

OPINION
59-15

December 29, 1959 (OPINION)

AGRICULTURE

RE: Dairy Products Promotion Commission - Power to Furnish Funds for
Awards

This is in reply to your request for an opinion whether or not the North Dakota Dairy Products Promotion Commission may furnish funds to the State Director of Agricultural Education for the purpose of making awards at the state dairy show.

The North Dakota Dairy Products Promotion Commission was created by Chapter 93 of the 1959 Session Laws. Its purpose is set out in Section 2 of the act. Subsection 1 thereof provides:

To promote the sale and disposal of North Dakota dairy products through coordinated research, education, public relations, advertising and other means."

The powers and duties of the commission are set out in Section 5 of the act. Under subsection 5 thereof it is provided that:

The commission shall plan and carry out dairy products research, education, public relations, advertising, sales promotion, and other programs for the purpose of promoting the sale and consumption of dairy products on both a state and national basis, and may contract for any service in connection therewith."

The aforementioned sections seem to give the commission ample authority to spend money for promoting public relations, advertising and so forth. The giving of awards would fall within these provisions. However, the awards must be in keeping with recognized standards. In other words, the award should be in form of recognition rather than a "purse" or direct payment of large sums of money. By this we mean a suitable recognition in standing with the achievement and not a lump sum of money, say for example \$25,000.00. The program should not be used to do indirectly what is not authorized directly.

The authority to expend the money for such promotion and awards is given to the commission. They however cannot delegate such authority to some other person. In direct response to one phase of your question, the commission may not furnish funds to the State Director of Agricultural Education who would then select and pay for the awards. The selection of the award or trophy and the amount to be paid for same must be determined by the commission.

There would be nothing out of line if the State Director of Agricultural Education would recommend to the commission certain types of awards and so forth, but the final approval rests with the

commission.

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