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Into the Unknown: The 2024 Washington State Legislative Session & Beyond

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Abstract

In this paper, we discuss the political and budgetary landscape of Washington State. With consistent Democratic leadership—in the governor’s mansion and with respect to legislative priorities—the state has been able to advance a more liberal policy agenda than states without Democratic majorities. In this session, the legislature voted to invest in the development of affordable housing, behavioral health initiatives, and policies designed to curb climate change. However, ballot initiatives in November might serve as a significant impediment to these policy pursuits. Voters will decide whether to keep the cap-and-trade climate policy, the capital gains tax, and the long-term care program for the state. The cap-and-trade policy, as well as the capital gains tax, serves as a means of revenue generation and the elimination of these resources would upend the budget in important ways moving forward.

Introduction

Amidst much political uncertainty in Washington State, the legislative session produced three ballot measures going to voters that have the potential to upend the state's climate initiatives and ability to generate revenue through their new capital gains tax. Voters will also select the new governor of the state. This decision will certainly have far-reaching implications for the direction of the state budget and legislative priorities.

We will discuss the current state of partisan politics in Washington State, the economic outlook for citizens of the state, and the outcome of the 2024 legislative session. The Democratic majority is putting their hope in voters—for their votes on the ballot measures, to support Democrat candidates in the legislature, and to find a successor who will continue the progress made by Governor Jay Inslee's administration.

The Political, Demographic, and Economic Landscape of Washington State in 2024

Washington continues to be a solidly blue state and Democrats increased the number of seats held by the party in the 2022 elections. In the House, the Democrats hold 58 of the 98 seats - 59 seats are required for a supermajority. The Democrats also have a decisive majority in the Senate where the party holds 29 of the 49 seats. Combined with the presence of a Democrat, Jay Inslee, in the governor's mansion, the Democrats can push many of their priorities through the legislature with little to no opposition.

After serving a relatively unprecedented three terms, Governor Inslee (D) is not seeking reelection. The general election candidates who seek to replace him are current Attorney General Bob Ferguson (D), and former King County Sheriff and U.S. Congressman Dave Reichert (R). Mark Mullet, a moderate Democratic Senator from the Seattle suburbs was in the race as was Semi Bird, a disgraced school board member from the Tri-Cities, but neither of those candidates advanced past the primary election. Most see Ferguson as the heir apparent to the governor's mansion, but recent polling suggests that Reichert is within the margin of error. Regardless, Washington will have a new governor going into 2025.

The legislature will also look different going into the 2025 legislative session as four senators and four representatives announced their retirement. Four other legislators - two senators and two members of the house - are seeking higher offices resulting in them leaving their current positions. Six sitting senators are also seeking other positions; two of those six did not advance beyond the primary. The remaining four senators are actually running against each other in two races so there will be at least two vacant seats that will need to be filled post-general election. Washington state requires that vacant senate seats be replaced by someone of the same party affiliation, so the party in control of those seats will not change. However,

the shuffle of senators leaving positions, combined with the redistricting resulting from the decision in the *Soto Palmer v. Hobbs* court case discussed below, has led to many members of the house stepping up to run for open senate seats, so no matter how you cut it, there will be different personnel serving in the legislature when the body convenes in January 2025. The likelihood is that Democrats will continue to have a majority in both chambers, but Republicans are hoping to contest seats in the few remaining “purple” legislative districts left in the state.

Soto Palmer v. Hobbs

A lawsuit filed in 2023 challenged the redistricting of the 15th legislative district located in Eastern Washington. The suit argued that the district violated the Voting Rights Act (VRA) by diluting the Latino votes in the Yakima Valley region, even though this district elected a Republican Latina, Nikki Torres, to the senate by a margin of 35 points. On March 25, 2024, Robert S. Lasnik, the judge for the District Court for Western District of Washington, ruled that the district did violate the VRA and chose one of the five remedial maps presented that ended up impacting the boundaries of 13 legislative districts, most of which are outside the 15th legislative district. The 9th circuit court has declined to hear an appeal of the decision but there may be plans to appeal the redistricting to the Supreme Court. In the meantime, the new maps are impacting several legislators, leading some to retire from the legislature as they were redistricted out of their district, while others are competing for seats in their new districts.

