

1975 Senate Bill 459

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CHAPTER 332, Laws of 1975

AN ACT to repeal 17.025 (4) (f); and to create 17.026 of the statutes, relating to filling temporary vacancies in the offices of circuit or county judge, and granting rule-making power.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 17.025 (4) (f) of the statutes is repealed.

SECTION 2. 17.026 of the statutes is created to read:

17.026 Temporary vacancies, circuit and county judges. (1) Whenever a judge of a circuit or county court is found incapable of performing, or materially impaired in his ability to perform, the duties of his office, by reason of physical or mental infirmity, a temporary vacancy exists. The determination that a temporary vacancy exists shall be made by the judicial commission.

(2) The supreme court shall establish the procedure to be used in determining whether a temporary vacancy exists, including provisions for convening by voluntary and involuntary petition and for determining that a temporary vacancy no longer exists. When a temporary vacancy is found to exist, the incumbent judge shall continue to receive his salary and other benefits to which he is entitled, and the person appointed to serve temporarily shall for the period of temporary service receive salary

and other benefits computed at the rate of the incumbent judge's salary and benefits, to be vouchered against the appropriation under s. 20.625 (1).

(3) When the temporary vacancy exists in the office of circuit court judge, the duties of the office shall be assumed by a reserve judge appointed under section 24 of article VII of the constitution. If no reserve judge is available, the duties of the office shall be assumed by an acting circuit court judge appointed by the governor.

(4) When the temporary vacancy exists in the office of county court judge, the duties of the office shall be assumed by a retired judge appointed under s. 253.195. If no retired judge is available, the duties of the office shall be assumed by an acting county court judge appointed by the governor.
