

E2SHB 1181 - S AMD TO S AMD (S-2967.1/23) **344**
By Senator Short

NOT ADOPTED 04/07/2023

1 On page 21, after line 32, insert the following:
2 "(c) Any state agency developing guidelines for implementing any
3 of the provisions of the climate change and resiliency element or its
4 subelements must treat the provisions of the guidelines as if they
5 are provisions of a rule so that the final provisions are compliant
6 with the rule-making restrictions in the administrative procedure
7 act, RCW 34.05.328, for significant legislative rules. Guidelines may
8 not recommend that any local jurisdictions impose requirements that
9 conflict with or exceed the rule-making limitations in RCW
10 34.05.328(1) (d), (e), (f), (g), and (h). State agency guidance
11 manuals may not recommend requirements that conflict with or are
12 contrary to state or federal law."

13 On page 30, after line 11, insert the following:
14 "(9) Any state agency developing a rule or guidance implementing
15 any of the provisions of the climate change and resiliency element or
16 its subelements must abide by the requirements of the administrative
17 procedure act, RCW 34.05.328, for significant legislative rules.
18 Guidance may not recommend that any local jurisdiction impose
19 requirements that conflict with or exceed the rule-making limitations
20 in RCW 34.05.328(1) (d), (e), (f), (g), and (h). State agency
21 guidance manuals may not recommend requirements that conflict with or
22 are contrary to state or federal law."

23 On page 30, line 23, after "environment." insert "Any state
24 agency developing a rule or guidelines to implement the provisions of
25 this section must abide by the requirements of the administrative
26 procedure act, RCW 34.05.328, for significant legislative rules.
27 Rules and guidelines implementing this section may not recommend that
28 any local jurisdiction impose requirements that conflict with or
29 exceed the rule-making limitations in RCW 34.05.328(1) (d), (e), (f),
30 (g), and (h). State agency guidance manuals may not recommend
31 requirements that conflict with or are contrary to state or federal
32 law."

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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