

LEGISLATIVE BILL 625

Approved by the Governor March 22, 1974

Introduced by Kime, 43

AN ACT to amend section 83-424, Reissue Revised Statutes of Nebraska, 1943, sections 33-117 and 83-337, Revised Statutes Supplement, 1972, and sections 23-1112 and 23-1112.01, Revised Statutes Supplement, 1973, relating to fees and allowances; to increase allowances for mileage and boarding of prisoners; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 23-1112, Revised Statutes Supplement, 1973, be amended to read as follows:

23-1112. When it is necessary for any county officer or his deputy or assistants, except any county sheriff or his deputy, to travel on business of the county, he shall be allowed mileage at the rate of ~~twelve~~ sixteen cents per mile for each mile actually and necessarily traveled by the most direct route, if the trip or trips be made by automobile, but if travel by rail or bus shall be economical and practical, he shall be allowed only the actual cost of rail or bus transportation, upon the presentation of his bill for the same accompanied by a proper voucher, to the county board of his county in like manner as is provided for as to all other claims against the county.

Sec. 2. That section 23-1112.01, Revised Statutes Supplement, 1973, be amended to read as follows:

23-1112.01. 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 mileage claim shall be allowed at the rate of ~~twelve~~ sixteen cents per mile for each mile actually and necessarily traveled by the most direct route, regardless of the fact that one or more persons are transported in the motor vehicle. 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.

Sec. 3. That section 33-117, Revised Statutes Supplement, 1972, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees as follows: Serving capias with commitment or bail bond and return, two dollars; serving search warrant, two dollars; arresting under search warrant, two dollars for each person so arrested; serving summons, subpoena in equity, order of attachment, order of replevin, writ of injunction, scire facias, citation, or other writ or mesne process and return thereof, one dollar for the first defendant and fifty cents for each of the other defendants in the same case; copy of summons, subpoena in equity or order of attachment, fifty cents; serving subpoena for witness, each person served, fifty cents; taking and filing replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; making a copy of any process, bond, or paper other than herein provided for, fifty cents; traveling expenses for each mile actually and necessarily traveled within or without their several counties in their official duties, ~~fifteen~~ eighteen cents, except that the minimum fee shall be fifty cents when such service is made within two miles 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; levying writ of execution and return thereof, two dollars; levying writ of possession without the aid of the county, two dollars; levying writ of possession with the aid of the county, four dollars; summoning the grand jury, not including mileage to be paid by the county, ten dollars; summoning petit jury, not including mileage to be paid by the county, twelve dollars; summoning special jury for each person impaneled, fifty cents; calling jury for trial of a case or cause, fifty cents; serving notice of motion, other notice, or order of court, one dollar; executing writ of restitution and return, two dollars; calling inquest to appraise lands and tenements levied on by execution, one dollar; calling inquest to appraise goods and chattels taken by order of attachment or replevin, one dollar; advertisement of sale in newspaper in addition to the price of printing, one dollar; advertising in writing for sale of real or personal property, two dollars; executing writ of partition, four dollars; making deeds for land sold on execution or order of sale, two dollars; committing prisoner to prison, one dollar; commission on all money received and disbursed by him on execution or order of sale, order of attachment decree, or on 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; for every dollar above one thousand dollars, two cents; Provided, in all cases where no money is received or disbursed by him no percentage shall be allowed; for guarding prisoners when it is actually necessary, four dollars per day, to be paid by the county; where there are prisoners confined in the county jail, three dollars shall be allowed the sheriff as jailer; for boarding prisoners, other than state prisoners, ~~two~~ three dollars and fifty cents per day, in all counties where there is an average of less than fifty prisoners per day, computed on the basis of all kinds of prisoners, whether city, county, state, federal, or any other class, confined in the jail, and ninety cents per day where there is an average of more than fifty such prisoners per day; and provided further, the fees for committing, guarding, confining, and the boarding of prisoners, other than state prisoners, in counties having a population of more than two hundred thousand inhabitants shall be governed by section 33-117.01.

(2) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board, under oath, 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 such fees collected or earned by such officer since the last report, and (c) the amount collected or earned for the current year. He shall pay all fees earned to the county treasurer, who shall credit same to the general fund of the county.

Sec. 4. That section 83-337, Revised Statutes Supplement, 1972, be amended to read as follows:

83-337. (1) The members of the county board of mental health, except the clerk of the district court, in counties having a population of not more than two hundred thousand inhabitants, shall be allowed compensation at the rate of twenty dollars for the hearing and final determination of each case, and the members of the county board of mental health, except the clerk of the district court, in counties having a population of more than two hundred thousand inhabitants, shall be allowed compensation at the rate of twenty dollars per day each for the time actually employed in the duties of their office. They shall also be allowed their necessary and actual expenses, not including charges for board, and if mileage be included in their expenses, it shall be computed in accordance with the provisions of section 23-1112.

(2) The examining physician shall, if a member of the board of mental health, be entitled to twenty dollars for each case examined and mileage at the rate of ten cents per mile each way; if not a member of the board of mental health, he shall be entitled to compensation at the rate of thirty dollars per case for time spent by him in connection with physical or mental examinations at the request of the board of mental health and mileage at the rate of ten cents per mile each way.

(3) The sheriff shall be allowed, for conveying a patient to a state hospital for the mentally ill and returning, mileage at the rate of ten sixteen cents per mile for each mile actually and necessarily traveled and for other service the sheriff shall receive the same fees as for like services in other cases.

(4) Witnesses shall be entitled to the same fees and mileage as witnesses in the district court.

(5) All compensation and expenses provided for in this section shall be allowed and paid out of the county treasury by the county board. Whenever the county board of mental health issues its warrant for the admission of a person to a hospital, or orders the return of a patient, and funds to pay the expenses thereof are needed in advance, it shall estimate the probable expense of conveying the patient to the hospital, including the necessary assistance. The clerk of the county board of mental health shall certify the estimate, and the county clerk shall issue an order on the treasurer of the county in favor of the sheriff or person entrusted with the execution of the warrant.

(6) The sheriff or person executing the warrant shall include in his return a statement of the expenses incurred, including the excess or deficiency, if any, of any amount advanced for such expenses, as authorized by subsection (5) of this section. Any excess shall be paid to the county treasurer, taking his receipts therefor, and any deficiency shall be obtained by filing a claim with the county board therefor. If no funds are advanced, the expenses shall be certified on the warrant and paid when it is returned.

Sec. 5. That section 83-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-424. The expenses and fees of sheriffs and other officers incurred in conveying convicts to the Nebraska Penal and Correctional Complex shall be examined, adjusted, and approved by the county board and

paid out of the treasury of the county in which the crime was committed. The county board shall allow expenses and fees at the following rates: (1) For the sberiff, six dollars per day for time actually necessary in conveying a prisoner to the Nebraska Penal and Correctional Complex and return; (2) for each assistant or guard absolutely necessary, six dollars per day; and (3) no allowance for assistance shall be made where but one prisoner is conveyed to the Nebraska Penal and Correctional Complex. The county board shall allow the actual and necessary traveling expenses in going and coming. Where the trip is made by automobile, mileage included in such expenses shall be computed on the basis of ~~ten~~ sixteen cents for each mile actually and necessarily traveled by the most direct route.

Sec. 6. That original section 83-424, Reissue Revised Statutes of Nebraska, 1943, sections 33-117 and 83-337, Revised Statutes Supplement, 1972, and sections 23-1112 and 23-1112.01, Revised Statutes Supplement, 1973, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.