

**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 August 13, 2008. 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 Office of the Attorney General, Solicitor General Division, Attention James Pharris, 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. 08-07-03, Request by Michael Murphy, State Treasurer

- 1. Does the maximum occupancy-cost-per-square-foot provision of subsection (8) of the authorizing legislation apply to all or only to some of the proposed facilities?**
- 2. In calculating the occupancy cost-per-square-foot, must the calculation be performed on both a square foot AND a per-employee basis?**
- 3. In adjusting lease rates for "level of service" for comparison purposes, are capital facilities or quality of facilities appropriately treated as "services" under the authorizing legislation?**
- 4. Is there any ultimate cap on either the occupancy cost or the total dollar cost of the facilities to be financed?**
- 5. What are the legal consequences, if any, of an "inaccurate" certification by OFM?**
- 6. May the State Treasurer reject the OFM certification?**
- 7. What criteria should the State Finance Committee use to determine whether it is "reasonably certain" that the proposed financing lease is not state debt?**
- 8. Is the proposed financing lease a "financial contract" under RCW 39.94, and could it create "state debt"?**
- 9. Do some of the characteristics of the proposed transaction make it more akin to the unsuccessful attempt to avoid state debt in the 1955 State Building Financing Authority case?**
- 10. Does article VIII, section 1(h) of the Washington Constitution affect the legality of the Department of Information Services' payment of rental amounts under the proposed financing lease?**
- 11. Do public works bidding laws apply to the construction of the facilities to be leased to the state?**

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