

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 441

Introduced by Council, 11; Cook, 13.

Read first time January 20, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to transcripts; to amend sections 14-813
2 and 19-2424, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to the costs of transcripts of
4 certain municipal proceedings; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-813, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-813 Whenever the right of appeal is conferred by
4 this act, the procedure, unless otherwise provided shall be
5 substantially as follows: The claimant or appellant shall, within
6 twenty days from the date of the order complained of, execute a
7 bond to such city with sufficient surety to be approved by the
8 clerk, conditioned for the faithful prosecution of such appeal,
9 and the payment of all costs adjudged against the appellant. Such
10 bond shall be filed in the office of the city clerk. ~~It~~ Upon
11 the request of the appellant and the payment by the appellant to
12 the city clerk or his or her designee of the estimated cost of
13 preparation of the transcript, it shall be the duty of the city
14 clerk, on payment or tender to him of the costs of the transcript,
15 at the rate of ten cents per hundred words, to prepare to see
16 that a complete transcript of the proceedings of the city relating
17 to their ~~its~~ decision thereon, is prepared. The cost of preparing
18 the transcript shall be calculated in the same manner as the
19 calculation of the fee for a court reporter for the preparation of
20 a bill of exceptions as specified by rules of practice prescribed
21 by the Supreme Court. At such time as the completed transcript
22 is presented to the appellant, the appellant shall pay the amount
23 of the cost of preparation in excess of the estimated amount
24 already paid or shall receive a refund of any amount in excess
25 of the actual cost. An appellant deemed indigent for purposes of

1 sections 29-3901 to 29-3908 shall not be required to pay any costs
 2 associated with such transcript preparation. It shall be the duty
 3 of the claimant or appellant to file a petition in the district
 4 court as in the commencement of an action within thirty days from
 5 the date of the order or award appealed from, and he or she shall
 6 also file such transcript before answer day. The proceedings of
 7 the district court shall thereafter be the same as on appeal from
 8 the county board. Any taxpayer may appeal from the allowance of
 9 any claim against the city by giving a bond and complying with
 10 ~~the foregoing provisions;~~ PROVIDED, ~~the foregoing provisions~~ this
 11 section.

12 This section shall not be so construed as to prevent the
 13 city council from once reconsidering their action on any claim or
 14 award upon ten days' notice to the parties interested.

15 Sec. 2. Section 19-2424, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 19-2424 ~~It~~ Upon the request of the owner appealing a
 18 special assessment and the payment by him or her of the estimated
 19 cost of preparation of the transcript to the city or village clerk
 20 or such clerk's designee, it shall be the duty of the city or
 21 village clerk, ~~on tender or payment to him of the cost of preparing~~
 22 ~~the transcript at the rate of ten cents per one hundred words,~~
 23 ~~to prepare~~ to see that a complete transcript of the proceedings
 24 before such city or village is prepared. The cost of preparing
 25 the transcript shall be calculated in the same manner as the

1 calculation of the fee for a court reporter for the preparation of
2 a bill of exceptions as specified by rules of practice prescribed
3 by the Supreme Court. At such time as the completed transcript is
4 provided to the appellant, the appellant shall pay the amount of
5 the cost of preparation which is in excess of the estimated cost
6 already paid or shall receive a refund of any amount in excess
7 of the actual cost. An appellant deemed indigent for purposes of
8 sections 29-3901 to 29-3908 shall not be required to pay any costs
9 associated with such transcript preparation.

10 Sec. 3. Original sections 14-813 and 19-2424, Reissue
11 Revised Statutes of Nebraska, are repealed.