

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 636

Introduced by Ibach, 44; Storer, 43.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to counties; to amend section 77-1720, Reissue
- 2 Revised Statutes of Nebraska, and section 33-117, Revised Statutes
- 3 Cumulative Supplement, 2024; to provide that counties may seek
- 4 reimbursement from the state for costs of providing medical services
- 5 to county jail inmates; to define terms; to provide powers and
- 6 duties for the Jail Standards Board; to change provisions relating
- 7 to sheriffs' fees; to repeal the original sections; and to declare
- 8 an emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) County board means the county board or the county board of
3 corrections;

4 (b) Eligible medical costs means the actual cost to a county for
5 providing medical services to county jail inmates; and

6 (c) Inmate means a person sentenced to or confined in a county jail,
7 including, but not limited to, any person serving a custodial sanction
8 imposed in response to a violation of probation, parole, or post-release
9 supervision.

10 (2) Beginning July 1, 2025, the Jail Standards Board shall reimburse
11 each county for eligible medical costs, except that if state
12 appropriations are not sufficient to satisfy all of the eligible medical
13 cost claims filed during any quarterly fiscal period, then the board
14 shall prorate each county's total reimbursement for that quarterly fiscal
15 period in proportion to the remaining appropriation.

16 (3) Any medical cost claims paid by the Jail Standards Board on a
17 prorated basis shall not be refiled.

18 (4) Subject to available appropriations, the Jail Standards Board
19 shall reimburse all counties on a quarterly basis for all eligible
20 medical court cost claims as soon as practicable after the end of each
21 quarterly filing period.

22 (5)(a) The county board shall request reimbursement by submitting
23 documentation for the claim in a form and manner prescribed by the Jail
24 Standards Board. The claim shall be sworn to by a designated
25 representative of the county board before the clerk of the county and
26 certified to under his or her seal.

27 (b) Claims filed for any quarter of a fiscal year shall only be paid
28 out of the same fiscal year's appropriation, including any amounts
29 reappropriated or certified as encumbrances for such reimbursement
30 assistance, but no previous fiscal year claims shall be paid or filed by
31 counties to be paid from a subsequent fiscal year's new appropriation

1 established for such reimbursement assistance.

2 (c) Reimbursement claims, as certified by each county board, shall
3 be received by the Jail Standards Board within forty-five days after the
4 end of any quarterly fiscal period ending on March 31, June 30, September
5 30, and December 31. Any claims not meeting these deadlines shall be
6 determined ineligible for future filing and shall not be reimbursed by
7 the state.

8 (d) If the Jail Standards Board determines a claim should be paid,
9 the board shall request that a warrant be drawn upon the State Treasurer
10 for the amount due to the county treasurer of the county, and the amount
11 drawn shall be credited to the general fund of the county.

12 (6) The Jail Standards Board may request or obtain additional
13 information to determine if a claim is accurate. The Jail Standards Board
14 shall have the sole authority to determine the amount of actual costs
15 that are reimbursable as eligible medical costs.

16 (7) For purposes of substantiating a claim, the Jail Standards Board
17 may audit the records and reports of a county relating to the county's
18 claim for reimbursement. The Jail Standards Board shall audit such
19 records and reports once every two years or as otherwise deemed necessary
20 by the Jail Standards Board. The county board shall keep the records
21 pertaining to a claim for two years after the date the claim is submitted
22 to the Jail Standards Board.

23 (8) The Jail Standards Board shall not reimburse a county for any
24 costs of medical services made necessary by the negligence, recklessness,
25 or intentional misconduct of a county jail or any employee or official of
26 the county jail or county.

27 (9) The Jail Standards Board may adopt and promulgate rules and
28 regulations to carry out this section.

29 (10) For fiscal year 2025-26 and each fiscal year thereafter, the
30 total annual appropriations approved by the Legislature for the Jail
31 Standards Board for eligible criminal court cost reimbursement shall not

1 exceed twenty-one million dollars.

2 **Sec. 2.** Section 33-117, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 33-117 (1) The several sheriffs shall charge and collect fees at the
5 rates specified in this section. The rates shall be as follows: (a)
6 Serving a capias with commitment or bail bond and return, twenty-five ~~two~~
7 dollars; (b) serving a search warrant, twenty-five ~~two~~ dollars; (c)
8 arresting under a search warrant, twenty-five ~~two~~ dollars for each person
9 so arrested; (d) unless otherwise specifically listed in subdivisions (f)
10 through (s) of this subsection, serving a summons, subpoena, order of
11 attachment, order of replevin, other order of the court, notice of
12 motion, other notice, other writ or document, or any combination thereof,
13 including any accompanying or attached documents, twenty-five ~~twelve~~
14 dollars for each person served, ~~except that when more than one person is~~
15 ~~served at the same time and location in the same case, the service fee~~
16 ~~shall be twelve dollars for the first person served at that time and~~
17 ~~location and three dollars for each other person served at that time and~~
18 ~~location;~~ (e) making a return of each summons, subpoena, order of
19 attachment, order of replevin, other order of the court, notice of
20 motion, other notice, or other writ or document, whether served or not,
21 twenty-five ~~six~~ dollars; (f) taking and filing a replevin bond or other
22 indemnification to be furnished and approved by the sheriff, twenty-five
23 dollars ~~one dollar~~; (g) making a copy of any process, bond, or other
24 paper not otherwise provided for in this section, thirty-five ~~twenty-five~~
25 cents per page; (h) traveling each mile actually and necessarily traveled
26 within or without their several counties in their official duties, three
27 cents more per mile than the rate provided in section 81-1176, ~~except~~
28 ~~that the minimum fee shall be fifty cents when the service is made within~~
29 ~~one mile of the courthouse,~~ and, as far as is expedient, all papers in
30 the hands of the sheriff at any one time shall be served in one or more
31 trips by the most direct route or routes and only one mileage fee shall

