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CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1368

Chapter 3, Laws of 2021

67TH LEGISLATURE

2021 REGULAR SESSION

COVID-19--FEDERAL FUNDING

EFFECTIVE DATE: February 19, 2021

ENGROSSED SUBSTITUTE HOUSE BILL 1368

Passed Legislature - 2021 Regular Session

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.

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

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

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

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

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

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

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

(4) "FMAP" means federal medical assistance percentage, including funds attributable to the temporary increase of medicaid FMAP by section 6008, the families first coronavirus response act, P.L. 116-127, division F.

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF COMMERCE – RENTAL ASSISTANCE AND HOUSING

General Fund – Federal Appropriation	$365,000,000
TOTAL APPROPRIATION	$365,000,000

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

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

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

(b) Of the amounts provided in this subsection, $16,000,000 of the general fund – federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

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

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

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

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

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

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

(i) Apply for a grant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF COMMERCE – WORKING WASHINGTON GRANTS

General Fund – Federal Appropriation	$240,000,000
TOTAL APPROPRIATION	$240,000,000

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

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

(2) Of the amount provided in this section, $150,000,000 is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

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

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

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

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

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

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

(3) Of the amount provided in this section, $90,000,000 is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(a) Apply for the grant;

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

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

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

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

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

(4) Grant awards are subject to the availability of amounts appropriated in this section. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(5)(a) Eligible businesses may receive up to a $75,000 grant.

(b) If a business received one or more working Washington small business grants, the grant awarded under this section must be reduced to reflect the amounts received from previous working Washington small business grants.

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

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

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

(c) Updating business plans;

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

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

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

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

(8) The department is authorized to shift funding among the purposes in subsections (2) and (3) of this section based on over or underutilization of the different types of grants.

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

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES – DEVELOPMENTAL DISABILITIES PROGRAM – COMMUNITY SERVICES

General Fund – Federal Appropriation	$24,528,000
TOTAL APPROPRIATION	$24,528,000

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

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES – AGING AND ADULT SERVICES PROGRAM

General Fund – Federal Appropriation	$45,434,000
TOTAL APPROPRIATION	$45,434,000

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

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES – ECONOMIC SERVICES ADMINISTRATION

General Fund – Federal Appropriation	$90,700,000
TOTAL APPROPRIATION	$90,700,000

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

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

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

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

(4) $65,000,000 of the general fund – federal appropriation (CRF) is provided solely for continuing the Washington immigrant relief fund authorized under the authority provided due to the declaration of emergency due to the COVID-19 pandemic as modified by this section. At least 95 percent of the amount provided in this subsection is provided solely for grants to eligible persons.

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

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

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

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

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

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

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

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

NEW SECTION. Sec. 9. FOR THE HEALTH CARE AUTHORITY – MEDICAL ASSISTANCE

General Fund – Federal Appropriation	$6,000,000
TOTAL APPROPRIATION	$6,000,000

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

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

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

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

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

provider fees; and

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

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

(c) $500,000 of the general fund – federal appropriation (CRF) must be distributed to rural health clinics and federally qualified health centers that can demonstrate that uninsured patients accounted for 14 percent or more of their total patient count in calendar year 2019. Amounts provided in this subsection (2)(c) must be used for the same purposes as those outlined in (a) of this subsection.

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

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

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

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES – EARLY LEARNING PROGRAM

General Fund – Federal Appropriation	$50,000,000
TOTAL APPROPRIATION	$50,000,000

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF AGRICULTURE – FOOD ASSISTANCE PROGRAM

General Fund – Federal Appropriation	$26,392,000
TOTAL APPROPRIATION	$26,392,000

The appropriation in this section is subject to the following conditions and limitations: $18,000,000 of the general fund – federal appropriation (CRF) and $8,392,000 of the general fund – federal appropriation (CRRSA) are provided solely for the department to provide block grants to hunger relief organizations to achieve food security within the state such as the purchase of food and supplies; investment in storage capacity; management of operations, facilities, employees, and volunteers; conducting social service outreach to food recipients; or conducting any other activity that is necessary to help achieve food security for the public. Providers under this section may not refuse service to any person based on a protected class under chapter 49.60 RCW. Of the amounts provided in this section

(CRRSA), a maximum of $1,689,000 may be used by the department for its administrative costs.

NEW SECTION. Sec. 12. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION – ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

General Fund – Federal Appropriation	$668,130,000
TOTAL APPROPRIATION	$668,130,000

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

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

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

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

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

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

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

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

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

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

(b) Additional plan details must include:

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

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

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

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

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION – GOVERNOR EMERGENCY EDUCATION RELIEF FUND

General Fund – Federal Appropriation (CRRSA-GEER)	$46,263,000
TOTAL APPROPRIATION	$46,263,000

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

NEW SECTION. Sec. 14. FOR THE STUDENT ACHIEVEMENT COUNCIL – OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund – Federal Appropriation $5,000,000
TOTAL APPROPRIATION $5,000,000

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

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

(2) Students are eligible for the grant in this section if they meet the definition of "eligible student" in RCW 28B.96.010. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this section.

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

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

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

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

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

General Fund – Federal Appropriation $438,000,000
TOTAL APPROPRIATION $438,000,000

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

NEW SECTION. Sec. 16. FOR THE OFFICE OF FINANCIAL MANAGEMENT – COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT – VACCINES

General Fund – Federal Appropriation $68,000,000
TOTAL APPROPRIATION $68,000,000

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

NEW SECTION. Sec. 17. FOR THE OFFICE OF FINANCIAL MANAGEMENT – COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT – EPIDEMIOLOGY AND LABORATORY CAPACITY

General Fund – Federal Appropriation $100,000,000
TOTAL APPROPRIATION $100,000,000

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

NEW SECTION. Sec. 18. FOR THE OFFICE OF FINANCIAL MANAGEMENT – COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT – RESPONSE

General Fund – Federal Appropriation $12,000,000
TOTAL APPROPRIATION $12,000,000

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

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

COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT CREATED.

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 22. 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.

Passed by the House February 1, 2021.

Passed by the Senate February 10, 2021.

Approved by the Governor February 19, 2021.

Filed in Office of Secretary of State February 19, 2021.

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