

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2024  
(Legislative Council)  
(Budget Committee on Agriculture and Information Services)  
(Senators Robinson, Kinnoin)  
(Representative Martin)

AN ACT to amend and reenact sections 4-08-01, 4-08-02, 4-08-03, 4-08-04, 4-08-05, 4-08-06, 4-08-07, 4-08-09, 4-08-10, 4-08-11, 4-08-12, 4-08-13, 4-08-14, 4-08-15, 4-08-15.1, and subsections 4 and 5 of section 57-15-06.7 of the North Dakota Century Code, relating to the North Dakota state university extension service and extension agents; and to repeal section 9 of chapter 34 of the 1989 Session Laws, relating to extension service area resource centers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 4-08-01 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-01. ~~County agent~~ Extension work - Petition - Submitting to vote.** Upon the filing with the county auditor of a petition containing the names of twenty percent of the qualified electors of the county as determined by the votes cast for governor in the county at the last preceding election, the board of county commissioners shall submit to the qualified electors at the next general election the question of providing a tax levy for ~~county agent~~ extension work.

**SECTION 2. AMENDMENT.** Section 4-08-02 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-02. Form of petition.** The petition provided for in section 4-08-01 must be in substantially the following form:

PETITION PROVIDING FOR LEVY FOR ~~COUNTY AGENT~~ EXTENSION WORK

We, the undersigned, qualified electors of \_\_\_\_\_ County, North Dakota, ~~do hereby respectfully petition the honorable board of county commissioners that it levy a tax sufficient but not to exceed two mills to employ a county an extension agent for the purpose of carrying on county agent extension work in cooperation with the North Dakota state university of agriculture and applied science extension service.~~

**SECTION 3. AMENDMENT.** Section 4-08-03 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-03. Form of ballot.** The question to be voted upon as provided in section 4-08-01 must be submitted on a separate ballot and must be worded as follows:

For ~~county agent~~ extension work \_\_\_\_\_ ☐

Against ~~county agent~~ extension work \_\_\_\_\_ ☐

**SECTION 4. AMENDMENT.** Section 4-08-04 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-04. Election held - Candidates presented to county commissioners - Funds available for ~~county agent~~ extension work.** When a majority of the votes are cast for ~~county agent extension~~ work, the ~~extension division of the North Dakota state university of agriculture and applied science extension service~~ on the first day of July following the election shall present a candidate or

candidates for ~~county~~ extension agent to the board of county commissioners for its selection and final approval. A sum of not less than two thousand dollars must be made available for this purpose from county funds, but in no case may such levy exceed two mills.

**SECTION 5. AMENDMENT.** Section 4-08-05 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-05. Petition for discontinuance of ~~county agent~~ extension work - Form of petition - Election.** The question of the discontinuance of ~~county agent~~ extension work may be submitted to the qualified electors in the manner provided in section 4-08-01. A separate ballot worded as is provided in section 4-08-03 must be used at the election. The petition for discontinuing the levy must be in the following form:

We, the undersigned qualified electors of \_\_\_\_\_ County, North Dakota, ~~do hereby~~ petition the ~~honorable~~ board of county commissioners that it place on the ballot at the next general election the question of discontinuing ~~county agent~~ extension work.

**SECTION 6. AMENDMENT.** Section 4-08-06 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-06. Filing date of petitions for election.** No board of county commissioners may place the question of ~~county agent~~ extension work on a ballot without having received a notification from the county auditor that the petitions, as provided for in this chapter, have been filed at least thirty days before the date of election.

**SECTION 7. AMENDMENT.** Section 4-08-07 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-07. Discontinuance of ~~county~~ extension agent - Distribution of funds accumulated.** If a majority of the votes cast at an election held under ~~the provisions of~~ section 4-08-05 are against continuing the levy for ~~county agent~~ extension work, the tax levy and the services of the extension agent must be discontinued on the thirty-first day of December following the date of election. If the majority of the votes cast are for the support of ~~county agent~~ extension work, the county commissioners shall continue the tax levy as provided in this chapter. Upon the discontinuance of ~~county agent~~ extension work, accumulated funds remaining in the treasury may be distributed to any other fund or funds deemed expedient by the board of county commissioners.

**SECTION 8. AMENDMENT.** Section 4-08-09 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-09. Budgeting for ~~county~~ extension agent.** When the board of county commissioners is authorized to make a levy for the employment of ~~a county~~ an extension agent, it shall provide a budget ~~which must stipulate~~ that stipulates the salary of the agent, field and office expenses, and allowance for clerical hire. After mutually agreeing upon a budget and after deducting the amount of funds contributed from federal and state funds, the board shall proceed to make a levy or appropriate funds out of the county general fund or both as it may deem necessary to cover the county's share of the budget. Until the office of ~~county~~ extension agent is discontinued, the board shall agree upon a similar budget ~~must be agreed upon~~ and annually such shall make the levy and appropriation ~~must be made by the board~~.

