



THE STATE OF WYOMING

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TO: Bill Glenn	FROM: Grant Stumbach	DATE: 7/2/93
FAX #: 733-9669	FAX #: 777-6329	PHONE #: 777-6577
		NO. PAGES INCLUDING THIS PAGE 2

July 2, 1993

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGE

Don Rolston
Director of Agriculture
Smith Building
Cheyenne, WY 82002

Dear Don:

You have asked for our opinion on whether the Teton County Commissioners may "reduce or eliminate mill levy funding for Conservation Districts even though it has been approved by the voters."

Your question is based on W.S. 11-16-133, which permits the county commissioners to levy one mill to fulfill the purposes of the Wyoming Conservation Districts Law, W.S. 11-16-101 through 11-16-134. The levy cannot be made:

. . . until the proposition to impose the tax is submitted to a vote of the qualified electors of the district and a majority of those casting their ballots vote in favor of imposing the tax.

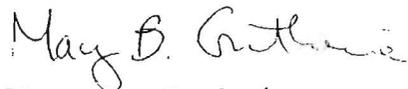
W.S. 11-16-134(a).

The statutes are silent as to whether the county commissioners have any discretion in determining how the mill levy should be distributed, or whether the Commissioner can distribute less than a mill to a conservation district. However, it is my view that the Teton County Commissioners could chose not to the distribute the funds, if it appears that the moneys were not going to be used for statutorily designated purposes. The way to determine if funding was appropriate would be to examine the ballot proposition that was approved by the voters of Teton county. Obviously, monies generated by the imposition of the mill levy can only be used for the purposes presented to the voters.

Further, this question is a local issue. If the members of the Teton County Natural Resource District Board feel that the County's restriction of the mill levy is not appropriate, they could challenge the action in a court proceeding.

I hope that this has addressed your concerns.

Sincerely,

A handwritten signature in cursive script that reads "Mary B. Guthrie".

Mary B. Guthrie
Senior Assistant Attorney General

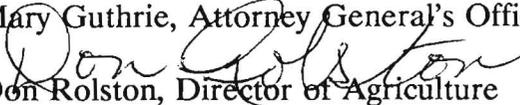
Mike Sullivan, Governor
Don Rolston, Director



Wyoming
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MEMORANDUM

TO: Mary Guthrie, Attorney General's Office
FROM:  Don Rolston, Director of Agriculture
SUBJECT: Conservation District Mill Levies
DATE: July 1, 1993

The Teton County Natural Resource District (formerly the Teton County Conservation District) passed a mill levy during the 1990 general election. The Teton County Commissioners have recently indicated that they would like to either reduce or eliminate current District mill levy funding. Apparently a conflict has arisen as to how the District is spending county funding.

QUESTION: Can County Commissioners reduce or eliminate mill levy funding for Conservation Districts even though it has been approved by the voters?

Mary, the Teton County Natural Resource District would like to have an opinion by tomorrow. Is that possible? If you have any questions please contact Grant Stumbough at 777-6579.

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