

17.0028.01000

Sixty-fifth  
Legislative Assembly  
of North Dakota

FIRST DRAFT:  
Prepared by the Legislative Council staff for the  
Agriculture and Natural Resources Committee

Introduced by

1 A BILL for an Act

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

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

5 **4-08-014.1-20-01. Extension workCounty extension agent - Petition to authorize or**  
6 **discontinue levy - Submitting to voteElection - Levy limitations.**

7 Upon the filing with the county auditor at least sixty-four days before the date of a general  
8 election of a petition to authorize or discontinue a tax levy for extension work, containing the  
9 names of twenty percent of the qualified electors of the county as determined by the votes cast  
10 for governor in the county at the last precedingin the most recent gubernatorial election, the  
11 board of county commissioners shall submit to the qualified electors at the next general election  
12 the question of providingauthorizing or discontinuing a tax levy for extension work. Upon  
13 approval by a majority of qualified electors of the county voting on the question of authorizing a  
14 tax levy for extension work, the board of county commissioners may levy a tax of up to two mills  
15 as provided in subsection 2 of section 57-15-06.7. Upon approval by a majority of qualified  
16 electors of the county voting on the question of discontinuing a tax levy for extension work, the  
17 board of county commissioners shall terminate any levy or additional levy previously authorized  
18 under this chapter and may terminate county expenditures for extension work.

19 The board of county commissioners may submit to the electors at a primary or general  
20 election the question of approval of voter-approved additional levy authority for extension work  
21 for a period not exceeding ten years and if approved by a majority of the electors voting on the  
22 question the board of county commissioners may levy an additional tax not exceeding the  
23 limitation in subsection 2 of section 57-15-06.7. Voter-approved additional levy authority  
24 authorized by electors of a county before January 1, 2015, remains in effect through taxable

1 year 2024 or for the time period authorized by the electors, whichever expires first. After  
2 January 1, 2015, approval or reauthorization by electors of voter-approved additional levy  
3 authority under this section may not be effective for more than ten taxable years.

4 The board of county commissioners may appropriate funds out of the county general fund  
5 to cover any unanticipated deficiency in funding for extension work.

**NOTE:** Provisions for petitions to authorize or discontinue the levy are consolidated in a single section. Filing required 64 days before the election is to be consistent with an extensive revision by 2013 Senate Bill No. 2374, suggested by the Secretary of State's office to allow adequate time to prepare and deliver absentee ballots for overseas and military voters.

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

8 **4-08-024.1-20-02. Form of petitionpetitions.**

9 The ~~petition~~petitions provided for in section ~~4-08-014.1-20-01~~ must be in substantially the  
10 following form:

11 ~~PETITION PROVIDING FOR~~REGARDING LEVY FOR EXTENSION WORK

12 We, the undersigned, qualified electors of \_\_\_\_\_ County, North Dakota, petition  
13 the board of county commissioners that it [~~levy or discontinue the levy of~~] a tax sufficient but  
14 not to exceed two mills to employ an extension agent for the purpose of carrying on  
15 extension work in cooperation with the North Dakota state university extension service.

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

18 **4-08-034.1-20-03. Form of ballot.**

19 The question to be voted upon as provided in section ~~4-08-014.1-20-01~~ must be submitted  
20 on a separate ballot and must be worded as follows:

21 1. For a petition to authorize a levy:

22 For extension work \_\_\_\_\_

23 Against extension work \_\_\_\_\_

24 2. For a petition to discontinue a levy:

25 For discontinuing the extension work levy\_\_\_\_\_

26 Against discontinuing the extension work levy\_\_\_\_\_

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

1        ~~4-08-044.1-20-04. Election held – Candidates~~**Extension agent candidates presented to**  
2 **county commissioners – Funds available for extension work.**

3        When a majority of the votes are cast to authorize a tax levy for extension work, by the  
4 following July first the North Dakota state university extension service ~~on the first day of July~~  
5 ~~following the election~~ shall present a candidate or candidates for extension agent to the board  
6 of county commissioners for its selection and final approval. ~~A sum of not less than two-~~  
7 ~~thousand dollars must be made available for this purpose from county funds, but in no case~~  
8 ~~may such levy exceed two mills.~~

9        If a vacancy occurs in the extension agent position, the North Dakota state university  
10 extension service shall present a candidate or candidates for extension agent to the board of  
11 county commissioners for its selection and final approval.

**NOTE:** A two-mill levy limit is provided under 57-15-06.7(2) plus authority for approval of an added two mills. Restating the two-mill limit is unnecessary in this section. Adding the provision on filling a vacancy in the position eliminates the need for the existing section 4-08-13.

