



Wyoming Department of Agriculture

TELEPHONE: (307) 777-7321

CHEYENNE, WYOMING 82002-0100

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April 5, 1989

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DEAN COLLEGE OF AGRICULTURE
UNIVERSITY OF WYOMING, LARAMIE

Ms. Donna Rice
Assistant Attorney General
State Capitol
200 W. 24th St.
Cheyenne, WY 82002

Dear Ms. Rice:

Re: Request for an opinion relating to W.S. 16-4-111

We are requesting a formal opinion on the following subject. On February 23, 1989 the Legislature passed an amendment to the Uniform Municipal Fiscal Procedures Act (W.S. 16-4-111 (a), (b), (c) and (d)).

"(b) Prior to adopting the budget, the county commissioners may veto, in whole or in part, line item of budgets presented by boards which were totally appointed by the county commissioners."

Does W.S. 16-4-111 (b) & (c) authorize county commissioners to line item veto provisions of the Weed and Pest Control District budget, developed pursuant to W.S. 11-5-111 and 11-5-202?

Weed and Pest Districts are classified as special purpose districts (Attorney General's Opinion No. 83-009, Page 10), and by the Department of Revenue and Taxation and the State Examiner's Office. The Districts also have to prepare budgets in a format acceptable to the State Examiner (W.S. 16-4-104 (f)).

Special purpose districts have the power to levy or require the levy of taxes and have the right to hold their own budget hearings, which is the third Thursday in July (W.S. 16-4-109 (b)). The one exception to this is that the district board of directors may choose to hold the budget hearing in conjunction with the county budget hearings. The districts do not have to present their budgets to the county commissioners, they only have to give them a certified copy of the budget for the necessary tax levies (W.S. 11-4-111).

"(c) Boards, the members of which are appointed by the county commissioners, shall expend funds only as authorized by the approved budget, unless a departure from the budget is authorized by the board of county commissioners."

In appears, by state statutes that the State Examiner is the only one authorized to approve a departure from the budget for the Weed and Pest Control Districts. The only place in the amendment it refers to special purpose districts is W.S. 16-4-111 (d). In addition, the State Examiner is authorized by law to examine or audit the district's books annually. However, the State Examiner may accept an annual audit performed and an audit report rendered by an independent certified public accountant (W.S. 9-1-507).

It appears, the intent of the amendment was to give County Commissioners line item budget veto over boards that operate under the auspices of the county commissioners. Such as: Fair Boards, Library Boards, Hospital Boards, Airport Boards, Land Use Planning Boards, Mental Health Boards, Public Health Boards and Recreation Boards. These boards are extensions of the county government and operate under the jurisdiction of the county commissioners, all of which receive funds from the general county levy.

Thank you in advance for assisting on the above subjects.

Sincerely,



Don Rolston
Commissioner of Agriculture

DR/ghp

cc: John McGee, President, Wyoming Weed and Pest Council
George F. Hittle, Weed and Pest Coordinator
Bill Gentle, Deputy Commissioner



THE STATE

OF WYOMING

Attorney General

123 CAPITOL BUILDING
CHEYENNE, WYOMING 82002
TELECOPIER: 307-777-6869

ADMINISTRATION 307-777-7841
CONSUMER AFFAIRS 777-6286
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CRIMINAL DIVISION 777-6743, 777-7874
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MIKE SULLIVAN
GOVERNOR

JOSEPH B. MEYER
ATTORNEY GENERAL

May 5, 1989

M E M O R A N D U M

TO: Collin Fallat, Head
Resource Analysis Section
Wyoming Department of Agriculture

FROM: Donna Rice
Assistant Attorney General

QUESTION:

Do the 1989 legislative amendments to the Uniform Municipal Fiscal Procedures Act at W.S. 16-4-111(a), (b), (c) and (d) apply to conservation districts, predator districts and watershed improvement districts?

ANSWER:

No.

DISCUSSION

The pertinent parts of the 1989 amendments read as follows:

W.S. 16-4-111

(b) Prior to adopting the budget, the county commissioners may veto, in whole or in part, line item of budgets presented by boards which were totally appointed by the county commissioners;

(c) Boards, the members of which are appointed by the county commissioners, shall expend funds only as authorized by the approved budget, unless a departure