

SENATE AMENDMENTS

2nd Printing

By: Darby

H.B. No. 3371

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of certain battery-charged fences by
3 municipalities and counties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 250, Local Government Code, is amended
6 by adding Section 250.009 to read as follows:

7 Sec. 250.009. BATTERY-CHARGED FENCES. (a) In this
8 section, "alarm system" means an alarm system for which a permit may
9 be issued under Subchapter F or F-1, Chapter 214, or Subchapter D,
10 Chapter 233.

11 (b) This section applies only to a battery-charged fence
12 that:

13 (1) interfaces with an alarm system in a manner that
14 enables the fence to cause the connected alarm system to transmit a
15 signal intended to summon law enforcement in response to a
16 burglary;

17 (2) is located on property that is not designated by a
18 municipality or county for residential use;

19 (3) has an energizer that is driven by a commercial
20 storage battery that is not more than 12 volts of direct current;

21 (4) produces an electric charge on contact that does
22 not exceed energizer characteristics set for electric fence
23 energizers by the International Electrotechnical Commission as
24 published in the commission's standards on June 29, 2018;

1 (5) is completely surrounded by a nonelectric
2 perimeter fence or wall that is not less than five feet in height;

3 (6) is not more than the higher of:

4 (A) 10 feet in height; or

5 (B) two feet higher than the height of the
6 nonelectric perimeter fence or wall; and

7 (7) is marked with conspicuous warning signs that are
8 located on the battery-charged fence at not less than 60-foot
9 intervals and that read: "WARNING--ELECTRIC FENCE."

10 (c) Notwithstanding any other law, a municipality or county
11 may not adopt or enforce an ordinance, order, or regulation that:

12 (1) requires a permit for the installation or use of a
13 battery-charged fence to which this section applies that is in
14 addition to an alarm system permit issued by the municipality or
15 county;

16 (2) imposes installation or operational requirements
17 for the battery-charged fence that are inconsistent with the
18 standards described by Subsection (b); or

19 (3) prohibits the installation or use of a
20 battery-charged fence.

21 SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

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MAY 22 2019

FLOOR AMENDMENT NO. 1

Detay Spaul
Secretary of the Senate

BY:

Larry Taylor

1 Amend H.B. No. 3371 (senate committee report) in SECTION 1 of
2 the bill, in added Section 250.009 (c) (2), Local Government Code
3 (page 1, line 59), between "standards" and "described", by
4 inserting the following:

5 :

6 (2) set by the International Electrotechnical Commission as
7 published on June 29, 2018 or alarm system

8 (3)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3371 by Darby (Relating to the regulation of certain battery-charged fences by municipalities and counties.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to define certain characteristics of "battery-charged fence" and would limit the authority of municipalities and counties to regulate these fences.

Local Government Impact

According to the Texas Association of Counties, the bill would not have a fiscal impact on counties.

According to the Texas Municipal League, the bill would not have a significant fiscal impact on cities.

Source Agencies:

LBB Staff: WP, CLo, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 29, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB3371** by Darby (Relating to the regulation of certain battery-charged fences by municipalities and counties.), **As Engrossed**

No fiscal implication to the State is anticipated.

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Source Agencies:

LBB Staff: WP, CLo, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 1, 2019

TO: Honorable Tom Craddick, Chair, House Committee on Land & Resource Management

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3371 by Darby (Relating to the regulation of certain battery-charged fences by municipalities and counties.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to define certain characteristics of "battery-charged fence" and would limit the authority of municipalities and counties to regulate these fences.

Local Government Impact

According to the Texas Association of Counties, the bill would not have a fiscal impact on counties.

According to the Texas Municipal League, the bill would not have a significant fiscal impact on cities.

Source Agencies:

LBB Staff: WP, SZ, SD, GP