

**CHAPTER 11-38  
COUNTY AGENTS**

**11-38-01. County extension agent - Petition to authorize or discontinue levy - Election - Levy limitations.**

1. Upon the filing with the county auditor at least sixty-four days before the date of a general election of a petition to authorize or discontinue a tax levy for extension work, containing the names of twenty percent of the qualified electors of the county as determined by the votes cast for governor in the county in the most recent gubernatorial election, the board of county commissioners shall submit to the qualified electors at the next general election the question of authorizing or discontinuing a tax levy for extension work. Upon approval by a majority of qualified electors of the county voting on the question of authorizing a tax levy for extension work, the board of county commissioners may levy a tax of up to two mills as provided in subsection 2 of section 57-15-06.7. Upon approval by a majority of qualified electors of the county voting on the question of discontinuing a tax levy for extension work, the board of county commissioners shall terminate any levy or additional levy previously authorized under this chapter and may terminate county expenditures for extension work.
2. The board of county commissioners may submit to the electors at a primary or general election the question of approval of voter-approved additional levy authority for extension work for a period not exceeding ten years and if approved by a majority of the electors voting on the question, the board of county commissioners may levy an additional tax not exceeding the limitation in subsection 2 of section 57-15-06.7. Voter-approved additional levy authority authorized by electors of a county before January 1, 2015, remains in effect through taxable year 2024 or for the time period authorized by the electors, whichever expires first. After January 1, 2015, approval or reauthorization by electors of voter-approved additional levy authority under this section may not be effective for more than ten taxable years.
3. The board of county commissioners may appropriate funds out of the county general fund to cover any unanticipated deficiency in funding for extension work. All funds raised by levies under this chapter must be appropriated by the board of county commissioners for the purposes set forth in this chapter.

**11-38-02. Form of petitions.**

The petitions provided for in section 11-38-01 must be in substantially the following form:

**PETITION REGARDING LEVY FOR EXTENSION WORK**

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

**11-38-03. Form of ballot.**

The question to be voted upon as provided in section 11-38-01 must be submitted on a separate ballot and must be worded as follows:

1. For a petition to authorize a levy:  
For extension work \_\_\_\_\_   
Against extension work \_\_\_\_\_
2. For a petition to discontinue a levy:  
For discontinuing the extension work levy \_\_\_\_\_   
Against discontinuing the extension work levy \_\_\_\_\_

**11-38-04. Extension agent selection.**

When a majority of the votes are cast to authorize a tax levy for extension work, by the following July first the North Dakota state university extension service shall conduct interviews and select a candidate for extension agent.

If a vacancy occurs in the extension agent position, the North Dakota state university extension service, with approval of the board of county commissioners, shall conduct interviews and select a candidate for extension agent.

**11-38-05. Discontinuance of extension work levy - Transfer of unobligated funds.**

If a majority of the votes cast at an election to discontinue authority for a tax levy under section 11-38-01 are in favor of discontinuing authority for the levy for 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. Upon the discontinuance of extension work, accumulated and unobligated funds remaining in the special fund for that purpose must be transferred to the county general fund and the special fund must be closed out.

**11-38-06. Budgeting for extension work.**

1. When the board of county commissioners is authorized to make a levy for the employment of an extension agent, the board shall provide an annual budget that stipulates the salary of the agent, field and office expenses, and allowance for staff.
2. The budget must be revised annually to account for changes in agent and staff salaries and operating expenses. The board of county commissioners annually shall provide the North Dakota state university extension service input on the extension agent's performance. The extension agent's annual salary adjustment must be agreed upon by the board of county commissioners and the extension service based on the agent's annual performance and consideration of county and extension service budget limitations.
3. After agreeing upon a budget and after deducting the amount of funds contributed from federal and state funds, the board of county commissioners shall levy within the authorization under this chapter or appropriate funds out of the county general fund, or both, to cover the county's share of the budget.

**11-38-07. Extension agent to submit monthly account of expenditures.**

The extension agent shall submit monthly an accurate itemized account of all expenditures incurred by the agent in the regular conduct of duties to the North Dakota state university extension service for examination and audit. When charges are made by an extension agent for money expended in the performance of official duties and consistent with the approved budget, expenditures must be covered by a subvoucher or receipt according to county policy for reimbursement. 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 with the bill, claim, account, or demand against the county. Charges made for transportation expenses 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 of travel, verified by affidavit. The account must be transmitted and recommended for payment by the North Dakota state university extension service which shall audit and approve or disallow any expense item.

**11-38-08. Achievement days - Premiums - Report of extension agent.**

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

**11-38-09. Direction and supervision of extension agent.**

The North Dakota state university extension service shall actively direct and supervise the work of the extension agent. The extension agent regularly shall request feedback from the

board of county commissioners on county programs, based on local and state needs considerations. The work of the county agent may not conflict with state or federal laws or regulations governing appropriations for extension work.

**11-38-10. Report to board of county commissioners.**

An extension agent shall file a statement of the agent's work with the board of county commissioners either monthly or within a mutually agreed upon time frame not to exceed one year.

**11-38-11. Dissatisfaction with extension agent - Meeting to be arranged.**

If the North Dakota state university extension service or the board of county commissioners becomes dissatisfied with the performance of an extension agent or the level of funding support required, the dissatisfied entity shall arrange a joint meeting at which detailed information as to the dissatisfaction with the performance of the agent or the level of funding support required must be presented and such joint action taken as is justified by the evidence.

**11-38-12. Administration - Position adjustments - Budget section report.**

The state board of agricultural research and education and the president of North Dakota state university shall control and administer the North Dakota state university extension service 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. Subject to the availability of funds, the director of the North Dakota state university extension service may adjust or increase full-time or part-time equivalent positions to carry out the mission of the extension service. All full-time or part-time positions must be separate from North Dakota state university. Annually, the director of the North Dakota state university extension service shall report to the office of management and budget and to the budget section any adjustments or increases made under this section.