

# Attorney General Opinions Index

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### FINANCIAL MANAGEMENT

#### Taxation

- **Wyoming Soil Conservation and State Taxation (January 8, 1990)**

Question: “Is property owned by Wyoming Soil Conservation Districts subject to taxation by the State?”

- **State Contracts (June 3, 1982)**

Question: Whether or not independent contracts are appropriate.

- **Exemption From Sales Tax (January 4, 1978)**

Question: Are Conservation Districts within Wyoming exempt from sales tax?

- **Sales Tax and Weed and Pest Control District (March 24, 1976)**

Question: Are sales made by weed and pest control districts subject to Wyoming sales tax?

- **Tax Supported State Entities (April 12, 1971)**

Question 1: Can a tax supported state entity (the local district) deny an individual requested service, in this case provided by a tax supported federal entity (the Soil Conservation Service)?

Question 2: Can the (now) state commission add an individual unit to a district by the promulgation of administrative procedures for this purpose?

- **Taxation and Property owned by the Soil Conservation District (July 18, 1956)**

Question: Whether property owned by Soil Conservation Districts which is a legal subdivision of the State of Wyoming is subject to taxation?

- **Soil Conservation District and Gasoline Tax Laws (July 30, 1942)**

Question: Whether or not a Soil Conservation District is required to pay taxes, especially those taxes levied under the Gasoline Laws of this State.

#### Social Security

- **Employment Security Commission (June 5, 1985)**

Issue: Drafting contracts between districts

- **Unemployment Compensation Fund (January 25, 1961)**

Question 1: Is the soil and water conservation district required to make payments to the Unemployment Compensation fund, under the Wyoming Employment Security Law, for employees who are working for a soil and water conservation district?

Question 2: Does the term ‘employment’ include services performed in the employment of a political sub-division of state government when such political subdivision is subject to taxation of the state?

- **Social Security Law (October 1955)**

Question: Whether Soil Conservation District Supervisors are required to comply with social security laws, the Wyoming Soil Conservation Districts being legal subdivisions of State Government?

- **Independent Contractor Services (March 27, 1939)**

Question: When and under what circumstances the so-called “Independent Contractor’s” services fall within the definition of “Employment” under section 27-3-104, Revised, Wyoming Statutes, 1977, of the Wyoming Employment Security Law?

## Audits

- **Audit Requirements for Conservation Districts (July 13, 1995)**
- **Department of Audit (June 15, 1992)**

Issue: Interpretation of W.S. 11-16-106 in light of a decision by the Department of Audit that it can no longer audit the Conservation Districts.

- **Audit by State Examiner (March 16, 1965)**

Question: Whether the Wyoming State Association of Soil and Water Conservation Districts is subject to the laws and regulations of and to audit by the State Examiner.

## Purchases

- **State Purchasing requirements (June 12, 1995)**

Question: Are local conservation districts covered by state purchasing requirements?

- **Purchase of Buildings for Office Space (November 2, 1994)**

Question: Can a conservation district purchase a building for use as office space; hold title to land that has been donated to the district for use in developing an outdoor classroom, etc.?

## Other Financial Subjects

- **Disposal of personal property held by Conservation Districts and Weed & Pest Districts (12/2/09)**

Question: Procedures Districts should follow for sales of vehicles or other items of personal property

- **Meals for Conservation District Supervisors (October 4, 2007)**

Question: Is it okay for the District to pay for meals (i.e. pizza, etc.) for the Board of Supervisors during a monthly board meeting?

- **District Funds for scholarships/sponsorships (May 25, 2007)**

Question: Can the Saratoga-Encampment-Rawlins Conservation district offer a scholarship to a student pursuing a degree in natural resources or an agricultural field using self generated funds?

- **Election Costs (December 23, 2002)**

Questions: Was it the Legislature's intent for Special District to pay for election costs and are there limitations as to how these costs are assessed? Furthermore, are there any other statutes or rules defining the authority of the County Commissioners to assess elections costs. Also are there any methods for the Conservation District to pursue a consistent and equitable methodology for assessing election costs?

