

## **CHAPTER 36-08 COOPERATIVE GRAZING ASSOCIATIONS**

### **36-08-01. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Animal unit" means a cow, a bull, or a steer, or five sheep over six months of age on the first day of May of the year in which the age is being determined. Two horses are equivalent to three animal units. Animals not more than six months old on the first day of May of the year in which the age is being determined, and which are the natural increase of the permitted livestock, may not be counted.
2. "Association" means a corporate or cooperative grazing association.
3. "Cooperative grazing association" means a corporate or cooperative association mutually operated for the purpose of aiding in the conservation, restoration, improvement, development, and utilization of natural forage resources within any county or counties where a grazing area has been acquired for joint use by its members and for aiding in the restoration, conservation, improvement, development, and utilization of lands.
4. "Cooperative grazing district" means and includes a grazing area controlled by a grazing association and utilized by its members for grazing purposes under such definite restrictions, regulations, and limitations by the association as contribute to the conservation, restoration, improvement, and development of the forage resources of such land.
5. "District" means a corporate or cooperative grazing district.
6. "Grazing area" means any area of land situated in any one or more counties in this state, which has been or may be acquired by purchase, lease, or otherwise by an association for grazing purposes or for the raising of forage crops.
7. "Subdivision" means any portion or block of land situated within the outside boundaries of a district.

### **36-08-02. Powers of grazing association.**

A nonprofit corporate or cooperative grazing association may be organized and operated under the general law governing corporate or cooperatives and this chapter, with the following additional power to:

1. Lease from the United States or any of its departments, corporations, or agencies, or from this state or any of its departments or agencies, or from any county or political subdivision therein, or from any other person or association, lands for grazing purposes and for the purpose of raising forage crops.
2. Purchase land and related property for grazing operations and for the purpose of raising forage crops.
3. Apportion to members grazing rights within its district on such terms, conditions, and limitations, not in conflict with any of the provisions contained in any lease or leases made by the association with the county, state, or federal government, or any of its departments, boards, or agencies, as may be specified by the board of directors of the association.
4. Issue grazing permits to nonmembers.
5. Act as agent of, and cooperate with, the federal and state government or any department or agency thereof, in the conservation, restoration, improvement, development, and utilization of the forage resources in this state or for any other purpose, and to accept and use any funds provided by the federal or state government or any department or agency thereof.
6. Borrow money directly from the United States or from any of its agencies or from any other person or persons on such terms and in such manner as may be determined by the board of directors, and to give such security therefor as the board of directors may authorize.

#### **36-08-03. Grazing association name.**

The name of any cooperative grazing association organized and operating under this chapter or authorized to do business hereunder must include the words "grazing association", and no other association may use such words in its name.

#### **36-08-04. Membership.**

Any person may become a member of a corporate or cooperative grazing association if the person:

1. Is an owner or lessee of land within the proposed boundaries or resides on the border of the grazing area within or without the county;
2. Is engaged in the raising of livestock within the grazing area;
3. Pays the membership fee;
4. Subscribes to the bylaws; and
5. Complies with the rules, regulations, and limitations determined by the board of directors of the association.

Any entrance, organization, or membership fee established by a grazing association may not exceed the sum of five dollars, and the amount which a member may be required to pay annually to assist in carrying on the business of the association may not exceed the sum of five dollars.

When any member disposes of land owned or leased by that member and upon which that member's membership in the association and the grazing rights in the district are based, that member ceases to be a member of such association. If any member disposes of all or part of the land owned or leased by that member so that another individual or other individuals, by the purchase and ownership or transfer of the lease to such land, acquires a right to membership and to grazing rights, the rights and interests involved and the grazing rights of all the parties must be determined by the board of directors.

No member is liable for the debts of the association in an amount exceeding the sum remaining unpaid on that member's membership fee, except for debts lawfully contracted between that member and the association.

