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

By Representative Goehner

**NOT ADOPTED 03/03/2023**

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

(3)"

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

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

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

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

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|  | 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. |

**--- END ---**