S-4046.3

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**SENATE BILL 5965**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Braun, Dozier, Hawkins, Holy, Muzzall, Rivers, Schoesler, Short, Wagoner, and J. Wilson

AN ACT Relating to repealing the long-term services and supports trust program authorized in chapter 50B.04 RCW, including the repeal of taxes to be paid by employees through payroll deductions; creating new sections; and repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, 50B.04.900, and 50B.04.---.

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

NEW SECTION. **Sec.**  The legislature finds that:

(1) In 2019, the legislature enacted the long-term services and supports trust program, which authorized a fifty-eight hundredths of one percent premium on employee wages beginning in January 2022 to pay for long-term care benefits for qualified individuals beginning in 2025.

(2) The state's constitution only permits treasury investments which typically yield returns between two and three percent. However, the solvency of the program was based on an actuarial model that assumed over five percent investment returns.

(3) In 2020, the legislature passed a constitutional amendment that would have allowed investment of the program's funds in vehicles besides treasuries, including stocks and bonds. The amendment was rejected by voters.

(4) The investment returns that the program is based on are unattainable under current law and now the program has an unfunded liability projected at $15,000,000,000 in net present value. Benefit cuts or further premium increases will be necessary to address the program's solvency.

(5) In a 2019 advisory vote, voters rejected the program's premium by over 67 percent. And in 2020, they rejected a funding mechanism for the program.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 50B.04.010 (Definitions) and 2021 c 113 s 1, 2020 c 98 s 1, & 2019 c 363 s 2;

(2)RCW 50B.04.020 (Duties—Health care authority, department of social and health services, office of the state actuary, employment security department) and 2022 c 1 s 1, 2021 c 113 s 2, 2020 c 98 s 2, & 2019 c 363 s 3;

(3)RCW 50B.04.030 (Long-term services and supports trust commission—Investment strategy subcommittee) and 2022 c 1 s 2, 2021 c 113 s 3, & 2019 c 363 s 4;

(4)RCW 50B.04.040 (Long-term services and supports council—Benefit unit adjustment) and 2019 c 363 s 5;

(5)RCW 50B.04.050 (Qualified individuals) and 2022 c 2 s 3, 2022 c 1 s 3, 2021 c 113 s 4, 2020 c 98 s 3, & 2019 c 363 s 6;

(6)RCW 50B.04.060 (Eligible beneficiaries—Determination—Services and benefits) and 2022 c 1 s 4 & 2019 c 363 s 7;

(7)RCW 50B.04.070 (Payment of benefits) and 2019 c 363 s 8;

(8)RCW 50B.04.080 (Premium assessment—Rate—Collection) and 2022 c 2 s 1, 2022 c 1 s 5, 2020 c 98 s 4, & 2019 c 363 s 9;

(9)RCW 50B.04.085 (Premium assessment—Exemptions) and 2021 c 113 s 5 & 2020 c 98 s 7;

(10)RCW 50B.04.090 (Election of coverage—Self-employed persons) and 2022 c 1 s 6, 2021 c 113 s 6, 2020 c 98 s 5, & 2019 c 363 s 10;

(11)RCW 50B.04.095 (Election of coverage—Federally recognized tribe) and 2021 c 113 s 7;

(12)RCW 50B.04.100 (Long-term services and supports trust account) and 2019 c 363 s 11;

(13)RCW 50B.04.110 (Long-term services and supports trust account—Investment—Policies) and 2019 c 363 s 12;

(14)RCW 50B.04.120 (Appeal of determinations) and 2020 c 98 s 6 & 2019 c 363 s 13;

(15)RCW 50B.04.130 (Medicare data and waiver—Report) and 2019 c 363 s 14;

(16)RCW 50B.04.140 (Reports to legislature) and 2022 c 1 s 7 & 2019 c 363 s 15;

(17)RCW 50B.04.150 (Benefits not income or resource) and 2019 c 363 s 16;

(18)RCW 50B.04.160 (Entitlement not created) and 2019 c 363 s 17;

(19)RCW 50B.04.900 (Findings—2019 c 363) and 2019 c 363 s 1; and

(20) RCW 50B.04.--- and 2022 c 2 s 2.

NEW SECTION. **Sec.**  Section 2(8) of this act applies retroactively to January 1, 2022, as well as prospectively.

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