

## AAUW WA State Legislative Update 3/27/2021

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Week 11

The eleventh week of legislative session brought the release of the Senate and House proposed budgets for the 2021-23 biennium. The Senate Democrats' proposed budget includes \$59.2 billion of investments over two years and includes \$357 million in new future revenue from a capital gains tax and \$450 million invested in child care. The bill also invests \$100 million to subsidize health care plans through the Health Benefit Exchange. The House proposed budget appropriates \$58.3 billion including \$1 billion for rental assistance for rent accrued during the eviction moratorium and \$490 million in child care grants and subsidy expansion.

In another victory, SB 5140 – the Protecting Patient Care Act – passed the House on Wednesday in a 57-41 vote! The bill was amended in committee and will need to be concurred on by the Senate.

*With legislative session taking place online and over Zoom, there are more ways to engage on the issues you care about. more about [how to access the legislature remotely here](#) and get detailed information about [how to testify remotely here](#).*

### Updates on AAUW's Legislative Priorities

#### **Tax on extraordinary wealth from capital gains (SB 5096)**

There are no new updates on SB 5096 since it was heard in the House Finance Committee last week. **But importantly, the Senate and House Democrats' proposed budgets do include new revenue from a capital gains tax – a strong statement of support.** During the hearing, advocates heard robust testimony in support of the bill from tax experts, child care providers, wealthy individuals, and advocates. Over 2,000 people signed in PRO on the bill, out-performing CON sign-ins two-to-one. The bill previously passed the Senate in a narrow 25-24 vote.

This bill would put a new 7% tax on extraordinary wealth from capital gains. The first \$250,000 a year in capital gains would be exempt as would all real estate transactions. The revenues from the tax would be allocated to the Education Legacy Trust Account and a newly created Taxpayer Relief Account. SB 5096 would be the most progressive reform to Washington's tax code in decades. It would also jumpstart Washington's economic recovery. According to [analysis from the Washington Budget & Policy Center](#), this proposal would generate nearly 20,000 new jobs each year, more than half of which would be in the private sector. Investments enabled by the tax would increase state GDP by nearly \$2 billion each year and increase consumer spending at small businesses by \$1.2 billion a year.

### **Working Families Tax Credit ([HB 1297](#))**

**After being voted out of the Senate Human Services committee unanimously on March 18<sup>th</sup>, the Working Families Tax Credit is scheduled to be heard in Senate Ways & Means on Tuesday, March 30<sup>th</sup>. The Working Families Tax Credit Coalition is celebrating that the updated policy was funded in full in the proposed Senate and House Democrat budgets!**

The Working Families Tax Credit would provide a \$500 annual cash payment to low- and moderate-income workers each year with an additional payment for children in the home. The tax credit would be available families who qualify for the EITC. It would also be available to immigrant families who file with an Individual Tax Identification Number (ITIN). This new cash benefit would reach 500,000 Washingtonians and a quarter of all Washington children. The tax credit is modeled off state-based Earned Income Tax Credits, which are some of the [most-studied and best-proven anti-poverty policies](#). You can learn more about the [Working Families Tax Credit from the Washington Budget and Policy Center here](#).

### **Fair Starts for Kids Act ([HB 1213](#)/[SB 5237](#))**

**SB 5237 and HB 1213 have been voted out of their respective policy committees and amended to come closer together in policy.** They still vary in timing of implementation for Working Connections Child Care eligibility and co-pay structure. **The proposed Senate budget invests \$450 million from state and federal funds for the Fair Start for Kids Act. The House allocates \$490 million.** Both bills will require historic, new investments in early learning. These bills aim to address Washington's child care crisis. Nearly 550,000 children in Washington state do not have access to child care [according to Child Care Aware](#). The Fair Start for Kids Act, HB 1213/SB 5237, looks to address years of underinvestment in early childhood education. This legislation would require substantial new investments in Washington's early learning system. The legislation addresses a range of investments related to early learning, including:

- Lower co-pays for Working Connections Child Care families (the state's child care subsidy program)
- Increased eligibility for Working Connections Child Care to families at or below 75% of state median income
- Expanded Early Childhood Education and Assistance Program (ECEAP) eligibility
- Expansion of a statewide mental health consultation program

### **Improving Access to Paid Family and Medical Leave ([HB 1073](#) & [SB 5097](#))**

HB 1073 and SB 5097, two proposals to improve access to paid family and medical leave, continue to move forward in their respective opposite chambers. **Both bills have been voted out of their respective policy committees and are scheduled to be heard on Tuesday, March 30<sup>th</sup>.** HB 1073 will be heard in Senate Ways & Means and SB 5097 will be heard in House Appropriations. HB 1073 has been narrowed to solely address employees whose work hours were reduced due to COVID-19 and are no longer able to meet the 820 hours worked requirement for PFML. SB 5097 expands the definition of family member for family leave to include chosen family.

