# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

4023

2007 SENATE JUDICIARY

SCR 4023

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: February 5, 2007

Recorder Job Number: 2804 & 2805

Committee Clerk Signature Mona L Selby

**Minutes**: Relating to the beginning of a term office for a sheriff.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

**Testimony In Support of Resolution:**

**Sen. Stan Lyson,** Dist. #1 introduced the resolution. The resolution is to amend Section 8 of the constitution to change the date a sheriff takes control of the department. Spoke about 13 new sheriffs elected in the last election and the problems that occurred between the time they were elected and the time they took the office. Back a few years ago the Sheriffs had a petition out to put the Sheriffs back into the constitution. This passed by 92%. We would like to put a petition out to change the date.

Sen. Nething asked (meter 2:49) what do you do for an election on a 4 year turn? We do not know. Sen. Nelson asked if we did this with the Governor? Discussion (meter 3:30) If this bill passes and is voted on, we will still have the next session to fine tune it.

**Testimony in Opposition of the Resolution:**

None

**Testimony Neutral to the Resolution:**

None

**Senator David Nething**, Chairman closed the hearing.

**Job Number: 2805**

**Sen. Nething reopened the meeting**

**Sen. Lyson** made the motion to Do Pass and **Sen. Olafson** seconded the motion.

**Sen. Nelson** asked why we have to put this in the constitution? Why not only pass a law? (meter 1:00) Discussion of it already being in the constitution so it must stay there.

**Sen. Fiebiger** asked what other offices are at this time. This is the only office elected in the constitution. The committee discussed the time of election, how problems will occur regardless of the time frame, if there is a recall, when a canvassing committee meets and what happens if there is a recount. Sen. Lyson stated the shorter amount of time he thought the less time for a person to think things up. Discussion of the process.

All members were in favor and the motion passes.

The motion was withdrawn.

**Senator David Nething**, Chairman closed the hearing.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 2935

Committee Clerk Signature Maria L Dollery

**Minutes**: Relating to the beginning of a term office for a sheriff.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

**Senator David Nething**, Chairman closed the hearing.

Sen. Lyson reviewed his conversation with the Secretary of States office on the issues of the time line of a recount. It was stated that all recounts must be done in 10 days. The Dec. 1 date would not affect this.

**Sen. Nething** discussed why it was in the constitution.

**Sen. Fiebiger** stated is there really a problem the way the law is currently. The committee discussed the history of the last election. Sen. Lyson stated that this bill was not personal, it was placed on his desk and he was asked to carry it. They discussed, if someone wants to do something in retaliation time is not the issue. To much time would allow people to think up things to do verses time heals all wounds.

**Sen. Olafson** made the motion to Do NOT Pass and **Sen. Nelson** seconded the motion. All members except Sen. Lyson and Chairman Nething were in favor and the motion passes 4-2,

Carrier: **Sen. Feibiger**

**Senator David Nething**, Chairman closed the hearing.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: February 7, 2007

Recorder Job Number: 3056

Committee Clerk Signature Maria L Dolly

**Minutes**: Relating to the beginning term office for a sheriff.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Sen. Nething** spoke of the resolution being passed out of committee with a 4-2 vote.

**Sen. Lyson** spoke of providing and amendment to have the counties set the date of the sheriffs start date. Sen. Nelson asked what if we don't pass the bill. Reviewed the amendment and other office start dates. Sen. Nelson does not think the constitution is not the place to put a start date. **Sen. Lyson** stated that it is not a choice; it is already in the constitution. **Sen. Fiebiger** wanted to see the constitution and where this is in it.

**Senator David Nething**, Chairman closed the hearing.

**Sen. Olafson** made the motion to reconsider and **Sen. Lyson** seconded the motion. The committee was split and the motion failed.

**Senator David Nething**, Chairman closed the hearing.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3841

Committee Clerk Signature Mona L Solberg

**Minutes**: Relating to the beginning term office for a sheriff.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Nething opened the hearing asking for a reconsider of the previous action for an amendment. Sen. Nelson asked if it was still in the constitution portion of law and Sen. Nething for the fourth time answered that the law is in the constitution and it has to stay in the constitution according to the Attorney General's office. She argued the necessity of it. In the century code it states that in 1885 there was a challenging to this.