- **Reimbursement of Expenses (November 1, 1993)**

Question: May members of a conservation district be reimbursed for the expenses of feeding livestock, calving care or babysitting when they are performing their board duties?

- **Budget Hearings (August 1, 1990)**

Issue: Attendance of district members at Conservation District budget hearings.

- **Use of State Vehicles (November 28, 1990)**

Question: Can conservation district employees use State vehicles for conservation district activities?

- **Surety Bond Requirements (June 23, 1989)**

Issue: Surety bond requirement for elected conservation district officials who are entrusted with funds or property.

- **Uniform Municipal Fiscal Procedures Act (June 6, 1989)**

Question: How does the Uniform Municipal Fiscal Procedures Act affect Conservation Districts, predator districts and watershed improvement districts?

- **Membership in a Private Organization (May 26, 1989)**

Question: Can a conservation district use district funds to pay for a membership in a private organization such as the Wyoming Association of Conservation Districts?

- **College Scholarships (August 27, 1986)**

Question: Must conservation districts use all funds allocated to them toward the operations of the districts or may they do such things as give awards and college scholarships?

- **Funds for District Annual Awards Banquet (July 8, 1985)**

Question: Legality of expending conservation district funds to purchase meals for district to cooperators and potential cooperators at the district's annual awards banquet.

- **Availability of Financial Records (April 12, 1984)**

Question: Are all the conservation districts' financial records available to the public?

- **District Checks (October 3, 1983)**

Issue: Authorization of signing all District checks.

- **Loans to the Watershed Improvement District (November 4, 1981)**

Question: Can the Farm Loan Board limit the amount of money to be loaned to an established watershed improvement district?

- **Funds from Counties (April 14, 1978)**

Question: Can Conservation Districts receive funds from counties?

- **Supervisor Compensation (December 16, 1977)**

Question 1: Can a district supervisor be compensated for his services?

Question 2: Can a supervisor be reimbursed for expenses, including travel expense, necessarily incurred in the discharge of his duty?

Question 3: Is there statutory language which would require a conservation district to spend its funds within the guidelines set by state agencies, including those of DAFC?

Question 4: Does a district have the power to accept donations from any source which will impose no financial obligation upon the State and to use such donations in carrying on its funds?

Question 5: Does a conservation district have the authority to employ certain personnel?

- **Funds for Out of State Trips (October 7, 1977)**

Question: Can a State Officer or Employee receive a per diem of \$45.00 per day for travel for out of state?

- **Travel Rues & Regulations (July 1, 1977)**

Question: Can employees be compensated on travel expenses?

- **General Election Costs (June 10, 1975)**

Question: Are soil conservation districts required to pay a share of general election costs beyond that expressly assessed by statute when the election of the governing body of the district appears on the general election ballot?

- **Revenue Sharing Funds (June 22, 1973)**

Question: In Wyoming, do County Commissioners have the authority to give revenue-sharing funds to local conservation districts for environmental protection?

- **Financial Assistance from County Government (October 10, 1962)**

Question 1: Does a soil and water conservation District have the authority or right to ask for or receive financial help from county government?

Question 2: What is the legal procedure for a soil and water conservation district to ask and secure financial help from county government?

Question 3: By what legal means may a soil and water conservation district receive financial assistance from the county government in which the District is located?

- **Irrigation Storage Reservoirs (August 28, 1957)**

Question: May a local sponsoring organization (Soil Conservation District) make a binding agreement with the United States Department of Agriculture?

- **Conservation District borrowing money (February 26, 1957)**

Question: Whether or not a Soil Conservation District has the authority to borrow money from a bank to promote conservation projects using their equipment or property as collateral.

- **Purchase of Weedicides (March 15, 1954)**

Question: Whether Soil Conservation Districts formed under section 23-1406 W.C.S., 1945 are authorized to purchase weedicides for resale at a profit to landowners or operators within a district?

- **Funds for Supervisor (September 30, 1954)**

Question: Is the State Soil Conservation Committee authorized to include in its biennial budget a request for funds to cover the expense moneys to which Soil Conservation District Supervisors are titled under Section 34-1408 Wyoming Compiled Statutes, 1945?

