

Representative Ken Ivory proposes the following substitute bill:

CATASTROPHIC WILDFIRE AND OTHER PUBLIC

NUISANCE REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Ronald Winterton

LONG TITLE

General Description:

This bill modifies the Catastrophic Public Nuisance Act.

Highlighted Provisions:

This bill:

- ▶ expands notification requirements; and
- ▶ provides that, under certain circumstances, the state shall indemnify, defend, and

hold a chief executive officer or county sheriff harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the chief executive officer's or county sheriff's action in abating a catastrophic public nuisance ~~§~~ **§** ~~→ [subject to a cap]~~ ~~←~~ ~~§~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-51a-103, as enacted by Laws of Utah 2015, Chapter 419

2nd Sub. H.B. 99



88 (2) In seeking an emergency abatement of a catastrophic public nuisance, a chief
 89 executive officer of a political subdivision or a county sheriff shall attempt, as much as
 90 possible, to:

91 (a) coordinate with state and federal agencies; and

92 (b) seek the advice of professionals, including private sector professionals, with
 93 expertise in abating a catastrophic public nuisance.

94 (3) ~~§→ [(a) Subject to Subsection (3)(b), the]~~ ~~The~~ ~~←§~~ state shall indemnify, defend, and
 94a hold a chief
 95 executive officer or county sheriff harmless from any claims or damages, including court costs
 96 and attorney fees, that are assessed as a result of the chief executive officer's or county sheriff's
 97 action, if:

98 ~~§→ [(i)] (a) ←§~~ the chief executive officer or county sheriff has complied with this chapter;

99 ~~§→ [(ii)] (b) ←§~~ the court challenge against the chief executive officer or county sheriff
 99a addresses
 100 the chief executive officer's or county sheriff's action in abating a catastrophic public nuisance;
 101 and

102 ~~§→ [(iii)] (c) ←§~~ the chief executive officer's or county sheriff's action abating the
 102a catastrophic
 103 public nuisance were in reasonable furtherance of the detailed proposed abatement plan
 104 described in Subsection [11-51a-103\(3\)\(b\)](#).

105 ~~§→ [(b) The state shall indemnify or hold harmless a chief executive officer or county~~
 106 ~~sheriff under this Subsection (3) up to 90% of the claims or damages assessed against the chief~~
 107 ~~executive officer or county sheriff under Subsection (3)(a).]~~ ~~←§~~