Women in the State Legislature

Currently women make up 45.6% of the legislature, ranking Washington fourth out of the 50 states. As is the trend nationally, more women in the state legislature identify as Democrat than Republican; in Washington, 15 of the 20 women in the senate are Democratic, and 35 of the 47 women in the house are Democratic. In Washington, both the Senate and the House are led by women. Karen Keiser serves as President Pro Tempore in the Senate, and Laurie Jinkins became Speaker of the House in 2020. Women occupy other positions in leadership in both chambers including president/speaker pro tempore, deputy leaders, whips, caucus chairs and floor leadership for both the majority and minority parties in the house and senate.

Women are more likely to consider issues that are impactful on women so the fact that almost half of the legislature is made up of women is significant for the policies that are likely to be considered. Washington’s legislature has been addressing issues related to childcare, education, access to contraception and abortion, as well as maternity leave - issues that are specifically relevant to women.

The Importance of Seattle’s Dominance in State Politics

Most of the state’s population is located on the west side of the state in the greater Puget Sound area, and that area is mostly represented by Democrats. Seattle, the largest city in the state, has

become much more progressive in its politics in the past decade, and the Democrats who represent the city and its surrounding suburbs in the legislature, as well as the policies introduced and ultimately considered by the legislature during the 2024 session, reflect that shift. Danny Westneat, a columnist for the *Seattle Times*, in 2021 even went so far as to write an opinion piece titled, “It’s Seattle’s state now in politics, and everybody else is living in it” (Westneat 2021). Policies including paying unemployment to striking workers, banning natural gas, creating a stripper’s bill of rights, and requiring LGBTQ history and contributions to the state of Washington be taught in the schools, and voting down legislation that would require that information about the Holocaust be taught in schools are just a few examples of these more progressive policies. Other progressive leaning policies such as rent control were also considered by the legislature and although not successful in this legislative session, signals have already been given that these proposals will be introduced again next year.

One of the struggles faced by the legislature is the fact that the economic and political landscape of Seattle and the cities and counties of the greater Puget Sound area are not reflected in the rest of the state. As of June 2024, the unemployment rate in King County (the state’s most populous county) was 4.8 percent, and the average median household income in 2022 was \$116,255 (King County, Washington 2024). On the other hand, unemployment in Ferry County, located in the state’s northeastern corner, was 7.5 percent as of June 2024, and the median household income in 2022 was \$50,424 (Ferry County, Washington 2024; Monthly Employment Report 2024). Thus, a policy that, for example, mandates a \$15 per hour minimum wage that would be necessary for the more expensive cost of living found in King County, are not feasible in more rural areas like Ferry County. It is these types of discrepancies that the legislature struggles with, and, when combined with the fact that many counties outside of the Puget Sound area - especially those in Eastern Washington - tend to be Republican leaning, the legislature often struggles with finding policies that are widely supported throughout the state. While there are policies that pass the legislature with unanimous or nearly unanimous support such as those concerning animal cruelty, creating an agricultural pest and disease response account, increasing the special education enrollment funding cap, and implementing a statewide drug overdose prevention and education campaign, issues that will have a disparate impact on urban and rural areas, or that are explicitly ideological, often result in Democrats being able to impose their will due to their nearly supermajority status in the state legislature.

This division was seen particularly in the debates that occurred over the six initiatives to the legislature that were certified this year. Three of the initiatives received the state constitutionally mandated legislative hearing and ultimately passed the legislature:

- 2113 modified the evidentiary standard for vehicular pursuits allowing police officers to conduct a vehicular pursuit if there is reasonable suspicion that a crime has been committed; ESHB 1054, passed in 2021, required there to be a probable cause for a vehicular pursuit to occur and limited the number of crimes that warranted a pursuit.

Since the restrictions were implemented in 2021, Washington has had one of the highest crime rates in the country including a 73 percent increase in motor vehicle theft since 2013 in contrast to a national increase of only 23 percent (Crime in Washington 2024). In 2022, one year after the implementation of the vehicular pursuit restrictions, Washington state ranked fourth in the nation for the number of stolen vehicles (Vehicle Thefts Surge Nationwide in 2023- 2024).

