

2SHB 1181 - H AMD TO H AMD (H-1596.1/23) **196**

By Representative Goehner

NOT ADOPTED 03/03/2023

1 On page 21, line 4 of the striking amendment, after "(2)" insert
2 "Any state agency developing guidelines for implementing any of the
3 provisions of the climate change and resiliency element or its
4 subelements must treat the provisions of the guidelines as if they are
5 provisions of a rule so that the final provisions are compliant with
6 the rule-making restrictions in the administrative procedure act, RCW
7 34.05.328, for significant legislative rules. Guidelines may not
8 recommend that any local jurisdiction impose requirements that
9 conflict with or exceed the rule-making limitations in RCW 34.05.328(1)
10 (d), (e), (f), (g), and (h). State agency guidance manuals may not
11 recommend requirements that conflict with or are contrary to state or
12 federal law.

13 (3)"

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15 Renumber the remaining subsections consecutively and correct any
16 internal references accordingly.

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18 On page 29, after line 39 of the striking amendment, insert the
19 following:

20 "(9) Any state agency developing a rule or guidance implementing
21 any of the provisions of the climate change and resiliency element or
22 its subelements must abide by the requirements of the administrative
23 procedure act, RCW 34.05.328, for significant legislative rules.
24 Guidance may not recommend that any local jurisdiction impose
25 requirements that conflict with or exceed the rule-making limitations
26 in RCW 34.05.328(1)(d), (e), (f), (g), and (h). State agency guidance
27

1 manuals may not recommend requirements that conflict with or are
2 contrary to state or federal law."

3
4 On page 30, line 12 of the striking amendment, after
5 "environment." insert "Any state agency developing a rule or
6 guidelines to implement the provisions of this section must abide by
7 the requirements of the administrative procedure act, RCW 34.05.328,
8 for significant legislative rules. Rules and guidelines implementing
9 this section may not recommend that any local jurisdiction impose
10 requirements that conflict with or exceed the rule-making limitations
11 in RCW 34.05.328 (1)(d), (e), (f), (g), and (h). State agency
12 guidance manuals may not recommend requirements that conflict with or
13 are contrary to state or federal law."

14
EFFECT: Requires any state agency developing rules,
guidelines, or guidance for implementing any of the provisions in
the climate change and resiliency element to treat the provisions as
a significant legislative rule pursuant to the Administrative
Procedure Act. Prohibits such rules and guidelines from recommending
that any local jurisdiction impose requirements that conflict with
or exceed limitations in the Administrative Procedure Act. Specifies
that state agency guidance manuals may not recommend requirements
that conflict with or are contrary to state or federal law.

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