**Sen. Olafson** made the motion to reconsider SCR 4023 and **Sen. Nelson** seconded the motion all members were in favor of the motion. The motion passes

**Sen. Nething** presented the committee with an amendment – Att. #1 discussing with the committee who this would leave this optional to the counties, with in boundaries. This would

address the committee's issues on forcing the counties to do something if it was not a problem to start with.

**Sen. Olafson** made the motion to Amend SCR 4023 with Att. #1 and **Sen. Lyson** seconded the motion all members were in favor of the motion. The motion passes

**Sen. Lyson** made the motion to Do Pass SCR 4023 as amended and **Sen. Olafson** seconded the motion, the committee voted 3-3 and the motion fails.

**Sen. Lyson** made the motion to send SCR 4023 as amended with out committee recommendation and **Sen. Olafson** seconded the motion all members were in favor of the motion. The motion passes

Carrier: **Sen. Lyson**

**Senator David Nething**, Chairman closed the hearing.

**Date:** 2-6-07

**Roll Call Vote #** 1

## 2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

**BILL/RESOLUTION NO.** 4023

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By _____ Seconded By _____

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Sen. Nething | | ✓ | Sen. Fiebiger | ✓ | |
| Sen. Lyson | | ✓ | Sen. Marcellais | ✓ | |
| Sen. Olafson | ✓ | | Sen. Nelson | ✓ | |
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Total Yes 4 No 2

Absent 0

Floor Assignment Sen. Fiebiger

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**
**February 6, 2007 12:40 p.m.**

**Module No: SR-25-2253**
**Carrier: Fiebiger**
**Insert LC: . Title: .**

## REPORT OF STANDING COMMITTEE

**SCR 4023: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Eleventh order on the calendar.

Date: 2-26-07
Roll Call Vote # 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 4023

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Action

Motion Made By Sen. Olafson Seconded By Sen. Nelson

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Sen. Nething | | | Sen. Fiebiger | | |
| Sen. Lyson | | | Sen. Marcellais | | |
| Sen. Olafson | | | Sen. Nelson | | |
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Total Yes 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

73102.0102
Title.0200

Prepared by the Legislative Council staff for
Senator Nething
February 8, 2007

2-26-07

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4023

Page 1, line 4, after "that" insert "a board of county commissioners may determine the date that"

Page 1, line 5, replace "December first" with "any date after November thirtieth, but no later than the first Monday in January"

Page 1, line 20, after "and" insert "the board of county commissioners of a county may elect to provide that"

Page 1, line 21, replace "December first" with "any date after November thirtieth, but no later than the first Monday in January"

Renumber accordingly

Date: 2-26-07
Roll Call Vote # 2

## 2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 4023

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass AM #1 dated 2/26

Motion Made By Sen. Olafson Seconded By Sen. Lyson

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Sen. Nething | ✓ | | Sen. Fiebiger | ✓ | |
| Sen. Lyson | ✓ | | Sen. Marcellais | ✓ | |
| Sen. Olafson | ✓ | | Sen. Nelson | ✓ | |
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Total Yes 6 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 2-26-07
Roll Call Vote # 3

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 4023

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended.

Motion Made By Sen. Lyson Seconded By Sen. Olafson

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Sen. Nething | ✓ | | Sen. Fiebiger | | ✓ |
| Sen. Lyson | ✓ | | Sen. Marcellais | | ✓ |
| Sen. Olafson | ✓ | | Sen. Nelson | | ✓ |
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Total Yes 3 No 3

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Fail

Date: 2-26-07
Roll Call Vote # 4

## 2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

### BILL/RESOLUTION NO. 4023

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Without Recommendation

Motion Made By Sen. Lyson Seconded By Sen. Olafson

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| Sen. Nething | ✓ | | Sen. Fiebiger | ✓ | |
| Sen. Lyson | ✓ | | Sen. Marcellais | ✓ | |
| Sen. Olafson | ✓ | | Sen. Nelson | ✓ | |
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Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Lyson

