

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1051

Chapter 251, Laws of 1993

53rd Legislature
1993 Regular Session

ALCOHOL OR DRUG CAUSED EMERGENCY RESPONSE--RECOVERY OF
COSTS FROM CONVICTED PERSON

EFFECTIVE DATE: 7/25/93

Passed by the House April 19, 1993
Yeas 96 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1993
Yeas 44 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 7, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1051** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 7, 1993 - 11:36 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1051

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland)

Read first time 02/1/93.

1 AN ACT Relating to emergency management; amending RCW 9.95.210 and
2 38.52.010; reenacting and amending RCW 9.94A.030; adding a new section
3 to chapter 38.52 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that a public agency
6 incurs expenses in an emergency response. It is the intent of the
7 legislature to allow a public agency to recover the expenses of an
8 emergency response to an incident involving persons who operate a motor
9 vehicle, boat or vessel, or a civil aircraft while under the influence
10 of an alcoholic beverage or a drug, or the combined influence of an
11 alcoholic beverage and a drug. It is the intent of the legislature
12 that the recovery of expenses of an emergency response under this act
13 shall supplement and shall not supplant other provisions of law
14 relating to the recovery of those expenses.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52 RCW
16 to read as follows:

17 A person whose intoxication causes an incident resulting in an
18 appropriate emergency response, and who, in connection with the

1 incident, has been found guilty of or has had their prosecution
2 deferred for (1) driving while under the influence of intoxicating
3 liquor or any drug, RCW 46.61.502; (2) operating an aircraft under the
4 influence of intoxicants or drugs, RCW 47.68.220; (3) use of a vessel
5 while under the influence of alcohol or drugs, RCW 88.12.100; (4)
6 vehicular homicide while under the influence of intoxicating liquor or
7 any drug, RCW 46.61.520(1)(a); or (5) vehicular assault while under the
8 influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is
9 liable for the expense of an emergency response by a public agency to
10 the incident.

11 The expense of an emergency response is a charge against the person
12 liable for expenses under this section. The charge constitutes a debt
13 of that person and is collectible by the public agency incurring those
14 costs in the same manner as in the case of an obligation under a
15 contract, expressed or implied.

16 In no event shall a person's liability under this section for the
17 expense of an emergency response exceed one thousand dollars for a
18 particular incident.

19 If more than one public agency makes a claim for payment from an
20 individual for an emergency response to a single incident under the
21 provisions of this section, and the sum of the claims exceeds the
22 amount recovered, the division of the amount recovered shall be
23 determined by an interlocal agreement consistent with the requirements
24 of chapter 39.34 RCW.

25 **Sec. 3.** RCW 9.95.210 and 1992 c 86 s 1 are each amended to read as
26 follows:

27 In granting probation, the court may suspend the imposition or the
28 execution of the sentence and may direct that the suspension may
29 continue upon such conditions and for such time as it shall designate,
30 not exceeding the maximum term of sentence or two years, whichever is
31 longer.

32 In the order granting probation and as a condition thereof, the
33 court may in its discretion imprison the defendant in the county jail
34 for a period not exceeding one year and may fine the defendant any sum
35 not exceeding the statutory limit for the offense committed, and court
36 costs. As a condition of probation, the court shall require the
37 payment of the penalty assessment required by RCW 7.68.035. The court
38 may also require the defendant to make such monetary payments, on such

