

Multiple Agency Fiscal Note Summary

Bill Number: 1391 HB	Title: Energy in buildings
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Commerce	6.1	3,655,923	3,655,923	3,655,923	5.9	1,879,892	1,879,892	1,879,892	5.9	1,887,092	1,887,092	1,887,092
Office of Minority and Women's Business Enterprises	2.0	486,868	486,868	486,868	2.0	481,868	481,868	481,868	2.0	481,868	481,868	481,868
Washington State University	.7	225,000	225,000	225,000	.6	200,000	200,000	200,000	.6	200,000	200,000	200,000
Total \$	8.8	4,367,791	4,367,791	4,367,791	8.5	2,561,760	2,561,760	2,561,760	8.5	2,568,960	2,568,960	2,568,960

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Final
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Individual State Agency Fiscal Note

Bill Number: 1391 HB	Title: Energy in buildings	Agency: 103-Department of Commerce
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	6.1	6.1	6.1	5.9	5.9
Account					
General Fund-State 001-1	1,670,296	1,985,627	3,655,923	1,879,892	1,887,092
Total \$	1,670,296	1,985,627	3,655,923	1,879,892	1,887,092

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/17/2023
Agency Preparation: Marla Page	Phone: 360-725-3129	Date: 01/31/2023
Agency Approval: Jason Davidson	Phone: 360-725-5080	Date: 01/31/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/31/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The bill relates to energy in buildings; amending RCW 70A.50.010; adding new sections to chapter 70A.50 RCW; and creating a new section.

This bill would authorize the Department of Commerce (department) to establish an energy efficiency navigator, administered by a third party, to create a "one-stop shop" approach to rebates, grants, and technical assistance.

The bill directs the department to contract with one or more administrators to establish a Statewide Building Energy Upgrade Navigator Program (Navigator Program) by March 1, 2024. Requires the administrator(s) of the Navigator Program to provide outreach and deliver energy services to residences, commercial buildings under 20,000 square feet, and multifamily buildings, and to develop community workforce agreements. The bill would also require the department, by December 2023, to convene a technical advisory group to provide ongoing guidance to the Navigator Program, and to report to the legislature.

Section 2 amends RCW 70A.50.010 to add definitions.

Section (2)(1) adds and defines "Administration" as an entity including, but not limited to, a nonprofit corporation or community-based organization.

Section (2)(3) adds and defines the "Department" to mean the Department of Commerce.

Sec. 3 (1)(a) authorizes the department to establish and oversee a statewide energy funding navigator website.

Section 3(2)(a)(b) is a new section added to chapter 70A.50 RCW that requires the department to contract with an administrator or administrators by March 1, 2024, to implement the navigator program on behalf of the state. The administrator or administrators must be selected through a competitive process, and contracts may not exceed five years in duration. The administrator contracts may be funded with any eligible funds for such purpose, including state and federal dollars.

Section 3(3)(a-g) To complete the required activities listed in Sec. 3(3)(a-g), the major activities with fiscal impact include: providing customer outreach and delivering energy efficiency services (includes performing energy audits and making recommendations).

Section 3(6)(a) requires the administrator develop community workforce agreements.

Section 3(6)(d) requires the administrator to conduct workforce development.

Section 3(9) states the administrator may develop a database portal to identify and track: geographic location of services provided; customer interactions; and performance for work completed.

Section 3(10) requires the department to complete a report on the implementation of the statewide building energy upgrade navigator program to the legislature every other year by September 1st of even-numbered years.

Section 4(1) is a new section added to chapter 70A.50 RCW that requires the department to convene a technical advisory group by December 2023.

Section 4(3) requires technical advisory group to report to the legislature annually.

Effective date is assumed to be 90 days after adjournment of the session in which this bill is passed.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

General Assumptions

The bill authorizes, if funded, the department to create and oversee a statewide energy funding navigator website and will contract the administration of this work out through a third-party administrator. The bill also requires the department to convene a technical advisory group. The technical advisory group must report to the legislature annually. The department assumes the technical advisory group will only convene for two years, and report once.

The department must submit a report to the legislature every other year by September 1st of even-numbered years on recommendations for additional energy efficiency, electrification, and distributed energy programs for customers to maximize deployment of energy efficiency services; achieve higher rates of penetration and economies of scale related to implementing multiple measures simultaneously.

The bill also requires the administrator to be funded to develop community workforce agreements and to conduct workforce development. We assume we would contract out to a third party for this work.

Assumption: the actual incentive/grants administered by this third party will leverage funds and programs already in place or in funding requests elsewhere. This fiscal note includes no funding for actual incentives.

The administrator must be funded to develop a database. The department assumes the department will develop the database and retain ownership – based on the LIHEAP model.

