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**ENGROSSED HOUSE BILL 2965**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self, and Stonier

AN ACT Relating to the state's response to the novel coronavirus; amending RCW 38.52.105; adding a new section to chapter 74.46 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. **Sec.**  The sum of one hundred million dollars is appropriated from the budget stabilization account for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the disaster response account, from which it may be appropriated solely for state and local government and federally recognized tribes' response to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium.

NEW SECTION. **Sec.**  The sum of one hundred million dollars is appropriated from the disaster response account to the office of financial management for the fiscal biennium ending June 30, 2021, and is provided solely for allotment to state agencies and for distribution to local governments and federally recognized tribes for response to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020. The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management must provide monthly updates on spending from this appropriation to the fiscal committees of the legislature.

(2) Funding from this section may not be used to supplant existing federal, state, and local funds for services and activities that will assist in the response to the novel coronavirus.

(3) Agencies and local governments must demonstrate maximum use of available federal funds for novel coronavirus response and recovery efforts before seeking funding from this appropriation. If an agency or local government subsequently receives reimbursement from federal sources of amounts spent from the appropriation in this section, the agency or local government must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account.

(4) By July 1, 2021, the office of financial management must certify to the state treasurer the amount of any unobligated moneys in the disaster response account that are attributable to the budget stabilization account appropriation in section 1 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

**Sec.**  RCW 38.52.105 and 2019 c 415 s 956 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts, including response by state and local government and federally recognized tribes to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020, and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund. It is the intent of the legislature that these policies will be continued in subsequent fiscal biennia.

NEW SECTION. **Sec.**  A new section is added to chapter 74.46 RCW to read as follows:

The department is authorized to determine nursing facility payments to adequately resource facilities responding to any state of emergency declared by the governor including the 2019 novel coronavirus outbreak. The medicaid payments provided to nursing facilities in response to such state of emergency shall be determined by the department as appropriate to address the immediate safety needs of Washington state citizens and shall not be subject to this chapter's medicaid methodology. Any nursing facility payment made under this section shall not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

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

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