1 be charged for a single trip, the total mileage cost to be computed as a
2 unit for each trip and the combined mileage cost of each trip to be
3 reasonably prorated among the persons or parties liable for the payment
4 of same and a minimum fee of ten dollars to each such person or party
5 liable for payment of the same; (i) levying a writ or a court order and
6 return thereof, twenty-five ~~eighteen~~ dollars; (j) summoning a grand jury,
7 not including mileage to be paid by the county, twenty-five ~~ten~~ dollars;
8 (k) summoning a petit jury, not including mileage to be paid by the
9 county, twenty-five ~~twelve~~ dollars; (l) summoning a special jury, for
10 each person impaneled, five dollars ~~fifty cents~~; (m) calling a jury for a
11 trial of a case or cause, twenty-five dollars ~~fifty cents~~; (n) executing
12 a writ of restitution or a writ of assistance and return, twenty-five
13 ~~eighteen~~ dollars; (o) calling an inquest to appraise lands and tenements
14 levied on by execution, twenty-five dollars ~~one dollar~~; (p) calling an
15 inquest to appraise goods and chattels taken by an order of attachment or
16 replevin, twenty-five dollars ~~one dollar~~; (q) advertising a sale in a
17 newspaper in addition to the price of printing, twenty-five dollars ~~one~~
18 ~~dollar~~; (r) advertising in writing for a sale of real or personal
19 property, twenty-five ~~five~~ dollars; and (s) making deeds for land sold on
20 execution or order of sale, twenty-five ~~five~~ dollars.

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

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

1 (3) The sheriff shall, on the first Tuesday in January, April, July,
2 and October of each year, make a report to the county board showing (a)
3 the different items of fees collected, from whom, at what time, and for
4 what service, (b) the total amount of the fees collected by the officer
5 since the last report, and (c) the amount collected for the current year.
6 All fees collected by the sheriff, except mileage fees when the sheriff
7 or his or her employee is using a personal vehicle, shall be paid to the
8 county treasurer who shall credit the fees to the general fund of the
9 county.

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

13 (5) All fees collected pursuant to this section, except fees for
14 mileage accrued in a personal vehicle, by any constable who is a salaried
15 employee of the State of Nebraska shall be remitted to the clerk of the
16 county court. The clerk of the county court shall pay the same to the
17 General Fund.

18 **Sec. 3.** Section 77-1720, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 77-1720 (1) All fees allowed for issuing distress warrants, levy,
21 and return of the warrants, in the cases above provided, shall be twelve
22 ~~two~~ dollars for issuing each warrant, six dollars ~~one dollar~~ for levy,
23 and mileage at the rate provided in section 33-117 for county sheriffs
24 for each mile actually and necessarily traveled by such officer on each
25 warrant.

26 (2) When a county sheriff determines that safety concerns exist
27 requiring the use of more than one officer to serve a warrant, the county
28 sheriff may charge a fee for each additional officer required, not to
29 exceed the rates otherwise provided for in this section.

30 (3) When the officer has more than one warrant in his or her hands
31 for service, he or she shall charge only for the mileage actually and

1 necessarily traveled in serving all of the warrants, in which case the
2 mileage so charged shall be reasonably prorated among such warrants, with
3 a minimum charge of ten dollars for each warrant served.

4 (4) Commission shall be allowed in addition on all taxes collected
5 by distress and sale as follows: On all sums not exceeding one hundred
6 thousand dollars, ten cents on each dollar; and on all sums exceeding one
7 hundred thousand dollars, eight cents on each dollar.

8 (5) All fees, mileage, and commissions shall be taxed to the parties
9 against whom the distress warrants run and shall be collected as the
10 original tax.

11 (6) When the taxes are not collected by distress and sale, the
12 mileage shall be paid as provided in section 33-117. When mileage has
13 been paid as provided in section 33-117 and the tax, together with all
14 fees, mileage, and commission are collected, then the amount collected as
15 mileage shall be paid to the county treasurer with the fees and
16 commission and credited by the county treasurer to the general fund of
17 the county.

18 **Sec. 4.** Original section 77-1720, Reissue Revised Statutes of
19 Nebraska, and section 33-117, Revised Statutes Cumulative Supplement,
20 2024, are repealed.

21 **Sec. 5.** Since an emergency exists, this act takes effect when
22 passed and approved according to law.