

A RESOLUTION requesting the Agriculture Committee to examine the state's agricultural fencing laws and consider possible changes to help individuals with small acreage and no livestock.

WHEREAS, as a state rich and flourishing with agricultural land, Kentucky had an early need to adopt laws governing fences and to set requirements for the fencing responsibilities of adjoining landowners; and

WHEREAS, in 1942 agricultural fencing laws were implemented by the General Assembly to settle disputes in an era where it was commonplace for two adjoining landowners to own livestock thus creating a dual purpose for an agricultural fence; and

WHEREAS, at the time that the fence laws were adopted Kentucky farms accounted for 76.8 percent of land usage; and

WHEREAS, the definition of agricultural fence and the required responsibility for the construction, maintenance, and cost of fence to be equally shared by adjoining landowners is set in KRS Chapter 256; and

WHEREAS, consistent with the world in its entirety, the Commonwealth is falling victim to urban sprawl and where what was once beautiful farmland is being urbanized for professional, recreational, and other residential purposes; and

WHEREAS, in this rapid transition, farmland is quickly evolving from tracts that were once large dominant areas to what are now mere parcels, loosely defined and dispersed throughout the Commonwealth; and

WHEREAS, it is estimated that 137 acres of prime agricultural land are being lost each day to urban sprawl and this trend of lost farmland is anticipated to be continued in the future; and

WHEREAS, an example of the rapid evolution of Kentucky land usage is Fayette County where, since 1997, 19,000 agricultural acres have been converted to nonagricultural use; and

WHEREAS, in 2012 Kentucky's farms accounted for 51.6 percent of land usage,

which is a 25.2 percent decrease since the adoption of the fence laws; and

WHEREAS, the number of Kentucky residents with small acreage and no livestock is increasing, and with this transition comes a larger number of adjoining landowners who are no longer in need of agricultural fences to serve their dual needs, thus initiating problems between neighbors who were in the past most often neighboring farmers and are now merely adjoining landowners; and

WHEREAS, Kentucky's fence laws are becoming a reoccurring issue causing many disputes among our citizens; and

WHEREAS, consistent with action in other states and because of evolving land usage in the Commonwealth, Kentucky needs to take time to examine the current fence laws and determine the best way to proceed in the future;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The House of Representatives of the General Assembly of the Commonwealth of Kentucky recognizes the growing number of disputes between Kentucky residents due to fence laws.

➔Section 2. This honorable body hereby requests the Agriculture Committee examine the state's fence laws and consider possible changes to alleviate potential disputes involving individuals with small acreage and no livestock.