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

14        ~~4-08-05. Petition for discontinuance of extension work – Form of petition – Election.~~

15        ~~The question of the discontinuance of extension work may be submitted to the qualified~~  
16 ~~electors in the manner provided in section 4-08-01. A separate ballot worded as is provided in~~  
17 ~~section 4-08-03 must be used at the election. The petition for discontinuing the levy must be in~~  
18 ~~the following form:~~

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

**NOTE:** Petition for discontinuance has been consolidated in section 4.1-20-02.

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

24        ~~4-08-06. Filing date of petitions for election.~~

25        ~~No board of county commissioners may place the question of extension work on a ballot~~  
26 ~~without having received a notification from the county auditor that the petitions, as provided for~~  
27 ~~in this chapter, have been filed at least sixty days before the date of election.~~

28 **NOTE:** The requirement of this section has been incorporated into section 4.1-20-01.

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

3       ~~4-08-074.1-20-05. Discontinuance of extension agentwork levy - Distribution of funds-~~  
4 ~~accumulated~~**Transfer of unobligated funds.**

5       If a majority of the votes cast at an election held to discontinue authority for a tax levy under  
6 section ~~4-08-054.1-20-01~~ are ~~against continuing~~ in favor of discontinuing authority for the levy  
7 for extension work, the tax levy and the services of the extension agent must be discontinued  
8 on the thirty-first day of December following the date of election. ~~If the majority of the votes cast~~  
9 ~~are for the support of extension work, the county commissioners shall continue the tax levy as~~  
10 ~~provided in this chapter. Upon the discontinuance of extension work, accumulated and~~  
11 ~~unobligated funds remaining in the treasury may be distributed to any other fund or funds~~  
12 ~~deemed expedient by the board of county commissioners~~ special fund for that purpose must be  
13 transferred to the county general fund and the special fund must be closed out.

**NOTE:** Transfer of unobligated funds to the general fund is consistent with the changes  
under 2015 Senate Bill No. 2144.

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

16       **4-08-08. Expending funds.**

17       All funds raised in accordance with the provisions of this chapter must be expended by and  
18 under the direction and control of the board of county commissioners in such manner as it may  
19 deem best adapted to accomplish the purposes set forth in this chapter.

**NOTE:** This section does not appear to match current practice. We have asked the North  
Dakota Association of Counties to assist in revision.

20       **SECTION 9. AMENDMENT.** Section 4-08-09 of the North Dakota Century Code is amended  
21 and reenacted as follows:

22       **4-08-09. Budgeting for extension agent.**

23       When the board of county commissioners is authorized to make a levy for the employment  
24 of an extension agent, it shall provide a budget that stipulates the salary of the agent, field and  
25 office expenses, and allowance for clerical hire. After mutually agreeing upon a budget and after  
26 deducting the amount of funds contributed from federal and state funds, the board shall proceed  
27 to make a levy or appropriate funds out of the county general fund or both as it may deem  
28 necessary to cover the county's share of the budget. Until the office of extension agent is

1 discontinued, the board shall agree upon a similar budget and annually shall make the levy and  
2 appropriation.

**NOTE:** This section does not appear to match current practice. We have asked the North  
Dakota Association of Counties to assist in revision.

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

5 **4-08-10. Extension agent to submit monthly account of expenditures - Position**  
6 **adjustments - Budget section report.**

7 The extension agent shall submit monthly an accurate itemized account of all expenditures  
8 incurred by the agent in the regular conduct of duties to the North Dakota state university  
9 extension service for examination and audit. When charges are made by an extension agent for  
10 money expended in the performance of official duties, all items of one dollar or more expended  
11 and charged for must be covered by a subvoucher or receipt that must be signed by the person  
12 to whom the money was paid. The subvoucher or receipt must show at what place, on what  
13 date, and for what the money expended was paid. The extension agent shall forward the  
14 subvouchers or receipts with the bill, claim, account, or demand against the county. When  
15 charges are made for transportation expenses, they may not exceed the amounts provided by  
16 section 11-10-15, and must be in itemized form showing the mileage traveled, the days when  
17 and how traveled, and the purpose thereof, verified by affidavit. The account must be  
18 transmitted and recommended for payment by the North Dakota state university extension  
19 service which shall audit the same and which may approve or disallow any expense item  
20 therein. The state board of agricultural research and education and the president of North  
21 Dakota state university shall control and administer the North Dakota state university extension  
22 service subject to the supervision of the state board of higher education. Funds appropriated to  
23 the North Dakota state university extension service may not be commingled with funds  
24 appropriated to North Dakota state university. An appropriation request to defray expenses of  
25 the North Dakota state university extension service must be separate from an appropriation  
26 request to defray expenses of North Dakota state university. Subject to the availability of funds,  
27 the director of the North Dakota state university extension service may adjust or increase  
28 full-time equivalent positions in order to carry out activities to accomplish the mission of the  
29 extension service. All full- or part-time positions must be separate from North Dakota state  
30 university. Annually, the director of the North Dakota state university extension service shall

1 report to the office of management and budget and to the budget section any adjustments or  
2 increases made pursuant to this section.

