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ATTORNEY GENERAL OPINION NO. 90- 108

Steven M. Graham
Administrator
Kansas Wheat Commission
2630 Claflin Rd.
Manhattan, Kansas 66502-2743

Re: Agriculture -- Kansas Wheat Act -- Authorized
Expenditures

Synopsis: Funding for the Kansas agriculture and rural
leadership program is outside the scope of the
duties, authorities and powers of the Kansas wheat
commission and therefore would be a violation of
K.S.A. 1989 Supp. 2-2609(b). Cited herein:
K.S.A. 1989 Supp. 2-2606; 2-2608; 2-2609.

* * *

Dear Mr. Graham:

As administrator of the Kansas wheat commission you request
our opinion regarding the expenditure of funds to aid in the
start up of the Kansas agriculture and rural leadership
program.

As explained in your letter the Kansas agriculture and rural
leadership program objectives include:

"1. The development of a program to build young, Kansas
agricultural leaders with greater knowledge, broader
perspectives and improved communication skills to be able to
participate in the national and international debate.

2. To design the educational experiences at the local, state, national and international levels.

3. To improve decision-making and analytical skills of the leadership candidates, so that they may better serve their industry and their community."

The Kansas wheat commission is funded by an assessment levied upon wheat marketed through commercial channels in the state of Kansas. K.S.A. 1989 Supp. 2-2608. A portion of that assessment is required to be credited to the Kansas wheat commission fund. K.S.A. 1989 Supp. 2-2609. All money credited to the wheat commission fund is required to be expended in the administration of the Kansas wheat act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in that act, and for no other purpose. K.S.A. 1989 Supp. 2-2609(b).

The obligations, activities and functions of the Kansas wheat commission, as set forth in K.S.A. 1989 Supp. 2-2606, include in part, "to conduct a campaign of development, education and publicity." The issue to be decided is, therefore, whether funding the Kansas agricultural and rural leadership program falls within the parameters of conducting a campaign of development, education and publicity.

A "campaign" is defined as "any organized effort to promote a cause or to secure some definite result with any group of persons." Blacks Law Dictionary 186 (5th ed. 1979). Clearly, the Kansas agriculture and rural leadership program is in itself a "campaign," promoting the cause of education and development of agricultural leaders that they may better serve the agricultural industry in Kansas. However, the issue to be decided is whether funding such a campaign by the Kansas wheat commission falls within the parameters of conducting a campaign of education and development regarding the Kansas wheat industry.

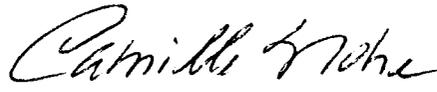
To "conduct" means "to manage; direct; lead; have direction; carry on; regulate; do business." Blacks Law Dictionary 268 (5th ed. 1979). The word appears to imply more involvement than merely funding an effort of development and education. Further, we note that the Kansas wheat commission is not specifically authorized to make grants of moneys in furtherance of the wheat commission's duties, authorities and powers.

One final consideration is that the Kansas agriculture and rural leadership program's objective relates to the development of "agricultural" leaders, a broader category than the development of leaders specifically for the wheat industry. "Agriculture" is a broad term which includes the breeding, rearing and feeding of livestock in preparation for market as well as the preparation of farm products for market. Fields v. Anderson Cattle Co., 193 Kan. 558 (1964). While the growing and marketing of wheat is an agricultural pursuit, the goals of the Kansas agriculture and rural leadership program appear to be much broader in its approach to the agricultural industry and therefore beyond the parameters of the Kansas wheat commission's statutory authority.

In conclusion, it is our opinion that funding for the Kansas agriculture and rural leadership program is outside the scope of the duties, authorities and powers of the Kansas wheat commission and therefore would be a violation of K.S.A. 1989 Supp. 2-2609 (b).

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Camille Nohe
Assistant Attorney General