1 terms as it deems appropriate under the circumstances, as are necessary
2 (1) to comply with any order of the court for the payment of family
3 support, (2) to make restitution to any person or persons who may have
4 suffered loss or damage by reason of the commission of the crime in
5 question or when the offender pleads guilty to a lesser offense or
6 fewer offenses and agrees with the prosecutor's recommendation that the
7 offender be required to pay restitution to a victim of an offense or
8 offenses which are not prosecuted pursuant to a plea agreement, (3) to
9 pay such fine as may be imposed and court costs, including
10 reimbursement of the state for costs of extradition if return to this
11 state by extradition was required, (4) following consideration of the
12 financial condition of the person subject to possible electronic
13 monitoring, to pay for the costs of electronic monitoring if that
14 monitoring was required by the court as a condition of release from
15 custody or as a condition of probation, ((and)) (5) to contribute to a
16 county or interlocal drug fund, and (6) to make restitution to a public
17 agency for the costs of an emergency response under section 2 of this
18 act, and may require bonds for the faithful observance of any and all
19 conditions imposed in the probation. The court shall order the
20 probationer to report to the secretary of corrections or such officer
21 as the secretary may designate and as a condition of the probation to
22 follow implicitly the instructions of the secretary. If the
23 probationer has been ordered to make restitution, the officer
24 supervising the probationer shall make a reasonable effort to ascertain
25 whether restitution has been made. If restitution has not been made as
26 ordered, the officer shall inform the prosecutor of that violation of
27 the terms of probation not less than three months prior to the
28 termination of the probation period. The secretary of corrections will
29 promulgate rules and regulations for the conduct of the person during
30 the term of probation. For defendants found guilty in district court,
31 like functions as the secretary performs in regard to probation may be
32 performed by probation officers employed for that purpose by the county
33 legislative authority of the county wherein the court is located.

34 **Sec. 4.** RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are
35 each reenacted and amended to read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

1 (1) "Collect," or any derivative thereof, "collect and remit," or
2 "collect and deliver," when used with reference to the department of
3 corrections, means that the department is responsible for monitoring
4 and enforcing the offender's sentence with regard to the legal
5 financial obligation, receiving payment thereof from the offender, and,
6 consistent with current law, delivering daily the entire payment to the
7 superior court clerk without depositing it in a departmental account.

8 (2) "Commission" means the sentencing guidelines commission.

9 (3) "Community corrections officer" means an employee of the
10 department who is responsible for carrying out specific duties in
11 supervision of sentenced offenders and monitoring of sentence
12 conditions.

13 (4) "Community custody" means that portion of an inmate's sentence
14 of confinement in lieu of earned early release time served in the
15 community subject to controls placed on the inmate's movement and
16 activities by the department of corrections.

17 (5) "Community placement" means that period during which the
18 offender is subject to the conditions of community custody and/or
19 postrelease supervision, which begins either upon completion of the
20 term of confinement (postrelease supervision) or at such time as the
21 offender is transferred to community custody in lieu of earned early
22 release. Community placement may consist of entirely community
23 custody, entirely postrelease supervision, or a combination of the two.

24 (6) "Community service" means compulsory service, without compensa-
25 tion, performed for the benefit of the community by the offender.

26 (7) "Community supervision" means a period of time during which a
27 convicted offender is subject to crime-related prohibitions and other
28 sentence conditions imposed by a court pursuant to this chapter or RCW
29 46.61.524. For first-time offenders, the supervision may include
30 crime-related prohibitions and other conditions imposed pursuant to RCW
31 9.94A.120(5). For purposes of the interstate compact for out-of-state
32 supervision of parolees and probationers, RCW 9.95.270, community
33 supervision is the functional equivalent of probation and should be
34 considered the same as probation by other states.

35 (8) "Confinement" means total or partial confinement as defined in
36 this section.

37 (9) "Conviction" means an adjudication of guilt pursuant to Titles
38 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
39 acceptance of a plea of guilty.

1 (10) "Court-ordered legal financial obligation" means a sum of
2 money that is ordered by a superior court of the state of Washington
3 for legal financial obligations which may include restitution to the
4 victim, statutorily imposed crime victims' compensation fees as
5 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
6 drug funds, court-appointed attorneys' fees, and costs of defense,
7 fines, and any other financial obligation that is assessed to the
8 offender as a result of a felony conviction. Upon conviction for
9 vehicular assault while under the influence of intoxicating liquor or
10 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
11 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
12 legal financial obligations may also include payment to a public agency
13 of the expense of an emergency response to the incident resulting in
14 the conviction, subject to the provisions in section 2 of this act.