If the vote is on an amendment, briefly indicate intent:

## REPORT OF STANDING COMMITTEE

**SCR 4023: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Sixth order on the calendar.

Page 1, line 4, after "that" insert "a board of county commissioners may determine the date that"

Page 1, line 5, replace "December first" with "any date after November thirtieth, but no later than the first Monday in January"

Page 1, line 20, after "and" insert "the board of county commissioners of a county may elect to provide that"

Page 1, line 21, replace "December first" with "any date after November thirtieth, but no later than the first Monday in January"

Renumber accordingly

# 2007 HOUSE CONSTITUTIONAL REVISION

SCR 4023

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

House Constitutional Revision Committee

☐ Check here for Conference Committee

Hearing Date: 3-14-07

Recorder Job Number: Archives (recorder malfunction)

Committee Clerk Signature Marie Haar

Minutes:

**Chairman Koppelman:** Opened the hearing on SCR 4023.

**Al Jaeger, Secretary of State:** Appeared in support of HCR 4023 SEE ATTACHED TESTIMONY & ATTACHMENT (ENGROSSED HB 1381)

**Chairman Koppelman:** Was this amended on the Senate side?

**Jaeger:** Yes.

**Chairman Koppelman:** You've given us HB 1381 … *(can't understand)*

**Jaeger:** I didn't pursue … the reason we're bringing this up now is we became aware in the engrossed bill of the first Monday in January and I felt that since the Legislature has supported removing that language, it just seemed to follow that if it goes through and passes and ultimately in the constitution … and we have it before you in the constitution … and for a county office that's different then all the other county offices and I thought we should bring that to your attention. In the engrossed version it reads … and the board of county commissioners of a county may elect to provide that the term of office of any individual elected as sheriff begins on any date after November 30th, but no later than the 1st Monday in January following the general election at which the individual was elected. It wasn't addressing the November 30th part, it was mainly saying not later than the 1st Monday in January as you have passed

legislation in the bill that's attached changing all of those to the 1st day of the month, not the 1st Monday.

**Representative Klemin:** On HB 1381 ... when does the term of sheriff begin ... Jan 1st ?

**Jaeger:** In Section 1 it reads ... if there is nothing done all county offices, except as otherwise noted in other places in the law, start January 1st ... the way you passed that bill. Section 2 relates to when the auditor takes office and that's April 1st and the 3rd Section relates to when the treasurer takes office and that's May 1st but county commissioners and anybody else right now would be January 1st.

**Representative Klemin:** So the sheriff, under the bill we've already passed, would be January 1st and your proposed amendment to this resolution would also be January 1st, right?

**Jaeger:** Right, but keep in mind that I didn't change ... in this resolution, they're advocating a range of 31 days.

**Representative Klemin:** But your amendment would be consistent with this bill and we really don't need this constitutional amendment?

**Jaeger:** The only thing that this constitutional amendment says is that if it became part of the constitution the county could set the beginning date of a term of county sheriff to start anywhere between December 1st and the 1st Monday in January ... so that's a specific date and it lets the county commission decide what they want. I'm not aware of anywhere else in North Dakota law where you pick your date ... the other part I mentioned here was that we removed the within days ... we became aware of this because of the sheriff's race. Last fall we were asking when does the term of the sheriff start and we looked it up and it said ... the 1st Monday or within 10 days thereafter. That didn't make sense, so that's how this bill, HB 1381 actually developed.

**Chairman Koppelman:** Is there anywhere else in the constitution where we prescribe dates where terms of office begin, or is that all done in statute otherwise?

**Jaeger:** I believe for legislators and for statewide officials, the Governor has a constitutional date.

**Chairman Koppelman:** Those are all statewide offices though, not for local, county or city?

**Jaeger:** Off the top of my head, I don't know, but the one thing I'm not aware of is that the engrossed version is suggesting that the county commissioners can pick a date anywhere between December 1st and the 1st of January. That's different than any other part of the law that I'm aware of. Now that you have the engrossed copy in front of you it's on Lines 21-24. In answer to your question Representative Klemin, if this does not do anything, then the law in HB 1381 for a sheriff to prescribe that the sheriff's term would start on January 1st after the general election so as we change that language so it's not the 1st Monday, as you see by my example, the 1st Monday varies.