- **Workman's Compensation (April 22, 1943)**

Question: Question concerns the requirement for organizations like Soil Conservation Districts – in regard to hiring tractor operators, and the liability of such districts in case of injury to the operator.

## **Insurance**

- **Liability Insurance (February 27, 1991)**

Question: Do conservation districts need to carry liability insurance and are they state agencies?

- **Liability Coverage for Conservation Districts (May 2, 1990)**

Question: Should the Conservation Districts participate in the Local Government Self-Insurance Program?

- **Liability Coverage (March 12, 1990)**

Question: Do the District Board Members need additional liability coverage, or is the state plan sufficient?

- **Liability Coverage (July 19, 1998)**

Question: Are Conservation Districts state agencies and are they eligible to participate under the Local Government Self-Insurance Program?

- **Liability Coverage (May 15, 1989)**

Question 1: In an event that an individual board member was sued, who would represent that board member in order to defend his interest and assert the defense of the Governmental Claims Act; Is that the Attorney General; Is that a private attorney?

Question 2: Who would pay for the cost of that defense?

- **Liability Insurance (December 8, 1986)**

Question: Are the conservation districts considered sub-subdivisions of state government and therefore covered by the State of Wyoming's insurance policy?

## **Public Records**

- **Tape recordings of Conservation District Meetings**

Question: Does a District have to keep tape recordings of meetings or do the hard copy minutes replace the tape. If not, how long does the District have to keep the tape on file?

- **Conservation District Release of Information (May 12, 2003)**

Question 1: Is a conservation district required to make public information pertaining to bid proposals?

Question 2: If so, specifically what type of information from the proposals are they allowed to release?

- **Conservation District Official Policy regarding release of public information (August 17, 2001)**

Issue: Conservation District Policy concerning release of water quality monitoring data and public information

- **Conservation District Water Quality Monitoring and Data Collection (June 14, 1999)**

Question 1: If a conservation district collects water quality data utilizing either mill levy funding or state appropriations and retains this data within district files, is this information subject to disclosure to the public under the Wyoming Public Records Act?

Question 2: Can a conservation district collect water quality data utilizing district personnel and equipment and never take custody of the data, and instead, leave it in the custody of the landowner?

Question 3: If a conservation district collects water quality data, retains it in their files, and it is subject to public disclosure under the Wyoming Public Records Act, does the Public Records Act exempt water quality data from public disclosure requirements on the basis that is proprietary information?

## **General Authorities**

- **Formation and Operation of Watershed Improvement Districts (December 2014)**

Question 1: Can the WID Board exercise the power of eminent domain outside of the established boundary of the WID? Can land outside the WID identified for water storage be taken by condemnation.

Question 2: During the formation of a WID, is the boundary determined by landowner desire to be in or out of the WID, or is the boundary drawn based on the benefit to the land as states in 22-29-109(c)? Does the boundary have to be continuous and if not, would that be considered a gap as stated in 22-29-109(a)? Should the word "Watershed" be the basis of a WID boundary and be inclusive of a Hydrological Unit Code? What is the role and responsibility of the Conservation District in addressing potential boundary issues?

Question 3: Once the Watershed Improvement District is a legal entity, does the Conservation District assume any liability for actions taken by the WID Board? Since the governing body of the WID is under the supervision of the board of supervisors and the board of directors must file a financial statement, consult and advise quarterly, as stated in 41-8-112, what are the responsibilities and powers of the Board of supervisors and it pertains to the supervision of the board of directors?

Question 4: At the time of a public hearing when the Conservation District Board of Supervisors is charged with determining whether or not there is a "need" for the Watershed Improvement District formation, as stated in 41-8-107(c), what are the guidelines to assist the Conservation District Board of Supervisors in a need determination? Is a need determination defined in 41-8-102 Purposes? Do the Conservation District Board of Supervisors consider only popularity/majority input from the landowners present at the hearing when determining the "need" of the watershed improvement District?

- **Conservation District Boundaries (July 3, 2008)**

Question 1: Is the Wyoming Board of Agriculture the only proper and statutory state authority that controls and establishes or changes jurisdictional and political boundaries of Wyoming Conservation Districts?

