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Governor



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April 1, 2010

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 404, Engrossed Second Substitute House Bill 2658 entitled:

"AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs."

Section 404 of Engrossed Second Substitute House Bill 2658 outlines ways the state energy strategy must identify administrative actions, regulatory coordination, and legislative recommendations that need to be undertaken to ensure that the energy strategy is implemented and operationally supported by all state agencies and regulatory bodies responsible for implementation of energy policy in the state. I strongly agree with the intent of this section. However, a subsection in Section 404 provides that the Legislature shall, by concurrent resolution, approve or recommend changes to the energy strategy and updates. Such provisions create ambiguities that may impede the Department of Commerce in the performance of its duties.

As this bill recognizes, the energy strategy is the primary guidance for implementation of the state's energy policy and should be an integrated document that includes proposed executive actions under existing law as well as any proposals for new legislation. Section 404 could be read to require legislative approval before the Department undertakes any actions that are included in the strategy. Executive actions authorized by existing law should not be subject to legislative approval, as such a requirement would infringe upon the right and ability of the executive branch to execute the laws. Therefore, I will direct the Department to undertake activities outlined in Section 404 while retaining the authority to implement existing laws without a requirement for additional legislative approval.

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For these reasons I have vetoed Section 404 of Engrossed Second Substitute House Bill 2658.

With the exception of Section 404, Engrossed Second Substitute House Bill 2658 is approved.

Respectfully submitted,

/s/

Christine O. Gregoire

Governor