

Office of the  
Attorney General  
State of Wyoming  
Cheyenne

March 8, 1961

Mr. Kenneth R. Sturman  
State Soil & Water Conservation Committee  
308 Capitol Building  
Cheyenne, Wyoming

Dear Mr. Sturman:

This office is in receipt of your request for an opinion on the following 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 & Water Conservation District in accordance with Section 11-242, W. S., 1957, as amended?"

You are advised that the affirmation of the Soil Conservation Supervisors attached to your inquiry is not sufficient under the provisions of the Wyoming Statutes regarding the taking of oath of office. Section 11-243, Wyoming Statutes, 1957, as amended, provides in part:

"A supervisor shall hold office from the time of his election or appointment and taking of the oath of office required by state and county officials by the State constitution until his successor has been elected, or appointed, and has qualified."

Article 6, Sec. 20 of the Wyoming Constitution provides the form of oath to be taken by Senators and Representatives and all judicial, state, and other officers. Article 6, Sec. 21 of the Wyoming Constitution provides the manner in which such oath shall be administered, which is:

"\*\*\* by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken, etc."

Definitely the matter of the oath being subscribed to before two witnesses is not at all sufficient under the law.

Yours truly,

S/

W. M. Haight

T/

W.M. Haight  
Deputy Attorney General

WMH:hb

Office of the  
Attorney General  
State of Wyoming

Cheyenne

January 25, 1961

Mr. Kenneth R. Sturman  
Coordinator-Secretary  
State Soil & Water Conservation Committee  
B U I L D I N G

Dear Mr. Sturman:

In response to your letter of January 16, 1961, and the two questions posed in that letter, you are advised as follows:

(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?

I have discussed this matter with Mr. James G. McClintock, Special Assistant Attorney General assigned to the Employment Security Commission, and he informs me that the Commission does not require payments to be made to the Unemployment Fund for employees who are working for soil and water conservation districts.

(2) Does the term "employment" include services performed in the employ of a political sub-division of State government when such political sub-division is subject to taxation by the State.

The term "employment" in connection with services performed by the employee of a political sub-division of State government when such political subdivision is subject to taxation by the State is applicable if the employee is employed for wages or contract for hire and devotes his entire service to such employment, unless the political subdivision is immune under the Constitution of the United States from tax imposed by Section 1600, U.S.C., Title 26.

Yours truly,

S/ W. M. Haight

T/ W. M. Haight  
Deputy Attorney General

WMH: jw