

CATASTROPHIC WILDFIRE REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Catastrophic Public Nuisance Act.

Highlighted Provisions:

This bill:

► 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-51a-104, as enacted by Laws of Utah 2015, Chapter 419

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-51a-104** is amended to read:

11-51a-104. Emergency abatement of a catastrophic public nuisance.



28 (1) If a chief executive officer of a political subdivision or a county sheriff determines
29 that a public nuisance exists on federally managed land, pursuant to Subsection 11-51a-103(1),
30 and the chief executive officer of a political subdivision or the county sheriff also finds that the
31 catastrophic public nuisance in question adversely affects, or constitutes a threat to, the public
32 health, safety, and welfare of the people of the political subdivision, the chief executive officer
33 of the political subdivision or the county sheriff may, after consulting with the attorney general,
34 pursue all remedies allowed by law.

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

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

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

41 (3) The state shall indemnify, defend, and hold a chief executive officer or county
42 sheriff harmless from any claims or damages, including court costs and attorney fees that are
43 assessed as a result of the chief executive officer's or county sheriff's action, if:

44 (a) the chief executive officer or county sheriff has complied with the provisions of this
45 chapter;

46 (b) the chief executive officer or county sheriff seeks and receives approval for the
47 chief executive officer's or county sheriff's actions from the Legislative Management
48 Committee;

49 (c) the court challenge against the chief executive officer or county sheriff addresses
50 the chief executive officer's or county sheriff's action in abating a catastrophic public nuisance;
51 and

52 (d) the chief executive officer's or county sheriff's actions in abating the catastrophic
53 public nuisance were reasonable.