15 (11) "Crime-related prohibition" means an order of a court
16 prohibiting conduct that directly relates to the circumstances of the
17 crime for which the offender has been convicted, and shall not be
18 construed to mean orders directing an offender affirmatively to
19 participate in rehabilitative programs or to otherwise perform
20 affirmative conduct.

21 (12)(a) "Criminal history" means the list of a defendant's prior
22 convictions, whether in this state, in federal court, or elsewhere.
23 The history shall include, where known, for each conviction (i) whether
24 the defendant has been placed on probation and the length and terms
25 thereof; and (ii) whether the defendant has been incarcerated and the
26 length of incarceration.

27 (b) "Criminal history" shall always include juvenile convictions
28 for sex offenses and shall also include a defendant's other prior
29 convictions in juvenile court if: (i) The conviction was for an
30 offense which is a felony or a serious traffic offense and is criminal
31 history as defined in RCW 13.40.020(6)(a); (ii) the defendant was
32 fifteen years of age or older at the time the offense was committed;
33 and (iii) with respect to prior juvenile class B and C felonies or
34 serious traffic offenses, the defendant was less than twenty-three
35 years of age at the time the offense for which he or she is being
36 sentenced was committed.

37 (13) "Department" means the department of corrections.

38 (14) "Determinate sentence" means a sentence that states with
39 exactitude the number of actual years, months, or days of total

1 confinement, of partial confinement, of community supervision, the
2 number of actual hours or days of community service work, or dollars or
3 terms of a legal financial obligation. The fact that an offender
4 through "earned early release" can reduce the actual period of
5 confinement shall not affect the classification of the sentence as a
6 determinate sentence.

7 (15) "Disposable earnings" means that part of the earnings of an
8 individual remaining after the deduction from those earnings of any
9 amount required by law to be withheld. For the purposes of this
10 definition, "earnings" means compensation paid or payable for personal
11 services, whether denominated as wages, salary, commission, bonuses, or
12 otherwise, and, notwithstanding any other provision of law making the
13 payments exempt from garnishment, attachment, or other process to
14 satisfy a court-ordered legal financial obligation, specifically
15 includes periodic payments pursuant to pension or retirement programs,
16 or insurance policies of any type, but does not include payments made
17 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
18 or Title 74 RCW.

19 (16) "Drug offense" means:

20 (a) Any felony violation of chapter 69.50 RCW except possession of
21 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
22 controlled substance (RCW 69.50.403);

23 (b) Any offense defined as a felony under federal law that relates
24 to the possession, manufacture, distribution, or transportation of a
25 controlled substance; or

26 (c) Any out-of-state conviction for an offense that under the laws
27 of this state would be a felony classified as a drug offense under (a)
28 of this subsection.

29 (17) "Escape" means:

30 (a) Escape in the first degree (RCW 9A.76.110), escape in the
31 second degree (RCW 9A.76.120), willful failure to return from furlough
32 (RCW 72.66.060), willful failure to return from work release (RCW
33 72.65.070), or willful failure to be available for supervision by the
34 department while in community custody (RCW 72.09.310); or

35 (b) Any federal or out-of-state conviction for an offense that
36 under the laws of this state would be a felony classified as an escape
37 under (a) of this subsection.

38 (18) "Felony traffic offense" means:

1 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
2 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
3 and-run injury-accident (RCW 46.52.020(4)); or

4 (b) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a felony
6 traffic offense under (a) of this subsection.

7 (19) "Fines" means the requirement that the offender pay a specific
8 sum of money over a specific period of time to the court.

