



OFFICE OF THE  
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CHEYENNE, WYOMING 82001

CLARENCE A. BRIMMER  
ATTORNEY GENERAL

June 22, 1973

To: Mr. Sterling A. Case  
Deputy Attorney General

FROM: Mike Wass,  
Law Clerk

RE: Question from Mr. Don Hood, Executive Secretary of the State Conservation Commission concerning the use of General Revenue Sharing Funds.

QUESTIONS: (1) In Wyoming, do County Commissioners have the authority to give revenue-sharing funds to local conservation districts for environmental protection?

ANSWER: Not according to present Wyoming law. See Discussion.

(2) - (6) These questions mooted by answer to Question Number One.

D I S C U S S I O N

Nowhere in the statutes applicable to the County Commissioners does the Legislature explicitly grant the Commissioners the right to contribute funds to conservation districts. Under Wyoming Statutes, Section 18-149, the Legislature has granted the County Commissioners certain general powers. But, in my opinion, none of the powers granted could be extended, under any accepted statutory rule of construction, to allow such funding.

Recently, South Dakota was presented with the same situation and its solution was to pass special enabling legislation to allow such funding.

My observations are based on a careful reading of our statutes covering the powers granted County Commissioners and the case of South Dakota Employers Protective Assoc. v. Poage, 65 S.D.

Mr. Sterling A. Case  
June 21, 1973  
Page 2

198, 272 N.W. 806 (1937) wherein it was held that County Commissioners are vested only with such powers as are expressly conferred by statute or which may be reasonably implied from the powers expressly granted.

I would suggest that a representative of the State Conservation Commission should attend the meeting with the Elections Committee of the Legislature and the Secretary of State as was suggested by Fred Reed, Assistant Attorney General, in a letter to Don Hood dated June 20, 1973.

Respectfully submitted,



Mike Wass, Law Clerk

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