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OPINION NO. 123  
December 11, 1956

To: Rose M. Moede, Secretary  
State Soil Conservation Committee

By: Bruce P. Badley, Assistant Attorney General

QUESTION: Does a statutory soil conservation committee member have authority to designate a representative to sit in on committee meetings as the officially designated representative for the committee member, and would the representative have voting privileges? ANSWER: Yes. But his authority to act is limited to the specific authorization by the regular member.

Wyoming Compiled Statutes 1945, 34-1404 as amended by Session Laws, 1953, Chapter 194, provides as follows:

"There is hereby established to serve as an agency of the State and to perform the functions conferred upon it by this Act the State Soil Conservation Committee. The Committee shall consist of five members. The Commissioner of Agriculture, the President of the Wyoming Livestock and Sanitary Board, the Dean of the College of Agriculture, the President of the Wyoming Natural Resource Board, and the Chairman of the State Supervisors Association of the Soil Conservation Districts, who shall serve by virtue of their office. The Committee may invite the Secretary of Agriculture of the United States of America to designate an employee of the United States Department of Agriculture, stationed in Wyoming, to serve with the above mentioned members in an advisory capacity."

Reading further in the same statute, Section B, we find the following language:

"The Committee may call upon the Attorney General of the State for such legal Service as it may require, or may employ its own counsel and legal staff. It shall have the authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees such delegable powers and duties as it may deem proper." (Emphasis supplied.)

And finally in Section D of the same statute, we find this language:

"The members of the State Soil Conservation Committee holding office when this Act takes effect shall continue to perform the duties until their successors are duly qualified."

We have been unable to discover in our search a former opinion by this office on this question, but are of the opinion that People Ex Rel Warren v. Christian, 123 P 2d. 368, 58 Wyo. 39, gives us a certain guide by which we can base our recommendations to you on your question.

From the Warren case, we are compelled to say that the Members of the State Soil Conservation Committee "SHALL CONTINUE TO PERFORM THE DUTIES UNTIL THEIR SUCCESSORS ARE DULY QUALIFIED." We do feel, however, that nothing in the Statutes of Constitution would prevent a duly authorized agent of each member from attending and voting provided he had the necessary specific authorization to represent the member. It is particular to note that the next in line of succession to each member of the board may be differently determined. We do not say in this opinion that a State Soil Conservation

Committee member may designate ANYONE as his agent. For example, the Attorney General is automatically by statute represented by the Deputy Attorney General whenever the Attorney General is not present or available.

The Commissioner of Agriculture may be represented by the Deputy Commissioner of Agriculture. The Dean of the College of Agriculture may be represented by the Assistant Dean or whomever the President of the University has authorized to act in behalf of the Dean; the Chairman of the State Supervisors Association of the Soil Conservation District may be represented by the next in line for succession, such as the first vice chairman; The President of the Wyoming Natural Resources Board may be represented by the duly elected vice-president (W.C.S. 1945, Laws 1953, Ch. 187, 18-2109); The President of the Wyoming Livestock and Sanitary Board may be represented by the duly authorized agent in the absence of the President (W.C.S. 1945, 56-104).

This opinion is limited to the extent that we feel that any blanket delegation of authority is not proper. In other words, any delegation of authority by one member of the State Soil Conservation Committee to his duly authorized agent is only for the limited purpose of carrying out the wishes of the regular member. Any acts performed by the agent must be in the name of the regular member. We are also of the opinion the agent can only act in those instances when the member is unable to attend and then only by specific permission of the member for that one meeting.

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