

LEGISLATIVE BILL 4

Approved by the Acting Governor January 24, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to fees and salaries; to amend sections 16-252, 17-566, 33-106.02, 33-107, 33-108, and 47-120, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to eliminate obsolete language; to change incorrect references; to harmonize provisions; to transfer sections; and to repeal the original sections.

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

Section 1. That section 16-252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-252. Any city of the first class shall have the right to use the jail of the county for the confinement of such persons as may be ~~liable to imprisonment~~ imprisoned under the ordinances of ~~said such city.~~ The city ; ~~but it shall be liable to the county for the cost of keeping such prisoners in such amounts as are provided by sections 33-117 and 33-117-01 for boarding prisoners other than state prisoners as provided by section 47-120.~~

Sec. 2. That section 17-566, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-566. Any city of the second class or village shall have the right to use the jail of the county for the confinement of such persons as may be ~~liable to imprisonment~~ imprisoned under the ordinances of such city or village. The city or village ; ~~but it shall be liable to the county for the cost of keeping such prisoners in such amounts as are provided by sections 33-117 and 33-117-01 for boarding prisoners other than state prisoners as provided by section 47-120.~~

Sec. 3. That section 33-106.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-106.02. The clerk of the district court of each county shall ~~in no case~~ not retain for his or her own use any fees, revenue, perquisites, or receipts, fixed, enumerated, or provided in this or any other

section of the statutes of the State of Nebraska. The clerk shall on or before the fifteenth day of each month make a report to the county board, under oath, showing the different items of such fees, revenue, perquisites, or receipts received, from whom, at what time, and for what service, and the total amount received by such officer since the last report, and also the amount received for the current year. The clerk shall account for and pay any fees, revenue, perquisites, or receipts not later than the fifteenth day of the month following the calendar month in which such fees, revenue, perquisites, or receipts were received in the following manner: (1) if a ~~Of the~~ forty-dollar docket fee is imposed pursuant to section 33-106, five dollars ~~of such fee~~ shall be transmitted to the State Treasurer who shall deposit the same in the General Fund; and (2) the remaining fees, revenue, perquisites, or receipts shall be credited to the general fund of the county. ~~If a thirty-five dollar docket fee is imposed pursuant to section 33-106, the entire fee shall be credited to the general fund of the county.~~

Sec. 4. That section 33-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~33-107-~~ The judge of the district court may, if the business of the court requires, appoint a bailiff or bailiffs. In counties having more than sixty thousand inhabitants, bailiffs shall be appointed and shall hold office for a term of one year, unless sooner removed by the appointing judge. In counties having not more than sixty thousand inhabitants, the appointment shall continue only so long as is necessary. Bailiffs shall receive for their services either (a) an annual salary in an amount to be fixed by the county board, payable in monthly installments from the county general fund, or (b) a per diem in an amount to be fixed by the county board, payable monthly from the county general fund.

Sec. 5. That section 33-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~33-108-~~ (1) In all cases ~~where~~ when the county attorney has engaged in the courts of another county in any suit, application, or motion, either civil or criminal, in which the state or county is a party interested, which has been transferred by change of venue from his or her county to another county, he or she shall be allowed his or her reasonable and necessary traveling and hotel expenses while so engaged, in

addition to his or her regular salary.

(2) The expenses, referred to in subsection (1) of this section, shall be paid to him or her upon the presentation of a bill for the same, accompanied by proper vouchers, to the county board of his or her county, in like manner as provided in all other cases of claims against the county. In ~~PROVIDED~~, that in computing reasonable and necessary traveling expenses, ~~as aforesaid; he or she the county attorney~~ shall be allowed mileage at the rate allowed by the provisions of section 23-1112, but, if travel by rail or bus ~~be is~~ economical and practical and if mileage expense may be reduced thereby, he or she shall be allowed only the actual cost of rail or bus transportation.

Sec. 6. That section 47-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~47-120. Commencing January 1, 1983, the~~ The county board or county board of corrections serving pursuant to Chapter 23, article 28, shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff shall have full charge and control of such services and the county board shall provide for all washing, fuel, lights, and clothing for prisoners, subject to the right of the county to be paid by the state for state prisoners at the rate of three dollars and fifty cents per day, and subject to the right of the county to be paid by the city or federal government for city or federal prisoners at actual cost to the county. Supplies of every nature entering into the furnishing of meals, washing, fuel, lights, and clothing to the prisoners confined in the county jail shall be purchased and provided, under the direction of the county sheriff. Payment for all purchases shall only be made by the county board on the original invoices submitted by the sheriff of goods, supplies, and services, setting forth; (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) that they have been or will be devoted exclusively to the purposes authorized in this section, and (4) that the price charged is reasonable and just. ~~Commencing January 1, 1983, the county sheriff shall no longer be reimbursed for boarding prisoners under section 33-117, but nothing~~ Nothing in this section shall be construed to restrict the sheriff in employing necessary personnel and from otherwise carrying out his or her duties in operation of

the jail.

Sec. 7. That original sections 16-252, 17-566, 33-106.02, 33-107, 33-108, and 47-120, Reissue Revised Statutes of Nebraska, 1943, are repealed.