

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 681

Introduced by Hilgers, 21.

Read first time January 23, 2019

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Legislature; to amend sections 50-406
- 2 and 50-407, Revised Statutes Cumulative Supplement, 2018; to change
- 3 provisions relating to legislative subpoenas; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 50-406, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 50-406 ~~Any~~ ~~In the discharge of any duty imposed by the Legislative~~
4 ~~Council, by statute, or by a resolution of the Legislature, the council,~~
5 ~~any committee thereof, and any standing or special committee created by~~
6 ~~statute or resolution~~ of the Legislature may hold public hearings and may
7 administer oaths, issue subpoenas when the committee has received prior
8 approval by a majority vote of the Executive Board of the Legislative
9 Council to issue subpoenas in connection with the specific inquiry or
10 investigation in question, compel the attendance of witnesses and the
11 production of any papers, books, accounts, documents, and testimony, and
12 cause the depositions of witnesses to be taken in the manner prescribed
13 by law for taking depositions in civil actions in the district court. The
14 council or the committee may require any state agency, political
15 subdivision, or person to provide information relevant to the committee's
16 work, and the state agency, political subdivision, or person shall
17 provide the information requested within thirty days after the request
18 except as provided for in a subpoena. The statute or resolution creating
19 a committee may prescribe limitations on the authority granted by this
20 section.

21 Litigation to compel or quash compliance with authority exercised
22 pursuant to this section shall be advanced on the trial docket and heard
23 and decided by the court as quickly as possible. Either party may appeal
24 to the Court of Appeals within ten days after a decision is rendered.

25 The district court of Lancaster County has jurisdiction over all
26 litigation arising under this section. In all such litigation the
27 executive board shall provide for legal representation for the council or
28 committee.

29 Sec. 2. Section 50-407, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 50-407 (1) In case of disobedience on the part of any person to

1 comply with any subpoena issued on behalf of ~~the council~~ or any standing
2 or special committee of the Legislature thereof or of the refusal of any
3 witness to testify on any matters regarding which he or she may be
4 lawfully interrogated, the district court of Lancaster County or the
5 judge thereof, on application of a member of the Legislative Council
6 ~~council~~, shall compel obedience by proceedings for contempt as in the
7 case of disobedience of the requirements of a subpoena issued from such
8 court or a refusal to testify therein.

9 (2) If a witness refuses to testify before a special committee of
10 the Legislature authorized pursuant to section 50-404 on the basis of the
11 privilege against self-incrimination, the chairperson of the committee
12 may request a court order pursuant to sections 29-2011.02 and 29-2011.03.

13 Sec. 3. Original sections 50-406 and 50-407, Revised Statutes
14 Cumulative Supplement, 2018, are repealed.