

**WSR 22-20-036**  
**EXPEDITED RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**  
[Filed September 26, 2022, 4:03 p.m.]

Title of Rule and Other Identifying Information: WAC 326-20-125 Processing fee.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment adds a provision allowing the office of minority and women's business enterprises (OMWBE) to waive processing fees for businesses applying for certification. This change will give OMWBE the flexibility to waive fees to promote certification and reduce barriers for businesses, increasing the number of certified minority- and women-owned businesses in Washington.

Reasons Supporting Proposal: OMWBE is currently in the process of identifying barriers to certification and conducting outreach efforts to promote certification with businesses in regions and industries where the legislature has identified a need for increased certified businesses. Having the flexibility to waive fees will allow OMWBE to reduce the barriers for business owners and also help generate new interest in certification.

Statutory Authority for Adoption: RCW 39.19.210, 39.19.030.

Statute Being Implemented: RCW 39.19.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: OMWBE, governmental.

Name of Agency Personnel Responsible for Drafting: Brenda Portaro, 1110 Capitol Way South, Suite 150, Olympia, 360-664-9750; Implementation and Enforcement: Sharon Harvey, 1110 Capitol Way South, Suite 150, Olympia, 360-664-9756.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Julie Bracken, OMWBE, 1110 Capitol Way South, Suite 150, Olympia, WA 98501, phone 360-664-9750, fax 360-586-7079, email rules@omwbe.wa.gov, AND RECEIVED BY December 5, 2022.

September 26, 2022  
Julie Bracken  
Public Records Officer  
Rules Coordinator  
Records Manager

**OTS-4120.1**

AMENDATORY SECTION (Amending WSR 04-08-074, filed 4/5/04, effective 5/6/04)

**WAC 326-20-125 Processing fee.** The office shall charge a nonrefundable fee for certification or recertification based upon the legal organizational structure of the business, as follows: Fifty dollars for a sole proprietorship, (~~seventy-five dollars~~) \$75 for a partnership (general or limited), and (~~one hundred dollars~~) \$100 for all other legal organizational structures; e.g., corporation or limited liability company: Provided, however, That the office shall only charge a (~~twenty-five dollar~~) \$25 fee when the application requests DBE-only certification or recertification for all business legal organizational structures. The office shall also charge a nonrefundable (~~twenty-dollar~~) \$20 fee for processing annual updates for all business legal organizational structures. The business must submit the fee with the application for certification, recertification, or annual update. The business applying for DBE-only certification may request a waiver of the fee. The request for fee waiver must be submitted to the office in writing. The office will review the request and make a determination in accordance with the Washington state department of transportation (WSDOT) DBE plan. An application is not deemed to be received by the office until the required fee is received by the office or the request of waiver of the fee has been approved by the office. The office may waive processing fees for the purpose of reducing barriers to certification. When the office waives fees, the office will publish notice of the conditions and duration of the waiver prominently on its website.

[Statutory Authority: RCW 39.19.210. WSR 04-08-074, § 326-20-125, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 39.19.030. WSR 94-11-115, § 326-20-125, filed 5/18/94, effective 6/18/94. Statutory Authority: 1993 c 195. WSR 93-16-080, § 326-20-125, filed 8/3/93, effective 9/3/93.]