

CHAPTER 4-23

AGRICULTURAL CONSERVATION AND ADJUSTMENT LAW

4-23-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Other states of the United States" means and includes Puerto Rico.
2. "Person" means an individual, corporation, limited liability company, partnership, firm, business trust, joint-stock company, association, syndicate, group, pool, joint venture, and any other unincorporated association or group.

4-23-02. Soil Conservation and Domestic Allotment Act - Acceptance - Limitation of powers under. The state of North Dakota hereby assents to and accepts the provisions of the Soil Conservation and Domestic Allotment Act and adopts the policy and purpose of cooperating with the government and agencies of other states and of the United States and the accomplishment of the policy and purposes specified in section 7 of said act, subject to the following limitations:

1. The powers conferred in this chapter must be used to assist voluntary action calculated to effectuate such purposes.
2. Such powers may be used to discourage the production of supplies of foods and fibers in this state sufficient when taken together with the production thereof in other states of the United States to maintain normal domestic human consumption as determined by the secretary of agriculture of the United States from the records of consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodities that were forced into domestic consumption by a decline in exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.
3. In carrying out the purposes of this chapter, due regard must be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

4-23-03. North Dakota state university extension service designated as state agency. The North Dakota state university of agriculture and applied science extension service is the state agency to carry out the policy and purposes of this chapter and to formulate and administer state plans pursuant to the terms of this chapter.

4-23-04. State agency to formulate agricultural plans - Investigations - Submission to federal government. The state agency shall formulate a state plan, hereinafter called "agricultural plan", for carrying out the purposes of this chapter during each calendar year. The agricultural plan must be submitted by the state agency to the secretary of agriculture of the United States annually for and in the name of this state. In formulating the provisions of the agricultural plans, the state agency shall consult with other agencies of this state qualified to assist therein, and shall provide for such investigations as it considers necessary for the formulation and administration of such agricultural plans. The state agency may modify or revise such agricultural plans in any manner consistent with the purposes of this chapter which it may consider necessary to provide for the substantial furtherance of the accomplishment of such purposes.

4-23-05. Contents of agricultural plans. Every agricultural plan must provide for such educational programs as the state agency determines to be necessary or proper to promote the substantial accomplishment of the purposes of this chapter, and in addition thereto must:

1. Provide for the participation in its administration by such voluntary county and community committees or associations of agricultural producers organized for that purpose as the state agency determines necessary or proper for the effective administration of the agricultural plan.
2. Provide for such adjustments, through agreements with agricultural producers or other voluntary methods, in the utilization of land, in farming practices, and in the acreage or production for market of agricultural products, as the state agency determines to be calculated to effectuate the purposes of this chapter to such extent as may be possible through the action of this state.
3. Provide for payments to agricultural producers in connection with the agreements and methods set out in subsection 2 in such amounts as the state agency determines to be fair and reasonable and calculated to promote the accomplishment of the purposes of this chapter without depriving such producers of a voluntary and uncoerced choice of action.
4. Contain an estimate of the expenditures necessary to carry out such agricultural plan, together with a statement of such amount as the state agency determines to be necessary to be paid by the secretary of agriculture of the United States as a grant in aid of such agricultural plan under section 7 of the Soil Conservation and Domestic Allotment Act in order to provide for the effective carrying out of such agricultural plan, and must designate the amount and due date of each installment of such grant, the period to which such installment relates, and the amount determined by the state agency to be necessary to carry out such agricultural plan during such period.

