

**CHIEF JUSTICE OF THE UTAH SUPREME
COURT APPOINTMENT**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill authorizes the governor to appoint the chief justice of the Utah Supreme Court.

Highlighted Provisions:

This bill:

- ▶ authorizes the governor to appoint the chief justice of the Utah Supreme Court;
- ▶ authorizes the chief justice of the Utah Supreme Court to appoint the associate chief justice; and
- ▶ allows the associate chief justice to serve successive two-year terms.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-3-101, as renumbered and amended by Laws of Utah 2008, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-3-101** is amended to read:

78A-3-101. Number of justices -- Terms -- Chief justice and associate chief justice



28 -- Selection and functions.

29 (1) The Supreme Court consists of five justices.

30 (2) A justice of the Supreme Court shall be appointed initially to serve until the first
31 general election held more than three years after the effective date of the appointment.

32 Thereafter, the term of office of a justice of the Supreme Court is 10 years and commences on
33 the first Monday in January following the date of election. A justice whose term expires may
34 serve upon request of the Judicial Council until a successor is appointed and qualified.

35 (3) The ~~[justices of the Supreme Court shall elect]~~ governor shall appoint a chief
36 justice from among the members of the court ~~[by a majority vote of all justices]~~. The term of
37 the office of chief justice is four years. The governor may appoint a chief justice ~~[may]~~ to
38 serve successive terms. The chief justice may resign from the office of chief justice without
39 resigning from the Supreme Court. ~~[The chief justice may be removed from the office of chief~~
40 ~~justice by a majority vote of all justices of the Supreme Court.]~~

41 (4) If the ~~[justices are]~~ governor is unable to ~~[elect]~~ appoint a chief justice within 30
42 days of a vacancy in that office, the associate chief justice shall act as chief justice until a chief
43 justice is ~~[elected]~~ appointed under this section. If the associate chief justice is unable or
44 unwilling to act as chief justice, the most senior justice shall act as chief justice until a chief
45 justice is ~~[elected]~~ appointed under this section.

46 (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief
47 justice has duties as provided by law.

48 (6) There is created the office of associate chief justice. The term of office of the
49 associate chief justice is two years. The associate chief justice may serve ~~[in that office no~~
50 ~~more than two]~~ successive terms. The ~~[associate]~~ chief justice of the Supreme Court shall ~~[be~~
51 ~~elected by a majority vote of the members of the Supreme Court]~~ appoint the associate chief
52 justice and the associate chief justice shall be allocated duties as the chief justice determines. If
53 the chief justice is absent or otherwise unable to serve, the associate chief justice shall serve as
54 chief justice. The chief justice may delegate responsibilities to the associate chief justice as
55 consistent with law.

Legislative Review Note
as of 1-26-10 10:29 AM

Office of Legislative Research and General Counsel

S.B. 109 - Chief Justice of the Utah Supreme Court Appointment

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
