
SENATE BILL 5073

State of Washington

68th Legislature

2023 Regular Session

By Senators L. Wilson, Braun, Dozier, Fortunato, Short, Torres, Wagoner, and Warnick

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1 AN ACT Relating to the responsibilities of the three branches of
2 government for administrative rules and procedure; adding new
3 sections to chapter 34.05 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that each
6 branch of government has an important function in governing the
7 state, and that each branch is responsible for faithfully fulfilling
8 its own duties while respecting the duties of the other branches. The
9 provisions of this act underscore the distinct functions of each
10 branch of government, seeking to achieve an appropriate balance of
11 power among the legislative, executive, and judicial branches, for
12 the benefit of the people of Washington.

13 (2) This act may be known and cited as the three branches act.

14 (3) If any provision of this act or its application to any person
15 or circumstance is held invalid, the remainder of the act or the
16 application of the provision to other persons or circumstances is not
17 affected.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05
19 RCW to read as follows:

1 THE LEGISLATIVE BRANCH. The legislature affirms that the people
2 of Washington vested the legislative authority of the state of
3 Washington in the legislature. Because the legislative authority is
4 vested in the legislature by the people, the legislature acknowledges
5 that it must not transfer legislative authority to an agency, another
6 branch of government, or any nonlegislative official.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05
8 RCW to read as follows:

9 THE EXECUTIVE BRANCH. For the purpose of rule making, when citing
10 a statute that authorizes an agency to adopt a rule, the agency shall
11 identify the title, chapter, and section of the Revised Code of
12 Washington for each pertinent statute. If the agency cites a session
13 law, the agency shall identify each pertinent section of the session
14 law.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 34.05
16 RCW to read as follows:

17 THE JUDICIAL BRANCH. A court may not defer to an agency's
18 interpretation of an ambiguous statute when reviewing agency action.
19 The court shall serve as a neutral and impartial decision maker
20 responsible for interpreting the statutes that apply in each case.

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