4-23-06. State agency to receive and disburse all funds available under this chapter. The state agency shall receive on behalf of this state all grants of money or other aid made available from any source to assist the state in carrying out the policy and purposes of this chapter. All such money or other aid together with any moneys appropriated or other provision made by this state for such purpose must be available forthwith to the state agency for the purpose of administering this chapter. If any funds or other aid have been received upon any condition, such condition must be complied with by the state agency and such funds or other aid used only in accordance with such condition. Subject to any condition upon which any such money or other aid is made available to the state and to the terms of any applicable agricultural plan made effective pursuant to this chapter, funds coming into the hands of the state agency may be used for administrative expenses, equipment, costs of research and investigation, cost of educational activities, compensation and expenses of the members of the state committee hereinafter provided for, reimbursement of other state agencies or of voluntary committees or associations of agricultural producers for costs advanced by such agencies, committees, or associations in assisting in the administration of this chapter upon the written request of the state agency, reimbursement of any other fund from which the state agency has made expenditures in providing services in the administration of this chapter pursuant to section 4-23-03, payments to agricultural producers provided for in any agricultural plan made effective pursuant to this chapter, salaries of employees, and all other expenditures requisite in carrying out the provisions and purposes of this chapter.

4-23-07. State agency to keep accounts - Accounts to be credited. The state agency shall provide for the keeping of full and accurate accounts showing all receipts and expenditures of moneys, securities, or other property received, held, or expended under this chapter and shall provide for the auditing of these accounts.

4-23-08. State agency to utilize available services. The state agency shall utilize such available services and assistance of other state agencies and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist substantially in the effective administration of this chapter.

4-23-09. Agencies and officers of state authorized to assist state agency. All the officers and agencies of this state shall, upon the written request of the state agency, assist the state agency in carrying out the provisions of this chapter in any manner determined by the state agency to be necessary or appropriate for the effective administration of the chapter.

4-23-10. State agency may make rules and secure equipment and assistance. The state agency has authority:

1. To make rules and regulations and to do any and all other acts consistent with the provisions of this chapter necessary or proper for the effective administration thereof.
2. To obtain, by lease or purchase, such equipment, office accommodations, facilities, services, and supplies, and to employ such technical or legal experts or assistants and such other employees, including clerical and stenographic help, as it determines to be necessary or proper to carry out the provisions of this chapter, and to determine the qualifications, duties, and compensation of such experts, assistants, and employees.

4-23-11. State agency to designate agricultural districts and communities. The state agency shall designate:

1. Within the state, five agricultural districts so constituted that said districts will contain approximately equal numbers of agricultural producers.
2. Within each county of the state, such geographic units, which must be called "communities", as it shall determine to be the most convenient for the administration of this chapter and of the agricultural plans adopted pursuant to the provisions of this chapter, and shall establish the boundaries of such communities.

The state agency may revise the boundaries of such agricultural districts and communities in conformity with the respective standards prescribed in this chapter, at such time or times as it finds such revision to be necessary to cause such districts or communities to conform to said standards or to provide for the more substantial or efficient accomplishment of the purposes of this chapter.

4-23-12. Community and county committees. The state agency shall provide by regulations:

1. For the organization, within each community, of a voluntary association in which all agricultural producers are entitled to equal participation, and for the selection by each such association of a community committee composed of three members of the association, and for the selection of a chairman of each community committee.
2. For the selection by the members of the community committees within each county of a county committee for such county composed of three members of such community committees, and for the selection of a chairman of each such county committee.

4-23-13. State committee - Members - Duties. The state agency shall provide by regulations for the selection by the chairman of all the county committees provided for in section 4-23-12 of five persons of legal age, residents in this state, who must be selected with reference to their qualification by actual farming experience and understanding of the agricultural problems of this state, to act as farmer members of the state committee. No two persons who are residents in the same agricultural district may be members of the state committee at the same time. The agriculture commissioner and the director of the extension service are ex officio members of the state committee without the power to vote. The state committee shall advise the state agency with regard to all matters of major importance in carrying out the provisions of this chapter.

4-23-14. Reports by and to state agency - Enforcement of agricultural plan. The state agency shall compile or require to be made such reports as it determines to be necessary or proper to ascertain whether any agricultural plans provided for in this chapter are being carried out according to their terms. The state agency shall provide for compliance on the part of all persons and agencies participating in the administration of any agricultural plan with the requirements thereof, and may make, or cause to be made, such investigations as it determines to be necessary or proper to assure the correctness and to make possible the verification of such reports.