

JUDICIAL CONFIRMATION PROCESS

AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

LONG TITLE

General Description:

This bill modifies provisions relating to the information the Senate receives regarding gubernatorial judicial appointees.

Highlighted Provisions:

This bill:

- ▶ requires the governor to provide the Senate Judicial Confirmation Committee with the same information provided the governor by the Judicial Nominating Commission;
- ▶ requires the governor to provide any letters received regarding the judicial appointee unless the letter directs that it may not be shared; and
- ▶ establishes that the Senate Judicial Confirmation Committee may classify records it receives from the governor as private in accordance with Section 63-3-302.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-1-2, as last amended by Chapter 196, Laws of Utah 1992

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

Section 1. Section **67-1-2** is amended to read:

67-1-2. Sending list of gubernatorial nominees to Senate and to Office of

Legislative Research and General Counsel.

(1) Unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial [nominees,] nominee, except a judicial appointment, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel:

(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and

(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae.

(2) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:

(a) the name of the judicial appointee; and

(b) the judicial appointee's:

(i) resume;

(ii) complete file of all the application materials the governor received from the Judicial Nominating Commission; and

(iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that it may not be shared.

(3) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection (2)(b)(iii).

(4) (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission shall be classified as private in accordance with Section 63-2-302.

(b) All other records received from the governor pursuant to this Subsection (4) may be classified as private in accordance with Section 63-2-302.

~~(2)~~ (5) The Senate shall consent or refuse to give its consent to the nomination or judicial appointment.

