

State of
Washington
House of
Representatives



February 6, 2024

Representative April Berg
Chair, House Finance Committee

Representative Chipalo Street
Vice Chair, House Finance Committee

Re: Request for public hearings on Initiative 2111 and Initiative 2109

Dear Chair Berg and Vice Chair Street:

We are writing to urge you to schedule public hearings on Initiative 2111 (Prohibiting taxes on personal income) and Initiative 2109 (Repealing taxes on long-term capital assets). Over 400,000 Washingtonians signed each of these initiatives, telling us that these are important public policies that should be adopted. Their voices deserve to be heard in the legislative process.

Article II, Section 1 of the Washington State Constitution requires the Legislature to extend “precedence” to certified initiatives to the Legislature. It is settled law that no word in the state constitution may be ignored or rendered superfluous: *Washington Water Power Co. v. Graybar Elec. Co.*, 112 Wn.2d 847, 859 (1989); *Group Health Coop. v. King Cy. Med. Soc’y*, 39 Wn.2d 586, 637 (1951). While the Majority Leader is correct that the House and Senate are allowed to establish their own rules, that does not allow either chamber to write rules that defy any constitutional requirement. Simply put: the requirement to give these initiatives “precedence” imposes a mandatory obligation upon the Legislature.

Although no case law specifically addresses what “precedence” entails, we believe that at the very least it requires the Legislature to engage in formal consideration of the policy brought before us by the people. The way each chamber begins its formal consideration of a policy is through a public hearing.

House Republicans moved to suspend the rules upon referral to add instructions for the House Finance Committee to promptly schedule Initiative 2111 and Initiative 2109 for public hearings. In opposing the motions, the Majority Leader pointed out that initiatives to the Legislature are not subject to cutoff. However, the House Finance Committee has just five meetings scheduled after house of origin cutoff. Given the compressed schedule in this 60-day legislative session, we urge you to schedule these initiatives for public hearings during the normal hearing process after house of origin cutoff on February 13 – giving them “precedence” over Senate bills.

Sincerely,

Handwritten signature of Ed Orcutt in black ink.

Representative Ed Orcutt
Ranking Member, House Finance Committee

Handwritten signature of Cyndy Jacobsen in black ink.

Representative Cyndy Jacobsen
Assistant Ranking Member, House Finance Committee