength of 950 lbs. Not only is an 80 rod reel of 15½ gauge Gaucho barb wire cheaper, but the extra Zinc coating gives longer fence life.

In Senate Bill 403, as Amended by Senate Committee and by Senate Committee of the Whole - Re-proposal number 4, We are supporting Line 80, and those parts of Lines 146 and 147 which reads "OR WIRES HAVING NOT LESS THAN 950 LBS BREAKING STRENGTH".

28 State Highway Departments have approved Gaucho Barb Wire for use on their road systems. Others approving Gaucho barb wire are: U.S. Forestry Service; Fish and Game Commissions, and Soil Conservation Commissions, and some Railroads.

I will be happy to address any questions this committee may have.

Attachment: 1

TABLE 1 Standard Sizes and Construction of Barbed Wire

Size, Steel Wire Gage	Nominal Diameter of Zinc Coated Wire in Strand		Number of Points	Spacing of Barbs, in. (mm)	Diameter of Barbs, Steel Wire Gage ^a	Shape of Barbs
	in.	(mm)				
12½	0.099	(2.51)	2	4 (102)	14	round
12½	0.099	(2.51)	4	5 (127)	14	round
12½	0.099	(2.51)	4	5 (127)	14 ^a	half-round
12½	0.099	(2.51)	2	4 (102)	12½ ^a	flat
13½	0.086	(2.18)	2	4 (102)	14	round
13½	0.086	(2.18)	4	5 (127)	14	round
15½	0.067	(1.70)	2	4 (102)	13½ ^a	flat
15½	0.067	(1.70)	4	5 (127)	16½	round

^a The gage of the half-round and flat barbs is designated by the gage of the round wire from which the barbs are rolled.

^b The nominal diameter of wire used in making barbs shall be as follows:

12½ gage	0.099 in. (2.51 mm)
13½ gage	0.083 in. (2.11 mm)
14 gage	0.080 in. (2.03 mm)
16½ gage	0.058 in. (1.47 mm)

TABLE 2 Minimum Weight of Coating on Zinc Coated Barbed Wire

Size, Steel Wire Gage	Nominal Diameter of Zinc Coated Wire		Minimum Weight of Coating, oz./ft. ² (g/m ²) of Uncoated Wire Surface		
	in.	(mm)	Class 1	Class 2	Class 3
12½	0.099	(2.51)	0.30 (90)	0.50 (155)	0.80 (245)
13½	0.086	(2.18)	0.25 (75)	0.45 (135)	0.65 (200)
15½	0.067	(1.70)		0.50 (155)	

TABLE 3 Breaking Strength of Zinc Coated Strand

NOTE—Breaking strength values reflect both wires tested together.

Size, Steel Wire Gage	Wire Diameter		Minimum Strand Breaking Strength	
	in.	(mm)	lbf	(N)
12½	0.099	(2.51)	950	(4230)
13½	0.086	(2.18)	950	(4230)
15½	0.067	(1.70)	950	(4230)

The American Society for Testing and Materials takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility.

This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, 1916 Race St., Philadelphia, Pa. 19103, which will schedule a further hearing regarding your comments. Failing satisfaction there, you may appeal to the ASTM Board of Directors.

Amendments for SB 403 as amended by Senate Committee of the Whole

On page 3, in line 102, following the word "equivalent", by adding a phrase as follows:

" , not more than forty-eight inches from the ground"

On page 3, in line 108, following the period, by adding a sentence as follows:

"Provided, no electrically charged wire fence shall be erected or maintained in contact with public utility poles or lines or in any manner where there is danger or possibility of unreasonable interference with or damage to the equipment or service of a public utility."

3-18-86 Hs. ASB
Attachment III