What the Washington Space Council Can and Cannot Do: Advisory EO vs. Statutory Appropriations

Pillar: WA Council & Record | **Basis:** WA Constitutional & EO Authority | **Primary Source:** WA Governor / WA Legislature | **As Of:** As of Nov 16, 2026

Executive Order 26-04 empowers the 23-member Washington Space Council to convene agencies, audit barriers, and submit recommendations to the Governor, but it cannot create B&O tax preferences, appropriate multi-million-dollar grant funds, or alter statutory tax law without the Washington Legislature.

Documented Policy & Site-Selection Record

• What the Council Can Do: Convene 23 public-private leaders, coordinate Commerce and state-agency barrier reviews, evaluate workforce and supply-chain bottlenecks, and deliver formal policy recommendations to the Governor.

• What the Council Cannot Do: An executive order cannot amend RCW 82.04 (B&O tax), create a space-specific tax credit, or appropriate new capital comparable to Texas's legislative SEARF appropriations.

• Existing Administrative Levers: Separately from EO 26-04, the Governor already administers the Strategic Reserve Fund (RCW 43.330.090), which issued $350,000 to Portal Space Systems in December 2025.

• Structural Gap: Until the Washington Legislature passes a bill or budget proviso, the Council operates strictly as an advisory and coordination body.

Washington Space Council Authority Matrix

Action Type	Council Authority (EO 26-04)	Required Mechanism
Barrier & Workforce Assessment	Yes — explicitly charged under 6 mandates	EO 26-04 + Commerce staffing
B&O Tax Extension to Space	No — advisory recommendation only	WA Legislature bill amending RCW 82.04
Multi-Million Grant Fund	No — zero appropriation in EO 26-04	WA Operating/Capital Budget appropriation
Strategic Reserve Grants	Indirect — Governor's existing SRF tool	RCW 43.330.090 (Commerce / Governor)

Founder, Staffer & Site-Selector Takeaways

• Staffer Takeaway: Separate executive convening announcements from enacted fiscal instruments when briefing leadership or comparing states.

• Founder Takeaway: Do not model unappropriated Council recommendations into facility site-selection pro formas until legislative bills are signed.

Cross-Cluster Links & Primary Sources

• **WA Space Cluster Hub (#1382):** https://bcesg.org/washington-space-cluster-census/

• **Portal Space Systems WA Profile:** https://bcesg.org/portal-space-systems-washington-space-cluster-profile/

• **Stoke Space WA Profile:** https://bcesg.org/stoke-space-washington-space-cluster-profile/

• **Kent WA Space Cluster Profile:** https://bcesg.org/kent-wa-space-cluster-profile/

• **Bothell WA Space Cluster Profile:** https://bcesg.org/bothell-wa-space-cluster-profile/

• **WA Governor Executive Orders (EO 26-04):** https://governor.wa.gov/office-governor/office/official-actions/executive-orders

• **Washington State Department of Commerce:** https://www.commerce.wa.gov/

• **RCW 43.330.090 (WA Strategic Reserve Fund):** https://app.leg.wa.gov/RCW/default.aspx?cite=43.330.090

• **RCW 82.04.260 (WA Aerospace B&O Classifications):** https://app.leg.wa.gov/RCW/default.aspx?cite=82.04.260

Provenance Note: Institutional boundary analysis based on EO 26-04 and WA statutory tax/appropriation structure. Non-advocacy brief.