

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB681**

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**Hearing Date:** Thursday February 28, 2019  
**Committee On:** Executive Board  
**Introducer:** Hilgers  
**One Liner:** Change provisions relating to legislative subpoenas

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 9 Senators Bolz, Chambers, Hilgers, Hughes, Kolterman, Lowe, McCollister, Scheer, Vargas

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Mike Hilgers

**Representing:**

Self

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Summary of the Bill:

LB681 strikes language that was added in 2013 (LB613) regarding circumstances when the Legislature or one of its committees may hold hearings, compel testimony, or issue subpoenas

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**Explanation of amendments:**

Summary of Committee Amendment (AM3149)

Sections 1 and 2 add coordinating language to current law regarding witnesses who refuse to testify or provide information.

Section 3 codifies the inherent constitutional authority of the Legislature, the Legislative Council, and standing committees to

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conduct investigations and issue subpoenas.

This section also amends current law to clarify the process for conducting investigations and issuing subpoenas for: (1) The Legislative Council; (2) standing committees of the Legislature; and (3) special legislative investigative and oversight committees.

? For the Legislative Council to issue subpoenas, it must be in connection with a specific investigation and only after receiving prior approval from the Executive Board.

? For a standing committee to issue subpoenas, it must be after receiving prior approval from the Executive Board.

? For a special legislative investigative or oversight committee to issue subpoenas, the committee must have been created pursuant to a statute or resolution that provides for a specific legislative inquiry or investigation. In the case of a resolution, it must first have been adopted by a majority of the members of the Legislature during session or by a majority of the members of the Executive Board during the interim, and subpoena power must specifically be authorized.

If litigation to compel or quash a subpoena is filed, the district court is required to issue its decision no later than 20 days after the filing of a petition or motion to quash.

Section 4 amends 50-407 relating to the enforcement of legislative subpoenas. If a person refuses to comply with a subpoena issued by the Legislative Council/standing committee/special legislative investigative or oversight committee, then a vote shall be taken at the hearing at which the person was subpoenaed to appear, to determine if the person is to be found in contempt of the subpoena or vote to find that the failure to comply or testify was not willful.

If a majority of committee members vote to find the person in contempt, the committee or Legislative Council may petition the district court to compel compliance. The petition is to be filed by the Chairperson of the Executive Board on behalf of the Legislative Council and in the case of a standing or special legislative investigative or oversight committee, the filing shall be joined by the chairperson of the committee.

Section 5 adds language to provide that when a subpoena was issued during a previous legislative biennium and is still pending, the Executive Board shall take a vote to renew the subpoena and if the subpoena was issued by a standing committee, the committee shall also vote on whether to renew the subpoena. If the required votes are successful, then the subpoena is renewed and relates back to its issuance. The subpoena would be considered to be in full force and effect for the entire period.

This section also iterates the Legislature's constitutional authority to determine the rules of its proceedings and since the referencing process is set out in the Legislature's rules, it cannot be invalidated in a judicial proceeding.

Sections 6 and 7 are harmonizing sections.

Section 8 repeals the original sections.

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Mike Hilgers, Chairperson