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LB 921

include the Bill of Exceptions when requesting an appeal. Presently the statute is ambiguous because it only requires inclusion of the hearing transcript. As defined by the courts, a transcript means only those documents in a court file. A Bill of Exceptions is a transcript of the testimony taken at a hearing. This problem was highlighted in the 1999 decision by the Court of Appeals, State of Nebraska v. Asuncion Ruiz-Medina, in which the Nebraska Court of Appeals determined that the state had not properly filed a transcript of the relevant evidence. While the court of appeals did not specifically address the question of whether a Bill of Exceptions is appropriate for compliance with the statutes as they currently exist, the court determined that, in order for the state to fully comply with the law, a Bill of Exceptions should have been filed. Thus AM2612, which is taken from, as I indicated, another bill, clarifies that all evidence, including a transcript of the testimony, which is the Bill of Exceptions, must be submitted in these applications for review. This seemed like an ideal opportunity to make this important correction to our statutes. I would urge the adoption of AM2612. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. We are discussing AM2612 to LB 921. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Brashear a question or two, if I may.

SENATOR CUDABACK: Would you respond, Senator Brashear?

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: Brother...I mean, Senator Brashear, I was occupied. Is this one of the amendments that you had discussed with me earlier, this one that...

SENATOR BRASHEAR: This...this is...this is one of those two that I came over to you and:..

SENATOR CHAMBERS: Yes.

SENATOR BRASHEAR: ...and sought a determinative definition of that which is and that which is not.