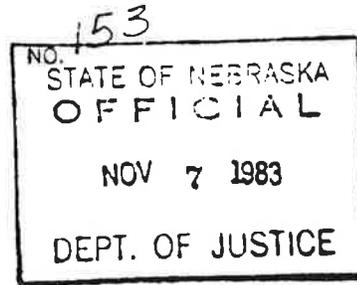


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN NEBRASKA 68509

November 7, 1983



PAUL L. DOUGLAS
Attorney General
GERALD S. VITAMVAS
Deputy Attorney General
JOHN R. THOMPSON
Deputy Attorney General

Senator Rex Haberman
Nebraska State Legislature
State Capitol, Room 1114
Lincoln, Nebraska 68509

Dear Senator Haberman:

You have asked if commodity check-off boards (Wheat, Soybean, Corn, and Grain Sorghum, established pursuant to Chapter 2, Articles 23, 33, 36 and 40 respectively) may expend the check-off funds to pay the expenses of individuals representing private commodity organizations who attend meetings of national organization the commodity boards may be affiliated with. We note that your inquiry is made for the purpose of determining whether any changes should be made in the four Commodity Acts referred to above.

In answering your question we call attention to a previous inquiry concerning the provisions of the the Nebraska Corn Resources Act, in which we stated that the legislative history of the Act contained no suggestion that the Legislature intended that the Board be authorized to do anything "beyond that which was specifically provided in the act." (Report of the Attorney General, #155, Dated December 7, 1981).

With regard to the compensation of members of each of the check-off boards the statutes referred to above provide that the voting members of the boards are entitled to their "actual and necessary expenses" while engaged in the performance of official responsibilities as determined by the board. In addition, the Corn Board is entitled to \$25.00 per diem.

With regard to persons other than members of the board, the statutes creating each of the boards provide that the duties and responsibility of the boards include authority

Attorneys
Bernard L. Packett
M. Kammerlohr
Harold I. Mosher
Ralph H. Gillan
Terry R. Schaaf
Marlyn B. Hutchins

Patrick T. O'Brien
J. Kirk Brown
Royce N. Harper
Sharon M. Lindgren
Ruth Anne E. Gater
S. Rogene Anderson

Gene A. Comer
Marta J. Bundy
Mark D. Starr
Dale D. Biedke
Frank J. Buttress
Linda J. Willard

John S. Blum
Harold M. Grether III
Michael M. White
Gerald E. ...

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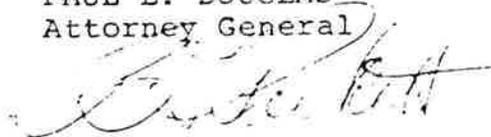
"to employ personnel and contract for services which are necessary for the proper operation of the (commodity) program."

From our examination of the legislative history of the acts creating the four commodity boards we find no instance where the Legislature gave any consideration to the compensation of any person other than as referred to above.

It is therefore our opinion that the payment of expenses of one attending meetings of national organizations which the commodity board are affiliated with would not be proper unless the person was a member or employee of the boards, while in the performance of official responsibilities as determined by the boards, or a person acting pursuant to the provisions of a contract for services which are necessary for the proper operation of the various commodity programs as determined by the boards.

Very truly yours,

PAUL L. DOUGLAS
Attorney General



Bernard L. Packett
Assistant Attorney General

BLP:laj

cc: Patrick J. O'Donnell
Clerk of the Legislature