



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: August 28, 2024

TIME: 4:55 PM

WSR 24-18-064

**Agency:** Office of Minority and Women's Business Enterprises (OMWBE)

**Title of rule and other identifying information:** (describe subject) Chapter 326-20 Washington Administrative Code (WAC)

- WAC 326-20-010
- WAC 326-20-047
- WAC 326-20-048
- WAC 326-20-049
- WAC 326-20-050
- WAC 326-20-055
- WAC 326-20-060
- WAC 326-20-080
- WAC 326-20-094
- WAC 326-20-099
- WAC 326-20-150)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** OMWBE is the sole certifying agency for small minority, women, and socially and economically disadvantaged business enterprises. OMWBE has both a state and federal certification program with similar rules. On April 9, 2024, the U.S. Department of Transportation (USDOT) announced that the Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) rules will change and become effective on May 9, 2024. The USDOT rules are codified in 49 CFR Parts 23 and 26 and used for OMWBE's federal certification. To align OMWBE's state certification program with its federal program, OMWBE proposes changes to the above-listed Certification rules, which are found in Chapter 326-20.

**Reasons supporting proposal:** To align state certification program rules with federal certification program rules.

**Statutory authority for adoption:** RCW 34.05.353 (1)(b)

**Statute being implemented:** WAC 326-20 to align with 49 CFR Parts 23 and 26

**Is rule necessary because of a:**

- |                         |   |                             |
|-------------------------|---|-----------------------------|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |

If yes, CITATION: Title 49, Parts 23 and 26 of the Code of Federal Regulations

**Name of proponent:** (person or organization) OMWBE

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

|      |                 |       |
|------|-----------------|-------|
| Name | Office Location | Phone |
|------|-----------------|-------|

|                 |                      |         |               |
|-----------------|----------------------|---------|---------------|
| Drafting:       | Sharon Harvey Hughes | Olympia | 360- 704-8437 |
| Implementation: | Phyllis Martin       | Olympia | 360-664-9750  |
| Enforcement:    | Phyllis Martin       | Olympia | 360-664-9750  |

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** See attached.

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.


**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** Adopts without material change federal regulations.

**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**

Name: Julie Bracken  
 Agency: Office of Minority and Women’s Business Enterprises  
 Address: 1110 Capitol Way S., Suite 150 Olympia, WA 98504  
 Phone: 360-664-9750  
 Fax: 360-586-7079  
 Email: rules@omwbe.wa.gov  
 Other:

**AND RECEIVED BY** (date) November 5, 2024

|  |  |
|--|--|
| <b>Date:</b> August 28, 2024   | <b>Signature:</b><br> |
| <b>Name:</b> Julie Bracken   |  |
| <b>Title:</b> Public Records Officer, Records Manager, Rules Coordinator |  |