### **Protecting Pregnant Patients Act ([SB 5140](#))**

Victory! SB 5140 passed the House in a 57-41 vote. The bill was amended in House Health Care with a provision that removes a right for the prevailing party to recover costs of litigation but instead gives the court discretion in allowing for the recovery of legal costs. **The amended bill will need to be concurred on by the Senate before heading to Governor Inslee's desk.** SB 5140 will ensure that health care providers can provide pregnant patients who are experiencing complications of pregnancy, miscarriage, or an ectopic pregnancy, the necessary care they need and that their health and lives are not placed at risk. The policy will ensure that providers are able to provide the appropriate standard of care treatment for their patients, without risk of retaliation by their employer. We have been attempting to get this policy passed for many years and are hopeful that this will be the year that we can get it across the finish line.

### **Abortion Coverage in Student Health Plans ([HB 1009](#))**

HB 1009, sponsored by Rep. My-Linh Thai, will require abortion coverage to student health care plans. **The bill passed out of Senate Health on March 19<sup>th</sup> and was pulled from Rules on March 26<sup>th</sup>** – a positive sign of forward progress. This legislation aims to extend the Reproductive Parity Act to student health plans. Under the RPA, health insurance plans in Washington providing coverage for maternity care must provide equivalent coverage for abortion services.

### **Removing proof of marriage in sexual assault cases ([SB 5177](#))**

After passing the Senate in a unanimous vote, **SB 5177 was voted out of House Public Safety on March 25<sup>th</sup>. As of this writing, it has not been referred to its next committee yet.** In Washington statute, the language “and not married to the perpetrator” is used through the law to define who is guilty of a sex offense. Due to this, marriage can be used as a legal defense for rape – creating a loophole allowing sex offenders from out of state to avoid registering in Washington. “Ours is one of only a handful of states where our inconsistency in legal language with other states has enabled certain sex offenders to avoid registration,” [said Senator Cleveland](#), the bill's prime sponsor. “It's time for our state to join the rest of the modern world and ensure that sex offenders from other states are registered in our state as well.” [SB 5177](#) will remove this horrific language from statute.

### **Improving care for survivors of non-fatal strangulation ([SB 5183](#))**

**SB 5183 was passed out of the House Public Safety Committee with amendments and has been referred to Appropriations.** This bill directs the Office of Crime Victims Advocacy to develop practices that local communities may voluntarily use to create more access to forensic nurse examiners in cases of nonfatal strangulation assault. It also authorizes the Crime Victims Compensation Program to pay the forensic examination costs. This bill would help survivors of domestic violence to get more appropriate care for their injuries. With non-fatal strangulation, injuries may present after the assault or much later and may persist for months and even years post-assault. This bill will help provide new resources for expanding access to trained medical staff to provide appropriate care for these injuries. It passed the Senate unanimously.

### **Extending Apple Health to pregnant persons through 12 months postpartum ([SB 5068](#))**

This critical health care access bill continues to make forward progress in the legislature. **SB 5068 was voted out of Appropriations unanimously and came out of House Rules on March 26<sup>th</sup>. It is ready to be taken up by the full House.**

SB 5068 will extend Medicaid coverage to 12 months postpartum. This policy passed last session with overwhelming support but was unfortunately vetoed by the governor due to the cost of the program, the emergence of the COVID crisis and the looming budgetary shortfall. Senator Randall has re-introduced the bill in 2021, with strong bi-partisan support. SB 5068 would extend postpartum Apple Health coverage from 60 days to 12 months, with the same eligibility standards as the current program (up to 198% FPL). It would also direct HCA to pursue a waiver to draw down federal matching funds. The Maternal Mortality Review Panel's [findings](#) that 30% of all pregnancy-related maternal deaths and the majority of suicides and accidental overdoses occur 43 to 365 days after delivery. There are significant racial [disparities](#) in maternal mortality rates, as well. American Indian and Alaska Native women are six to seven times as likely to die from a pregnancy related cause as white women. The new federal COVID relief package (the American Relief Plan Act) includes a five-year option for states to elect to extend postpartum coverage. Starting in April 2022 states will be able to receive federal matching funds at the standard match rate.

### **Keep Our Care Act ([SB 5335](#))**

There are no updates on the Keep Our Care Act. The bill has not moved since its introduction which means it is unlikely to move forward this session.

This bill was proposed to address the rapid series of hospital mergers across the state that could threaten access to reproductive, end-of-life, and gender-affirming health care. In July of last year, Virginia Mason Health System and CHI Franciscan, a Catholic hospital system, announced plan to merge their 12 hospitals and more than 250 treatment clinics in the Puget Sound, Yakima, and central Washington regions. This merger follows the merger of Swedish Medical Center with Providence Health & Services, a Catholic hospital, in 2012 after which Swedish stopped providing most abortion care. Patients at Catholic and religious hospitals also report lack of access to end-of-life care and gender affirming surgery. If this latest merger succeeds, Bellingham, Centralia, Walla Walla, and Yakima will only have Catholic hospitals.