

**House Study Bill 195 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL BY  
CHAIRPERSON WULF)

**A BILL FOR**

1 An Act requiring the department of natural resources to comply  
2 with requirements governing the erection and maintenance of  
3 partition fences.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 359A.1, Code 2025, is amended to read as  
2 follows:

3 **359A.1 Definitions.**

4 As used in this chapter, unless the context otherwise  
5 requires, ~~"book",~~:

6 1. "Book", "list", "record", or "schedule" kept by a county  
7 auditor, assessor, treasurer, recorder, sheriff, or other county  
8 officer means the county system as defined in section 445.1.

9 2. "Owner" includes but is not limited to the department of  
10 natural resources, if the department is the titleholder of a  
11 tract of land where a partition fence is erected or required to  
12 be maintained under this chapter.

13 Sec. 2. NEW SECTION. **456A.39 Partition fences.**

14 The department of natural resources shall have the same  
15 rights and obligations as any private landowner when erecting and  
16 maintaining a partition fence under chapter 359A.

17 **EXPLANATION**

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 **BACKGROUND.** Iowa's fence law (Code chapter 359A) in part  
21 governs the construction (erection) or maintenance of a fence  
22 existing on the property boundary between adjoining land of  
23 different owners, referred to as a partition fence. Either  
24 owner may erect a partition fence and demand the other owner  
25 share in the expenses (referred to as contribution) (Code section  
26 359A.1A). Each owner has a duty to maintain a lawful and tight  
27 fence subject to a number of construction specifications (Code  
28 sections 359A.18 through 359A.21). Each party has a duty to  
29 maintain an erected partition fence or substitute direct expenses  
30 by contribution. A controversy between the owners may result in  
31 an investigation and a form of adjudication by a panel of "fence  
32 viewers" (Code section 359A.22). The fence viewers are the  
33 trustees of the township where the property boundary is located  
34 (Code sections 359A.3 through 359A.11).

35 **BILL'S PROVISIONS.** This bill provides an owner of land subject

H.F. \_\_\_\_\_

1 to Iowa's fence law includes but is not limited to the  
2 department of natural resources when the department is the land's  
3 titleholder.

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