9 (20)(a) "First-time offender" means any person who is convicted of
10 a felony (i) not classified as a violent offense or a sex offense under
11 this chapter, or (ii) that is not the manufacture, delivery, or
12 possession with intent to manufacture or deliver a controlled substance
13 classified in schedule I or II that is a narcotic drug or the selling
14 for profit [of] any controlled substance or counterfeit substance
15 classified in schedule I, RCW 69.50.204, except leaves and flowering
16 tops of marihuana, and except as provided in (b) of this subsection,
17 who previously has never been convicted of a felony in this state,
18 federal court, or another state, and who has never participated in a
19 program of deferred prosecution for a felony offense.

20 (b) For purposes of (a) of this subsection, a juvenile adjudication
21 for an offense committed before the age of fifteen years is not a
22 previous felony conviction except for adjudications of sex offenses.

23 (21) "Nonviolent offense" means an offense which is not a violent
24 offense.

25 (22) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case has been transferred by
28 the appropriate juvenile court to a criminal court pursuant to RCW
29 13.40.110. Throughout this chapter, the terms "offender" and
30 "defendant" are used interchangeably.

31 (23) "Partial confinement" means confinement for no more than one
32 year in a facility or institution operated or utilized under contract
33 by the state or any other unit of government, or, if home detention or
34 work crew has been ordered by the court, in an approved residence, for
35 a substantial portion of each day with the balance of the day spent in
36 the community. Partial confinement includes work release, home
37 detention, work crew, and a combination of work crew and home detention
38 as defined in this section.

1 (24) "Postrelease supervision" is that portion of an offender's
2 community placement that is not community custody.

3 (25) "Restitution" means the requirement that the offender pay a
4 specific sum of money over a specific period of time to the court as
5 payment of damages. The sum may include both public and private costs.
6 The imposition of a restitution order does not preclude civil redress.

7 (26) "Serious traffic offense" means:

8 (a) Driving while under the influence of intoxicating liquor or any
9 drug (RCW 46.61.502), actual physical control while under the influence
10 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
11 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
12 or

13 (b) Any federal, out-of-state, county, or municipal conviction for
14 an offense that under the laws of this state would be classified as a
15 serious traffic offense under (a) of this subsection.

16 (27) "Serious violent offense" is a subcategory of violent offense
17 and means:

18 (a) Murder in the first degree, homicide by abuse, murder in the
19 second degree, assault in the first degree, kidnapping in the first
20 degree, or rape in the first degree, assault of a child in the first
21 degree, or an attempt, criminal solicitation, or criminal conspiracy to
22 commit one of these felonies; or

23 (b) Any federal or out-of-state conviction for an offense that
24 under the laws of this state would be a felony classified as a serious
25 violent offense under (a) of this subsection.

26 (28) "Sentence range" means the sentencing court's discretionary
27 range in imposing a nonappealable sentence.

28 (29) "Sex offense" means:

29 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
30 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
31 attempt, criminal solicitation, or criminal conspiracy to commit such
32 crimes;

33 (b) A felony with a finding of sexual motivation under RCW
34 9.94A.127; or

35 (c) Any federal or out-of-state conviction for an offense that
36 under the laws of this state would be a felony classified as a sex
37 offense under (a) of this subsection.

1 (30) "Sexual motivation" means that one of the purposes for which
2 the defendant committed the crime was for the purpose of his or her
3 sexual gratification.

4 (31) "Total confinement" means confinement inside the physical
5 boundaries of a facility or institution operated or utilized under
6 contract by the state or any other unit of government for twenty-four
7 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

8 (32) "Victim" means any person who has sustained emotional,
9 psychological, physical, or financial injury to person or property as
10 a direct result of the crime charged.

