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March 15, 1954

To: Mr. William L. Chapman, Commissioner of Agriculture

By: Howard B. Black, Attorney General

I am in receipt of your letter of March 15, 1954, in which you present this question:

> "We request your opinion as to whether or not Soil Conservation Districts formed under Section 34-1406, W.C.S., 1945 are authorized to purchase weedicides for resale at a profit to landowners or operators within a district."

I have discussed this question with you before and informed you that, in my opinion, subsection G of Section 34-1409, Wyoming Compiled Statutes, 1945, sets forth the authority of the Soil Conservation District in regard to furnishing equipment and other supplies to owners and occupiers of lands in the Soil Conservation District. However, there is nothing in the entire section above-quoted, in my opinion, which give a authority to Soil Conservation Districts to furnish or dispense weedicides or pesticides to landowners at a profit or as a means of raising money for a Soil Conservation District.

This office has recently held that while the Department of Health is authorized to prepare medical supplies, it has no authority to attempt to sell these drugs at a profit without specific legislative approval.

The legislature has passed a law which allows the landowners to form Weed and Pest Control Districts and states how they may operate. It would seem to me that those provisions of the legislature should be followed if it was necessary to secure weedicides or pesticides.

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