

LEGISLATIVE BILL 613

Approved by the Governor June 5, 2013

Introduced by Schumacher, 22; Campbell, 25; Harms, 48; Harr, 8; Lathrop, 12; Mello, 5; Davis, 43; Conrad, 46; Dubas, 34; Ashford, 20; McCoy, 39; Chambers, 11.

FOR AN ACT relating to the Legislature; to amend sections 50-406 and 50-407, Reissue Revised Statutes of Nebraska; to change powers of the Legislative Council and committees of the Legislature; to provide for litigation and appeals; to change provisions relating to court jurisdiction; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 50-406, Reissue Revised Statutes of Nebraska, is amended to read:

50-406 In the discharge of any duty herein imposed ~~the council, or any committee thereof,~~ shall have authority ~~to~~ by the Legislative Council, by statute, or by a resolution of the Legislature, the council, any committee thereof, and any standing or special committee created by statute or resolution of the Legislature may hold public hearings and may administer oaths, issue subpoenas when the committee has received prior approval by a majority vote of the Executive Board of the Legislative Council to issue subpoenas in connection with the specific inquiry or investigation in question, upon approval of a majority of the council or committee, compel the attendance of witnesses, and the production of any papers, books, accounts, documents, and testimony, and ~~to~~ cause the depositions of witnesses ~~either residing within or without the state~~ to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. The council or the committee may require any state agency, political subdivision, or person to provide information relevant to the committee's work, and the state agency, political subdivision, or person shall provide the information requested within thirty days after the request except as provided for in a subpoena. The statute or resolution creating a committee may prescribe limitations on the authority granted by this section.

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

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

Sec. 2. Section 50-407, Reissue Revised Statutes of Nebraska, is amended to read:

50-407 In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council or any committee thereof or of the refusal of any witness to testify on any matters regarding which he or she may be lawfully interrogated, the district court ~~for any county of Lancaster County~~ or the judge thereof, on application of a member of the council, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

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

Sec. 3. Original sections 50-406 and 50-407, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.