

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 23, 2002. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**02-09-03 Request by Andrew K. Miller
Benton County Prosecuting Attorney**

1. Are the Benton PUD commissioners, when setting their commissioner districts, required to include all areas within the Richland City limits within one or more Benton PUD commissioner districts? 2.) If the answer is no, are the Benton PUD commissioners required to include any areas within the Richland City limits within one or more Benton PUD commissioner districts? 3.) If the answer is no, are the Benton PUD commissioners allowed to include all areas within the Richland City limits within one or more Benton PUD commissioner districts? 4.) If the answers to question 1 and 2 are no, are the Benton PUD commissioners allowed to include all of the portions of the City of Richland served by the Benton PUD within one or more PUD commissioner districts while excluding the areas within Richland that are not served by the Benton PUD? 5.) If the answer to question 4 is yes, are the Benton PUD commissioners allowed to include some of the area within the Richland City limits that is served by the PUD within a commissioner district but not all of the area within the city that is served by the PUD? 6.) If the answer to question 4 is yes and the answer to question 5 is no, how would the County Auditor handle the fact that a portion of a voting precinct would have voting rights and a portion of the same voting precinct would not? 7.) If the answers to questions 1, 2, 3, and 4 are no, does the required exclusion of the areas within the Richland City limits extend to areas annexed by Richland since 1934 and future areas annexed by Richland? 8.) If, based on the facts presented herein, your answers indicate that the current Benton PUD commissioner districts have been set inconsistent with state law, does the Benton County Auditor have any right or obligation to revise the boundaries set by the Benton PUD commissioners, or can they be changed only by the PUD commissioners or pursuant to a court order? 9.) If, based on the facts presented herein, your answers indicate that the current Benton PUD commissioner districts have been set inconsistent with state law, does the Benton PUD commission have the authority to immediately revise such districts or would it have to wait until 2006 pursuant to RCW 54.12.010?

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