

# FINAL BILL REPORT

## SHB 1138

---

---

C 287 L 23  
Synopsis as Enacted

**Brief Description:** Concerning drought preparedness.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Chapman, Dent, Ramel, Leavitt, Doglio, Lekanoff, Donaghy and Ormsby; by request of Department of Ecology).

**House Committee on Agriculture and Natural Resources**  
**House Committee on Appropriations**  
**Senate Committee on Agriculture, Water, Natural Resources & Parks**  
**Senate Committee on Ways & Means**

**Background:**

Drought Emergency Orders.

The Department of Ecology (Ecology) is authorized to declare drought emergencies by administrative order. Before it may declare a drought emergency, Ecology must determine an area is experiencing or is expected to experience less than 75 percent of normal water supply and is expected to suffer undue hardships as a result of the dry conditions. Prior to issuing an order, Ecology must first consult with federal and state agencies and must receive approval from the Governor. Ecology may issue a drought advisory when it appears drought conditions may develop based on statutory definitions of normal water supply and drought conditions.

The issuance of a drought emergency orders provides Ecology certain additional legal authorities, including, among others:

- the authority to allow emergency withdrawals of public surface and ground waters;
- the authority to approve temporary changes in the use of a water right, employ additional people, acquire emergency equipment, and revise any drought contingency plans; and
- the authority to make loans or grants from emergency water supply funds when

---

*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.*

necessary to help alleviate drought conditions.

Any project funded by grant funding must be completed while the drought emergency order is in effect. These expenditures are made from the State Emergency Water Projects Revolving Account. In addition to that account, Ecology manages the State Drought Preparedness and Response Account, which may be used only for drought preparedness and response.

#### Joint Legislative Committee on Water Supply During Drought.

The Joint Legislative Committee on Water Supply During Drought (Drought Committee) is composed of eight legislative members. The Drought Committee may convene at the call of the Drought Committee's chairperson when a drought emergency order is in effect or when the chairperson determines, in consultation with Ecology, it is likely such an order will be issued within the next year. When a drought emergency order is in effect, Ecology must provide the Drought Committee with at least monthly reports describing drought response activities of Ecology and other state and federal agencies.

#### **Summary:**

Projects funded by grants issued by the Department of Ecology (Ecology) to address drought conditions no longer need to be completed while a drought emergency order is in effect.

The Drought Preparedness and Response Account is renamed the Drought Preparedness Account. Expenditures from the Drought Preparedness Account may be used for drought planning and preparedness activities.

The Emergency Drought Response Account is created in the State Treasury. Funds in the account may be spent only after appropriation. Expenditures from the account may be used only to provide relief for the immediate hardship caused by water unavailability while a drought emergency order is in effect.

Upon the issuance of a drought emergency order, the State Treasurer must transfer from the State General Fund to the Emergency Drought Response Account the amount needed to bring the balance of the account up to \$3 million. The Office of Financial Management (OFM) must determine the fund balance of the Emergency Drought Response Account as of the previous fiscal month before the issuance of a drought emergency order, and then notify the State Treasurer and Ecology of the fund balance and the necessary transfer amount. A transfer based on the determination made by OFM may be made only once per fiscal year.

The circumstances in which the Drought Committee is authorized to convene are amended to include when a drought advisory is in effect and when a drought emergency order is in effect. The information that Ecology is required to provide the committee while a drought

emergency order is in effect must include information regarding drought grants that have been applied for or issued.

**Votes on Final Passage:**

House	96	1	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 23, 2023