



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 25, 2010

Mr. Speaker:

The Judiciary Committee recommends **H.B. 289**, JUDICIAL NOMINATING COMMISSION AMENDMENTS, by Representative C. Oda, be replaced and reports a favorable recommendation on **1st Sub. H.B. 289**, JUDICIAL NOMINATING COMMISSION AMENDMENTS with the following amendments:

1. *Page 2, Lines 50 through 54:*

50 78A-10-103. Procedures governing meetings of judicial nominating commissions.  
51 (1) The [~~Judicial Council~~] {~~governor~~} Commission on Criminal and  
Juvenile Justice shall:  
52 (a) in consultation with the Judicial Council, enact rules establishing procedures  
53 governing the meetings of the judicial nominating commissions in accordance with Title  
63G,  
54 Chapter 3, Utah Administrative Rulemaking Act; and

2. *Page 7, Lines 210 through 211:*

210 {+} (6) (a) The chief justice of the Supreme Court {~~is~~} shall appoint  
another member of the judicial council to serve as an ex officio, nonvoting member  
of  
211 the Appellate Court Nominating Commission. {+}

3. *Page 8, Lines 217 through 228:*

217 78A-10-203. Procedure.  
218 (1) {~~Except for the chief justice of the Supreme Court, each commissioner is a~~  
~~voting~~  
219 ~~member of the Appellate Court Nominating Commission.~~  
220 ~~—(2)—~~} Four commissioners are a quorum.

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221           ~~{(3)}~~    (2)    The ~~[state court administrator shall]~~ governor shall appoint a  
                  member of the  
222 governor's staff to serve as [secretary] staff to the Appellate Court Nominating  
                  Commission.  
223           ~~{(4)}~~    (3)    The ~~[chief justice of the Supreme Court]~~ governor shall:  
224           (a) ensure that the commission follows the rules promulgated by the ~~[Judicial~~  
                  Council]  
225 governor; and  
226           (b) resolve any questions regarding those rules.  
227           ~~{(5)}~~    (4)    A member of the commission who is also a member of the Utah  
                  State Bar may  
228           recuse himself if there is a conflict of interest that makes the member unable to serve.

4. Page 9, Lines 253 through 254:

253           ~~{+}~~    **(8) (a) The chief justice of the Supreme Court ~~{is}~~ shall appoint**  
                  another member of the judicial council to serve as an ex officio, nonvoting member  
                  of  
254 **each Trial Court Nominating Commission. ~~{+}~~**

5. Page 9, Lines 260 through 272:

260           78A-10-303. Procedure.  
261           (1) ~~{Except for the chief justice of the Supreme Court, each trial court~~  
                  nominating  
262 commissioner is a voting member of the commission.  
263 ~~—(2)}~~    Four commissioners are a quorum.  
264           ~~{(3)}~~    (2)    The ~~[state court administrator shall]~~ governor shall appoint a  
                  member of the  
265 governor's staff to serve as [secretary] staff to each Trial Court Nominating Commission.  
266           ~~{(4)}~~    (3)    The ~~[chief justice of the Supreme Court]~~ governor shall:  
267           (a) ensure that each Trial Court Nominating Commission follows the rules  
268 promulgated by the ~~[Judicial Council]~~ governor; and  
269           (b) resolve any questions regarding those rules.  
270           ~~{(5)}~~    (4)    A member of a Trial Court Nominating Commission who is also a



member of the  
271 Utah State Bar may recuse himself if there is a conflict of interest that makes the member  
272 unable to serve.

Respectfully,

Lorie D. Fowlke  
Committee Chair

Voting: 7-4-1

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