

1                   **INFORMATION AVAILABLE TO SENATE**  
2                   **JUDICIAL CONFIRMATION COMMITTEE**

3                                   2006 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: D. Chris Buttars**

6                                   House Sponsor: Stephen H. Urquhart

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill requires the governor to provide certain information about judicial appointees  
11 to the Senate Judicial Confirmation Committee.

12                   **Highlighted Provisions:**

13                   This bill:

14                   ▶ requires application materials and letters about judicial nominees to be made  
15 available to the Senate Judicial Confirmation Committee for each time a judicial  
16 candidate was nominated by a Judicial Nominating Commission.

17                   **Monies Appropriated in this Bill:**

18                   None

19                   **Other Special Clauses:**

20                   None

21                   **Utah Code Sections Affected:**

22                   AMENDS:

23                   **67-1-2**, as last amended by Chapter 291, Laws of Utah 2004

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

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

27                   **67-1-2. Sending list of gubernatorial nominees to Senate and to Office of**



28 **Legislative Research and General Counsel.**

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

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

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

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

40 (a) the name of the judicial appointee; and

41 (b) the judicial appointee's:

42 (i) resume;

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

45 (iii) any other related documents~~[-including];~~

46 (iv) any letters received by the governor about the appointee, unless the letter  
47 specifically directs that it may not be shared~~[-]; and~~

48 (v) if the candidate appointed by the governor was previously nominated by a Judicial  
49 Nominating Commission, for each time the candidate was nominated:

50 (A) a complete file of all application materials the governor received from the Judicial  
51 Nominating Commission; and

52 (B) any letters received by the governor about the appointee, unless the letter  
53 specifically directs that it may not be shared.

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

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

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

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

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**Legislative Review Note**

**as of 1-13-06 6:42 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0142**

Information Available to Senate Judicial Confirmation Committee

19-Jan-06

7:49 AM

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**