Question 2: And if the Wyoming Board of Agriculture is the proper authority, may the administratively change a conservation district boundary notwithstanding the provisions of W.S. 11-16-115(a) (i), (ii) or (III)?

- **Ownership and liability of co-produced water (June 21, 2006)**

Question: If upon discharge to the surface, another entity then filed on that water for permit of ownership for other beneficial uses unrelated to gas productions, which entity would be liable for any damage associated with the use of the water once the third party files on it? Is there any liability for the company that initially produced the water if the State issues permits for other uses to a different entity?

- **Districts holding and enforcing conservation easements on public land (Sept. 23, 2004)**

Question: As a special district can the Lake DeSmet Conservation District be the entity that maintains a conservation easement and do they have the authority to enforce the terms of the easement.

Question: By entering a long-term agreement, is it legal for the current board to obligate future elected boards under the terms of the easement?

- **Authority of Conservation Districts (February 11, 2000)**

Question: Do Conservation Districts possess the legal power, to manage state lands?

- **WACD Bylaws (April 15, 1998)**

Issue 1: Supervisors delegating voting rights to employees

Issue 2: Conflict between WACD bylaws and CD statutes

- **Rules and Regulations (May 16, 1997)**

Issue: Opinion concerning the authority of conservation districts to promulgate rules and regulations.

- **District Wide Resource Plan (November 2, 1994)**

Question: Could a conservation district develop a wide resource plan including economic, social and cultural aspects, and what consideration would the federal and land management decisions?

- **Authorities Through P.L. 566 (November 2, 1994)**

Question 1: What authorities are provided to conservation districts through P.L. 566?

Question 2: Does this have any impact on federal agencies, i.e. Forest Service, BLM?

- **Representation W.S. 11-16-122 (b) (xx) (November 2, 1994)**

Question: What type of authority does this subsection provide conservation districts regarding acting ‘as a representative for local groups in dealing with the United States or its representatives?’

- **Rule making Authority and the Wyoming Administrative Procedures Act (WAPA) (November 2, 1994)**

Question 1: Do conservation districts have rule making authority?

Question 2: If so, does the Wyoming Administrative Procedures Act (WAPA) Wyo., Stat. 16-3-101, et seq. govern the development of such rules and regulations?

- **Inventories and Assessments (November 2, 1994)**

Question: Do the Conservation Districts have the authority and responsibility to develop inventories and assessments on land owned by the state?

- **County Government Authority in Wyoming – Wyoming Planning Association (Nov. 11, 1991)**

Question 1: Are conservation districts defined as local governing bodies?

Question 2: If they are local governing bodies, do they have rule making authority?

Question 3: Do they have the authority to adopt or develop land use plans?

- **Conservation Laws of 1987 (April 27, 1990)**

Issue: The Wyoming Legislature authoring all references to the “Conservation Commission” in W.S. 11-16-101 through 134, the Watershed Improvements District Law to be changed to “Board of Agriculture” and transfer of powers.

- **Authority of a Watershed Improvement District (April 13, 1979)**

Question 1: Whether or not the Town of Greybull can represent its residents respecting private property within the municipal boundaries or be a ‘landowner’ as defined in W.S. 41-8-108(c).

Question 2: Whether a watershed improvement district has the authority to sell water to customers outside of the boundaries of the district.

- **Regulatory Control Over Surface Mining in Wyoming (April 2, 1979)**

Issue: The State retaining regulatory control over surface mining in Wyoming.

- **Flooding (October 25, 1978)**

Question 1: During times of floodwater inundation or if the roadway has been damaged by floodwater, do the County Commissioners have the right, by state statute, to temporarily close the roadway?

Question 2: Could the local sponsors or the Soil Conservation Service be held liable for personal injury that might occur as a result of the county roads being flooded?

- **Authority of the Department of Environmental Quality and the Environmental Quality (November 10, 1977)**

Question: Under the existing authority of the Wyoming Environmental Quality Act, can this office enforce water quality standards against a polluter who does not fall within the scope of our discharge permit program?

- **Rules and Regulations for Reclamation Standards (March 17, 1976)**

Issue: The Wyoming Conservation Commission may promulgate rules and regulations setting forth land reclamation standards and specifications.

