

MIKE SULLIVAN
GOVERNOR

THE STATE OF WYOMING



Wyoming Department of Agriculture

DON ROLSTON
COMMISSIONER

2219 CAREY AVENUE
TELEPHONE: (307) 777-7321 CHEYENNE, WYOMING 82002-0100
FAX (307) 777-6593

BOARD MEMBERS
IRVIN PETSCH, MERIDEN
PRESIDENT
DAVID EDWARDS, EMBLEM
VICE PRESIDENT
CAROLE BARDIN, BOULDER
PATRICIA LITTON, GILLETTE
GORDON MEDOW, SHOSHONI
GEORGE SALISBURY, JR., SAVERY
ROBERT WRIGHT, NEWCASTLE
MIKE SULLIVAN, GOVERNOR
ROBERT D. HEIL, DEAN
COLLEGE OF AGRICULTURE

March 12, 1990

Donna Rice
Attorney General's Office
Capitol Building
Cheyenne, WY 82002

Dear Donna:

Enclosed is your letter dated May 31, 1989 regarding liability coverage for conservation districts. After discussing the letter with Bill Gentle, he indicated that legal counsel for the districts should be provided by the Attorney General's Office as stated in W.S. 11-16-122 (ii), "Call upon the Attorney General of the state for legal services or employ their own counsel and legal staff."

District board members are uncertain of the coverage provided by the State of Wyoming liability insurance plan. Do they need additional liability coverage, or is the state plan sufficient? Are we interpreting W.S. 11-16-122 (ii) correctly?

The Wyoming Department of Agriculture and the Conservation Districts would appreciate your opinion in this matter. Thank you for your cooperation.

Sincerely,

Handwritten signature of Grant Stumbough in cursive script.
Grant Stumbough

GS/lms

Enclosure





THE STATE

OF WYOMING

Attorney General

MIKE SULLIVAN
GOVERNOR

JOSEPH B. MEYER
ATTORNEY GENERAL

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

ADMINISTRATION 307-777-7841
CONSUMER AFFAIRS 777-6286
WORKERS' COMPENSATION 777-5934
NATURAL RESOURCES 777-7824, 777-7825
CRIMINAL DIVISION 777-6743, 777-7874
CIVIL DIVISION 777-7886, 777-7876, 777-6397
TORT LITIGATION 777-6886
CRIME VICTIMS COMPENSATION 777-5984

April 27, 1990

Mr. Grant Stumbough
Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, Wyoming 82002-0100

Dear Grant:

I am writing in response to your letter dated March 12, 1990. Your interpretation of W.S. 11-16-122(b)(ii) is correct - the conservation districts may call upon the attorney general for legal services or employ their own counsel and legal staff.

Under the Governmental Claims Act (W.S. 1-39-101 through 120), conservation districts are considered entities of local government. Each district must purchase coverage to be within the governmental insurance pool.

Various factors are considered in establishing the premium rate. The three conservation districts which have already joined the insurance pool pay approximately \$600 per year. For this premium, the board members are covered for acts described in W.S. 1-39-101 through 120. Otherwise, the board members have sovereign immunity for nonnegligent acts performed in the scope of duty.

Any buildings or vehicles owned by the district are not covered by the Governmental Claims Act. Districts should purchase additional insurance for property owned by the district.

If you have further questions, please call on us.

Sincerely,

Donna Rice

Donna L. Rice
Assistant Attorney General

DLR:rlc

