
SUBSTITUTE HOUSE BILL 1368

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley, and Pollet)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to responding to the COVID-19 pandemic through
2 state actions supported by federal funding; adding a new section to
3 chapter 43.70 RCW; creating new sections; making appropriations; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** Appropriations in this act are for the
7 fiscal biennium ending June 30, 2021.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this act unless the context clearly requires otherwise.

10 (1) "CRF" means funds attributable to the coronavirus relief fund
11 created by section 5001, the coronavirus aid, relief, and economic
12 security act, P.L. 116-136, division A.

13 (2) "CRRSA" means funds attributable to the coronavirus response
14 and relief supplemental appropriations act, P.L. 116-260, division M.

15 (3) "CRRSA/ESSER" means funds attributable to the elementary and
16 secondary school emergency relief fund, as modified by the
17 coronavirus response and relief supplemental appropriations act, P.L.
18 116-260, division M.

19 (4) "FMAP" means federal medical assistance percentage, including
20 funds attributable to the temporary increase of medicaid FMAP by

1 section 6008, the families first coronavirus response act, P.L.
2 116-127, division F.

3 NEW SECTION. **Sec. 3. FOR THE DEPARTMENT OF COMMERCE—RENTAL**
4 **ASSISTANCE AND HOUSING**

5 General Fund—Federal Appropriation. \$365,000,000
6 TOTAL APPROPRIATION. \$365,000,000

7 The appropriation in this section is subject to the following
8 conditions and limitations:

9 (1) \$325,000,000 of the general fund—federal appropriation
10 (CRRSA) is provided solely for the department to administer an
11 emergency rental and utility assistance program pursuant to P.L.
12 116-260, the federal consolidated appropriations act. The department
13 shall distribute funding in the form of grants to local housing
14 providers. In making distributions, the department must consider the
15 number of unemployed persons and renters in each jurisdiction served
16 by the provider as well as account for any funding that jurisdiction,
17 including cities within each county, received directly from the
18 federal government. A provider may use up to 9.5 percent of their
19 grant award for administrative costs and the remainder must be used
20 for financial assistance as defined in P.L. 116-260. The department
21 may retain up to 0.5 percent of the funding provided in this
22 subsection to administer the program.

23 (2)(a) \$30,000,000 of the general fund—federal appropriation
24 (CRF) is provided solely for the department to administer an eviction
25 rental assistance program. The department shall distribute funding in
26 the form of grants to local housing providers. In making
27 distributions, the department must consider the number of unemployed
28 persons and renters in each jurisdiction served by the provider. To
29 be eligible for the program, households must, at a minimum, have an
30 income at or below 80 percent of the area median income and must have
31 a missed or partially paid rent payment. Rental payments made through
32 the program will be provided directly to landlords. The department
33 may establish additional eligibility criteria to target these
34 resources to households most likely to become homeless if they do not
35 receive rental assistance.

36 (b) Of the amounts provided in this subsection, \$16,000,000 of
37 the general fund—federal appropriation (CRF) is provided solely for
38 local housing providers to subgrant with community organizations that

1 serve historically disadvantaged populations within their
2 jurisdiction. Subgrants may be used for program outreach and
3 assisting community members in applying for assistance under this
4 subsection and subsection (1) of this section.

5 (3) \$4,000,000 of the general fund—federal appropriation (CRF) is
6 provided solely for the department to assist homeowners at risk of
7 foreclosure pursuant to chapter 61.24 RCW. Funding must be used for
8 activities to prevent mortgage or tax lien foreclosures, housing
9 counselors, foreclosure prevention hotlines, low-income legal
10 services, mediation, and other activities that promote homeownership.
11 The department may contract with other state agencies to carry out
12 these activities.

13 (4) \$1,500,000 of the general fund—federal appropriation (CRF) is
14 provided solely for a contract with resolution Washington for
15 alternative dispute resolution centers and dispute resolution
16 programs to provide citizens with low-cost resolution as an
17 alternative to litigation. This funding must be prioritized for
18 resolution services relating to evictions.

19 (5) \$1,500,000 of the general fund—federal appropriation (CRF) is
20 provided solely for the department to contract with the office of
21 civil legal aid to provide services relating to evictions, housing,
22 and utilities.