- **Construction and Operation of a Livestock Scale by Soil and Water Conservation District (December 3, 1968)**

Issue: Applicable statutes in connection with the construction and operation of a livestock scale by a soil and water conservation district.

- **Change of Name (June 5, 1968)**

Question: Whether the State Committee might legally grant the request contained in the Petition for change of name from Southeastern Laramie County Soil and Water Conservation District to East Conservation District and omit the words "Soil and Water" from the proposed amended name.

- **Authority to Designate a Representative (December 11, 1956)**

Question: Does a statutory soil conservation committee member have authority to designate a representative to sit in on committee meetings as them officially designated representative for the committee member, and would the representative have voting privileges?

- **Session Laws (January 18, 1956)**

Question: Chapter 71, Session Laws of Wyoming, 1944, amended paragraph (J) or section 23-1309, Wyoming Compiled Statutes, 1934. Chapter 130, Session Laws of Wyoming Paragraph (J) as it was prior to the adoption of Chapter 71. Does Chapter 130 have the effect of repealing chapter 71?

- **Local Organizations (March 21, 1955)**

Question: Are Soil Conservation Districts in Wyoming authorized to cooperate with the United States by acting as 'local organizations'?

- **Authorities of the Soil Conservation District (March 15, 1955)**

Question: Do Wyoming Soil Conservation Districts have the authority under their state law to carry out, maintain, and operate the works of improvement proposed in Public Law 566?

- **Authorities of a Soil Conservation District (December 27, 1954)**

Question 1: does a Soil Conservation District organized under the Wyoming State Soil Conservation Districts Law have authority to carry out, maintain and operate 'works of improvement' and to otherwise act as a 'local organization' in accordance with the Provisions of the 'Watershed Protection and Flood Prevention Act'?

Question 2: Can Soil Conservation Districts enter into cooperative agreements with other entities through which funds might become available to Soil Conservation Districts for use in connection with activities provided for in this federal law?

Question 3: Does a Soil Conservation District have authority to expend their own funds or to use funds that are made available from any other sources for carrying out the provisions of this act?

Question 4: What other state organizations under their enabling act have the necessary authority to carry out the provisions of Public Law 566?

- **Soil Conservation District Authorities (December 11, 1953)**

Question: Does a soil conservation district possess the attributes of a political subdivision?

- **Powers of the Natural Resource Board (February 26, 1952)**

Issue: The President of the Natural resource board serving as a member of the State Soil Conservation Committee.

- **Session Laws of Wyoming (February 4, 1942)**

Question: Does a lessee have the authority to exclude from a proposed soil conservation district lands leased by him, where the owner fails to join in a petition to exclude said lands?

## **Subdividing**

- **Subdividing (August 5, 1976)**

Question 1: Does a conservation district have responsibility concerning water problems such as quantity, quality and potential pollution from septic fields in reviewing and making recommendations with respect to applications for proposed subdivisions?

Question 2: Can the conservation district board also make a recommendation that no buildings or structure be placed on certain areas within the subdivision application, where soil limitations would restrict such use?

- **Subdividing (April 28, 1976)**

Question 1: Since conservation districts are required to perform certain responsibilities of reviewing subdivision plans, can the conservation districts require information mandated to the county resolution which has been approved by the Sublette County Commissioners and is on file?

Question 2: Does the county resolution fulfill the requirements as provided by Wyoming Statutes?

Question 3: If the county resolution or section 18-289.15, W.S. are in conflict and therefore not enforceable, it is necessary for the conservation district to proceed in attempting to fulfill the obligations as provided by the Real Estate Subdivision Act which calls for reviewing and submitting comments within the sixty-day time period?

Question 4: Can steps be taken by districts to comply with Section 18- 2899.15(b) be recommended?

- **Subdividing (May 19, 1975)**

Question 1: Is W.S. 18-289.10 through .24 constitutional in light of Article 3, Sections 24 and 26 of the Wyoming constitution?

Question 2: Is there authority by which the State may regulate subdividing when by W.S. 18-289.1 through .9 the State has authorized the Counties to so regulate?

