

57 (ii) has the power to administer oaths, rule on the admissibility of evidence, take
 58 testimony, evaluate evidence, and make determinations of fact; and

59 (iii) issues written orders, rulings, or final decisions on behalf of an agency.

60 (b) "Administrative law judge" does not mean

60a §→ (i) ←§ an individual who reviews an order or
 61 ruling of an administrative law judge §→ ; ←§ or

61a §→ (ii) ←§ the executive director of a state agency.

62 (c) "Committee" means the Administrative Law Judge Conduct Committee created in
 63 Section 67-19e-108.

64 (2) This chapter applies to all agencies of the state except the:

65 (a) Board of Pardons and Parole;

66 (b) Department of Corrections; and

67 (c) State Tax Commission.

68 Section 3. Section **67-19e-103** is enacted to read:

69 **67-19e-103. Administrative law judges -- Standard of conduct.**

70 (1) All agency administrative law judges who conduct formal administrative hearings
 71 are subject to this chapter.

72 (2) All administrative law judges are subject to the code of conduct promulgated by the
 73 department in accordance with Section 67-19e-104.

74 (3) §→ §→ [f] **An administrative law judge who tampers with or destroys** [f]

74a1 ~~[Tampering with or destroying]~~ ←§ ←§

74a evidence submitted to §→ §→ [f] **the** [f] ~~[an]~~ ←§ ←§ administrative

75 law judge is §→ ~~[guilty of a class B misdemeanor]~~ §→ ~~[a violation of]~~ **subject to the**

75a1 **provisions of** ←§ **Section 76-8-510.5** ←§ . This

75a section does not apply to documents

76 destroyed in accordance with Title 63G, Chapter 2, Government Records Access and

77 Management Act.

78 Section 4. Section **67-19e-104** is enacted to read:

79 **67-19e-104. Rulemaking authority.**

80 The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

81 Administrative Rulemaking Act:

82 (1) establishing minimum performance standards for all administrative law judges;

83 (2) providing procedures for filing, addressing, and reviewing complaints against

84 administrative law judges;

85 (3) providing standards for complaints against administrative law judges; and

86 (4) promulgating a code of conduct for all administrative law judges in all state

87 agencies.

119 (3) The department may include an additional classification of respondents if the
120 department:

121 (a) considers a survey of that classification of respondents helpful to the department;
122 and

123 (b) establishes the additional classification of respondents by rule made in accordance
124 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

125 (4) A survey response is anonymous, including any comment included with a survey
126 response.

127 (5) If the department provides any information to an administrative law judge or the
128 §→ [commission] committee ←§ , the information shall be provided in such a way as to protect the
128a confidentiality of
129 a survey respondent.

130 (6) If the department establishes an additional classification, in accordance with
131 Subsection (3), a survey shall be provided to a potential survey respondent within 30 days of
132 the day on which the case in which the person appeared before the administrative law judge is
133 closed, exclusive of any appeal. Staff and attorneys may be surveyed at any time during the
134 survey period.

135 (7) Survey categories may include questions concerning an administrative law judge's:

136 (a) legal ability, including the following:

137 (i) demonstration of understanding of the substantive law and any relevant rules of
138 procedure and evidence;

139 (ii) attentiveness to factual and legal issues before the administrative law judge;

140 (iii) adherence to precedent and ability to clearly explain departures from precedent;

141 (iv) grasp of the practical impact on the parties of the administrative law judge's
142 rulings, including the effect of delay and increased litigation expense;

143 (v) ability to write clear opinions and decisions; and

144 (vi) ability to clearly explain the legal basis for opinions;

145 (b) temperament and integrity, including the following:

146 (i) demonstration of courtesy toward attorneys, staff, and others in the administrative
147 law judge's department;

148 (ii) maintenance of decorum in the courtroom;

149 (iii) demonstration of judicial demeanor and personal attributes that promote public

181 (4) The contents of all complaints and subsequent investigations are classified as
182 protected under Title 63G, Chapter 2, Government Records Access and Management Act.

183 Section 8. Section **67-19e-108** is enacted to read:

184 **67-19e-108. Administrative Law Judge Conduct Committee.**

185 (1) There is created the Administrative Law Judge Conduct Committee to investigate,
186 review, and hear complaints filed against administrative law judges.

187 (2) The committee shall be composed of:

188 (a) the executive director of the department, or the executive director's designee, as
189 chair; and

190 (b) four executive directors, or their designees, of agencies that employ or contract with
191 administrative law judges, to be selected by the executive director as needed.

192 (3) The department shall provide staff for the committee as needed.

193 Section 9. Section **67-19e-109** is enacted to read:

194 **67-19e-109. Procedure for review of complaint by conduct committee.**

195 (1) Upon a determination that a complaint requires further action, the executive
196 director shall select four executive directors ~~§~~ or their designees ~~←§~~ and convene the
196a committee. The executive

197 director of the agency that employs or contracts with the administrative law judge who is the
198 subject of the complaint may not be a member of the committee.

199 (2) The department shall provide a copy of the complaint, along with the results of the
200 department's investigation, to the committee and the administrative law judge who is the
201 subject of the complaint. If the committee directs, a copy of the complaint and investigation
202 may also be provided to the attorney general.

203 (3) The committee shall allow an administrative law judge who is the subject of a
204 complaint to appear and speak at any committee meeting, except a closed meeting, during
205 which the committee is deliberating the complaint.

206 (4) The committee may meet in a closed meeting to discuss a complaint against an
207 administrative law judge by complying with Title 52, Chapter 4, Open and Public Meetings
208 Act.

209 (5) After deliberation and discussion of the complaint and all information provided, the
210 committee shall provide a report, with a recommendation, to the agency. The recommendation
211 shall include: