

STATUTORY AMENDMENTS AND CLEAN UP

ARTICLE	SECTION	TITLE	COMMENTS & RECOMMENDATIONS
CHAPTER 4: COUNTIES			
Article 38: Board of County Commissioners	4-38-02	Members; quorum	Amended to allow for any county having less than 100,000 in population to have a 3 or 5 commission; 100,000-300,000 in population to have 5 or 7 commissioners; over 300,000 in population to have 5, 7, or 9 commissioners; clarifying a quorum for each scenario; includes language from Section 4-38-6 that is needed to fix elected officials off cycle for BIPO training and consistency (Assessor - Curry, Lincoln, Quay, Clerks - Eddy, Lincoln, Sheriffs - Curry, Eddy, Lincoln, Treasurer - Lincoln); B. add "where there is a change in the number of qualified electors", "including those commissioners that shall serve an initial term", "of no more than quorum" for clarity; C. provides a proces to change the size of a board of county commission; D. strike the outdated language at the beginning, clarify that the assessor, sheriff, and probate judge will be elected the same year as the governor; the treasurer and clerk shall be elected the same year as the president
Article 38: Board of County Commissioners	4-38-03	Residence in districts; period for districting; election at large	Removed redistricting standards, which are now contained in Article 3 of the Election Code.
Article 38: Board of County Commissioners	4-38-06	Election; term	REPEALED. The content of this Section is now in Section 4-38-2.
Article 38: Board of County Commissioners	4-38-10	Chairman	Recommend gender cleanup; change the title to "County Commission Officers"; clarify that the chair is selected at the first meeting of the calendar year; B. allows for the selection of a vice chair; clarifies that the commission chair will preside at all meetings and the vice chair shall chair if one is identified, otherwise the members can choose who will preside.
Article 38: Board of County Commissioners	4-38-11	Chairman; powers and duties	Recommend gender cleanup; change title to "Commission chair; clarifies the powers during a meeting, and a fallback to the vice chair for signing orders on the county treasury.
Article 38: Board of County Commissioners	4-38-11.1	H class counties; officials	This brings in the relevant part of Section 4-44-14 and preserves the ability of H-Class to have full or part time independently electeds.
Article 38: Board of County Commissioners	4-38-12	Seal; sessions to be public; rules and regulations	Updated the language, recognizing that under OMA, certain sessions may not be public.

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Article 38: Board of County Commissioners	4-38-13	Powers; property belonging to county	Brought in language from 4-38-18
Article 38: Board of County Commissioners	4-38-13.2	Legislative findings; community value	REPEALED. This section should have been a proclamation (or memorial in legislative-speak).
Article 38: Board of County Commissioners	4-38-14	County appropriation for state fair authorized	REPEALED. Not needed in statute.
Article 38: Board of County Commissioners	4-38-15	Agent of county having charge of county exhibit at state fair; appointment	REPEALED. Not needed in statute.
Article 38: Board of County Commissioners	4-38-16	Accounts; county buildings; taxation	REPEALED. Not needed; this authority exists in other laws. Also, very disjointed.
Article 38: Board of County Commissioners	4-38-17	Tax levy for county general purposes; allocation	REPEALED. Not needed. This also resides in the tax laws.
Article 38: Board of County Commissioners	4-38-17.1	Tax levies authorization; procedures; health purposes	Removed the limitation in Subsection D. Makes this available to all Counties.
Article 38: Board of County Commissioners	4-38-18	Management in general	REPEALED. This is inherent in 4-38-1.
Article 38: Board of County Commissioners	4-38-24	Powers over highways	Brought in language from 4-38-25 and 4-38-26
Article 38: Board of County Commissioners	4-38-25	Bridges	REPEALED. Incorporated into 4-38-24.
Article 38: Board of County Commissioners	4-38-26	Streets in unincorporated county seats	REPEALED. Incorporated into 4-38-24.
Article 38: Board of County Commissioners	4-38-27	Receipts and expenditures; publication of report	Aligned the report to the fiscal year, and had the report posted on the website instead of publishing.
Article 38: Board of County Commissioners	4-38-28	Payments without authority; liability of commissioners	REPEALED. This only allows recovery for \$5,000. There are more modern penalties in law.
Article 38: Board of County Commissioners	4-38-29	Approving unauthorized account; penalty recovery of money	Struck the vote to approve part, since that is an official action; struck the civil liability part since that is covered in Section 4-38-28, above.

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Article 38: Board of County Commissioners	4-38-30	Neglect of duty; penalty	REPEALED. The penalty of \$25 to \$100 is no longer the deterrent it was in 1876.
Article 38: Board of County Commissioners	4-38-38	Creation of county advisory boards	This revives the County Advisory Board and makes it an option for any County.
Article 38: Board of County Commissioners	4-38-38.1	Mediation of Disputes Required	NEW. This creates a mediation requirement before any lawsuits among county elected officials or the manager.
Article 38: Board of County Commissioners	4-38-39	Duties of Board	REPEALED. The modern County Advisory Board is in Section 4-38-38, above.
Article 38: Board of County Commissioners	4-38-40	Executive Committee	REPEALED. The modern County Advisory Board is in Section 4-38-38, above.
Article 38: Board of County Commissioners	4-38-41	Terms of Members	REPEALED. The modern County Advisory Board is in Section 4-38-38, above.
Article 38: Board of County Commissioners	4-38-42	Salary; members of advisory board	REPEALED. The modern County Advisory Board is in Section 4-38-38, above.
Article 39: County Assessor	4-39-1.1	County assessor; election; duties	Intro section for Assessors establishing term, when elected, and basic duties. (NOTE: All Assessors will now be elected in the same year; those currently off cycle will receive an extra two years on their current term.)
Article 39: County Assessor	4-39-04	Additional compensation to assessors	Striking reference to statutory limitations on salaries, which no longer exist.
Article 40: County Clerk	4-40-1.1	County clerk; election; duties	Intro section for Clerks establishing term, when elected, and basic duties. (NOTE: All Clerks will now be elected in the same year; those currently off cycle will receive an extra two years on their current term.)
Article 40: County Clerk	4-40-02	County clerk; bond	REPEALED. Section 10-1-13 already deals with all County electeds and their bonds.
Article 40: County Clerk	4-40-03	Duties; ex-officio clerks of the board of county commissioners	Incorporated the relevant provisions of Sections 4-40-4.
Article 40: County Clerk	4-40-04	Duties as clerk of county commissioners	REPEALED. Relevant duties remaining with the Clerk moved to Section 4-40-3. Moved the duty to sign all order to the Treasurer.
Article 40: County Clerk	4-40-07	Newspaper subscriptions	Clean-up. Also, incorporated the provisions of Section 4-40-8, 4-40-9, and 4-40-10 into this section.
Article 40: County Clerk	4-40-08	To keep file of newspapers	REPEALED. Substantive provisions moved to 4-40-7.

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Article 40: County Clerk	4-40-09	Newspapers; payment of expenses	REPEALED. Substantive provisions moved to 4-40-7, above.
Article 40: County Clerk	4-40-10	Newspapers; abstraction, mutilation or destruction; penalty	REPEALED. Substantive provisions moved to 4-40-7, above.
Article 41: County Sheriff	4-41-02	County sheriff; eleciton; duties	Intro section for Sheriffs establishing term, when elected, and basic duties. (NOTE: All Sheriffs will now be elected in the same year; those currently off cycle will receive an extra two years on their current term.)
Article 41: County Sheriff	4-41-03	Failure to execute bond and oath; performing duties; penalty	REPEALED. There is a general statute for bonds, Section 10-1-13. Plus, the County Sheriff hasn't been the Ex-Officio County Collector since 1897!
Article 41: County Sheriff	4-41-04	Exercising Powers after removal; penalty	REPEALED. Impersonating a police officer is a felony these days, so we don't need this statute any more.
Article 41: County Sheriff	4-41-08	Deputy sheriff; qualifications; character; revocation of commission	REPEALED. Outdated language. Plus, we don't want a district judge determining the character of Deputies.
Article 41: County Sheriff	4-41-11	Injuries to sheriff or deputy while making arrests; medical expenses; limitation	REPEALED. We have worker's comp now, and \$500 won't even pay for aspirin from a hospital.
Article 41: County Sheriff	4-41-11.1	Qualifications waiver	REPEALED. Section 29-7-8, on which this is based, was repealed in 1993. This has been inoperative ever since.
Article 41: County Sheriff	4-41-12	Entering other counties; powers	This is a Repeal and Replace of a previously-unamended 1868 statute.
Article 41: County Sheriff	4-41-13	Execution of process of probate court; attendance	REPEALED. Substantive intent incorporated into 4-41-16.
Article 41: County Sheriff	4-41-14	Sheriff to serve and execute process and orders of magistration [and municipal] courts	REPEALED. Substantive intent incorporated into 4-41-16.
Article 41: County Sheriff	4-41-15	Fees; payment in advance	Incorporates service of process and fees from 4-41-16.