*Recorder malfunction ... not able to understand ... only static*

**Chairman Koppelman:** If there's no further testimony in support, opposition or neutral, we'll recess the hearing on SCR 4023 since Senator Lyson, one of the sponsors, was not available today. We'll reconvene at 3:00PM on March 21st.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4023**

House Constitutional Revision Committee

☐ Check here for Conference Committee

Hearing Date: 3-21-07

Recorder Job Number: 5407

Committee Clerk Signature Diane Stearn

Minutes:

**Chairman Koppelman:** We had told Sen Lyson that he could come back and testify and I don't see him, but we do need to get this out of here so we'll reopen the hearing on SCR 4023. We heard testimony from the Secretary of State on this resolution at our last meeting and as you recall, Sen Lyson was detained ... he came in for the end and we offered him the ability to come back and testify and apparently he's not available. We need to move forward on this. The clerk has handed out a copy of HB 1145 which has to do with when sheriffs take office. The Senate attempted to make an amendment to the original resolution, which you have before you, in the engrossed version, to allow each county to decide when their sheriff would take office, within certain parameters. What are the wishes?

**Representative Griffin: I move a DO NOT PASS**

**Representative Dahl: I second it.**

**Representative Meier:** When HB 1145 was heard in Judiciary ...were there any other instances that happened in the state, other then the one situation?

**Chairman Koppelman:** My recollection of that was that it stemmed from one incident in one county where an individual (with apparently a bitter election and the incumbent lost) and from the time that the challenger took office, between the election and the time the challenger took

office, the incumbent was apparently engaged in some activity that some objected to and so they *(can't understand)* for the sheriff to take office *(can't understand).* The Secretary of State pointed out both in the testimony in that bill and the testimony to us here the other day. A lot of our offices have a window of time that's considerable, in fact some county offices *(can't understand)* and he also attached his testimony in HB 1381, which passed unanimously, and that deals with actually narrowing the time. There was a window that said that certain officials would take office on the first Monday of January or within 10 days thereafter and we passed the bill to clean this up to say ... this is the date you take office. We are clarifying that in law and this Constitutional amendment resolution would actually open it wider and it would do it constitutionally to allow counties to decide. We could have a patchwork all over the state of when sheriffs take office ... you can agree or disagree if that would be a good thing.

**Representative Meier:** Thank you for that explanation.

**Chairman Koppelman:** We'll call the roll on a **DO NOT PASS**

**Motion Carries**

**Yes 7 No 0 Absent 2 Carrier Representative Owens**

Date: 3-21-07
Roll Call Vote #: 1

## 2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
## BILL/RESOLUTION NO. SCR 4023

House *Constitutional Revision* Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass

Motion Made By Rep Griffin Seconded By Rep Dahl

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Koppelman | ✓ | | Representative Conrad | | |
| Vice Chairman Kretschmar | ✓ | | Representative Griffin | ✓ | |
| Representative Dahl | ✓ | | Representative Schneider | | |
| Representative Klemin | ✓ | | | | |
| Representative Meier | ✓ | | | | |
| Representative Owens | ✓ | | | | |
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Total (Yes) 7 No 0

Absent 2 (Not present for Committee)

Floor Assignment Rep Owens

If the vote is on an amendment, briefly indicate intent:

## REPORT OF STANDING COMMITTEE

**SCR 4023, as engrossed: Constitutional Revision Committee (Rep. Koppelman, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4023 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SCR 4023

ALVIN A. JAEGER
SECRETARY OF STATE

)ME PAGE www.nd.gov/sos

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FAX (701) 328-2992

E-MAIL sos@nd.gov

# SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 14, 2007

TO: Rep Koppelman, Chairman, and Members of the Constitutional Revision Committee

FR: Al Jaeger, Secretary of State

RE: SCR 4023 – Term of Office for a Sheriff

The purpose of my testimony is to make you aware of HB 1381 (copy attached) which passed unanimously in both the House and the Senate. In all three sections of the bill, all references to the first Monday of the month were removed and the terms of county officers was changed to begin, as applicable, to January 1, April 1, or May 1.