- 2081 declared 15 rights the parents/guardians of school children have including the right to review educational materials, receive certain notifications about their child and opt out of sexual health education among other activities.
- 2111 prohibits the state or local governments from enacting a personal income tax and specifies that “income” has the same meaning as “gross income” under the federal tax code. The initiative does not repeal any pre-existing taxes such as the highly disputed capital gains tax which the state Supreme Court ruled is not an income tax despite the IRS classifying capital gains at the federal level as a capital gains tax. The Washington State constitution does prohibit a graduated income tax; this initiative is meant to reinforce that provision.

Three other initiatives did not receive any hearing, ostensibly because of the financial cost associated with the initiatives; these three initiatives will be decided by the voters in November as Washington state law requires any citizen initiative to the legislature not passed by the legislature must be referred to the people for their vote:

- 2109 would repeal the 7% capital gains tax imposed on long-term capital assets by individuals with capital gains over \$250,000 (Washington Initiative 2109, Repeal Capital Gains Tax Initiative 2024). The legislature created the tax in 2021, and immediately following its passage, suits were filed as the Washington State Constitution has been interpreted to ban income taxes because the State Supreme Court found in 1930 that income is property, and the state constitution requires that taxes on property be uniform. Since not all Washingtonians have capital gains and would not be paying this property tax, the capital gains tax is not uniform thereby making it unconstitutional. Opponents further argue that because the tax is only on profits over \$250,000 and thus not uniform, the tax is a violation of the constitution. Finally, opponents argue the federal Internal Revenue Service classifies money made from capital gains as income, thus, levying a capital gains tax is unconstitutional as the state is now taxing income. However, in 2023, the state Supreme Court ruled that the tax is an excise tax and thus does not violate the constitution.
- 2117 would repeal provisions of the 2021 Washington Climate Commitment Act (CCA) including prohibiting carbon tax credit trading which is being pointed to as the reason for Washington’s record-breaking gas prices. Washington had the highest gas prices in summer 2023, and as of July 31, 2024, had the third highest gas prices in the country behind California and Hawaii (Gas Prices 2023). Cost of living

expenses such as food costs, the growth of which is related to the increased cost of gas, has become a concern of voters heading into the November election with 25% of likely voters indicating that cost of living is their top issue (Balk 2024).

- 2124 would allow employees and self-employed individuals to opt out of the state's long-term health care program funded through a mandatory payroll tax which taxes currently employed individuals regardless of the time until retirement (although federal employees are exempt) and puts funds into a long-term care plan that provides a lifetime benefit of \$36,500. Critics of the plan point out that workers must pay into the plan for 10 years before being eligible to use the benefits, and the plan is only accessible if a person stays in Washington State. This provision was modified during the 2024 legislative session allowing the benefit to be utilized even if a person no longer resides in Washington state. Further, while individuals can opt out of the state plan if they can prove that they have private long-term care insurance, at the time the state plan was rolled out, all providers of long-term care insurance pulled out of the state leaving no options for private insurance.

Two of the initiatives not passed by the legislature have financial implications: the measures to overturn the Climate Commitment Act which significantly increased gas taxes to \$0.494 per gallon and the capital gains tax which has contributed approximately \$1.2 billion to the state budget in the current cycle which ends on June 30, 2025 (Cornfield 2024a). Should both these taxes be repealed there will be budgetary implications which Republicans in the legislature pointed to during this year's supplemental budget discussion

Summary of the Budget as Introduced, Including Key Gubernatorial Initiatives

The 2024 legislative session marked the last with Governor Jay Inslee. Under Inslee the state has made significant investments in climate and sustainability, housing, health care and education. This work has been supported by new revenue from policies such as the capital gains tax.

For 2024, Inslee proposed approximately \$2.5 billion in new spending to supplement the \$69.2 billion biennial budget for 23-25 (Cornfield 2023; O'Sullivan 2023). The highlights of Inslee's proposal included new expenditures on housing and homelessness, behavioral health, and climate change.