23 (6) \$1,000,000 of the general fund—federal appropriation (CRF) is
24 provided solely for the department to contract with the office of the
25 attorney general for legal work relating to the eviction moratorium
26 extended in the governor's proclamation 20-19.5.

27 (7) (a) \$2,000,000 of the general fund—federal appropriation (CRF)
28 is provided solely for a program to provide grants to eligible
29 landlords who have encountered a significant financial hardship due
30 to loss of rental income from elective nonpayor tenants during the
31 state's eviction moratorium pursuant to the governor's proclamation.

32 (b) To be eligible for a grant under this subsection, a landlord
33 must:

34 (i) Apply for a grant;

35 (ii) Be the sole investor in the property from which they are
36 seeking rental arrears;

37 (iii) Be the owner of no more than four dwelling units from which
38 they receive rental payments;

1 (iv) Not contract with a property manager or property management
2 company for duties or activities related to the tenancy or dwelling
3 unit; and

4 (v) Have an elective nonpayor tenant who is in arrears in rent or
5 utilities or both.

6 (c) Eligible landlords may receive a grant of up to 80 percent of
7 the total amount of rent in arrears. The department must prioritize
8 landlords who have an income at or below 100 percent of the area
9 median income and who demonstrate a loss of rental income, to the
10 extent that funds are available.

11 (d) The department may inspect the property and the landlord's
12 records related to an application under the program, including the
13 use of a third-party inspector as needed to investigate fraud, to
14 assist in making its application review, and to determine
15 eligibility.

16 (e) A landlord who receives a grant under this section is
17 prohibited from:

18 (i) Taking any legal action against the tenant for damages
19 attributable to the same tenancy; or

20 (ii) Pursuing collection, or authorizing another entity to pursue
21 collection on the landlord's behalf, against the tenant for damages
22 attributable to the same tenancy.

23 (8) For the purposes of this section, the following definitions
24 apply:

25 (i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

26 (ii) "Elective nonpayor" means a tenant who has been determined
27 to not be eligible for the federal or state emergency rental
28 assistance program or has not applied for the federal or state
29 emergency rental assistance program.

30 (iii) "Landlord" has the meaning defined in RCW 59.18.030.

31 (iv) "Owner" has the meaning defined in RCW 59.18.030.

32 (v) "Rent" has the meaning defined in RCW 59.18.030.

33 (vi) "Tenant" has the meaning defined in RCW 59.18.030.

34 NEW SECTION. **Sec. 4. FOR THE DEPARTMENT OF COMMERCE—WORKING**
35 **WASHINGTON GRANTS**

36	General Fund—Federal Appropriation.	\$240,000,000
37	TOTAL APPROPRIATION.	\$240,000,000

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$240,000,000 of the general fund—federal appropriation (CRF)
4 is provided solely for the department of commerce to provide
5 additional grants to small businesses through the department's
6 working Washington grant program as modified by this section.

7 (2) Of the amount provided in this section, \$120,000,000 is
8 provided solely to assist businesses maintain their operations. To be
9 eligible for a grant under this subsection, the business must:

10 (a) Apply for or have applied for the grant;

11 (b) Have reported annual gross receipts of \$5,000,000 or less to
12 the department of revenue for calendar year 2019;

13 (c) Have expenses that are necessary to continue business
14 operations and the expense is not a federal, state, or local tax,
15 fee, license, or other government revenue;

16 (d) Self-attest that the expense is not funded by any other
17 government or private entity;

18 (e) Have experienced a reduction in business income or activity
19 related to COVID-19 or state or local actions in response to
20 COVID-19; and

21 (f) Agree to operate in accordance with the requirements of
22 applicable federal, state, and local public health guidance and
23 directives.