Question 3: Are there any conflicts between the Sublette County subdivision Resolution and W.S. 18-289.10 through .24?

Question 4: Is the Sublette County Subdivision resolution enforceable?

## **Supervisors**

- **Conservation District Supervisor Vacancies (September 9, 2002)**

Question: Do appointees filling vacancies in the office of conservation district supervisor during the middle of a term need to run at the next general election or can they serve the remainder of the term?

- **Conservation District Supervisor Election Expense**

Question 1: Must Special Districts pay for election costs?

Question 2: What authority does a County have to assess election costs?

- **Conservation Districts Supervisor Removal (November 3, 2000)**

Issue 1: Can the conservation districts remove a supervisor based on the events listed in the Special District Elections Law or does the principal act, Title 11, Chapter 16, Conservation Districts, take precedence?

Issue 2: Is a vacancy of a district supervisor created for a conservation district under W.S. 22-29-201(a)(vii) due to the district supervisor's unexcused absences?

- **Supervisors and Contract Labor (June 2, 1997)**

Question: Can a Conservation District contract labor with one of their supervisors?

- **Filling of Vacancies (November 2, 1994)**

Question: Do Supervisors who are selected to fill vacancies hold the position for the unexpired term or until the next general election?

- **Neglect of Duty in Office (November 2, 1994)**

Question: What would constitute neglect of duty or malfeasance in office? For instance, would the lack of attendance at board meetings or district functions constitute a neglect of duty?

- **Eligibility to Hold Office (November 2, 1994)**

Question: Can a publicly elected board with public tax money define eligibility to hold a board position? In other words, can eligibility to hold office of district supervisor depend upon such criteria as ‘derive a majority of income from agricultural production,’ ‘reside in an incorporated municipality,’ etc.?

- **District Supervisors and “rural residency” (May 6, 1994)**

Issue: Attorney General’s Opinion of W.S. 11-16-120 on district supervisor and rural residency.

- **Contract Labor with Supervisors (June 21, 1993)**

Question: Can a Conservation District contract labor with one of their supervisors?

- **Elections (September 24, 1992)**

Question: Can an employee of a Conservation District run for the office of Conservation District supervisor?

- **Elections (November 19, 1991)**

Question: Do all district supervisors elected pursuant to W.S. 11-16-119 have to appear on the general ballot after the district resolution adopts the Wyoming Election Code 1973?

- **Supervisor Vacancies (May 9, 1980)**

Question: Question concerning the appropriate procedure the State Conservation Commission should take to fill supervisor vacancies in Conservation Districts.

- **Elections (April 15, 1980)**

Issue: Red Lane W.I.D. election problems

- **Election of Supervisors on the General election Ballot (July 21, 1976)**

Issue: Guidelines on the proper procedure to be followed placing the elections of district supervisors on the general ballot.

- **General Election (June 10, 1975)**

Question: Are soil conservation districts required to pay a share of general election costs beyond that expressly assessed by statute when the election of the governing body of the district appears on the general election ballot?

- **Election (December 16, 1974)**

Question: The Wyoming Conservation District Law changed to allow for the election of the governing body of the conservation districts to be elected on the general election ballot.

- **Expired Terms (June 22, 1973)**

Question: Can the Board of Directors of the Watershed Improvement District appoint individuals to fill an expired term of a Director until the January General Elections?

- **Election (June 20, 1973)**

Issue: The responsibility of the State Conservation Commission under the new Election Code.

- **Watershed Improvement District (June 8, 1973)**

Issue: Problem with the Wyoming Watershed Improvement Districts Law in Section 41-354.12(a).

- **Supervisor Making Plans Public (June 20, 1966)**

Issue: Plans for the Conservation as developed by Soil and Water Conservation Committee, Public Records under Sec. 11-245, Wyoming Statutes, 1957, as amended 1959.

- **Qualifications to Legally Serve on the Board of Supervisors (March 27, 1963)**

Question: Is a member of a family who is also a stockholder in a ranch or farm that has been incorporated qualified to legally serve on the board of supervisors of a soil and water conservation district?

