

## LEGISLATIVE BILL 37

Approved by the Governor February 25, 1991

Introduced by Kristensen, 37

AN ACT relating to bills of exceptions; to amend section 25-1140.09, Reissue Revised Statutes of Nebraska, 1943; to change the fees allowed court reporters for preparation of a transcribed copy of proceedings; to repeal the original section; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-1140.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1140.09. 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 notice provided in section 29-2525, 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, the court reporter shall prepare a transcribed copy of the proceedings so recorded, or any part thereof, and shall be prepared. The reporter shall be entitled to receive, in addition to his or her salary, a fee of seventy-five cents per hundred words two dollars and seventy-five cents per page for the original copy and fifty cents per page for each other copy, to be paid by the party requesting the same; except (1) when such copy except as otherwise provided in this section.

When the transcribed copy of the proceedings is required by the county attorney, the fee therefor shall be paid by the county in the same manner as other claims are paid. When (2) when the defendant in a criminal case, after conviction, shall make makes an affidavit that he or she is unable by reason of his or her 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. When (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.

Sec. 2. That original section 25-1140.09, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.