24 (3) Of the amount provided in this section, \$120,000,000 is
25 provided solely to assist the reopening of businesses that
26 temporarily totally closed their operations. To be eligible for a
27 grant under this subsection, the business must:

28 (a) Apply for the grant;

29 (b) Have reported annual gross receipts of \$5,000,000 or less to
30 the department of revenue for calendar year 2019;

31 (c) Demonstrate the business was actively engaged in business,
32 and as a result of the governor's proclamations 20-25.8, issued on
33 November 15, 2020, through 20-25.12 ("stay safe-stay healthy"),
34 temporarily totally closed operations. Demonstration of active
35 engagement in business can be given through but is not limited to
36 taxable activity reported to the department of revenue. The
37 department may use other methods to determine if this criterion has
38 been met;

1 (d) Have expenses that are necessary to reopen business
2 operations and the expense is not a federal, state, or local tax,
3 fee, license, or other government revenue;

4 (e) Self-attest that the expense is not funded by any other
5 government or private entity; and

6 (f) Agree to operate in accordance with the requirements of
7 applicable federal, state, and local public health guidance and
8 directives.

9 (4) Grants must be awarded on a first-come, first-serve basis.
10 The department may not impose other eligibility criteria or use other
11 factors to prioritize grants except priority must be given to
12 businesses that have not yet received a grant through the
13 department's working Washington small business grants. The department
14 must allow businesses to apply for grants for 30 days after the
15 effective date of this section. The department must conduct outreach
16 to underrepresented and unserved communities observed from prior
17 rounds of awards. The department must ensure equitable distributions
18 of grant funding, including considerations for geographic location
19 and businesses owned by members of historically disadvantaged
20 communities.

21 (5)(a) Eligible businesses may receive up to a \$20,000 grant.

22 (b) When awarding grants, the department must first provide all
23 eligible businesses that received a grant less than \$12,500 an
24 additional grant without requiring a new application so that total
25 grants awarded is \$12,500. Thereafter, new eligible businesses under
26 subsection (2) of this section must receive a \$12,500 grant. If there
27 is available funding, the department must make additional pro rata
28 grants to all eligible businesses under subsection (2) of this
29 section without requiring a new application up to a total of \$20,000.

30 (c) If a business received one or more working Washington small
31 business grants, the grant under this program must be reduced to
32 reflect the amounts received from previous working Washington small
33 business grants.

34 (d) Grants awarded under subsection (3) of this section must
35 require eligible businesses to enter into an agreement with the
36 department to be reimbursed for reopening costs and demonstrate that
37 the business has reopened and resumed operations. The department must
38 provide 25 percent of the grant in advance. Eligible businesses must
39 be given until June 1, 2021, to request reimbursement. If an eligible
40 business does not use all of its award by June 1, 2021, the amount

1 not used must be redistributed pro rata to other eligible businesses
2 under subsection (3) of this section up to a total of \$20,000 in
3 grants.

4 (6) For purposes of this section, reopening costs include, but
5 are not limited to:

6 (a) Upgrading physical work places to adhere to new safety or
7 sanitation standards;

8 (b) Procuring required personal protective supplies for employees
9 and business patrons and clients;

10 (c) Updating business plans;

11 (d) Employee costs including payroll, training, and onboarding;

12 (e) Rent, lease, mortgage, insurance, and utilities payments; and

13 (f) Securing inventory, supplies, and services for operations.

14 (7) Nonprofit organizations may be eligible to receive funding
15 under subsection (2) or (3) of this section if they have a primary
16 business activity that has been impacted as described in subsection
17 (2)(e) or (3)(c) of this section.

18 NEW SECTION. **Sec. 5.** Notwithstanding the provisions of section
19 127(85), chapter 357, Laws of 2020, it is the intent of the
20 legislature that grant funding for eligible sheltering costs be made
21 available to applicants who have maintained or decreased shelter
22 capacity due to social distancing or other health and safety measures
23 taken in response to the COVID-19 pandemic.

24 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
25 **SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY SERVICES**

26 General Fund—Federal Appropriation. \$24,528,000
27 TOTAL APPROPRIATION. \$24,528,000

28 The appropriation in this section is subject to the following
29 conditions and limitations: \$24,528,000 of the general fund—federal
30 appropriation (FMAP), along with currently appropriated state funds,
31 is provided solely to continue the COVID-19 rate enhancements offered
32 to contracted service providers in January-March 2021 through the
33 April-June 2021 quarter. Expenditure of the amounts provided in this
34 section is contingent upon execution of an appropriate memorandum of
35 understanding between the office of financial management and the
36 exclusive bargaining representatives.

