

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1162

FINAL READING

Introduced by Lowe, 37.

Read first time January 11, 2024

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to county government; to amend sections
- 2 23-1112.01 and 33-117, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to fees and mileage for sheriffs and
- 4 constables; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 23-1112.01 (1) If a trip or trips included in an expense claim
4 filed by any county officer or employee for mileage are made by personal
5 automobile or otherwise, only one claim shall be allowed pursuant to
6 section 23-1112, regardless of the fact that one or more persons are
7 transported in the motor vehicle.

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

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

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

16 33-117 (1) The several sheriffs shall charge and collect fees at the
17 rates specified in this section. The rates shall be as follows: (a)
18 Serving a capias with commitment or bail bond and return, two dollars;
19 (b) serving a search warrant, two dollars; (c) arresting under a search
20 warrant, two dollars for each person so arrested; (d) unless otherwise
21 specifically listed in subdivisions (f) through ~~to~~ (s) of this
22 subsection, serving a summons, subpoena, order of attachment, order of
23 replevin, other order of the court, notice of motion, other notice, other
24 writ or document, or any combination thereof, including any accompanying
25 or attached documents, twelve dollars for each person served, except that
26 when more than one person is served at the same time and location in the
27 same case, the service fee shall be twelve dollars for the first person
28 served at that time and location and three dollars for each other person
29 served at that time and location; (e) making a return of each summons,
30 subpoena, order of attachment, order of replevin, other order of the
31 court, notice of motion, other notice, or other writ or document, whether

1 served or not, six dollars; (f) taking and filing a replevin bond or
2 other indemnification to be furnished and approved by the sheriff, one
3 dollar; (g) making a copy of any process, bond, or other paper not
4 otherwise provided for in this section, twenty-five cents per page; (h)
5 traveling each mile actually and necessarily traveled within or without
6 their several counties in their official duties, three cents more per
7 mile than the rate provided in section 81-1176, except that the minimum
8 fee shall be fifty cents when the service is made within one mile of the
9 courthouse, and, as far as is expedient, all papers in the hands of the
10 sheriff at any one time shall be served in one or more trips by the most
11 direct route or routes and only one mileage fee shall be charged for a
12 single trip, the total mileage cost to be computed as a unit for each
13 trip and the combined mileage cost of each trip to be prorated among the
14 persons or parties liable for the payment of same; (i) levying a writ or
15 a court order and return thereof, eighteen dollars; (j) summoning a grand
16 jury, not including mileage to be paid by the county, ten dollars; (k)
17 summoning a petit jury, not including mileage to be paid by the county,
18 twelve dollars; (l) summoning a special jury, for each person impaneled,
19 fifty cents; (m) calling a jury for a trial of a case or cause, fifty
20 cents; (n) executing a writ of restitution or a writ of assistance and
21 return, eighteen dollars; (o) calling an inquest to appraise lands and
22 tenements levied on by execution, one dollar; (p) calling an inquest to
23 appraise goods and chattels taken by an order of attachment or replevin,
24 one dollar; (q) advertising a sale in a newspaper in addition to the
25 price of printing, one dollar; (r) advertising in writing for a sale of
26 real or personal property, five dollars; and (s) making deeds for land
27 sold on execution or order of sale, five dollars.

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

1 dollar above four hundred dollars and not exceeding one thousand dollars,
2 four cents; and for every dollar above one thousand dollars, two cents.

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

7 (3) The sheriff shall, on the first Tuesday in January, April, July,
8 and October of each year, make a report to the county board showing (a)
9 the different items of fees, ~~except mileage,~~ collected ~~or earned,~~ from
10 whom, at what time, and for what service, (b) the total amount of the
11 fees collected ~~or earned~~ by the officer since the last report, and (c)
12 the amount collected ~~or earned~~ for the current year. All fees collected
13 by the sheriff, except mileage fees when the sheriff or his or her
14 employee is using a personal vehicle, shall be paid ~~He or she shall pay~~
15 ~~all fees earned~~ to the county treasurer who shall credit the fees to the
16 general fund of the county.

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

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

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