

CHAPTER 6-09.10
CREDIT REVIEW BOARD AND AGRICULTURAL MEDIATION

6-09.10-01. Definitions.

As used in this chapter, unless the context requires otherwise:

1. "Board" means the credit review board, or its authorized agent when applicable.
2. "Farmer" means a person who is or was involved in the production of an agricultural commodity or livestock.

6-09.10-02. Credit review board.

1. The board consists of:
 - a. One individual who has experience as a director or officer of a financial institution, appointed by the governor;
 - b. One individual who has experience as a director or officer of a financial institution, appointed by the attorney general;
 - c. One individual actively engaged in farming in the state, appointed by the governor;
 - d. One individual actively engaged in farming in the state, appointed by the attorney general; and
 - e. Two individuals actively engaged in farming in the state, appointed by the agriculture commissioner.
2. A board member may not be an employee or official of the state during the member's term of office.
3. The term of office for members of the board is two years. An individual may serve consecutive terms.
4.
 - a. Annually, the board shall elect one member to serve as the chairman.
 - b. The chairman shall call all meetings of the board.

6-09.10-02.1. Additional duties of board.

In addition to other powers and duties enumerated in this chapter, the board shall:

1. Establish policy for the North Dakota mediation service.
2. Recommend policies and procedures to the industrial commission regarding farm loan programs of the Bank of North Dakota.

6-09.10-03. North Dakota mediation service - Establishment - Administration - Fees.

1. The agriculture commissioner shall establish and administer a mediation service.
2. The commissioner shall appoint the administrator of the mediation service and shall hire negotiators, mediators, and other necessary personnel.
3. The board may establish the fees to be paid by those using the North Dakota mediation service. The fees, which must be used to support continuation of the service, may not exceed twenty-five dollars per hour.
4. The board shall adopt policies governing the North Dakota mediation service's negotiators, mediators, and other personnel, as well as the nature and scope of all mediation efforts.

6-09.10-03.1. Board compensation.

Each member of the board is entitled to receive compensation in the amount of one hundred thirty-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the board.

6-09.10-04. Request for assistance - Negotiation - Mediation.

A farmer, creditor, person dealing with a farmer, person eligible for mediation with an agency of the United States department of agriculture, a landowner, or an owner, lessee, or lessor of mineral interests may request assistance from the North Dakota mediation service. Upon receipt of the request, and upon consent of all parties to mediation, the administrator of the North

Dakota mediation service may assign a negotiator or mediator to assist the parties in reaching a voluntary settlement.

6-09.10-04.1. Liability.

The board, commissioner, administrator, negotiators, mediators, and other personnel are not subject to any liability arising from any actions or omissions in attempting to reach a settlement.

6-09.10-05. Interest rate buydowns by the board.

Repealed by S.L. 2011, ch. 83, § 15.

6-09.10-06. Fund - Appropriation.

1. On July 1, 2011, the state treasurer shall transfer any moneys remaining in the home-quarter fund to the agriculture commissioner.
2. Any moneys transferred, as required by subsection 1, are appropriated to the agriculture commissioner, for the purposes of this chapter.
3. If it appears to the board that the moneys appropriated to the agriculture commissioner for the North Dakota mediation service are insufficient, the agriculture commissioner may petition the emergency commission for a transfer from the state contingency fund. The emergency commission may grant the transfer request, or so much of the request as may be necessary, if it finds that an emergency situation exists, due to increasing requests for mediation.

6-09.10-07. Interest rates - Repayment - Loan qualification.

Repealed by S.L. 2011, ch. 83, § 15.

6-09.10-08. Home-quarter - Appraised value.

Repealed by S.L. 2011, ch. 83, § 15.

6-09.10-08.1. Contract for legal and tax assistance - Administration.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-08.2. Legal and tax service contract requirements.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-08.3. Eligible farmers and small business persons.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-08.4. Payment for assistance.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-08.5. Alternatives to litigation - Cooperation with other service providers.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-08.6. Assumption of powers and duties of credit review board.

Repealed by S.L. 1997, ch. 98, § 3.

6-09.10-09. Rulemaking authority.

The board may adopt rules under chapter 28-32 as are necessary to implement this chapter.

6-09.10-10. Mediation - Open records and meetings exception.

1. a. Information created, collected, or maintained, by the North Dakota mediation service, in the course of any formal or informal mediation, is confidential and not

subject to the open records requirements of section 44-04-18. The information may be released only upon the written consent of all parties to the mediation or pursuant to an order issued by the court upon a showing of good cause.

- b. (1) Mediation communication is confidential and not subject to the open records requirements of section 44-04-18. Mediation communication may be released only upon the written consent of all parties to the mediation or pursuant to an order issued by the court upon a showing of good cause.
 - (2) For purposes of this subdivision, "mediation communication" means a written statement, and an oral statement or any nonverbal communication, either of which must be inscribed on a tangible medium or stored in a medium that is retrievable in perceivable form, provided the communication occurs during a mediation or is made for purposes of considering, initiating, conducting, continuing, or reconvening a mediation.
2. All mediation meetings and meetings involving the board, negotiators, mediators, or other personnel are confidential, closed meetings and are not subject to the open meetings requirements of section 44-04-19.

6-09.10-11. Agriculture commissioner - Authorization to receive and expend moneys.

The agriculture commissioner may receive and expend any public or nonpublic moneys that become available for the purpose of defraying the expenses of the North Dakota mediation service.