1 NEW SECTION. **Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
2 **SERVICES—AGING AND ADULT SERVICES PROGRAM**

3 General Fund—Federal Appropriation. \$45,434,000
4 TOTAL APPROPRIATION. \$45,434,000

5 The appropriation in this section is subject to the following
6 conditions and limitations: \$45,434,000 of the general fund—federal
7 appropriation (FMAP), along with currently appropriated state funds,
8 is provided solely to continue the COVID-19 rate enhancements offered
9 to contracted service providers in January-March 2021 through the
10 April-June 2021 quarter. Expenditure of the amounts provided in this
11 section is contingent upon execution of an appropriate memorandum of
12 understanding between the office of financial management and the
13 exclusive bargaining representatives.

14 NEW SECTION. **Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
15 **SERVICES—ECONOMIC SERVICES ADMINISTRATION**

16 General Fund—Federal Appropriation. \$90,700,000
17 TOTAL APPROPRIATION. \$90,700,000

18 The appropriation in this section is subject to the following
19 conditions and limitations:

20 (1) \$12,000,000 of the general fund—federal appropriation (CRF)
21 is provided solely for the disaster cash assistance program, allowing
22 both individuals without children and families without children to
23 receive cash disaster benefits during the coronavirus pandemic
24 pursuant to House Bill No. 1151 (providing public assistance to
25 households in need). If the bill is not enacted by April 1, 2021, the
26 amount provided in this section shall lapse.

27 (2) \$4,700,000 of the general fund—federal appropriation (CRF) is
28 provided solely for the department to increase the benefit under the
29 food assistance program to maintain parity with benefits offered
30 under the supplemental nutritional assistance program for the period
31 of January through March 2021.

32 (3) \$9,000,000 of the general fund—federal appropriation (CRF) is
33 provided solely for the increased caseload in the temporary
34 assistance for needy families program as a result of the suspension
35 of the 60-month time limit and suspension of the imposition of
36 sanctions for nonparticipation in WorkFirst activities.

37 (4) \$65,000,000 of the general fund—federal appropriation (CRF)
38 is provided solely for continuing the Washington immigrant relief

1 fund authorized under the authority provided due to the declaration
2 of emergency due to the COVID-19 pandemic as modified by this
3 section. At least 95 percent of the amount provided in this
4 subsection is provided solely for grants to eligible persons.

5 (a) A person is eligible for a grant who:

6 (i) Lives in Washington state;

7 (ii) Is at least 18 years of age;

8 (iii) Has been significantly affected by the coronavirus
9 pandemic, such as loss of employment or significant reduction in work
10 hours, contracting the coronavirus, or caring for a family member who
11 contracted the coronavirus;

12 (iv) Is not eligible to receive federal economic impact
13 (stimulus) payments or unemployment insurance benefits due to their
14 immigration status; and

15 (v) Has an income at or below 250 percent of federal poverty
16 level.

17 (b) The department may not deny a grant to a person on the basis
18 that another adult in the household is eligible for federal economic
19 impact (stimulus) payments or unemployment insurance benefits or that
20 the person previously received a grant under the program.

21 (c) The department must prioritize grants to persons who are most
22 in need of financial assistance using factors that include, but are
23 not limited to, being the primary or sole income earner of household,
24 experiencing housing instability, having contracted or being at high
25 risk of contracting the coronavirus, and having been approved for a
26 previous grant under the program but not having received one due to
27 lack of funding.

28 (d) The department must contract with one or more nonprofit
29 organizations to administer the program. If the department engages in
30 a competitive contracting process for administration of the program,
31 experience in administering similar programs must be given weight in
32 the selection process to expedite the delivery of benefits to
33 eligible applicants. The contract must require the performance of
34 outreach activities to communities that may have been
35 underrepresented in earlier grant awards.

36 NEW SECTION. **Sec. 9. FOR THE HEALTH CARE AUTHORITY—MEDICAL**
37 **ASSISTANCE**

38	General Fund—Federal Appropriation.	\$6,000,000
39	TOTAL APPROPRIATION.	\$6,000,000

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) The entire general fund—federal appropriation (CRF) is
4 provided solely for the authority to distribute grants to rural
5 health clinics, federally qualified health centers, and free clinics
6 to provide health care services for uninsured and underinsured
7 patients, regardless of immigration status, for the treatment of any
8 health condition that is further complicated by the past or present
9 treatment of the illness caused by the severe acute respiratory
10 syndrome coronavirus 2 (COVID-19).

