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**SENATE BILL 5763**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Lovick, Liias, Nobles, and Stanford

AN ACT Relating to the law enforcement aviation support grant program; amending RCW 76.04.194 and 76.04.192; amending 2023 c 457 s 1 (uncodified); adding a new section to chapter 38.52 RCW; and providing expiration dates.

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

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

(1) Subject to the amounts appropriated for this specific purpose, the department shall develop and implement a law enforcement aviation support grant program for the purpose of providing financial assistance to law enforcement aviation support units.

(2) The department shall utilize a statewide association of law enforcement executives to identify and recognize local law enforcement rotary wing aviation support units that offer aviation support to any jurisdiction in the state reachable by their aviation support unit whenever an aircraft is available, without any financial obligation on behalf of the requesting jurisdiction. For purposes of this section, refueling is not considered a financial obligation.

(3) The department shall equally distribute 50 percent of the amounts appropriated for this program each fiscal year to local law enforcement rotary wing aviation support units recognized pursuant to subsection (2) of this section. Funding provided pursuant to this subsection must be used to maintain and operate rotary wing aviation support units including, but not limited to, pilot and crew costs, aircraft maintenance, upgrades, acquisition, insurance, fuel, training, and any other reasonable and necessary expense associated with operating an aviation support unit.

(4) Of the amounts remaining each fiscal year, the department must make available for local law enforcement rotary wing aviation support units recognized pursuant to subsection (2) of this section to submit and be reimbursed for all costs associated with search and rescue missions or search and rescue training missions conducted by the unit, regardless of where the search and rescue mission took place. Reimbursable costs include, but are not limited to, fuel costs, maintenance costs, and pilot and crew costs. Depreciation costs are not reimbursable expenses under this subsection.

(5) Any amounts remaining at the conclusion of each fiscal year, after local law enforcement rotary wing aviation support units recognized pursuant to subsection (2) of this section have had reasonable opportunity to submit any allowable unreimbursed search and rescue mission costs, must be awarded to the aviation section of the Washington state patrol.

(6) Funds awarded pursuant to this section must be used to supplement, not supplant, existing local funding for aviation support units.

**Sec.**  RCW 76.04.194 and 2023 c 457 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments and sheriff's offices with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments and sheriff's offices with initial attacks that meet the following requirements:

(a) The local fire department or sheriff's office must have entered into a response agreement with the department;

(b) The local fire department or sheriff's office must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must:

(i) In the case of local fire departments, come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in RCW 76.04.192(2); and

(ii) In the case of sheriff's offices, be owned or leased by the sheriff's office;

(d) Local fire departments and sheriff's offices must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

(3) This section expires July 1, 2027.

**Sec.**  RCW 76.04.192 and 2023 c 457 s 2 are each amended to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments and sheriff's offices for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments and sheriff's offices for initial attack aviation during the year;

(b) The specific local fire departments and sheriff's offices that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments and sheriff's offices initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments and sheriff's offices for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

(3) This section expires July 1, 2027.

**Sec.**  2023 c 457 s 1 (uncodified) is amended to read as follows:

(1) Local and tribal fire departments and sheriff's offices in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires, and each sheriff's office, is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to, and some sheriff's offices have aircraft capable to, fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments and sheriff's offices that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments and sheriff's offices to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments and sheriff's offices in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments and sheriff's offices statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments and sheriff's offices will have sufficient financial capacity to effectively control wildland fires throughout the length of the fire season. Having assurance that local fire departments and sheriff's offices can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief or sheriff will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

**--- END ---**