11 (33) "Violent offense" means:

12 (a) Any of the following felonies, as now existing or hereafter
13 amended: Any felony defined under any law as a class A felony or an
14 attempt to commit a class A felony, criminal solicitation of or
15 criminal conspiracy to commit a class A felony, manslaughter in the
16 first degree, manslaughter in the second degree, indecent liberties if
17 committed by forcible compulsion, kidnapping in the second degree,
18 arson in the second degree, assault in the second degree, assault of a
19 child in the second degree, extortion in the first degree, robbery in
20 the second degree, vehicular assault, and vehicular homicide, when
21 proximately caused by the driving of any vehicle by any person while
22 under the influence of intoxicating liquor or any drug as defined by
23 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

24 (b) Any conviction for a felony offense in effect at any time prior
25 to July 1, 1976, that is comparable to a felony classified as a violent
26 offense in (a) of this subsection; and

27 (c) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a violent
29 offense under (a) or (b) of this subsection.

30 (34) "Work crew" means a program of partial confinement consisting
31 of civic improvement tasks for the benefit of the community of not less
32 than thirty-five hours per week that complies with RCW 9.94A.135. The
33 civic improvement tasks shall be performed on public property or on
34 private property owned or operated by nonprofit entities, except that,
35 for emergency purposes only, work crews may perform snow removal on any
36 private property. The civic improvement tasks shall have minimal
37 negative impact on existing private industries or the labor force in
38 the county where the service or labor is performed. The civic
39 improvement tasks shall not affect employment opportunities for people

1 with developmental disabilities contracted through sheltered workshops
2 as defined in RCW 82.04.385. Only those offenders sentenced to a
3 facility operated or utilized under contract by a county are eligible
4 to participate on a work crew. Offenders sentenced for a sex offense
5 as defined in subsection (29) of this section are not eligible for the
6 work crew program.

7 (35) "Work release" means a program of partial confinement
8 available to offenders who are employed or engaged as a student in a
9 regular course of study at school. Participation in work release shall
10 be conditioned upon the offender attending work or school at regularly
11 defined hours and abiding by the rules of the work release facility.

12 (36) "Home detention" means a program of partial confinement
13 available to offenders wherein the offender is confined in a private
14 residence subject to electronic surveillance. Home detention may not
15 be imposed for offenders convicted of a violent offense, any sex
16 offense, any drug offense, reckless burning in the first or second
17 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
18 degree as defined in RCW 9A.36.031, assault of a child in the third
19 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
20 harassment as defined in RCW 9A.46.020. Home detention may be imposed
21 for offenders convicted of possession of a controlled substance (RCW
22 69.50.401(d)) or forged prescription for a controlled substance (RCW
23 69.50.403) if the offender fulfills the participation conditions set
24 forth in this subsection and is monitored for drug use by treatment
25 alternatives to street crime (TASC) or a comparable court or agency-
26 referred program.

27 (a) Home detention may be imposed for offenders convicted of
28 burglary in the second degree as defined in RCW 9A.52.030 or
29 residential burglary conditioned upon the offender: (i) Successfully
30 completing twenty-one days in a work release program, (ii) having no
31 convictions for burglary in the second degree or residential burglary
32 during the preceding two years and not more than two prior convictions
33 for burglary or residential burglary, (iii) having no convictions for
34 a violent felony offense during the preceding two years and not more
35 than two prior convictions for a violent felony offense, (iv) having no
36 prior charges of escape, and (v) fulfilling the other conditions of the
37 home detention program.

38 (b) Participation in a home detention program shall be conditioned
39 upon: (i) The offender obtaining or maintaining current employment or

1 attending a regular course of school study at regularly defined hours,
2 or the offender performing parental duties to offspring or minors
3 normally in the custody of the offender, (ii) abiding by the rules of
4 the home detention program, and (iii) compliance with court-ordered
5 legal financial obligations. The home detention program may also be
6 made available to offenders whose charges and convictions do not
7 otherwise disqualify them if medical or health-related conditions,
8 concerns or treatment would be better addressed under the home
9 detention program, or where the health and welfare of the offender,
10 other inmates, or staff would be jeopardized by the offender's
11 incarceration. Participation in the home detention program for medical
12 or health-related reasons is conditioned on the offender abiding by the
13 rules of the home detention program and complying with court-ordered
14 restitution.