11 (2) The authority must distribute the amounts appropriated in
12 this section as follows:

13 (a) \$3,841,000 of the general fund—federal appropriation (CRF)
14 must be distributed to rural health clinics and federally qualified
15 health centers. Amounts provided in this subsection must be used for
16 the direct care of uninsured and underinsured patients under 200
17 percent of the federal poverty level for:

18 (i) The testing, treatment, or assessment of the severe acute
19 respiratory syndrome coronavirus 2 (COVID-19), including facility and
20 provider fees; and

21 (ii) The treatment of chronic conditions worsened by the severe
22 acute respiratory syndrome coronavirus 2 (COVID-19), including but
23 not limited to the cost of laboratory, prescription medications,
24 specialty care, and other services including behavioral health
25 services, therapies, radiology, and other diagnostics.

26 (b) \$1,659,000 of the general fund—federal appropriation (CRF)
27 must be distributed to free clinics that provide medical care for
28 patients with past or present diagnoses of the illness caused by the
29 severe acute respiratory syndrome coronavirus 2 (COVID-19). The
30 amounts provided in this subsection may be used for general operating
31 costs, including staffing, supplies, and equipment purchases. As used
32 in this section, "free clinics" mean private, nonprofit, community,
33 or faith-based organizations that provide medical and mental health
34 services at little or no cost to uninsured and underinsured people
35 through the use of volunteer health professionals, community
36 volunteers, and partnerships with other health providers.

37 (c) \$500,000 of the general fund—federal appropriation (CRF) must
38 be distributed to rural health clinics and federally qualified health
39 centers that can demonstrate that uninsured patients accounted for 14

1 percent or more of their total patient count in calendar year 2019.
2 Amounts provided in this subsection (2)(c) must be used for the same
3 purposes as those outlined in (a) of this subsection.

4 (3) Clinics may not bill clients for any portion of the services
5 provided that involve the use of amounts appropriated in this
6 section.

7 (4) Clinics may not use the amounts provided in this section for
8 services for which other funds are available, such as federal funds
9 from the families first coronavirus response act.

10 (5) The authority may retain no more than three percent of the
11 amounts provided in this section for administrative costs.

12 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF CHILDREN, YOUTH,**
13 **AND FAMILIES—EARLY LEARNING PROGRAM**

14 General Fund—Federal Appropriation. \$50,000,000
15 TOTAL APPROPRIATION. \$50,000,000

16 The appropriation in this section is subject to the following
17 conditions and limitations:

18 (1) \$50,000,000 of the general fund—federal appropriation (CRRSA)
19 is provided solely for the department to provide financial support to
20 child care providers. The department must prioritize providers
21 located in child care deserts, or communities of concern, or both,
22 and must prioritize providers in order to support racial equity
23 across the state. Of the amount provided in this section:

24 (a) \$28,800,000 of the general fund—federal appropriation (CRRSA)
25 is provided solely for grants to licensed providers who serve
26 children ages birth to 13 and who accept state subsidies. Base grant
27 amounts are \$6,500, with an additional \$100 provided for each
28 licensed slot over 65 slots.

29 (b) \$6,000,000 of the general fund—federal appropriation (CRRSA)
30 is provided solely for grants to licensed providers who serve
31 children ages birth to 13 and who do not accept subsidies. Grant
32 amounts are \$6,500.

33 (c) \$10,600,000 of the general fund—federal appropriation (CRRSA)
34 is provided solely for the department to pay providers at the
35 regional preschool rate for school-age children through April 2021.

36 (d) \$4,000,000 of the general fund—federal appropriation (CRRSA)
37 is provided solely for the department to incentivize providers to
38 take new subsidized slots.

1 (e) \$600,000 of the general fund—federal appropriation is
2 provided solely for incentives of \$250 to family, friends, and
3 neighbor providers.

4 (2) The department is authorized to shift funding among the
5 purposes in subsection (1)(a) through (e) of this section based on
6 over or underutilization of the different types of grants.