#### **36-08-05. Election of directors.**

The association may establish through its bylaws various subdistricts within the grazing district. When subdistricts are so established, one director of the association must be elected from each subdistrict by the majority vote of the members therein who are eligible to vote. If subdistricts are not established by the association, one director must be elected from each congressional township in the district by the majority vote of the members in such township who are eligible to vote. However, at the discretion of the membership of the association, all directors may be elected at large.

#### **36-08-06. Articles of association.**

Articles of association for grazing associations are subject to the general law governing cooperatives, and must also set forth whether the property and grazing rights and interests of each member of the association are equal or unequal, and if unequal, the general rule or rules applicable to all members by which:

1. The property and grazing rights and interest of each member must be determined and fixed.
2. New members may be admitted by the association.
3. Such new members are entitled to share in the property of the association with the old members.

#### **36-08-07. Animal units grazed.**

No member of a cooperative grazing association is permitted to graze more than five hundred animal units during a full twelve-month period in any one year. A member may be permitted, however, to graze a correspondingly larger number for a shorter grazing period during each year.

### **36-08-08. Powers of directors.**

Directors of a grazing association are subject to the general law governing directors of cooperatives, and may also:

1. Make such regulations for the management and control of the affairs of the association and of the manner of utilization of grazing within its district not inconsistent with the terms, conditions, and limitations of leases covering lands contained therein.
2. Apportion grazing rights within the district to members and in doing so it shall consider the following factors:
  - a. The amount of winter feed that the member can raise on land owned or leased by the member situated in the district or on land situated within two miles [3.22 kilometers] of the outside boundary of the district.
  - b. The dependence of the member on the grazing in the district.
  - c. The amount of stock previously grazed by the member in the area where the district is located.
  - d. The amount of grass that will be available for the stock of all the members of the association.
3. Create subdivisions in the district and specify the kind and number of stock that may be permitted to graze in such subdivision.
4. Determine the length of time during which the stock of any member may graze in the district or in any subdivision thereof.
5. Determine grazing fees to be imposed on members or nonmembers on a per head basis for grazing rights.
6. Grant to nonmembers grazing permits within such district when the amount of forage therein is greater than the needs of the members, but no such permits may be granted when such use is inconsistent with the terms of leases of county, state, or federal lands within the district or with a safe policy of forage conservation therein.
7. Enter into leases on behalf of the association with any county or counties in which the district is located or with the state or federal government, or any departments or agencies thereof, or with other persons, for tracts of land within or contiguous to such district.
8. Specify the breeds, quality, and number of male breeding animals which each member shall furnish when stock is grazed in a common pasture within the grazing district or in any subdivision thereof.
9. Make rules and regulations governing the treatment, care, or removal of diseased animals and to prevent the spreading of any disease among the stock ranging in the district or in any subdivision thereof.
10. Suspend or expel any member for failure or refusal to pay the member's membership or grazing fees or to abide by or conform to the rules and regulations of the association or of its board of directors.
11. Make rules and regulations governing the automatic suspension of the right of a member when the member ceases to be eligible to membership in the association, the manner of assignment and transfer of the interests of members, and the condition upon which, and the time when, membership of any member ceases.
12. Set up such reserve for contingencies as in its judgment is advisable, after paying all costs, lease rentals, and other expenses.
13. Enter into agreements, conform to regulations, or act in conjunction with the state or federal government or any department or agency thereof to bring about the conservation, restoration, improvement, development, and utilization of the forage resources in the district.

### **36-08-09. Grazing district map.**

Any cooperative grazing association organized under the provisions of this chapter, upon completion of its organization and incorporation, shall file with the recorder of the county and with the dean of the school of agriculture of the North Dakota state university of agriculture and applied science, a map or plat of the grazing district proposed to be created and the subdivisions therein. Whenever any incorporated grazing association shall enlarge or reduce

the area included within its district, or change or modify its boundaries or subdivisions, it shall file with the recorder and the dean of the school of agriculture of the state university of agriculture and applied science a map or plat indicating such changed boundaries.

**36-08-10. Application of act to existing cooperatives.**

Repealed by omission from this code.