

OPINION
53-5

December 30, 1953(OPINION)

AGRICULTURE

RE: Commissioner to Compile Statistics

This office is in receipt of your letter of December 24, 1953, inquiring as to the obligations which are imposed upon you by virtue of chapter 4-01 of the N.D.R.C. of 1943 dealing with the question of statistics.

It will be noted that section 4-0104 outlines the kind of information which is to be furnished your department through the assessors and the county auditors of the State of North Dakota. This information is outlined: What is the number of farms, the number of acres cultivated or to be cultivated to crop for the current and preceding year, together with the acreage and product for the year, of wheat, oats, barley, flax, corn, rye, potatoes, and cultivated and wild hay; and what is the number of milch and beef cows, sheep and hogs, and laying hens and turkey hens.

Then referring to section 4-0113 of the N.D.R.C. of 1943, we find that your duties pertaining to such statistics shall be to cause the returns when received to be arranged, classified and published in the best and most convenient manner in order to exhibit the annual growth and development of each county in the state.

Analyzing these two provisions of the law which relate to your duties pertaining to agricultural statistics, it is the opinion of this office that the information thus gathered is for the sole purpose of advertising the state and to make it possible for those interested in the state or any particular county of the state to ascertain what the general economic condition of such county or state may be. It is not for the purpose of giving detailed information to any individual or corporation pertaining to any particular farm or the products of such farm.

It is, therefore, the opinion of this office that you would be violating the intent of this legislation by divulging to any individual or corporation any information pertaining to any individual or farm as to the number of acres under cultivation or the products derived therefrom. It is, however, the opinion of this office that it would be proper to publish or otherwise give information as to the number of large or small farms in any particular community or any particular county, if by so doing you would not give specific and detailed information as to any such agricultural product.

ELMO T. CHRISTIANSON
Attorney General