To accomplish this work the department estimates:

0.20 FTE EMS2 Senior Energy Policy Specialist (416 hours) in FY24-FY25 to oversee development of the database and coordinate with consultants.

1.40 FTE Commerce Specialist 3 (2,844 hours) for contract management, advisory work and legislative report.

0.50 FTE Commerce Specialist 4 (1,044 hours) to provide ongoing technical assistance and quality assurance oversight.

0.50 FTE Administrative Assistant 3 (1,044 hours) to provide administrative support and supporting execution of contracts.

Database Development:

Assumptions for database development, GIS services, testing, project management, maintenance costs and software licensing is included.

1.0 FTE Information Technology Business Analyst Expert 3 (2,088 hours) to provide project management, business requirements, system design, data analysis, and technical advice on development of the navigator.

1.0 FTE Information Technology Application Developer Senior 5 (2,088 hours) to provide system development, GIS development, perform data development, and align system.

0.50 FTE Information Technology Application Developer Senior 5 (1,044 hours) for GIS analysis from start through ongoing.

Salaries and Benefits:

FY24: \$681,859

FY25: 704,652

FY26-FY29: \$671,738 per fiscal year

Professional Service Contracts:

Professional services contracts, one for \$500,000 in FY24-FY25 for database development, GIS services, licenses, scorecard development, testing, project management and maintenance costs and one for \$100,000 FY24-FY25 for project quality assurance. The department assumes a rate of \$200 per hour for these professional service contracts.

The department also assumes a professional service contract of \$100,000 in FY24 and \$400,000 in FY25 for a third-party administrator to develop community workforce agreements and to conduct workforce development. The department assumes a rate of \$250 per hour for this professional service contract.

FY24: \$700,000

FY25: \$1,000,000

Goods and Services:

FY24: \$49,105

FY25: \$49,144

FY26-FY29: \$47,206 per fiscal year

Equipment:

The department assumes the purchase of one standard workstations for new staff in FY24 and the purchase of replacement laptop/tablet in FY28 based on the department's replacement cycle.

FY24: \$23,000

FY28: \$7,200

Intra-agency Reimbursement:

FY24: \$224,332

FY25: \$231,831

FY26-FY29: \$221,002 per fiscal year

Note: Standard goods and services costs include supplies and materials, employee development and training, Attorney General costs, central services charges and agency administration. Agency administration costs (e.g., payroll, HR, IT) are funded under a federally approved cost allocation plan.

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Total Costs

FY24: \$ 1,670,296

FY25: \$ 1,985,627

FY26-FY27: \$ 939,946 per fiscal year

FY28: \$947,146

FY29: \$939,946

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,670,296	1,985,627	3,655,923	1,879,892	1,887,092
Total \$			1,670,296	1,985,627	3,655,923	1,879,892	1,887,092

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	6.1	6.1	6.1	5.9	5.9
A-Salaries and Wages	516,031	531,512	1,047,543	1,012,414	1,012,414
B-Employee Benefits	165,828	173,140	338,968	331,062	331,062
C-Professional Service Contracts	700,000	1,000,000	1,700,000		
E-Goods and Other Services	49,105	49,144	98,249	94,412	94,412
G-Travel					
J-Capital Outlays	15,000		15,000		7,200
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	224,332	231,831	456,163	442,004	442,004
9-					
Total \$	1,670,296	1,985,627	3,655,923	1,879,892	1,887,092

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3	52,616	0.5	0.5	0.5	0.5	0.5
Administrative Services - Indirect	111,168	1.0	1.0	1.0	1.0	1.0
Commerce Specialist 3	82,056	1.4	1.4	1.4	1.4	1.4
Commerce Specialist 4	86,212	0.5	0.5	0.5	0.5	0.5
EMS Band 2	122,841	0.2	0.2	0.2		
IT APP Development-Senior/Specialist	120,457	1.5	1.5	1.5	1.5	1.5
IT Business Analyst-Expert	126,485	1.0	1.0	1.0	1.0	1.0
Total FTEs		6.1	6.1	6.1	5.9	5.9

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1391 HB	Title: Energy in buildings	Agency: 147-Office of Minority and Women's Business Enterprises
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	245,934	240,934	486,868	481,868	481,868
Total \$	245,934	240,934	486,868	481,868	481,868

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/17/2023
Agency Preparation: Paul Bitar	Phone: 360-407-8129	Date: 01/20/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 01/20/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill will impact the Office of Minority and Women's Business Enterprises as it will be in coordination with the Department of Commerce in their contractor qualification standards through the consultation of inclusion plans. The costs reported for this fiscal note include two additional staff.

