

**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 May 28, 2003. 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):

**03-04-05      Request by Brian Sonntag  
State Auditor**

**1. Under RCW 39.04.010, is work or construction "executed at the cost of the state" when a public entity contracts for it as outlined in the scenarios provided? Does the relative amount of the donation to the total cost affect this analysis?**

**2. If a lease/option can fall within the definition of public work, does the length of the option period (30 days, six months, five years, etc.) affect the analysis for determining whether the project falls within the definition? If a purchase/sale can fall within the definition of public work, does the existence of an option (rather than an obligation) to purchase affect the analysis for determining whether the project falls within the definition?**

**3. Under RCW 39.04.260, any work or construction that the state or a municipality causes to be performed by a private party through a contract to rent, lease or purchase at least 50 percent of the project must comply with the prevailing wage requirements of RCW 39.12. Does this statute operate to exclude from the definition of public work construction projects that the state or a municipality causes a private party to perform by contracting to rent, lease, or purchase at least 50 percent of the resulting building?**

NAME	311
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