Housing and Homelessness

The unhoused population in Washington State continues to increase. In January of 2023, the state had the 6th highest rate of homelessness according to the Department of Housing and Urban Development (de Sousa et al. 2023). The rate of 36 individuals experiencing homelessness out of every 10,000 state residents is 27% higher than it was in 2019 (Santos, Feng, and Fitzpatrick 2024). In Inslee's proposal an additional half a billion dollars would be spent to create more

shelters and to support individuals in housing encampments (Lindsay 2023). Inslee argued that this was a wise expenditure because “We are providing these services so they don’t just come to us for 30 days and then go right back out on the street — that costs oodles of money...” (Lindsay 2023). The lack of affordable housing continues to be a barrier to addressing the issue of homelessness. Additionally, the crisis exacerbates existing inequalities given that people of color are dramatically overrepresented in the unhoused population (Homelessness in Washington 2023).

Behavioral Health

In 2022, the percent of need for mental health services being met was just over 16%. This compares unfavorably to the national level of 27.7% (Mental Health in Washington n.d.). According to analysis from Mental Health America, Washington ranked 32nd in the country that year with respect to the prevalence of behavioral health issues and the inadequate provision of services. In the supplemental budget proposal for 2024, Inslee proposed \$464 million to create, among other things, more beds for those receiving support through the state hospital system. This is in addition to the \$339 million allotted for behavioral health programs in the 2023-2025 biennial budget (Demkovich, Cornfield, and Deng 2024). While the investment is a significant one, the new governor will have to continue to make significant investments—in time, money, and infrastructure—to close the gap between the need and provision of services.

Climate Change

Inslee is perhaps best known for his work around climate change. A key victory in this space was the creation of the state’s first cap and trade policy in 2021 with the Climate Commitment Act. The carbon emissions auctions have been a new revenue source, and, in his proposed budget, Inslee recommended redirecting some of those funds to support a \$900 million investment in new and existing climate initiatives (Lindsay 2023). As discussed above, the success of future investments in climate will depend, in part, on a ballot measure that is being sent to voters this November. Voters will decide whether to maintain certain provisions in the Climate Commitment Act. Opponents of the act argue that the policy has led to increased fuel prices which hurt consumers. Proponents argue that the provisions of the act are essential to help the state meet its long-term emissions goals (Cornfield 2024b).

Summary of Budget Battles within the Legislature, Key Changes Made, and Reasons for Such Change

The 2024 Washington legislature had a quiet end to their 60-day session and unlike recent history of wrapping up after 2 a.m., this year’s adjournment was early in the evening (Dennis 2024). Over the course of two months, lawmakers attempted to tackle, with mixed success, some

of Washington's biggest challenges, including the housing shortage, behavioral health crisis and climate change. While not able to claim victory on all her party's initial goals, Speaker of the House Laurie Jinkins highlighted the collaborative legislative process with about 80% of legislation passing this session with bipartisan support.

Governor Inslee, completing his 12th and final legislative session, viewed 2024 as a "banner year" in the state's policymaking in that it sets the state up to move the needle on behavioral health in the coming years and advances the Tribes, schools, and public health organizations fight against the fentanyl crisis. The governor hasn't been known for keeping a high profile with legislators during legislative sessions. He lets his staff negotiate the finer points of his own legislative requests and handle the nitty gritty stuff. Instead, Governor Inslee spent the legislative session crisscrossing the state and informing the public on how Washington is confronting the fentanyl epidemic, expanding behavioral health services, and getting people who are homeless into shelters. Another pillar in his speeches included selling the promises of the Climate Commitment Act and applauding how the funds it's generating from polluters are getting reinvested back into communities to fight the ill effects of climate change.

While Governor Inslee is all-in for the Climate Commitment Act, something he has strongly advocated for even before becoming governor, his fellow Democrats who comprise the majority of both the house and senate are in a climate policy quandary. Their dilemma in striving to achieve their climate goals is that decarbonizing is expensive. While the legislature is placing this cost burden on companies, the companies have no obligation to absorb the legislative and agency mandated regulatory costs and normally pass them to consumers. This creates a regressive expense where lower-income households end up paying more of their earnings to cover these costs. In the end, the majority is criticized that their climate agenda is hurting those with less means to pay.