**NOTE:** This section does not appear to match current practice. We have asked the North Dakota Association of Counties to assist in revision.

3 **SECTION 11. AMENDMENT.** Section 4-08-10.1 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **4-08-10.1. Achievement days - Premiums - Report of extension agent.**

6 In July of each year the office of management and budget shall pay ~~out of any moneys from~~  
7 funds appropriated for boys' and girls' clubwork a sum not to exceed five hundred dollars to  
8 ~~each~~the extension agent of each ~~organized~~ county within the state conducting boys' and girls'  
9 achievement days, to be used exclusively for the payment of premiums at the boys' and girls'  
10 achievement days. Within thirty days following the boys' and girls' achievement days, the  
11 extension agent shall refund to the office of management and budget any balance not  
12 expended, which must be remitted to the state treasurer and placed to the credit of the general  
13 fund.

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

16 **4-08-11. Report to county auditor.**

17 An extension agent shall file with the county auditor either monthly, or within a mutually  
18 agreed upon timeframe not to exceed one year, a statement of the agent's work, which, in turn,  
19 must be presented by the auditor to the board of county commissioners.

**NOTE:** This section does not appear to match current practice. We have asked the North Dakota Association of Counties to assist in revision.

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

22 **4-08-12. Direction and supervision of extension agent.**

23 The active direction and supervision of the work of the extension agent must be carried on  
24 by the North Dakota state university extension service. The board of county commissioners has  
25 general administrative authority and must be consulted frequently with reference to the general  
26 policy and the work of the agent. The suggestions and directions of the board must be followed  
27 when not in conflict with state and federal laws or regulations governing appropriations for  
28 extension work.

**NOTE:** This section is quite vague. We will ask the North Dakota Association of Counties to assist in revision.

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

3       ~~**4-08-13. Vacancies -- How to be filled.**~~

4       ~~In case a vacancy occurs in the position of extension agent, the procedure for the selection~~  
5 ~~of a successor must be similar to that provided for in the selection of an agent when the work is~~  
6 ~~instituted in the county.~~

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

9       **4-08-14. Dissatisfaction with extension agent - Meeting to be arranged.**

10       If the North Dakota state university extension service or the board of county commissioners  
11 becomes dissatisfied with the performance of an extension agent, the dissatisfied entity shall  
12 arrange a joint meeting ~~must be arranged~~ at which detailed information as to the misconduct,  
13 ~~negligence, or inefficiency~~ dissatisfaction with the performance of the agent must be presented  
14 and such joint action taken as is justified by the evidence.

15       **SECTION 16. AMENDMENT.** Section 4-08-15 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       ~~**4-08-15. Extension work levy and funding -- Additional levy with voter approval.**~~

18       ~~If a levy for extension work has been approved under sections 4-08-01 and 4-08-03, the~~  
19 ~~board of county commissioners may levy for extension work in an amount not exceeding the~~  
20 ~~limitation in subsection 2 of section 57-15-06.7.~~

21       ~~The board of county commissioners may submit to the electors at a primary or general~~  
22 ~~election the question of approval of voter-approved levy authority for extension work for a period~~  
23 ~~not exceeding ten years and if approved by a majority of the electors voting on the question the~~  
24 ~~board of county commissioners may levy an additional tax not exceeding the limitation in~~  
25 ~~subsection 2 of section 57-15-06.7. Voter approved levy authority authorized by electors of a~~  
26 ~~county before January 1, 2015, remains in effect through taxable year 2024 or for the time~~  
27 ~~period authorized by the electors, whichever expires first. After January 1, 2015, approval or~~  
28 ~~reauthorization by electors of voter-approved levy authority under this section may not be~~  
29 ~~effective for more than ten taxable years.~~

1        ~~The board of county commissioners may appropriate additional funds out of the county~~  
2 ~~general fund to cover any unanticipated deficiency in funding for extension work.~~

**NOTE:** This section has been consolidated with the voter approval to establish a levy for extension work under section 4.1-20-01.

3        **SECTION 17. AMENDMENT.** Subsection 2 of section 57-15-06.7 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5        2. A county levying a tax for extension work as provided in section ~~4-08-154.1-20-01~~ may  
6        levy a tax not exceeding two mills and if a majority of the electors of the county have  
7        approved additional levy authority under section ~~4-08-154.1-20-01~~, the county may  
8        levy a voter-approved additional tax not exceeding ~~an additional tax of~~ two mills.