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ENGROSSED SUBSTITUTE HOUSE BILL 1368

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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, \$150,000,000 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, \$90,000,000 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) Grant awards are subject to the availability of amounts  
10 appropriated in this section. The department must conduct outreach to  
11 underrepresented and unserved communities observed from prior rounds  
12 of awards. The department must ensure equitable distributions of  
13 grant funding, including considerations for geographic location and  
14 businesses owned by members of historically disadvantaged  
15 communities.

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

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

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

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

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

27 (c) Updating business plans;

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

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

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

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

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

38 NEW SECTION. **Sec. 5.** Notwithstanding the provisions of section  
39 127(85), chapter 357, Laws of 2020, it is the intent of the

1 legislature that grant funding for eligible sheltering costs be made  
2 available to applicants who have maintained or decreased shelter  
3 capacity due to social distancing or other health and safety measures  
4 taken in response to the COVID-19 pandemic.

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

7	General Fund—Federal Appropriation. . . . .	\$24,528,000
8	TOTAL APPROPRIATION. . . . .	\$24,528,000

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

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

20	General Fund—Federal Appropriation. . . . .	\$45,434,000
21	TOTAL APPROPRIATION. . . . .	\$45,434,000

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

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

33	General Fund—Federal Appropriation. . . . .	\$90,700,000
34	TOTAL APPROPRIATION. . . . .	\$90,700,000

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

3 (1) \$12,000,000 of the general fund—federal appropriation (CRF)  
4 is provided solely for the disaster cash assistance program, allowing  
5 both individuals without children and families without children to  
6 receive cash disaster benefits during the coronavirus pandemic  
7 pursuant to House Bill No. 1151 (providing public assistance to  
8 households in need). If the bill is not enacted by April 1, 2021, the  
9 amount provided in this section shall lapse.

10 (2) \$4,700,000 of the general fund—federal appropriation (CRF) is  
11 provided solely for the department to increase the benefit under the  
12 food assistance program to maintain parity with benefits offered  
13 under the supplemental nutritional assistance program for the period  
14 of January through March 2021.

15 (3) \$9,000,000 of the general fund—federal appropriation (CRF) is  
16 provided solely for the increased caseload in the temporary  
17 assistance for needy families program as a result of the suspension  
18 of the 60-month time limit and suspension of the imposition of  
19 sanctions for nonparticipation in WorkFirst activities.

20 (4) \$65,000,000 of the general fund—federal appropriation (CRF)  
21 is provided solely for continuing the Washington immigrant relief  
22 fund authorized under the authority provided due to the declaration  
23 of emergency due to the COVID-19 pandemic as modified by this  
24 section. At least 95 percent of the amount provided in this  
25 subsection is provided solely for grants to eligible persons.

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

27 (i) Lives in Washington state;

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

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

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

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

38 (b) The department may not deny a grant to a person on the basis  
39 that another adult in the household is eligible for federal economic



1 impact (stimulus) payments or unemployment insurance benefits or that  
2 the person previously received a grant under the program.

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

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

18 NEW SECTION. **Sec. 9. FOR THE HEALTH CARE AUTHORITY—MEDICAL**  
19 **ASSISTANCE**

20	General Fund—Federal Appropriation. . . . .	\$6,000,000
21	TOTAL APPROPRIATION. . . . .	\$6,000,000

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

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

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

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

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

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

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

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

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

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

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

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

36	General Fund—Federal Appropriation. . . . .	\$50,000,000
37	TOTAL APPROPRIATION. . . . .	\$50,000,000

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

3 (1) \$50,000,000 of the general fund—federal appropriation (CRRSA)  
4 is provided solely for the department to provide financial support to  
5 child care providers. The department must prioritize providers  
6 located in child care deserts, or communities of concern, or both,  
7 and must prioritize providers in order to support racial equity  
8 across the state. Of the amount provided in this section:

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

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

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

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

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

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

30 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF AGRICULTURE—FOOD**  
31 **ASSISTANCE PROGRAM**

32	General Fund—Federal Appropriation. . . . .	\$26,392,000
33	TOTAL APPROPRIATION. . . . .	\$26,392,000

34 The appropriation in this section is subject to the following  
35 conditions and limitations: \$18,000,000 of the general fund—federal  
36 appropriation (CRF) and \$8,392,000 of the general fund—federal  
37 appropriation (CRRSA) are provided solely for the department to

1 provide block grants to hunger relief organizations to achieve food  
2 security within the state such as the purchase of food and supplies;  
3 investment in storage capacity; management of operations, facilities,  
4 employees, and volunteers; conducting social service outreach to food  
5 recipients; or conducting any other activity that is necessary to  
6 help achieve food security for the public. Providers under this  
7 section may not refuse service to any person based on a protected  
8 class under chapter 49.60 RCW. Of the amounts provided in this  
9 section (CRRSA), a maximum of \$1,689,000 may be used by the  
10 department for its administrative costs.

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

14	General Fund—Federal Appropriation. . . . .	\$668,130,000
15	TOTAL APPROPRIATION. . . . .	\$668,130,000

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

18 (1) \$668,130,000 of the general fund—federal appropriation  
19 (CRRSA/ESSER) is provided solely for allocations from federal funding  
20 in response to the COVID-19 pandemic as authorized in section 313,  
21 the coronavirus response and relief supplemental appropriations act,  
22 P.L. 116-260, division M. The superintendent of public instruction  
23 must allocate the entire amount as subgrants to local education  
24 agencies consistent with timing and provisions of section 313, P.L.  
25 116-260, division M.

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

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

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

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

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

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

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

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

20 (b) Additional plan details must include:

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

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

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

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

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

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

5            The appropriation in this section is subject to the following  
6 conditions and limitations: The appropriation in this section is  
7 provided solely for allocations from the federal funding to provide  
8 emergency assistance to nonpublic schools, as authorized in section  
9 312(d), the coronavirus response and relief supplemental  
10 appropriations act, P.L. 116-260, division M.

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

13 General Fund—Federal Appropriation. . . . . \$5,000,000  
14            TOTAL APPROPRIATION. . . . . \$5,000,000

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

17            (1) \$5,000,000 of the general fund—federal appropriation (CRF) is  
18 provided solely for undocumented student relief grants authorized  
19 under the authority provided due to the declaration of emergency due  
20 to the COVID-19 pandemic as modified by this section.

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

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

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

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

34            (6) The grants awarded to eligible students under this section  
35 must not be included in any financial need calculation when awarding  
36 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

1 response, data collection and analysis, and other activities required  
2 to support the response.

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

5	General Fund—Federal Appropriation. . . . .	\$12,000,000
6	TOTAL APPROPRIATION. . . . .	\$12,000,000

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

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

15 COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT CREATED. (1) The COVID-19  
16 public health response account is created in the custody of the state  
17 treasurer. The account shall consist of funds appropriated by the  
18 legislature and grants received by the department of health for  
19 activities in response to the coronavirus pandemic (COVID-19). Only  
20 the secretary, or the secretary's designee, may authorize  
21 expenditures from the account for costs related to the public health  
22 response to COVID-19, subject to any limitations imposed by grant  
23 funding deposited into the account. The COVID-19 public health  
24 response account is subject to allotment procedures under chapter  
25 43.88 RCW, but an appropriation is not required for expenditures.

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



1 significant revision of the state's COVID-19 vaccination plan and to  
2 provide regular updates on its implementation and spending.

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

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

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

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

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

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

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

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

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

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

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

14        NEW SECTION.    **Sec. 22.**    This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of  
16 the state government and its existing public institutions, and takes  
17 effect immediately.

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