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February 26, 1957  
(11) 1-25-57 - Badley

OPINION No. 12

OPINION REQUESTED BY: State Soil Conservation Committee  
Department of Agriculture  
B U I L D I N G

OPINION WRITTEN BY: Bruce P. Badley  
Assistant Attorney General

QUESTION: Whether or not a Soil Conservation District has the authority to borrow money from a bank to promote conservation projects using their equipment or property as collateral.

ANSWER: No.

The powers and duties of soil conservation districts are set forth in Wyoming Compiled Statutes, 1945, Section 34-1409, as amended by Chapter 71 and 130 of the Session Laws of Wyoming, 1955. The particular section concerning the power to incur a financial obligation is subsection (j) quoted in part as follows:

"...to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, or from any other source, WHICH WILL IMPOSE NO FINANCIAL OBLIGATION UPON THE STATE OF WYOMING...." (Emphasis supplies.)

We find further in Wyoming Compiled Statutes, 1945, Section 34-1409 as amended the following language:

"NO CONTRACT of the district supervisors FOR THE PAYMENT OF MONEY SHALL BE VALID UNLESS the SUPERVISORS SHALL HAVE AVAILABLE, at the time such contract is made, FUNDS IN THE FORM OF CASH or in the form of contracts sufficient for the payment thereof." (Emphasis supplied.)

The above two quoted sections define and limit the power of the districts. We fail to find a specific authorization for the district to borrow money, and in absence of such authority we must conclude that the district is without such power.

Bruce P. Badley  
Assistant Attorney General