

**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 April 22, 2009. 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) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, Washington 98504-0100. When you notify the office of your intention to comment, you may 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.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the Attorney General's website at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our Opinions ListServ.

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

**Opinion Docket No. 09-03-08
Request by Honorable Doug Ericksen
State Representative, 42nd District**

- 1. Does the Puget Sound Clean Air Agency (PSCAA) have authority to enact regulations requiring the registration of, and reporting of emissions by, diesel fleets within its service area and to impose a fee upon them under RCW 70.94.151 when that statute appears to confer such authority for diesel fleet registration fees exclusively on the Department of Ecology?**
- 2. Is PSCAA's enactment of a regulation pertaining to diesel fleet registration/reporting and the imposition of fees preempted by 49 U.S.C. § 14501(c)?**
- 3. If PSCAA may operate a diesel fleet registration/reporting program and impose fees, must such fees be confined to the support of the registration/reporting functions only, as stated in RCW 70.94.151(2)?**

