

LEGISLATIVE BILL 271

Approved by the Governor April 17, 1978

Introduced by F. Lewis, 45

AN ACT to amend section 24-342, Reissue Revised Statutes of Nebraska, 1943, relating to the district court; to increase certain fees the reporter is entitled to receive; and to repeal the original section.

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

Section 1. That section 24-342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-342. On the application of the county attorney, or any party to a suit in which a record of the proceedings has been made, upon receipt of the writ of error as provided in section 29-2526, or upon the filing of a praecipe for a bill of exceptions by an appealing party in the office of the clerk of the district court as provided in section 25-1140, a transcribed copy of the proceedings so recorded, or any part thereof, shall be prepared. The reporter shall be entitled to receive, in addition to his salary, a fee of ~~forty-five~~ seventy-five cents per hundred words, to be paid by the party requesting the same; except (1) where such copy is required by the county attorney, the fee therefor shall be paid by the county in the same manner as other claims are paid, (2) where the defendant in a criminal case, after conviction, shall make an affidavit that he is unable by reason of his poverty to pay for such copy, the court or judge thereof may, by order endorsed on such affidavit, direct delivery of such transcribed copy to such defendant, and the fee therefor shall be paid by the county in the same manner as other claims are allowed and paid, or (3) when such copy is prepared in any criminal case in which the sentence adjudged is capital the fees therefor shall be paid by the county in the same manner as other claims are allowed or paid. The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court. The fee paid shall be taxed, by the clerk of the district court to the party against whom the judgment or decree is rendered, except as otherwise ordered by the presiding district judge.

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Sec. 2. That original section 24-342, Reissue Revised Statutes of Nebraska, 1943, is repealed.