

**2013 SENATE JUDICIARY**

**SB 2230**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2230  
2/5/2013  
Job #18286

Conference Committee

Committee Clerk Signature 

Minutes:

**Relating to a request by a legislative majority or minority leader for an opinion of the legislative council on the constitutionality of pending legislation.**

**Senator David Hogue - Chairman**

**Senator Triplett** - Introduces the bill and explains its intent. She said they are trying to help the membership of the legislature think about the constitutionality of bills before passage. She goes on to say it is in all of their interest to improve the process. The bill allows any of the four leaders of either House to make a written request to the director of Legislative Council directing an issuance of a formal opinion of Legislative Council on the constitutionality of pending legislation.

**Senator Sitte** - Asks if she has an example of the issues.

**Senator Triplett** - She states the one that brought it to her mind was the fighting Sioux bill last session.

**Senator Hogue** - States that the attorney's in Legislative Council regard themselves as a lawyer for the Senator or Representative that they are crafting a bill for and respect the attorney client relationship. He asks if this bill will change that if they tell a legislator their bill is no good.

**Senator Triplett** - Says they do that already and it wouldn't be just one person's opinion.

**Senator Hogue** - Asks if it would be in form of a formal opinion.

**Senator Triplett** - Replies yes, but if formal opinion is the wrong phrase it could be changed. She just wants it in writing. She goes to explain there would be a time crunch because of the legislative process. The idea is to provide a higher quality bit of information to legislators.

**Senator Hogue** - Asks if this would compromise their neutral stance on bills when they have to rule on the constitutionality of it.

**Senator Triplett** - She still sees it as a role to help the committee. She explains she hopes they would offer a solution to a problem. She does not see this as adversarial in anyway but a help to legislators.

**Tom Trenbeath** - Chief Deputy Attorney General - In support - He said their office is happy to provide opinions but are uncomfortable with constitutional questions. He said it is their role to defend the constitutionality of anything the legislature passes. He explains how an amendment changes their opinion. He said this provides a format for a formal presentation through leadership with a formal response from the attorney's in Legislative Council.

Opposition

Neutral

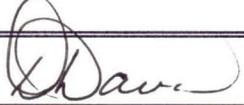
Close the hearing on 2230

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2230  
2/12/2013  
Job #18822

Conference Committee

Committee Clerk Signature 

**Minutes:**

*vote*

## Senator Hogue - Chairman

### Committee work

The committee discusses Legislative Council's role in providing constitutional opinions. Some would like to know if something they are working on is not constitutional. Senator Armstrong says they do that now and he thinks that it would be used a lot. He thinks it would have to be a special section of attorneys. Senator Hogue explains the process of an Attorney General's opinion. He goes on to explain how time consuming this is and it is a time constraint they do not have. Senator Grabinger thinks this would be just a tool for leadership and would not be used a lot.

Senator Sitte moves for a do not pass  
Senator Berry seconded

Vote - 6 yes, 1 no  
Motion passes  
Senator Hogue will carry

Date: 2/12/13  
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2230**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By S Sitte Seconded By S Berry

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger		X
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 6 No 1

Absent \_\_\_\_\_

Floor Assignment S Hogue

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2230: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Eleventh order on the calendar.