7 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF AGRICULTURE—FOOD**
8 **ASSISTANCE PROGRAM**

9	General Fund—Federal Appropriation.	\$26,392,000
10	TOTAL APPROPRIATION.	\$26,392,000

11 The appropriation in this section is subject to the following
12 conditions and limitations: \$18,000,000 of the general fund—federal
13 appropriation (CRF) and \$8,392,000 of the general fund—federal
14 appropriation (CRRSA) are provided solely for the department to
15 provide block grants to hunger relief organizations to achieve food
16 security within the state such as the purchase of food and supplies;
17 investment in storage capacity; management of operations, facilities,
18 employees, and volunteers; conducting social service outreach to food
19 recipients; or conducting any other activity that is necessary to
20 help achieve food security for the public. Providers under this
21 section may not refuse service to any person based on a protected
22 class under chapter 49.60 RCW. Of the amounts provided in this
23 section (CRRSA), a maximum of \$1,689,000 may be used by the
24 department for its administrative costs.

25 NEW SECTION. **Sec. 12. FOR THE OFFICE OF THE SUPERINTENDENT OF**
26 **PUBLIC INSTRUCTION—ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF**
27 **FUND**

28	General Fund—Federal Appropriation.	\$668,130,000
29	TOTAL APPROPRIATION.	\$668,130,000

30 The appropriation in this section is subject to the following
31 conditions and limitations:

32 (1) \$668,130,000 of the general fund—federal appropriation
33 (CRRSA/ESSER) is provided solely for allocations from federal funding
34 in response to the COVID-19 pandemic as authorized in section 313,
35 the coronavirus response and relief supplemental appropriations act,
36 P.L. 116-260, division M. The superintendent of public instruction
37 must allocate the entire amount as subgrants to local education

1 agencies consistent with timing and provisions of section 313, P.L.
2 116-260, division M.

3 (2) (a) By March 1, 2021, school districts, charter schools, and
4 state-tribal education compact schools must review and update school
5 reopening plans adopted for the 2020-21 school year and submit the
6 updated plans to the superintendent of public instruction.

7 (b) The superintendent of public instruction shall develop the
8 template for the plan update that districts must use. The update must
9 include at a minimum:

10 (i) A schedule for reopening or expanding in-person instruction
11 during the 2020-21 school year;

12 (ii) Which students will receive in-person instruction, by group,
13 by grade, by school; and

14 (iii) Plans for balancing in-person and remote instruction in
15 hybrid models, if applicable.

16 (c) Schools are encouraged to base reopening schedules and
17 decisions on state department of health guidance on COVID-19 activity
18 levels.

19 (d) The superintendent must report to the appropriate policy and
20 fiscal committees of the legislature on any statutory changes
21 necessary to implement updated reopening plans.

22 (3) (a) By June 1, 2021, school districts, charter schools, and
23 state-tribal education compact schools must submit an academic and
24 student well-being recovery plan to the superintendent of public
25 instruction to address student needs that are anticipated due to
26 school closures and extended time in remote learning mode due to the
27 COVID-19 pandemic. The superintendent of public instruction shall
28 develop the template for the plan that districts must use. Schools
29 must report progress on implementing the plan in a manner identified
30 by the office of the superintendent of public instruction. The plan
31 must, at a minimum, address learning loss among students, including
32 student groups identified in the Washington state improvement
33 framework, as well as students experiencing homelessness and students
34 in foster care.

35 (b) Additional plan details must include:

36 (i) Identification of specific diagnostic assessment tools by
37 grade level, identification of student learning and well-being gaps,
38 and focusing of additional time and supports on students most
39 impacted;

1 (ii) Providing additional instruction, student well-being
2 support, and extracurricular opportunities based on an evaluation of
3 student needs; and

4 (iii) Other plan elements as required by the office of the
5 superintendent of public instruction. The office of the
6 superintendent of public instruction may add elements based on
7 evidence of positive learning and well-being outcomes. These elements
8 can include, but are not limited to: Balanced calendars, additional
9 school days, additional instruction time, or any combination of these
10 elements.

11 (c) Nothing in the plan constitutes an independent source of
12 legal authority except as permitted by statute, and the plan does not
13 supersede state statutes, gubernatorial orders, or the statutory
14 authority of state and county health departments.

