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**SENATE BILL 5746**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Warnick, Nobles, and Stanford

Prefiled 01/07/22. Read first time 01/10/22. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to drought preparedness, response, and funding;  
2 amending RCW 43.83B.415, 43.83B.430, and 90.86.030; and adding new  
3 sections to chapter 43.83B RCW.

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

5 **Sec. 1.** RCW 43.83B.415 and 2020 c 168 s 5 are each amended to  
6 read as follows:

7 (1)(a) The department is authorized to issue grants to eligible  
8 public entities to reduce current or future hardship caused by water  
9 unavailability stemming from drought conditions. No single entity may  
10 receive more than (~~twenty-five~~) 25 percent of the total funds  
11 available. The department is not obligated to fund projects that do  
12 not provide sufficient benefit to alleviating hardship caused by  
13 drought or water unavailability. Projects must show substantial  
14 benefit from securing water supply, availability, or reliability  
15 relative to project costs. Projects do not need to be completed while  
16 a drought emergency order under RCW 43.83B.405(2) is in effect.

17 (b) Except for projects for public water systems serving  
18 economically disadvantaged communities, the department may only fund  
19 up to (~~fifty~~) 50 percent of the total eligible cost of the project.  
20 Money used by applicants as a cash match may not originate from other  
21 state funds.

1 (c) For the purposes of this chapter, eligible public entities  
2 include only:

3 (i) Counties, cities, and towns;

4 (ii) Water and sewer districts formed under chapter 57.02 RCW;

5 (iii) Public utility districts formed under chapter 54.04 RCW;

6 (iv) Port districts formed under chapter 53.04 RCW;

7 (v) Conservation districts formed under chapter 89.08 RCW;

8 (vi) Irrigation districts formed under chapter 87.03 RCW;

9 (vii) Watershed management partnerships formed under RCW  
10 39.34.200; and

11 (viii) Federally recognized tribes.

12 (2) Grants may be used to develop projects that enhance the  
13 ability of water users to effectively mitigate for the impacts of  
14 water unavailability arising from drought. Project applicants must  
15 demonstrate that the projects will increase their resiliency,  
16 preparedness, or ability to withstand drought conditions when they  
17 occur. Projects may include, but are not limited to:

18 (a) Creation of additional water storage;

19 (b) Implementation of source substitution projects;

20 (c) Development of alternative, backup, or emergency water  
21 supplies or interties;

22 (d) Installation of infrastructure or creation of educational  
23 programs that improve water conservation and efficiency or promote  
24 use of reclaimed water;

25 (e) Development or update of local drought contingency plans if  
26 not already required by state rules adopted under chapter 246-290  
27 WAC;

28 (f) Mitigation of emergency withdrawals authorized under RCW  
29 43.83B.410(1);

30 (g) Projects designed to mitigate for the impacts of water supply  
31 shortages on fish and wildlife; and

32 (h) Emergency construction or modification of water recreational  
33 facilities.

34 (3) During a drought emergency order pursuant to RCW  
35 43.83B.405(2), the department shall prioritize funding for projects  
36 designed to relieve the immediate hardship caused by water  
37 unavailability.

38 **Sec. 2.** RCW 43.83B.430 and 2020 c 168 s 6 are each amended to  
39 read as follows:

1 The state drought preparedness (~~and response~~) account is  
2 created in the state treasury. All receipts from appropriated funds  
3 designated for the account and all cost recovery revenues collected  
4 under RCW 43.83B.410(5) must be deposited into the account. At the  
5 beginning of each biennium the state treasurer shall transfer into  
6 the account from the general fund the sum of \$2,000,000. Expenditures  
7 from the account may be used for drought planning and preparedness  
8 (~~and response~~) activities under this chapter, including grants  
9 issued under RCW 43.83B.415. Moneys in the account may be spent only  
10 after appropriation.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.83B  
12 RCW to read as follows:

13 Upon the issuance of an order of drought emergency under RCW  
14 43.83B.405(2), the state treasurer shall transfer from the general  
15 fund to the emergency drought response account created in section 4  
16 of this act such amounts as necessary to bring the balance of the  
17 account to \$3,000,000. The department shall, at a minimum, provide  
18 the director of financial management, legislative fiscal committees,  
19 and the joint legislative committee on water supply during drought,  
20 established under RCW 90.86.010, with a close-out cost summary  
21 following the expiration of the emergency drought order.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.83B  
23 RCW to read as follows:

24 The emergency drought response account is created in the custody  
25 of the state treasurer. All receipts from funds received pursuant to  
26 section 3 of this act must be deposited into the account. The account  
27 may also receive those moneys as may be appropriated by the  
28 legislature for the purpose of funding emergency drought response  
29 actions. Expenditures from the account may be used only for the costs  
30 of implementing the powers set forth in RCW 43.83B.410 through  
31 43.83B.420 to provide relief for the immediate hardship caused by  
32 water unavailability while a drought emergency order issued pursuant  
33 to RCW 43.83B.405(2) is in effect. Only the director of the  
34 department or the director's designee may authorize expenditures from  
35 the account. The account is subject to allotment procedures under  
36 chapter 43.88 RCW, but an appropriation is not required for  
37 expenditures.

1       **Sec. 5.** RCW 90.86.030 and 2010 1st sp.s. c 7 s 122 are each  
2 amended to read as follows:

3       (1) The joint legislative committee on water supply during  
4 drought shall convene from time to time at the call of the chair when  
5 an advisory is in effect under RCW 43.83B.405(1), when a drought  
6 (~~conditions~~) emergency order under RCW 43.83B.405(2) is in effect,  
7 or when the chair determines, in consultation with the department of  
8 ecology, that it is likely that such an order will be issued within  
9 the next year.

10       (2) The committee may request and review information relating to  
11 water supply conditions in the state, and economic, environmental,  
12 and other impacts relating to decreased water supply being  
13 experienced or anticipated. The governor's executive water emergency  
14 committee, the department of ecology, and other state agencies with  
15 water management or related responsibilities shall cooperate in  
16 responding to requests from the committee.

17       (3) During drought conditions in which (~~an~~) a drought emergency  
18 order issued under RCW 43.83B.405(2) is in effect, the department of  
19 ecology shall provide to the committee no less than monthly a report  
20 describing drought response activities of the department and other  
21 state and federal agencies participating on the water supply  
22 availability committee. The report shall include information  
23 regarding applications for, and approvals and denials of emergency  
24 water withdrawals and temporary changes or transfers of, water rights  
25 under RCW 43.83B.410. The report must include information regarding  
26 grants applied for or issued under RCW 43.83B.415.

27       (4) The committee from time to time shall make recommendations to  
28 the senate and house of representatives on budgetary and legislative  
29 actions that will improve the state's drought response programs and  
30 planning.

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