15 **Sec. 5.** RCW 38.52.010 and 1986 c 266 s 23 are each amended to read
16 as follows:

17 As used in this chapter:

18 (1) "Emergency management" or "comprehensive emergency management"
19 means the preparation for and the carrying out of all emergency
20 functions, other than functions for which the military forces are
21 primarily responsible, to mitigate, prepare for, respond to, and
22 recover from emergencies and disasters, and to aid victims suffering
23 from injury or damage, resulting from disasters caused by all hazards,
24 whether natural or man-made, and to provide support for search and
25 rescue operations for persons and property in distress. However,
26 "emergency management" or "comprehensive emergency management" does not
27 mean preparation for emergency evacuation or relocation of residents in
28 anticipation of nuclear attack.

29 (2) "Local organization for emergency services or management" means
30 an organization created in accordance with the provisions of this
31 chapter by state or local authority to perform local emergency
32 management functions.

33 (3) "Political subdivision" means any county, city or town.

34 (4) "Emergency worker" means any person who is registered with a
35 local emergency management organization or the department of community
36 development and holds an identification card issued by the local
37 emergency management director or the department of community
38 development for the purpose of engaging in authorized emergency

1 management activities or is an employee of the state of Washington or
2 any political subdivision thereof who is called upon to perform
3 emergency management activities.

4 (5) "Injury" as used in this chapter shall mean and include
5 accidental injuries and/or occupational diseases arising out of
6 emergency management activities.

7 (6)(a) "Emergency or disaster" as used in all sections of this
8 chapter except section 2 of this act shall mean an event or set of
9 circumstances which: ~~((+a))~~ (i) Demands immediate action to preserve
10 public health, protect life, protect public property, or to provide
11 relief to any stricken community overtaken by such occurrences, or
12 ~~((+b))~~ (ii) reaches such a dimension or degree of destructiveness as
13 to warrant the governor declaring a state of emergency pursuant to RCW
14 43.06.010.

15 (b) "Emergency" as used in section 2 of this act means an incident
16 that requires a normal police, coroner, fire, rescue, emergency medical
17 services, or utility response as a result of a violation of one of the
18 statutes enumerated in section 2 of this act.

19 (7) "Search and rescue" means the acts of searching for, rescuing,
20 or recovering by means of ground, marine, or air activity any person
21 who becomes lost, injured, or is killed while outdoors or as a result
22 of a natural or man-made disaster, including instances involving
23 searches for downed aircraft when ground personnel are used. Nothing
24 in this section shall affect appropriate activity by the department of
25 transportation under chapter 47.68 RCW.

26 (8) "Executive head" and "executive heads" means the county
27 executive in those charter counties with an elective office of county
28 executive, however designated, and, in the case of other counties, the
29 county legislative authority. In the case of cities and towns, it
30 means the mayor.

31 (9) "Director" means the director of community development.

32 (10) "Local director" means the director of a local organization of
33 emergency management or emergency services.

34 (11) "Department" means the department of community development.

35 (12) "Emergency response" as used in section 2 of this act means a
36 public agency's use of emergency services during an emergency or
37 disaster as defined in subsection (6)(b) of this section.

38 (13) "Expense of an emergency response" as used in section 2 of
39 this act means reasonable costs incurred by a public agency in

1 reasonably making an appropriate emergency response to the incident,
2 but shall only include those costs directly arising from the response
3 to the particular incident. Reasonable costs shall include the costs
4 of providing police, coroner, fire fighting, rescue, emergency medical
5 services, or utility response at the scene of the incident, as well as
6 the salaries of the personnel responding to the incident.

7 (14) "Public agency" means the state, and a city, county, municipal
8 corporation, district, or public authority located, in whole or in
9 part, within this state which provides or may provide fire fighting,
10 police, ambulance, medical, or other emergency services.

Passed the House April 19, 1993.

Passed the Senate April 12, 1993.

Approved by the Governor May 7, 1993.

Filed in Office of Secretary of State May 7, 1993.