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Opinion No. 63-39-L  
R-134  
March 12, 1963

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ARIZONA ATTORNEY GENERAL

REQUESTED BY: GEORGE T. GEILER  
Secretary  
Camp Verde Soil Conservation District

OPINION BY: ROBERT W. PICKRELL  
The Attorney General

QUESTION: Does the office of the Attorney General render direct legal service to the supervisors of a soil conservation district?

ANSWER: No.

We have reviewed the Arizona Statutes seeking to find some authority authorizing the Attorney General to represent supervisors of a soil conservation district. We found such representation is not authorized by the statutes allowing the formation of a soil conservation district.

Under the provisions of A.R.S. § 41-192, outlining the duties and responsibilities of The Attorney General of Arizona, the Attorney General must represent the agencies and departments of the state and render to them the legal services they require. In turn these state departments and agencies under the law, cannot employ their own counsel but must go to the Attorney General.

The Attorney General's formal opinion No. 60-54 held that a soil conservation district is a state political subdivision as contemplated under Article 13 § 7, Arizona Constitution. A soil conservation district, then, cannot be a state agency or department. We, therefore, conclude that the Attorney General of Arizona may not directly represent a soil conservation district.

In arriving at our conclusion we have considered the effect of A.R.S. § 45-2057 which asks the cooperation of State Agencies with soil conservation districts. However, this is required when the state agency is charged with the administration of any state owned land. This could not affect the Attorney General because this office has no jurisdiction over state owned land.

The State Land Commissioner under A.R.S. §45-2012 is the ex-officio state soil conservation commissioner. In his official capacity the state land commissioner may channel legal questions he receives as ex-officio state soil conservation commissioner to the Attorney General. Under the provisions of A.R.S. § 45-201(1) the soil conservation commissioner is required to "offer

Opinion No. 63-39-L  
R-134  
March 12, 1962  
Page 2

appropriate assistance to the supervisors of soil conservation districts in carrying out their powers and programs." In this respect this opinion is in accord with Attorney General's Opinion No. 59-47, however, our prior opinion No. 59-47 is modified by this opinion.

In conclusion a soil conservation district is not a state agency and cannot, therefore, obtain the legal services of the Attorney General of Arizona. The soil conservation district may pose legal questions to the state land commissioner who in turn can ask the Attorney General for an opinion,

*Robert W. Pickrell*

ROBERT W. PICKRELL *by wee*  
The Attorney General

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