

HOUSE BILL REPORT

HB 1969

As Reported by House Committee On:

Technology, Economic Development, & Veterans

Title: An act relating to the law enforcement aviation support grant program.

Brief Description: Concerning the law enforcement aviation support grant program.

Sponsors: Representatives Burnett, Low, Griffey, Graham, Dent, Ley, Volz, Schmidt, Berg, Schmick, Leavitt, Klicker, Keaton, Eslick and Barkis.

Brief History:

Committee Activity:

Technology, Economic Development, & Veterans: 2/18/25, 2/19/25 [DP].

Brief Summary of Bill

- Creates a grant program to distribute funds to maintain and operate local law enforcement rotary wing aviation support units.
- Provides reimbursement for search and rescue by aviation support units and provides remaining funds to the Washington State Patrol's Aviation Section.
- Makes sheriff's offices eligible for funds used to assist local fire departments with aerial fire response for wildland fire fighting.

HOUSE COMMITTEE ON TECHNOLOGY, ECONOMIC DEVELOPMENT, & VETERANS

Majority Report: Do pass. Signed by 12 members: Representatives Ryu, Chair; Kloba, Vice Chair; Barnard, Ranking Minority Member; Cortes, Donaghy, Keaton, Paul, Penner, Shavers, Thomas, Volz and Waters.

Staff: Martha Wehling (786-7067).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Aviation Support Units.

Some state agencies and local governments have aviation support units that are used to assist the state in emergencies, such as firefighting and search and rescue. These include the Washington Air National Guard in Spokane, Camp Murray, and Joint Base Lewis-McChord; the Department of Natural Resources in Olympia, Yakima, and additional bases during fire season; the King County Sheriff's Office; and the Pierce County Air Unit.

The Washington State Patrol (WSP) has an Aviation Section which uses aircraft and equipment for enforcement, incident assessment, transportation, and surveillance. Operations supported by these aircraft include transportation and search and rescue. The Aviation Section is based in Olympia.

Rotary wing aircraft include helicopters and unmanned aerial vehicles. Aviation support units may use rotary wing aircraft as well as fixed wing aircraft.

Search and Rescue.

The Military Department administers the comprehensive emergency management program in Washington. One of the emergency management functions is to support search and rescue operations. The Adjutant General appoints a state coordinator of search and rescue operations to coordinate state resources, services, and facilities requested by political subdivisions in support of search and rescue operations. A "political subdivision" is a county, city, or town.

The chief law enforcement officer of each political subdivision is responsible for local search and rescue activities that are land based. The Department of Transportation, Aviation Division, is responsible for air searches for downed or missing civil aircraft. Search and rescue activities must be in accordance with state and local operations plans adopted by the governing body of the political subdivision. The Military Department estimates that there are 900 to 1,000 search and rescue missions each year, staffed primarily by more than 5,000 citizen volunteers.

Emergency or Disaster Response.

During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire service mobilization (Mobilization). Mobilization means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large-scale emergency, Mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignments in communities where resources are needed.

The Chief of the WSP has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan (Mobilization Plan). The purpose of the Mobilization Plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to provide for the protection of life and property. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a Mobilization Plan is initiated.

Aerial Wildland Fire Fighting.

The Department of Natural Resources (DNR) uses suppression funding to assist local and tribal fire departments with aerial fire response capabilities during the initial attack phase of fighting a wildland fire. To use suppression funding, the fire department must have an agreement with the DNR, the aviation asset must come from an approved list, and the requesting fire department must make a request to a coordination center. Each year, the DNR is required to consult with the state Fire Defense Committee, fire service representatives, and the State Fire Marshal's Office to review aviation program performance and aviation needs for the next year.

The DNR provides an annual report to the Legislature on wildfires. The report must include an appendix on aviation usage by local fire departments, including the cost of initial attack aviation, identification of local fire departments that used the funding, identification of fires when suppression funding was used, and recommendations for improvements to the wildland fire response process.