**SECTION 9. AMENDMENT.** Section 4-08-10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-08-10. ~~County~~ Extension agent to submit monthly account of expenditures.** The ~~county~~ extension agent shall submit monthly an accurate itemized account of all expenditures incurred by the ~~county~~ agent in the regular conduct of duties to the North Dakota state university extension service for examination and audit. ~~Where~~ When charges are made by ~~a county~~ an extension agent for money expended in the performance of official duties, all items of one dollar or more ~~so~~ expended and charged for must be covered by a subvoucher or receipt ~~which that~~ which must be signed by the person to whom the money was paid. The subvoucher or receipt must show at what place, on what date, and for what; the

money expended was paid. The extension agent shall forward the subvouchers or receipts ~~must be forwarded~~ with the bill, claim, account, or demand against the county. ~~Where~~ When charges are made for transportation expenses, they ~~must~~ may not exceed the amounts provided by section 11-10-15, and must be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by affidavit. The account must be transmitted and recommended for payment by the North Dakota state university extension service which shall audit the same and which may approve or disallow any expense item therein. The North Dakota state university extension service is under the control, and subject to the supervision, of the state board of higher education. Funds appropriated to the North Dakota state university extension service may not be commingled with funds appropriated to North Dakota state university. An appropriation request to defray expenses of the North Dakota state university extension service must be separate from an appropriation request to defray expenses of North Dakota state university.

**SECTION 10. AMENDMENT.** Section 4-08-11 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-11. ~~County agents make monthly report~~ Report to county auditor.** ~~A county~~ An extension agent shall file with the county auditor either monthly, or within a mutually agreed upon timeframe not to exceed one year, a statement of ~~his~~ the agent's work, which, in turn, must be presented by the auditor to the board of county commissioners.

**SECTION 11. AMENDMENT.** Section 4-08-12 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-12. Direction and supervision of ~~county agents~~ extension agent.** The active direction and supervision of the work of the county extension agent must be carried on by the ~~extension division of the North Dakota state university of agriculture and applied science~~ extension service. The board of county commissioners has general administrative authority and must be consulted frequently with reference to the general policy and the work of the ~~agents~~ agent. The suggestions and directions of the board must be followed when not in conflict with state and federal laws or regulations governing appropriations for ~~county agent~~ extension work.

**SECTION 12. AMENDMENT.** Section 4-08-13 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-13. Vacancies - How to be filled.** In case a vacancy occurs in the position of ~~county~~ extension agent, the procedure for the selection of a successor must be similar to that provided for in the selection of an agent when the work is instituted in the county.

**SECTION 13. AMENDMENT.** Section 4-08-14 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-14. Dissatisfaction with ~~county~~ extension agent - Meeting to be arranged.** If the ~~extension division of the North Dakota state university of agriculture and applied science~~ extension service or the board of county commissioners becomes dissatisfied with a ~~county~~ an extension agent, a joint meeting must be arranged at which detailed information as to the misconduct, negligence, or inefficiency of the agent must be presented and such joint action taken as is justified by the evidence.

**SECTION 14. AMENDMENT.** Section 4-08-15 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-15. Tax levy - Appropriation from county general fund - Both authorized.** The board of county commissioners of any county of this state in which a levy for ~~county agent~~ extension work has been voted on and approved by the people as provided for in sections 4-08-01 and 4-08-03 may levy not to exceed an amount necessary for such purpose, as provided in section 4-08-09, not exceeding the limitation in subsection 4 of section 57-15-06.7. The statutory mill levy limitation in effect during any biennium, and not the limitation in effect at the time of a county's vote for ~~county agent~~ extension work or the number of mills that may have been stated in the ballot for such a vote, is the applicable limitation. If it determines that the amount derived from the levy will not be sufficient for such purpose the board may appropriate additional funds out of the county general fund to cover the deficiency.

**SECTION 15. AMENDMENT.** Section 4-08-15.1 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-15.1. ~~County-agent~~ Extension work - Additional tax levy.** The board of county commissioners of any county, upon passage of a resolution, may submit, at the next regularly scheduled or special election in the county, the question of providing for an additional annual levy not exceeding the limitation in subsection 5 of section 57-15-06.7 for ~~county-agent~~ extension work. If the question submitted is approved by a majority of the electors voting thereon, the ~~county-commissioners board~~ shall proceed to make the levy. The number of mills approved by the electors as an additional annual levy may not be increased by the board of ~~county-commissioners~~ without voter approval of such increased levy as set out in this section, even if there is a subsequent increase in the mill levy limitation in subsection 5 of section 57-15-06.7. Upon approval of the levy for the ~~county-agent~~ extension work, the board of ~~county-commissioners~~ may expend the funds in the manner it deems best adapted to accomplish the purposes set forth by law. The levy may be discontinued upon the passage of a resolution by the board of county commissioners.

**SECTION 16. AMENDMENT.** Subsections 4 and 5 of section 57-15-06.7 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

4. Counties levying a tax for ~~county-agent~~ extension work as provided in section 4-08-15 may levy a tax not exceeding two mills.
5. Counties levying a tax for ~~county-agent~~ extension work as provided for in section 4-08-15.1 may levy a tax not exceeding two mills.

**SECTION 17. REPEAL.** Section 9 of chapter 34 of the 1989 Session Laws is repealed.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2024.

Senate Vote:      Yeas    47            Nays    0            Absent    2

House Vote:      Yeas    95            Nays    0            Absent    2

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State