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**SENATE BILL 5763**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Lovick and Lias

1 AN ACT Relating to the law enforcement aviation support grant  
2 program; amending RCW 76.04.194 and 76.04.192; amending 2023 c 457 s  
3 1 (uncodified); adding a new section to chapter 38.52 RCW; and  
4 providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52  
7 RCW to read as follows:

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

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

19 (3) The department shall equally distribute 50 percent of the  
20 amounts appropriated for this program each fiscal year to local law  
21 enforcement rotary wing aviation support units recognized pursuant to

1 subsection (2) of this section. Funding provided pursuant to this  
2 subsection must be used to maintain and operate rotary wing aviation  
3 support units including, but not limited to, pilot and crew costs,  
4 aircraft maintenance, upgrades, acquisition, insurance, fuel,  
5 training, and any other reasonable and necessary expense associated  
6 with operating an aviation support unit.

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

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

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

25 **Sec. 2.** RCW 76.04.194 and 2023 c 457 s 3 are each amended to  
26 read as follows:

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

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

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

37 (b) The local fire department or sheriff's office must provide  
38 documentation to the department that personnel have received training

1 regarding the use of aviation assets in initial attack and criteria  
2 to use for determining when to call for aviation assets;

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

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

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

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

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

22 (3) This section expires July 1, 2027.

23 **Sec. 3.** RCW 76.04.192 and 2023 c 457 s 2 are each amended to  
24 read as follows:

25 (1) The department shall prepare and submit, consistent with RCW  
26 43.01.036, an appendix on aviation usage by local fire departments  
27 and sheriff's offices for initial attack as a part of its annual  
28 wildfire report to the standing committees of the legislature with  
29 jurisdiction over wildland firefighting. The department shall submit  
30 the report by December 1st of each year. The report must address, at  
31 a minimum, the following topics:

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

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

37 (c) The wildland fires on which suppression funding was utilized  
38 to provide local fire departments and sheriff's offices initial  
39 attack aviation resources during the year, including names,

1 locations, and sizes of fires, and amount of funding utilized on each  
2 of the fires; and

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

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

12 (3) This section expires July 1, 2027.

13 **Sec. 4.** 2023 c 457 s 1 (uncodified) is amended to read as  
14 follows:

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

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

32 (3) Further, the strategic use of aviation assets in initial  
33 attack, or at times when conditions on the ground may warrant  
34 additional air support, can prevent fires from becoming  
35 uncontrollable. Local fire departments and sheriff's offices that use  
36 aviation assets on initial attack can prevent most fires from  
37 requiring a state mobilization. Providing financial assurances for  
38 local fire departments and sheriff's offices to deploy aviation

1 assets will provide greater protection to our state's natural  
2 resources, air quality, and communities.

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

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

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