

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 470**

September 27, 2001 – Offered by Representative GUNDRUM.

1 **AN ACT** *to amend* 800.06 (3), 800.065 (1) and 800.065 (2) (intro.); *to repeal and*
2 *recreate* 800.06 (1); and *to create* 800.065 (2m) of the statutes; **relating to:**
3 the appointment of municipal temporary reserve judges.

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

4 **SECTION 1.** 800.06 (1) of the statutes is repealed and recreated to read:

5 800.06 (1) If any municipal judge is to be temporarily absent or is sick or
6 disabled, the municipal judge may do one of the following:

7 (a) Deliver the court record and all papers relating to any pending action to the
8 circuit court of the county, and the circuit court may try the action and enter
9 judgment as though the action had begun before that court.

10 (b) By written order, filed in the court and with the approval of the chief judge
11 of the judicial administrative district, designate another municipal judge from any
12 municipality in the state or a temporary reserve judge under s. 800.065 to perform

1 his or her duties for a period not to exceed 30 days. The municipal judge may
2 designate another municipal judge or temporary reserve judge under s. 800.065 to
3 perform his or her duties only if that judge meets the qualifications for a municipal
4 judge established by the municipality or municipalities that established the
5 municipal court under s. 755.01.

6 **SECTION 2.** 800.06 (3) of the statutes is amended to read:

7 800.06 (3) Notwithstanding s. 751.03 (2), if there is a permanent vacancy in the
8 office of municipal judge, the chief judge of the judicial administrative district may,
9 upon request by the municipal governing body, designate a temporary reserve judge
10 under s. 800.065 or another municipal judge to perform the duties of the office until
11 the municipal governing body fills the vacancy by temporary appointment under s.
12 8.50 (4) (fm). The chief judge of the 1st judicial administrative district may designate
13 a municipal judge under this subsection from any municipality within the state. The
14 chief judge of –a– the judicial administrative district other than the 1st judicial
15 administrative district may designate a municipal judge under this subsection from
16 any municipality within the same judicial administrative district as the chief judge.
17 The municipal may designate a temporary reserve judge under s. 800.065 or another
18 municipal judge to perform the duties of the office of municipal judge only if that
19 judge meets the qualifications for a municipal judge established by the municipality
20 or municipalities that established the municipal court under s. 755.01. The judge
21 designated under this subsection may exercise all of the authority of the municipal
22 court to which he or she is assigned.

23 **SECTION 3.** 800.065 (1) of the statutes is amended to read:

24 800.065 (1) DEFINITIONS. In this section, “temporary reserve judge” means a
25 person appointed to act as a judge for a municipal court for any municipality within

1 ~~the judicial administrative district appointed by the chief judge of that the judicial~~
2 ~~administrative district in which the municipality is located~~ to perform such specified
3 duties on a day-by-day basis as the chief judge may direct.

4 **SECTION 4.** 800.065 (2) (intro.) of the statutes is amended to read:

5 800.065 **(2)** ELIGIBILITY. (intro.) Any of the following persons, regardless of
6 where the person resides at the time of the appointment, may serve as a temporary
7 reserve judge:

8 **SECTION 5.** 800.065 (2m) of the statutes is created to read:

9 800.065 **(2m)** LIMIT ON APPOINTING AUTHORITY. The chief judge of a judicial
10 administrative district may appoint any person who is eligible under sub. (2) to serve
11 as a temporary reserve judge only if that person meets the qualifications for a
12 municipal judge established by the municipality or municipalities that established
13 the municipal court under s. 755.01.

14 **(END)**