- **Affirmation of Supervisors (March 8, 1961)**

Question: Can any two persons other than those authorized to administer oaths, administer the oath of office, as required to be taken by a supervisor of a Soil and Water Conservation District in accordance with section 11-242 W.S. 1957 as amended?

- **Expired Terms of Supervisors (December 14, 1954)**

Question: Whether or not an appointment may be made to fill the unexpired term of a Soil Conservation District Supervisor, who has either resigned, died or otherwise vacated his position.

## **Mill Levy**

- **Regarding the expenditures of mill levy funds (August 30, 2001)**

Question: Are there any Wyoming statutes that specifically designate appropriate uses of mill levy funds? If not, please provide guidance on determining proper expenditure of mill levy funds.

- **Regarding the Uniform Municipal Fiscal Procedures Act – Truth in Taxation (August 8, 1997)**

Question 1: Does the act apply to the voter approved Mill Levies?

Question 2: If a conservation district has already been approved for up to 1 mil and has in the past assessed less than a full mill, are they required to publish the ad if they choose to increase the percentage of funding they receive?

Question 3: In relation to Question 2, does the ad requirement apply to an increase in revenue received by a conservation district resulting from an increase in property values?

- **Elections and the Mill Levy Issue (November 2, 1994)**

Question: If an elector votes during the elections, but does not vote on the mill levy issue, is it counted as a 'no' vote?

- **Mill Levy Election (January 5, 1993)**

Question: If the 1994 General Election voters vote or not to renew the mill levy, can the District bring the proposition to impose the tax in a special election?

- **Mill Levy Funding (July 2, 1993)**

Question: Whether the Teton County Commissioners may reduce or eliminate mill levy funding for Conservation Districts even through it has been approved by the voters.

- **Casper-Alcova Conservation District (May 19, 1992)**

Can a portion of the City of Casper, be included in the Casper-Alcove CD, even though it was not part of the original conservation district?

- **Mill Levy Elections (September 16, 1991)**

Question: How much time must elapse between elections? Who pays for the special elections? If the Special Election is successful would we have to go again in the 1992 General Election or in another Special Election in four years?

- **Conservation District Mill Levy (June 17, 1990)**

Question: Whether a conservation mill levy election question may be put on the Primary Election although the mill levy question was not part of the Primary Election Proclamation.

- **Conservation District Tax Levy Election (June 5, 1990)**

Question: Due to many property owners within the district choosing to have their property excluded from the district pursuant to W.S. 11-16-109, who is eligible to vote?

- **Mill Levy Election (May 25, 1990)**

Question: When a petition requesting an election to impose a conservation district mill levy is presented by conservation district supervisors to county commissioners pursuant to W.S. 11-16-134, must the county commissioners put the question on the ballot?

- **Time and Frequency of Mill Levy Elections (April 25, 1990)**

Issue: Time and frequency of mill levy elections for conservation districts.

Clarification of election dates (June 16, 1989)

Issue: Special elections for mill levy.

- **Mill Levy Election (March 31, 1989)**

Issue: Mill levy on special election ballot

## **Withdrawal and Inclusion of Land Within a District**

- **Perpetual Succession Definition (November 2, 1994)**

Question: What is perpetual succession?

- **Adding Additional Lands (March 18, 1993)**

Question: Can Conservation Districts add additional lands using the attached procedures and still comply with state statutes? If not, what would be the proper procedure?

- **Inclusion of Land in a District**

Question: Can a portion of the City of Casper, be included in the Casper-Alcova CD even though it was not part of the original conservation district?

- **Petitioning Land into a Conservation District (April 9, 1973)**

Question: Whether an individual who has a 99 year lease on 160 acres could be considered as a landowner, for the purpose of petitioning this land into a Conservation District.

- **Improvement Districts Law (November 1, 1972)**

Issue: Proposed amendments to Watershed Improvement Districts law; State Conservation Commission 'Special Project Fund.'

- **Withdrawal of Lands from an Organized Soil and Water Conservation District (October 10, 1961)**

Question 1: If one or more landowners request withdrawal of their lands from an organized soil and water conservation district, when must they file notice by petition with the State Committee?

Question 2: If a group of farmers and ranchers has filed a notice by petition to the State Committee to have their lands withdrawn from a district, what is the earliest date these petitions could be filed with the State Committee?