Section 3(2)(g) outlines that contractor qualification must consider contractor inclusion plans in coordination with the office of minority and women's business enterprises. To fully work with contractors on their inclusion plans, the agency will need to meet contractors where they are at, provide outreach services to create new relationships with the contractors, and provide training to contractors on how to create and submit their inclusion plans. The agency would need one FTE to focus on creating more awareness with contractors in the community and building relationships. A second FTE would be needed to create inclusion plan templates; review inclusion plans; provide technical assistance; and approve the inclusion plans to ensure they are meaningful and adequately address good faith efforts that will be taken, which will result in equitable opportunities in the state.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

One (1) Management Analyst 4 - Dedicated to educating, assisting, and supporting contractors statewide with the creation of their inclusion plans, including training on strategies to achieve equitable opportunities. Additionally, this FTE is necessary to create inclusion plan templates, review, and approve inclusion plans that are submitted to ensure they are meaningful and adequately address good faith efforts that will be taken.

Salary (Object A): \$82,896/year

Benefits (Object B): \$28,934/year

One (1) Management Analyst 4 - Provide outreach to the diverse business community on access to the incentives outlined below. Historically this community has been excluded from accessing initiatives like this. OMWBE's Business Support Team currently has access to over 3000 businesses and statewide business support groups to provide education and technical assistance to this community.

Salary (Object A): \$82,896/year

Benefits (Object B): \$28,934/year

Additional Costs:

- Employee related goods and services (Object E): \$6,137/year x 2 employees: \$12,274/year

*Cell phone service, internet, desktop support, supplies, software licenses, and training

- Travel (Object G): \$3,750/year outreach position + \$1,250/year inclusion plan position = \$5,000/year

- Equipment (cell phones and laptops) (Object J): \$2,500/employee (in FY24) x 2 employees = \$5,000

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	245,934	240,934	486,868	481,868	481,868
Total \$			245,934	240,934	486,868	481,868	481,868

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	165,792	165,792	331,584	331,584	331,584
B-Employee Benefits	57,868	57,868	115,736	115,736	115,736
C-Professional Service Contracts					
E-Goods and Other Services	12,274	12,274	24,548	24,548	24,548
G-Travel	5,000	5,000	10,000	10,000	10,000
J-Capital Outlays	5,000		5,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	245,934	240,934	486,868	481,868	481,868

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Management Analyst 4	82,896	2.0	2.0	2.0	2.0	2.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1391 HB	Title: Energy in buildings	Agency: 365-Washington State University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.6	0.7	0.6	0.6
Account					
General Fund-State 001-1	125,000	100,000	225,000	200,000	200,000
Total \$	125,000	100,000	225,000	200,000	200,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/17/2023
Agency Preparation: Brittney Gamez	Phone: 509-335-5406	Date: 01/23/2023
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/23/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/24/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

In Section 3 of House Bill 1391, the Department of Commerce must coordinate and collaborate with the WSU Energy Program on the design, administration, and implementation of the statewide building energy upgrade navigator program.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

This coordination and collaboration effort would require focused time from WSU Energy Program programmatic, administrative, and technical experts to engage in a meaningful and productive manner with the Department of Commerce to help deliver the new statewide navigator program articulated in this bill. The first year would require more WSU Energy Program staff commitment and effort to help design and move toward initial implementation of the new statewide navigator program. Then, the years following would require continuing engagement from WSU Energy Program staff members on administration activities.

In addition, in Section 4 of House Bill 1391, the Department of Commerce must convene a technical advisory group by December 1, 2023 to provide ongoing guidance to the statewide navigator program established in Section 3 of the bill. The technical advisory group's guidance must include recommendations on how to continuously improve and grow the program, address any gaps in program design and implementation, address split incentives, and how to incorporate the department of health's environmental health disparities mapping tool into the work of the navigator program. Every year, the technical advisory group must provide a progress report on the implementation of the statewide navigator program to the legislature. The WSU Energy Program must be a member/participant of this new advisory group. Participating as a key member of this advisory group would require focused time from WSU Energy Program staff to participate in meetings and deliver appropriate work products.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	125,000	100,000	225,000	200,000	200,000
Total \$			125,000	100,000	225,000	200,000	200,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.6	0.7	0.6	0.6
A-Salaries and Wages	58,105	45,913	104,018	91,826	91,826
B-Employee Benefits	37,652	29,752	67,404	59,504	59,504
C-Professional Service Contracts					
E-Goods and Other Services	28,243	23,335	51,578	46,670	46,670
G-Travel	1,000	1,000	2,000	2,000	2,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	125,000	100,000	225,000	200,000	200,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Director	111,686	0.0	0.0	0.0	0.0	0.0
Energy Engineer	104,142	0.1	0.1	0.1	0.1	0.1
Energy Project Analyst	59,692	0.3	0.3	0.3	0.3	0.3
Energy Project Coordinator	87,637	0.2	0.2	0.2	0.2	0.2
Total FTEs		0.7	0.6	0.7	0.6	0.6

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.