Democratic Lt. Governor Denny Heck enthusiastically dubbed the 2023 legislative session as the "Year of Housing." This year, he was less supportive and expressed that the 2024 legislature missed the mark on achieving the Year of Housing 2.0. Initial housing legislation plans had to be set aside due to the six initiatives which consumed much of the session's bandwidth as did dealing with receiving the greatest number of pre-filed bills of any short session. Progress on housing legislation was modest with bills focused on rent stabilization, the Real Estate Transfer Tax, and increased transit-oriented development failing to be passed. A housing bright spot was increasing the Housing Trust Fund by \$150 million.

At the end of the session, there were also differences in opinion of success within the House and Senate Democratic majority. While it was a quiet end to a session, the progressive wing of the Democratic majority was disappointed that they didn't get quite as much across the finish line as they wanted and many of their valued bills were left on the cutting room floor. This was because

they crashed into the fiscal and political limits of their more moderate and pragmatic colleagues. Progressive Democrat bills focused on unemployment insurance for striking workers, regulating hospital mergers, granting new rights to prisoners, and capping annual rent increases did not advance. This disappointment may, however, be short lived. Often bills which don't survive reemerge in a later session. The growing wave of legislative leadership retirements may also create leadership opportunities for the progressives which they can leverage to advance their personal priorities (Withycombe 2024).

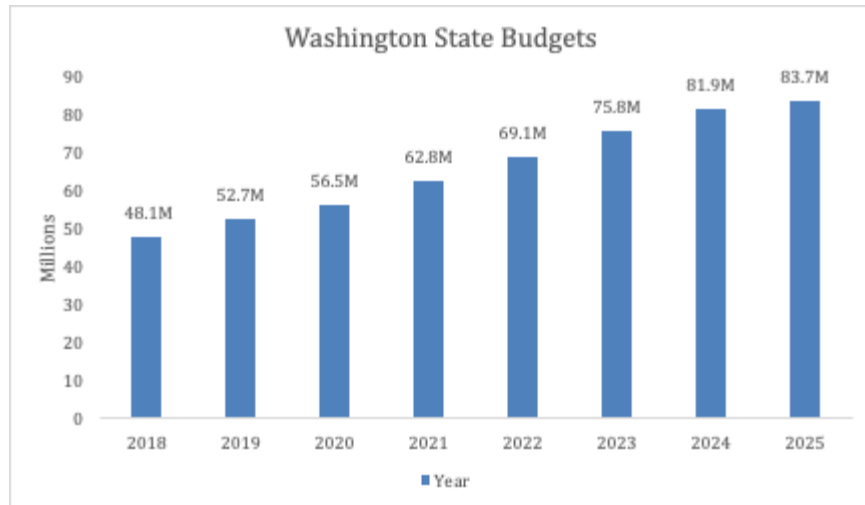
The Republicans, though in the minority, expressed their opinion that they had a pretty good year. This was because policies which they supported, increased funding for special education, mental health services, and fighting fentanyl, advanced while at the same time many of the progressive Democrat bills did not. The Republicans were also encouraged by the passage of three of six proposed initiatives (Lucia and Cornfield 2024). These good vibes may not last for long since the progressive Democrat bills didn't fail exclusively due to the Republican's opposition and these bills can always be resurrected in a future legislative session. Next year's 105-day session will provide the opportunity for more time to build support for these bills.

Successful non-budget bills of note include banning the open carry of guns at libraries, parks, bus stops, and zoos, requiring bleeding control kits in schools amid high rates of school shootings, becoming the first state to ban lead-contaminated cookware, expanding the business and occupation tax exemption for child care providers, requiring large cities and counties to allow "co-living" housing which allows more dorm-like housing with separate sleeping areas and shared kitchens, creating a statewide task force to study issues related to AI development and deployment, and banning octopus farming even though the industry doesn't exist in Washington (Demkovich, Deng, and Cornfield 2024).