Question 3: Will these people who have submitted a request for withdrawal since last April need to do anything further to have their lands withdrawn?

- **Land Becoming Part of a legally organized Conservation District (June 7, 1961)**

Question 1: If, after a landowner once agrees to have his lands become part of a legally organized Soil and Water Conservation district, and has not withdrawn such lands, is the land owner and his lands subject to the provisions of the Wyoming Soil and Water Conservation committee, and the ordinances enacted in accordance with Section 11-246, ws'57.

Question 2: When the word 'may' is used in the soil and water Conservation Law, how is it to be legally interpreted?

- **Joining of Two Legally Organized Conservation Districts into One District (September 15, 1958)**

Question 1: Under the State Soil Conservation Laws, can two legally organized Soil Conservation Districts be joined into one District?

Question 2: If a Question number one is answered in the affirmative, what procedure must be followed to accomplish the objective?

- **Exclusion of Lands (July 20, 1956)**

Question 1: Does the W.C.S. 1954, 34-1409, Subsection (B) apply to federal lands, namely Taylor Grazing and Bureau Land Management lands, under the Department of Interior, and to State of Wyoming lands as leased to operators as public school lands?

Question 2: Should the State Committee exclude State Lands which are requested to be excluded by the lessee?

Question 3: Can the State Committee exclude State Lands which are requested to be excluded by the lessee?

Question 4: What may the State Committee consider as proof of interest in lands so that the committee may be sure that they have given proper protection to the interests of the owners of land whenever the state committee makes exclusions as provided in Section 6, Subsection (b)?

Question 5: When lands are in an estate, who has the authority to make the request to the State Committee for such lands to be excluded?

Question 6: Do soil conservation districts, organized and in operation have the authority to levy taxes or make general assessments or incur indebtedness?

Approval of petition for exclusion of land (November 15, 1944)

Question: How long after a properly prepared petition by the owner for exclusion of land from within proposed district, does the State Committee have to wait to prove by the petitioner, as required in the last paragraph of Section 6, Subsection (b)?

## **Watershed Improvement Districts**

- **Differences between Watershed Improvement Districts principal act and the Special District Elections Act of 1994 (August 23, 2004)**

Question 1: Must the results of the election for formation of a Watershed Improvement District be posted publicly?

Question 2: What is the difference between the “referendum” referred to in the watershed improvement district statutes and the “election” referred to in the Special District Elections Act?

Question 3: Is it required that the person signing the petition for formation of a WID identify themselves as a legal representative of the landowner if so designated? Does the representative need to provide a written authorization upon signing the petition?

Question 4: May the formation ballot for a watershed district also include a slate of candidates for the board of director positions?

Question 5: What is a party’s appellate process for an adverse decision by a watershed improvement district on a petition to withdraw from the District?

- **Watershed Improvement Districts (December 18, 2003)**

Questions: How do votes count when co-owners or spouses are completing a ballot with regard to acres owned; Can the Board of Directors elections be held on the same ballot as the formation election; How far does the ‘Power of Attorney’ go for legal representatives wishing to serve on the Board of Directors; and “Can a landowner within the Watershed Improvement District pay a one-time, up-front cost for his allocated portion of an improvement project before a tax assessment has been approved and therefore not pay an assessed tax?

- **Dissolution of a Watershed Improvement District (September 9, 2002)**

Question: What is the method that should be used for the dissolution of a watershed improvement district?

- **Discontinuance (July 10, 1991)**

Question: Whether each land owner’s vote is to be weighted in accordance with the acreage he owns when voting on the discontinuance of a watershed improvement district.

- **Watershed Improvement District (April 8, 1981)**

Issue: The role of federal lands in the formation of watershed improvement districts.

- **Watershed Project (April 9, 1962)**

Issue: Steps in carrying out a watershed project by a watershed improvement district

## **Revisions**

✍ Wyoming Watershed Government Districts Law

✍ Revisions to General Attorney Opinions

✍ Recommended Changes to Model Ordinance (May 1978)

✍ Revision of the Wording on Farm and Ranching Plans (January 1967)