

**OPINION**  
**62-272**

August 3, 1962 (OPINION)

WHEAT COMMISSION

RE: Per Diem Payments - Limited to Official Meetings

This is in response to your letter of July 24, 1962, in which you state that the State Wheat Commission has presented vouchers to your office allowing per diem payments of \$10.00 to county representatives for attending informal meetings held by the Wheat Commission. You also call our attention to section 4-28-03 of the N.D.C.C., which provides for the election of county representatives and their duties and functions. You then ask for an opinion from this office whether or not these county representatives may be paid a per diem or expenses for attending any meeting or meetings called by the Wheat Commission other than for the election of members of the Wheat Commission.

Section 4-28-03, amongst other things, provides as it is material here that the producers at the call of the county agent meet for the purpose of electing county representatives. The county representatives then in turn meet and elect one of their numbers as district member to the commission. Upon electing the member to the commission, the duties and functions of the county representatives are completed, except in instances where a vacancy occurs other than by the expiration of term, at which time they fill the vacancy. Other than this, the county representatives are not obligated by statute to perform any other function. They are, in a sense, comparable to presidential electors. They meet for one purpose and when that purpose has been accomplished, they have no further obligations or duties. Even though, in this instance, they have a contingent obligation which arises if a vacancy occurs on the commission other than by expiration of term of office, at which time they are required to fill the vacancy, it does not alter their status.

It would thus appear that any meeting called by the commission for any other purpose would have no standing and would not be covered by the provision in section 4-28-03 to the effect that "all expenses of all such meetings and elections should be paid from commission funds." The informal meeting would not constitute "such meetings" as contemplated in the foregoing provision. The quoted provision relates only to the meetings and elections set out in the statute and does not include meetings called for some other purpose.

It is, however, observed that section 4-28-06(2) provides as follows:

In the administration of this chapter, the commission shall have the following powers, authority and duties:

- (2) To publish and disseminate reliable information on the value of wheat and wheat products for any

purpose for which they are valuable and useful to  
both processor and consumer;\* \* \*."

This section does not set forth the method the commission must employ to publish and disseminate reliable information.

We do not believe that the act, chapter 4-28, contemplates that the county representatives shall be employed as a means to publish and disseminate the information. We arrive at this conclusion on the basis that the county representatives have no obligation to further publish or disseminate any information they receive to either the producers or consumers or processors.

If the county representatives were authorized to be reimbursed for attending an informal meeting called by the commission, it would favor the county representatives over the other producers, particularly where the county representatives are under no legal obligation to attend or further disseminate any information they received at such meeting. We are also aware that any commission, bureau or agency created by statute has only such authority granted to them or necessarily implied therefrom to carry out the purposes for which it was created.

On the basis of the foregoing, it is our opinion that the Wheat Commission is not authorized to pay a per diem to or reimburse county representative for expenses in attending an informal meeting called by the Wheat Commission.

LESLIE R. BURGUM

Attorney General