The subject resolution is proposing to amend the state's constitution by inserting on page 1, line 23, the text, "but no later than the first Monday in January ... ... ... " I respectfully request the committee to change the text in SCR 4023 to January 1, which will match the beginning date in N.D.C.C. § 11-10-05, as adopted in HB 1381.

For example, the first Monday in January following the general election changes each four years the office of Sheriff is on the ballot. The first Mondays are January 3, 2011, January 5, 2015, January 7, 2019, and January 2, 2023.

In addition, please note HB 1381 also removed text in all three sections of the bill, which read, "or within ten days thereafter." Although in the law for a long time, it seemed more appropriate to have a set beginning date for a county official to begin his or her duties compared to having a range of ten days as to when that official could decide when to begin his or her term of office.

Although SCR 4023, as currently drafted, contains a range of 31 to 37 days the term of office for Sheriff could begin, it is a decision left to the board of county commissioners rather than to the office holder. By removing the reference to the first Monday in January, the range in which the term could begin would be within a set 31 days rather than within a range of 31 to 37 days that changes every four years.

78274.0200

# FIRST ENGROSSMENT

Sixtieth
Legislative Assembly
of North Dakota

# ENGROSSED HOUSE BILL NO. 1381

Introduced by

Representatives Grande, Brandenburg, Haas, Sukut

Senator Dever

A BILL for an Act to amend and reenact sections 11-10-05, 11-13-01, and 11-14-02 of the North Dakota Century Code, relating to term commencement for county officers.

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

**SECTION 1. AMENDMENT.** Section 11-10-05 of the North Dakota Century Code is amended and reenacted as follows:

**11-10-05. When terms of county officers commence - When officers qualify.** Except as otherwise specifically provided by the laws of this state, the regular term of office of each county officer, when the officer is elected for a full term, shall commence on the first ~~Monday in~~ of January next succeeding the officer's election and each such officer shall qualify and enter upon the discharge of the officer's duties on ~~or before~~ the first ~~Monday in~~ of January next succeeding the date of the officer's election ~~or within ten days thereafter~~. If the office to which an officer is elected was vacant at the time of the officer's election or becomes vacant prior to the date fixed for the commencement of the officer's term, the officer may qualify and enter upon the duties of the office forthwith even though the officer was not elected to fill such vacancy. If an officer is elected to fill an unexpired term in an office then held by an appointee, such officer may qualify and enter upon the discharge of the duties of such office at any time after receiving a certificate of election to that office but not later than the first Monday in January next succeeding the date of the officer's election to the unexpired term of office.

**SECTION 2. AMENDMENT.** Section 11-13-01 of the North Dakota Century Code is amended and reenacted as follows:

**11-13-01. When county auditor to qualify and take office.** The county auditor shall qualify and enter upon the discharge of the duties of office on ~~or before~~ the first ~~Monday~~ of April next succeeding the auditor's election~~, or within ten days thereafter~~.

**SECTION 3. AMENDMENT.** Section 11-14-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-14-02. When county treasurer to qualify and take office.** The county treasurer shall qualify and enter upon the discharge of the duties of the office on ~~or before~~ the first ~~Monday~~ of May next succeeding the treasurer's election~~, or within ten days thereafter~~.

Adopted by the Judiciary Committee
January 16, 2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1145

Page 1, line 8, remove "or within ten days thereafter"

Renumber accordingly

70383.0100

Sixtieth
Legislative Assembly
of North Dakota

# HOUSE BILL NO. 1145

Introduced by

Representatives Porter, Karls

Senators Lyson, Stenehjem

A BILL for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to when the term of the sheriff begins.

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

**SECTION 1.** A new section to chapter 11-15 of the North Dakota Century Code is created and enacted as follows:

**When sheriff to qualify and take office.** The regular term of office of the sheriff commences on December first following the date of the sheriff's election. The sheriff must qualify and shall begin the duties of the office on December first or within ten days thereafter.