

## LEGISLATIVE BILL 647

Passed over the Governor's veto March 27, 1974

Introduced by Kime, 43

AN ACT to amend section 24-342.01, Revised Statutes Supplement, 1972, and section 24-342, Revised Statutes Supplement, 1973, relating to courts; to provide for evidence and records; to provide for compensation and expenses; to provide an operative date; and to repeal the original sections, and also sections 24-338, 24-339.05, 24-340, 24-343, and 24-344, Reissue Revised Statutes of Nebraska, 1943, and sections 24-339, 24-339.01, and 24-341, Revised Statutes Supplement, 1972; and to declare an emergency.

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

Section 1. The Supreme Court shall provide by rule for the recording and preservation of evidence in all cases in the district and separate juvenile courts and for the preparation of transcripts and bills of exceptions. Court reporters and other persons employed to perform the duties required by such rules shall be appointed by the judge under whose direction they work. The Supreme Court shall prescribe uniform salary schedules for such employees, based on their experience and training and the methods used by them in recording and preserving evidence and preparing transcripts and bills of exceptions. Salaries and actual and necessary expenses of such employees shall be paid by the State of Nebraska from funds appropriated to the Supreme Court.

Sec. 2. That section 24-342, Revised Statutes Supplement, 1973, be amended to read as follows:

~~24-342. It shall be the duty of such reporter to furnish on~~ On the application of the county attorney, or any party to a suit in which a ~~stenographic report record~~ stenographic report record of the proceedings has been made, upon receipt of ~~notice from the clerk of the district court the writ of error~~ notice from the clerk of the district court 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.~~ shall be prepared. The reporter shall be entitled to receive, in addition to his salary, a fee of forty-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, his 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 ~~the--reporter--to--deliver~~ delivery of such transcribed copy to such defendant, and his 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 his 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. 3. That section 24-342.01, Revised Statutes Supplement, 1972, be amended to read as follows:

24-342.01. The court--reporter Supreme Court shall preserve provide by rule for the preservation of all records and of all exhibits offered or received in evidence in the trial of any action, except--as--it shall--become--necessary--to--include--thes--in--bills--of exceptions--being--prepared--in--connection--with--appeals--to the--Nebraska--Supreme--Court. When the records of the district court do not show any unfinished matter pending in the action, a judge of the district court if satisfied they are no longer valuable for any purpose may, upon such notice as the judge may direct, order the destruction, return, or other disposition of such exhibits as he deems appropriate when approval is given by the State Records Board pursuant to sections 84-1201 to 84-1220.

Sec. 4. This act shall become operative on July 1, 1974.

Sec. 5. That original section 24-342.01, Revised Statutes Supplement, 1972, and section 24-342, Revised Statutes Supplement, 1973, and also sections 24-338, 24-339.05, 24-340, 24-343, and 24-344, Reissue Revised Statutes of Nebraska, 1943, and sections 24-339, 24-339.01, and 24-341, Revised Statutes Supplement, 1972, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.