

Representative John Dougall proposes the following substitute bill:

1 **LEGISLATOR COMMUNICATIONS WITH**
2 **JUDICIARY AND EXECUTIVE BRANCH**
3 **JOINT RULES RESOLUTION**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: John L. Valentine**

7 House Sponsor: John Dougall

8
9 **LONG TITLE**

10 **General Description:**

11 This bill creates a chapter in the legislative rules relating to communications with the
12 judiciary and executive branches of government.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ provides guidelines and restrictions for legislators when communicating with
16 judges, executive branch agencies and representatives, and administrative law
17 judges;
- 18 ▶ prohibits legislators from communicating with a judge in reference to a particular
19 judicial case or proceeding until a final order has been made;
- 20 ▶ provides guidelines for communicating with the Administrative Office of the Courts
21 or the clerk of the court in other circumstances;
- 22 ▶ prohibits legislators from communicating with an executive agency or
23 administrative law judge in reference to a pending or current adjudicative
24 proceeding if the communication would unduly influence the proceeding; and
- 25 ▶ provides an exception for communications made in the ordinary course of a



26 legislator's private employment, except where a legislator attempts to use his or her status as
27 legislator to exert undue influence.

28 **Special Clauses:**

29 None

30 **Legislative Rules Affected:**

31 ENACTS:

32 **JR6-6-101**

33 **JR6-6-102**

34 **JR6-6-103**



36 *Be it resolved by the Legislature of the state of Utah:*

37 Section 1. **JR6-6-101** is enacted to read:

38 **CHAPTER 6. COMMUNICATIONS WITH OTHER BRANCHES OF GOVERNMENT**

39 **JR6-6-101. Communications with the Judiciary.**

40 (1) As used in this section, "final decision or order" means a decision or order that
41 determines the rights of the parties and concerning which appellate remedies have been
42 exhausted or the time for appeal has expired.

43 (2) (a) A legislator may not communicate, either verbally or in writing, with a judge in
44 reference to a particular judicial case or proceeding until a final decision or order has been
45 made on the matter.

46 (b) Inquiries to the judiciary that are merely technical or logistical in nature should be
47 made with the Administrative Office of the Courts or a clerk of the court.

48 Section 2. **JR6-6-102** is enacted to read:

49 **JR6-6-102. Communications with Executive Agencies.**

50 A legislator may not communicate, either verbally or in writing, with an executive
51 agency, an executive agency's representative, or an administrative law judge in reference to a
52 pending or current adjudicative case or proceeding if that communication will unduly influence
53 the case or proceeding.

54 Section 3. **JR6-6-103** is enacted to read:

55 **JR6-6-103. Exceptions -- Acting in Normal Course of Private Employment.**

56 The restrictions in this chapter shall not apply to a communication that a legislator

57 makes with the judiciary or an executive agency in the normal course of the legislator's private
58 employment, provided that the legislator does not use his or her status as a legislator in an
59 attempt to unduly influence the judiciary or executive agency.