Operating, Transportation, and Capital Budgets

Washington lawmakers enact budgets on a two-year cycle, beginning July 1 of each odd numbered year. Budgets enacted are the operating, transportation, and capital budgets. During odd numbered years, lawmakers gather for a 105-day session to enact a biennial budget, starting July 1 of that year, as well as a supplemental budget which ends June 30 of that year. During even numbered years, lawmakers gather for a 60-day session to enact a supplemental budget which ends June 30 of the following year (A Guide to the Washington State Budget Process 2023). When lawmakers adjourned in 2024, they had successfully passed a supplemental budget to carry the state through June 2025, continuing the increased spending trend, including a modest bump in funding in the areas of affordable housing, behavioral health care, education, ferries, fish passage, human services, public safety, and road maintenance.

Figure 1: Historic Spending - All Funds



Historic Spending - All Funds (Operating/Transportation/Capital) (Washington State Fiscal Information n.d.)

The supplemental operating budget added \$2.1 billion in new spending to last year’s \$69.8 billion plan. About half of the new spending going to inflationary increases, and half going to new projects in education, behavioral health care, public safety, and human services. Of note is \$215 million in new funding for substance use treatment, education, outreach and prevention, maintenance level increases for Medicaid, food assistance, and K-12 enrollment caseloads. Under the supplemental budget, nearly 12%, or \$4.1 billion, will remain in total reserves for the two-year budget (Sowersby 2024).

The supplemental transportation budget added about \$1.1 billion to the \$13.5 billion transportation biennial budget. The major focus here is addressing cost overruns in road maintenance, ferry preservation, and removal of culverts for fish passage.

The capital biennial budget increased by \$1.3 billion. Increases clustered heavily around school construction including career and technical education facilities, behavioral health facility funding, affordable housing projects, and the Housing Trust Fund. Approximately \$130.5 million of this year’s supplemental capital budget is funded with general obligation bonds (Mullet 2024).

Table 1: 2023-25 Budget – 2024 By Area

Area of Government	Omnibus Operating	Transportation Op & Cap	Capital New Approp & Reapprop	Total
Human Services	66,682,867	0	1,732,411	68,415,278
Public Schools	35,051,832	0	1,662,423	36,714,255
Higher Education	18,435,487	6,428	2,302,563	20,744,478
Governmental Operations	11,083,002	30,980	6,389,112	17,503,094
Transportation	368,989	12,817,975	25,028	13,211,992
Natural Resources	3,691,097	26,575	5,311,938	9,029,610
Special Appropriations	4,279,215	1,820,179	0	6,099,394
Judicial	834,266	0	0	834,266
Legislative	315,273	10,373	0	325,646
Other Education	185,252	0	104,818	290,070
Total	140,927,280	14,712,510	17,528,293	173,168,083

Washington State Fiscal Information n.d.

As the legislature looks to next year, it will include several new fresh faces. An unusually high number of state lawmakers have announced their retirement from the Washington Legislature or their decision to run for the Senate instead of the House. In addition to the 22 legislators not running for their current position, there are four statewide executive open seats including the governor. Reasons cited for not running run the gamut from money problems, a desire for better work-life balance, aspirations for higher office, and even redistricting that made some incumbents ineligible (Lindsay 2024). Returning lawmakers say the long list of departures is significant and includes individuals who hold key committee or caucus leadership roles including the Senate Majority Leader and former House Republican Leader.

With the legislative session ended, lawmakers have traveled back to their respective districts, many returning to their regular day jobs as farmers, business owners, lawyers, and city staff. When they return in 2025, it will be for a longer 105-day session and with a new governor and Senate majority leader steering the ship.

Conclusion

Washington State is facing a time of political and economic uncertainty. As we approach the 2024 elections, the results will certainly shape the legislative and budgetary priorities that senators and representatives will discuss in subsequent sessions. The decision of the voters in 2024 could, among other things, dramatically change the amount of revenue received by the state and the state's climate policy.

While we have discussed the work of the legislature in great deal, we want to end by emphasizing that budgets, revenue, and policy initiatives shape the lives of the citizens of the state. Citizens without access to affordable or consistent housing, those who are struggling with higher prices for everyday items, those suffering from mental or physical ailments or disabilities, and our students will all experience the consequences of the decisions that are made in the coming months and years.

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