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Article 41: County Sheriff	4-41-16	Fees; attendance on courts; sessions of county commissioners; hearing before judges	Narrows this section to attendance at sessions of the court and of the county commission, each upon request.. Brings in relevant portions of previous Sections 4-41-13 and 4-41-14.
Article 41: County Sheriff	4-41-18	Fees; service of jury venire	REPEALED. These fees are no longer charged.
Article 41: County Sheriff	4-41-19	County peace officers and constables; mileage; conditions	REPEALED. Sheriffs and their Deputies should not be using their private vehicles when on duty.
Article 41: County Sheriff	4-41-20	Sheriffs, deputy sheriff's and other county peace officers; public transportation; reimbursement	REPEALED. This is better covered through the Per Diem and Mileage Act.
Article 41: County Sheriff	4-41-21	More than one subpoena, summons, or prisoner; no extra charge	REPEALED. Not sure to whom the Sheriff is charging for mileage, since an official vehicle should be used.
Article 41: County Sheriff	4-41-22	Other fees	REPEALED. This section is superfluous and not necessary.
Article 41: County Sheriff	4-41-23	Sheriffs, deputy sheriffs and guards; extradition; per diem	Recompiled from Section 4-44-18.
Article 41: County Sheriff	4-41-24	Prisoners; feeding in transit	Recompiled from Section 4-44-20.
Article 43: County Treasurer	4-43-1.1	County treasurer; election; duties	Intro section for Treasurers establishing term, when elected, and basic duties. (NOTE: All Treasurers will now be elected in the same year; those currently off cycle will receive an extra two years on their current term.)
Article 43: County Treasurer	4-43-02	Treasurer responsibilities	Brought in language from Section 4-43-3 for new Subsection B. Added a new Subsection C with modernized language.
Article 43: County Treasurer	4-43-03	Ex-officio collectors	REPEALED. This language is incorporated into Section 4-43-2.
Article 43: County Treasurer	4-43-05	County treasurer; receipts; accounts of officers	Recompiled this from Section 4-44-30 (Article 44 is repealed under this Act); clean-up.

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Article 43: County Treasurer	4-43-06	Bank contracts; financial vendor agreements; financial software	New section regarding Treasurer's concurrence when procuring financial software.
Article 43: County Treasurer	4-43-07	Discontinued coin or currency	New section regarding when the U.S. stops minting coins or currency (like the penny).
Article 44: Provisions Applicable to More Than One County Office	4-44-1	Classification	No changes to classifications. Updated county classification language to include B-High, B-Intermediate, and Class-H. Removed references to salaries.
Article 44: Provisions Applicable to More Than One County Office	4-44-2	Biennial determination of classification.	Clean-up only
Article 44: Provisions Applicable to More Than One County Office	4-44-3	Establishment of H class counties	REPEALED. This was incorporated into Section 4-44-1.
Article 44: Provisions Applicable to More Than One County Office	4-44-4	Class A counties; salaries	REPEALED. Per the new Constitutional provision in Article 10, Section 1, the Legislature no longer sets County Elected salaries.
Article 44: Provisions Applicable to More Than One County Office	4-44-4.1	Class B counties; high valuation; salaries	REPEALED. Per the new Constitutional provision in Article 10, Section 1, the Legislature no longer sets County Elected salaries.
Article 44: Provisions Applicable to More Than One County Office	4-44-5	Class B counties; intermediate valuation; salaries	REPEALED. Per the new Constitutional provision in Article 10, Section 1, the Legislature no longer sets County Elected salaries.
Article 44: Provisions Applicable to More Than One County Office	4-44-12.3	Legislative intent; uniform salary changes	REPEALED. Per the new Constitutional provision in Article 10, Section 1, the Legislature no longer sets County Elected salaries.
Article 44: Provisions Applicable to More Than One County Office	4-44-14	H class counties; salaries	The surviving part of this, Subsection C, is in new 38-11-1. The rest is now unconstitutional.
Article 46: Suits By and Against Counties	4-46-01	Name for purpose of suit	These amendments: (1) Allow county elected official to sue or be sued in their official capacity, as already happens, and (2) Protect county employees from being named in lawsuits.

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CHAPTER 7: TAXATION			
Article 2C: Tax Credit Intercept Program	7-2C-2	Purpose	Adds under the Tax Intercept Program collection of delinquent mobile home taxes.
Article 38: Administration and Enforcement of Property Taxes	7-38-12	Property transfers; copies of documents to be furnished to assessor; penalties for violation	Modernizes this section to provide for database access; strikes the misdemeanor.
Article 38: Administration and Enforcement of Property Taxes	7-38-34	Board of county commissioners to order imposition of the tax.	Removes from the County Commission the obligation to hold a Special Meeting to impose a tax rate set by order of DFA.
Article 38: Administration and Enforcement of Property Taxes	7-38-36.2	Procedures to delay the mailing of property tax bills for counties which a property tax levy is imposed at the November 2019 or 2021 regular local election to put the question of imposing or renewing a levy before the voters.	REPEALED. This section was part of the implementation of the Local Election Act and was only valid through the 2021 tax year.
Article 38: Administration and Enforcement of Property Taxes	7-38-41	Property tax deposits; protested property taxes; refunds; interest	Removes the requirement of keeping a separate suspense fund. Provides for crediting refunded amounts distributed to governmental units against future distributions.