



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2397, an Act relating to the act or property of a public utility with respect to the definition of nuisance.

House File 2517, an Act relating to environmental regulations administered by the Department of Natural Resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", with a flourish at the end.

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2397

AN ACT

RELATING TO THE ACT OR PROPERTY OF A PUBLIC UTILITY WITH
RESPECT TO THE DEFINITION OF NUISANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

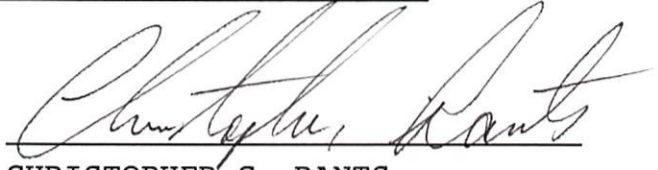
Section 1. Section 657.1, Code 2003, is amended to read as follows:

657.1 NUISANCE -- WHAT CONSTITUTES -- ACTION TO ABATE.

1. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to unreasonably interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the same nuisance and to recover damages sustained on account thereof of the nuisance.

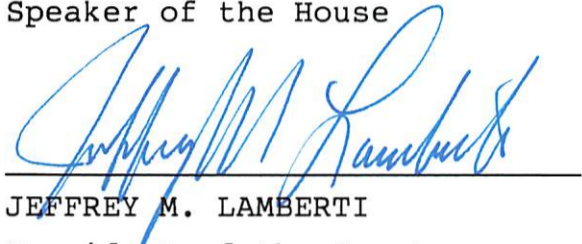
2. Notwithstanding subsection 1, in an action to abate a nuisance against an electric utility, an electric utility may assert a defense of comparative fault as set out in section 668.3 if the electric utility demonstrates that in the course of providing electric services to its customers that it has complied with engineering and safety standards as adopted by

the utilities board of the department of commerce, and if the electric utility has secured all permits and approvals, as required by state law and local ordinances, necessary to perform activities alleged to constitute a nuisance.



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2397, Eightieth General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved april 14, 2004



THOMAS J. VILSACK

Governor