15 NEW SECTION. **Sec. 13. FOR THE OFFICE OF THE SUPERINTENDENT OF**
16 **PUBLIC INSTRUCTION—GOVERNOR EMERGENCY EDUCATION RELIEF FUND**

17 General Fund—Federal Appropriation (CRRSA-GEER) \$46,263,000
18 TOTAL APPROPRIATION. \$46,263,000

19 The appropriation in this section is subject to the following
20 conditions and limitations: The appropriation in this section is
21 provided solely for allocations from the federal funding to provide
22 emergency assistance to nonpublic schools, as authorized in section
23 312(d), the coronavirus response and relief supplemental
24 appropriations act, P.L. 116-260, division M.

25 NEW SECTION. **Sec. 14. FOR THE STUDENT ACHIEVEMENT COUNCIL—**
26 **OFFICE OF STUDENT FINANCIAL ASSISTANCE**

27 General Fund—Federal Appropriation. \$5,000,000
28 TOTAL APPROPRIATION. \$5,000,000

29 The appropriation in this section is subject to the following
30 conditions and limitations:

31 (1) \$5,000,000 of the general fund—federal appropriation (CRF) is
32 provided solely for undocumented student relief grants authorized
33 under the authority provided due to the declaration of emergency due
34 to the COVID-19 pandemic as modified by this section.

35 (2) Students are eligible for the grant in this section if they
36 meet the definition of "eligible student" in RCW 28B.96.010. Grants

1 will be awarded on a first-come, first-serve basis subject to
2 availability of amounts provided in this section.

3 (3) The grant award amounts must be comparable to the CARES/HEER
4 student emergency financial aid grant amounts provided by
5 institutions of higher education.

6 (4) For purposes of this section, "CARES/HEER" means funds
7 attributable to the higher education emergency relief fund created by
8 section 18004, the coronavirus aid, relief, and economic security
9 act, P.L. 116-120, division M.

10 (5) The office must disburse the grant funds to institutions of
11 higher education in Washington as defined in RCW 28B.92.030.

12 (6) The grants awarded to eligible students under this section
13 must not be included in any financial need calculation when awarding
14 state financial aid.

15 NEW SECTION. **Sec. 15. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
16 **COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—RESPONSE**

17	General Fund—Federal Appropriation.	\$438,000,000
18	TOTAL APPROPRIATION.	\$438,000,000

19 The appropriation in this section is subject to the following
20 conditions and limitations: The entire general fund—federal
21 appropriation (CRRSA) is provided solely for expenditure into the
22 COVID-19 public health response account, from which the department of
23 health may make expenditures from this sum solely for the statewide
24 response to the COVID-19 pandemic, including diagnostic testing, case
25 investigation and contract tracing, care coordination, outbreak
26 response, data collection and analysis, and other activities required
27 to support the response.

28 NEW SECTION. **Sec. 16. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
29 **COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES**

30	General Fund—Federal Appropriation.	\$68,000,000
31	TOTAL APPROPRIATION.	\$68,000,000

32 The appropriation in this section is subject to the following
33 conditions and limitations: The entire general fund—federal
34 appropriation (CRRSA) is provided solely for expenditure into the
35 COVID-19 public health response account, from which the department of
36 health may make expenditures from this sum solely to plan for,
37 prepare, and deploy the COVID-19 vaccine.

1 NEW SECTION. **Sec. 17. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
 2 **COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—EPIDEMIOLOGY AND LABORATORY**
 3 **CAPACITY**

4	General Fund—Federal Appropriation.	\$100,000,000
5	TOTAL APPROPRIATION.	\$100,000,000

6 The appropriation in this section is subject to the following
 7 conditions and limitations: The entire general fund—federal
 8 appropriation is provided solely for expenditure into the COVID-19
 9 public health response account, from which the department of health
 10 may make expenditures from this sum solely for its response to the
 11 COVID-19 pandemic, which includes diagnostic testing, case
 12 investigation and contract tracing, care coordination, outbreak
 13 response, data collection and analysis, and other activities required
 14 to support the response.