Summary of Bill:

Financial Assistance to Local Law Enforcement Rotary Wing Aviation Support Units.

The Military Department is required to develop and implement a Law Enforcement Aviation Support Grant Program (Aviation Program) to provide financial assistance to local law enforcement rotary wing aviation support units (Support Units). The Aviation Program will provide aviation support to a jurisdiction when an aircraft is available, without cost to the requesting jurisdiction.

The Military Department will distribute half of the appropriated funds to the Support Units. Support Units will be identified by the Military Department and a statewide association of law enforcement executives. The distributed funds are required to be used for maintenance and operation of the Support Units, including: pilot and crew costs, aircraft maintenance, upgrades, acquisition, insurance, fuel, training, and other expenses associated with operating an aviation support unit.

The Military Department is required to make the remaining appropriated funds available for Support Units for search and rescue costs, including training. The costs that may be

reimbursed are fuel, maintenance, and pilot and crew expenses. Depreciation costs are not reimbursable.

Any remaining appropriated funds are required to be awarded to the Washington State Patrol's Aviation Section. All funds awarded for the Aviation Program are required to be used to supplement, not supplant, existing local funding for Support Units.

Wildland Fire Suppression.

Sheriff's offices are identified as frontline responders to wildland fires, including the need for rapid decisions and access to aviation resources to provide fire retardants or water. Sheriff's offices are eligible for the Department of Natural Resources' (DNR) funds used to assist local fire departments with aerial fire response for wildland fire fighting. The aviation asset must be owned or leased by the sheriff's office to be eligible for suppression funding. The DNR is required to include usage by sheriffs' offices in its appendix on aviation usage in its annual wildfire report. The DNR's wildland fire suppression funding statutes will expire on July 1, 2027.

Appropriation: None.

Fiscal Note: Requested on February 13, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Aviation support is a life saving measure, used primarily for search and rescue. These are vital, life saving services that rescue people in times of need. Safety is the first priority, for employees and volunteers. Aviation support can assist in search and rescue in numerous situations, such as areas with high elevation topography, stranded hikers, landslides, glacier rescue, mountaineering accidents, and avalanches, as well as support for an eviction. Along the I-90 corridor, projected population growth, FIFA, and tourism will quickly overwhelm resources. Aviation support can also assist with wildland fire fighting, and wildfire risk is getting worse. While military resources are available, it takes between one and a half and three hours for a team to get permission to fly. A county or agency helicopter can reach people more quickly to deliver emergency response personnel, equipment, and resources, especially in remote places or places that are unreachable because of a disaster. Seconds can count in a rapid response for an emergency, such as stopping a small blaze from becoming larger.

Four counties provide aviation support: Chelan, King, Snohomish, and Spokane. The sheriffs are required to lead search and rescue operations, but lack the resources to carry out this obligation. The counties have operated their own units and made them available for

any jurisdiction, creating a regional asset. Costs include maintenance, fuel, parts, and training. It is not fair to ask the taxpayers in those four counties to subsidize the life saving and recovery measures in other counties. A dedicated fund for helicopter units to fund training, maintenance, and fuel will ensure no county stands alone.

(Opposed) None.

(Other) The safety of firefighters and air crew is an issue of concern. Ships are qualified to a federal training and maintenance standard, and the Department of Natural Resources provides additional assistance to fire departments to maintain ships at that level. When aircraft are used for wildland fire suppression that do not meet the federal standard, no other aviation resources can be deployed.

Persons Testifying: (In support) Representative Brian Burnett, prime sponsor; James McMahan, WA Assoc Sheriffs & Police Chiefs; Patti Cole-Tindall, King County Sheriff; David Ellis, Spokane Valley Police Chief; Carrie Lee Gagnon; and Brian Brett, Wenatchee Valley Fire Department.

(Other) Pat Sullivan, Department of Natural Resources; and George Geissler, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.