

LEGISLATIVE BILL 1162

Approved by the Governor April 2, 2024

Introduced by Lowe, 37.

A BILL FOR AN ACT relating to county government; to amend sections 23-1112.01 and 33-117, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and mileage for sheriffs and constables; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-1112.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1112.01 (1) If a trip or trips included in an expense claim filed by any county officer or employee for mileage are made by personal automobile or otherwise, only one claim shall be allowed pursuant to section 23-1112, regardless of the fact that one or more persons are transported in the motor vehicle.

(2) No charge for mileage shall be allowed when such mileage accrues while using any motor vehicle owned by the State of Nebraska ~~or by a county~~.

(3) No charge for mileage shall be allowed when such mileage accrues while using any motor vehicle owned by a county, except as provided in section 33-117.

Sec. 2. Section 33-117, Reissue Revised Statutes of Nebraska, is amended to read:

33-117 (1) The several sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) ~~through to~~ (s) of this subsection, serving a summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, other writ or document, or any combination thereof, including any accompanying or attached documents, twelve dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be twelve dollars for the first person served at that time and location and three dollars for each other person served at that time and location; (e) making a return of each summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, or other writ or document, whether served or not, six dollars; (f) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided in section 81-1176, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order and return thereof, eighteen dollars; (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, eighteen dollars; (o) calling an inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, ~~except mileage~~, collected ~~or earned~~, from whom, at

what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. All fees collected by the sheriff, except mileage fees when the sheriff or his or her employee is using a personal vehicle, shall be paid He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~All Commencing on and after January 1, 1988, all fees collected earned~~ pursuant to this section, except fees for mileage accrued in a personal vehicle, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.

Sec. 3. Original sections 23-1112.01 and 33-117, Reissue Revised Statutes of Nebraska, are repealed.