15 NEW SECTION. **Sec. 18. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
 16 **COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—RESPONSE**

17	General Fund—Federal Appropriation.	\$12,000,000
18	TOTAL APPROPRIATION.	\$12,000,000

19 The appropriation in this section is subject to the following
 20 conditions and limitations: The entire general fund—federal
 21 appropriation (CRF) is provided solely for expenditure into the
 22 COVID-19 public health response account, from which the department of
 23 health may make expenditures from this sum solely for the statewide
 24 response to the COVID-19 pandemic.

25 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70
 26 RCW to read as follows:

27 COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT CREATED. (1) The COVID-19
 28 public health response account is created in the custody of the state
 29 treasurer. The account shall consist of funds appropriated by the
 30 legislature and grants received by the department of health for
 31 activities in response to the coronavirus pandemic (COVID-19). Only
 32 the secretary, or the secretary's designee, may authorize
 33 expenditures from the account for costs related to the public health
 34 response to COVID-19, subject to any limitations imposed by grant
 35 funding deposited into the account. The COVID-19 public health
 36 response account is subject to allotment procedures under chapter
 37 43.88 RCW, but an appropriation is not required for expenditures.

1 (2) (a) The legislature finds that a safe, efficient, and
2 effective delivery of vaccinations is of the utmost importance for
3 restoring societal and economic functions. As we learn more about the
4 virus, the vaccine, and challenges to vaccine allocation and
5 distribution, it is anticipated that the state's COVID-19 vaccination
6 distribution plan will evolve. To that end, the legislature has
7 provided flexibility by funding vaccine expenditure at the discretion
8 of the secretary and without an appropriation. However, to maintain
9 fiscal control and to ensure spending priorities align, the
10 department is required to collaborate and communicate with the chairs
11 and ranking members of the health care and fiscal committees of the
12 legislature and local health jurisdictions in advance of any
13 significant revision of the state's COVID-19 vaccination plan and to
14 provide regular updates on its implementation and spending.

15 (b) As part of the public health response to COVID-19, the
16 expenditures from the account must be used to effectively administer
17 the vaccine for COVID-19 and conduct testing and contact tracing. The
18 department must ensure that COVID-19 outreach is accessible,
19 culturally and linguistically appropriate, and that it includes
20 community-driven partnerships and strategies.

21 (c) When making expenditures for administering the vaccine for
22 COVID-19, the department must focus on identifying persons for
23 vaccination, prioritizing hard-to-reach communities, making the
24 vaccine accessible, and providing support to schools for safe
25 reopening.

26 (d) When making expenditures regarding testing and contact
27 tracing, the department must provide equitable access, prioritize
28 hard-to-reach communities, and provide support and resources to
29 facilitate the safe reopening of schools while minimizing community
30 spread of the virus.

31 (3) When making expenditures from the account, the department
32 must include an emphasis on public communication regarding the
33 availability and accessibility of the vaccine and testing, and the
34 importance of vaccine and testing availability to the safe reopening
35 of the state.

36 (4) (a) The department must report to the fiscal and health care
37 committees of the legislature on a monthly basis regarding its
38 COVID-19 response.

1 (b) To the extent that it is available, the report must include
2 data regarding vaccine distribution, testing, and contact tracing, as
3 follows:

4 (i) The number of vaccines administered per day, including
5 regional data regarding the location and age groups of persons
6 receiving the vaccine, specifically identifying hard-to-reach
7 communities in which vaccines were administered; and

8 (ii) The number of tests conducted per week, including data
9 specifically addressing testing conducted in hard-to-reach
10 communities.

11 (c) The first monthly report is due no later than one month from
12 the effective date of this section. Monthly reports are no longer
13 required upon the department's determination that the remaining
14 balance of the COVID-19 response account is less than \$100,000.

15 NEW SECTION. **Sec. 20.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 21.** If any part of this act is found to be in
20 conflict with federal requirements that are a prescribed condition to
21 the allocation of federal funds to the state, the conflicting part of
22 this act is inoperative solely to the extent of the conflict and with
23 respect to the agencies directly affected, and this finding does not
24 affect the operation of the remainder of this act in its application
25 to the agencies concerned. Rules adopted under this act must meet
26 federal requirements that are a necessary condition to the receipt of
27 federal funds by the state.

28 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately.

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