

HOUSE BILL NO. HB0109

Judicial sabbatical program.

Sponsored by: Representative(s) Gingery and Olsen

A BILL

for

1 AN ACT relating to courts; authorizing a judicial  
 2 sabbatical program; providing for program administration;  
 3 establishing an account; providing for assignments for  
 4 absent circuit judges generally; providing an appropriation  
 5 and providing for a continuous appropriation; and providing  
 6 for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 5-2-601 is created to read:

11

ARTICLE 6

12

JUDICIAL SABBATICALS

13

14

15 **5-2-601. Judicial sabbatical program; account**  
 16 **established; program operation.**

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1           (a) There is established a judicial sabbatical  
2 program account to be administered by the supreme court in  
3 accordance with the provisions of this section. Monies in  
4 the account are continuously appropriated to the supreme  
5 court and may be expended by the supreme court for  
6 salaries, benefits and expenses of active or retired judges  
7 assigned to perform the duties of a judge granted a  
8 sabbatical under a program adopted by rule of the supreme  
9 court, if the program complies with the provisions of this  
10 section.           Notwithstanding W.S. 5-3-108, 5-3-109 and  
11 5-9-119, salaries, benefits and expenses of judges assigned  
12 to act for a judge granted a sabbatical pursuant to this  
13 section shall be paid from the judicial sabbatical program  
14 account. Appropriations to the account shall not lapse at  
15 the end of any fiscal period. Any unexpended balance in the  
16 account shall be invested by the state treasurer and the  
17 interest earned shall be credited to the account.

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19           (b) The supreme court by rule may implement a  
20 judicial sabbatical program which:

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22                   (i) Is designed to promote improved access,  
23 efficiency and effectiveness in the judicial system;

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1           (ii) Authorizes paid or unpaid sabbaticals only  
2 to circuit court judges, district court judges and supreme  
3 court justices who:

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5           (A) Immediately prior to being granted a  
6 sabbatical, have served at least seven (7) consecutive  
7 years as a Wyoming circuit or district court judge or  
8 supreme court justice. The required seven (7) years need  
9 not have been served in the same position; and

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11           (B) Subject to applicable election  
12 retention requirements, agree to serve at least three (3)  
13 years as a Wyoming circuit court or district court judge or  
14 supreme court justice and to repay any paid sabbatical if  
15 he breaches that agreement.

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17           (iii) Authorizes a paid sabbatical for any  
18 individual for not more than a period of one hundred twenty  
19 (120) days and for not more than one (1) time in any eight  
20 (8) year period;

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22           (iv) Restricts paid sabbaticals in accordance  
23 with available funds in the judicial sabbatical program  
24 account.

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2 (c) Any judge or justice granted a paid sabbatical  
3 pursuant to this section shall be deemed to have rendered  
4 services to the state during the authorized sabbatical  
5 period and shall be entitled to full salary and related  
6 benefits authorized by law.

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8 (d) Any paid sabbatical authorized under this section  
9 shall be subject to constitutional and statutory provisions  
10 concerning when salary increases can become effective.

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12 **Section 2.** W.S. 5-3-107 and 5-9-119(b) are amended  
13 to read:

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15 **5-3-107. Assignment of acting or retired judge to**  
16 **another district in case of death or other emergency.**

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18 If any judge of any district court in this state shall die,  
19 or for any reason become unwilling or unable to perform the  
20 duties of his office, or be granted a sabbatical in  
21 accordance with W.S. 5-2-601, the chief justice of the  
22 supreme court of the state of Wyoming, by order to be duly  
23 entered in the records of the district court of each county  
24 in such district, may assign any district judge or any

1 retired judge of this state, to perform any and all  
2 judicial functions therein, until the judge returns to duty  
3 or a successor for such district shall have been appointed  
4 or elected and qualified according to law, and such  
5 assigned judge shall have the same jurisdiction and  
6 authority in such district as a duly elected and qualified  
7 judge of such district.

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9 **5-9-119. Judges may hold court for each other;**  
10 **expenses of judge holding court in another circuit or**  
11 **district; disqualification of judge; change of venue**  
12 **prohibited.**

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14 (b) A party to any action in circuit court may  
15 disqualify a circuit judge as provided by rules adopted by  
16 the supreme court for disqualification. Upon  
17 disqualification, ~~or inability for any reason to fulfill~~  
18 ~~his duties,~~ the circuit judge shall appoint another circuit  
19 judge from his own or a different circuit or a district  
20 judge from his own or a different district, or a magistrate  
21 from the county in which the case is to be tried if no  
22 other circuit judge is available, to try the action. If a  
23 circuit court judge is granted a sabbatical in accordance  
24 with W.S. 5-2-601, or for any reason is unwilling or unable

1 to perform the duties of his office, the chief justice of  
2 the supreme court of the state of Wyoming, by order to be  
3 duly entered in the records of the circuit court of each  
4 county served by that circuit court, may assign any  
5 circuit court judge or any retired judge of this state, to  
6 perform any and all judicial functions therein, until the  
7 judge returns to duty.

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9       **Section 3.** There is appropriated to the judicial  
10 sabbatical program account from the general fund one  
11 hundred thousand dollars (\$100,000.00).

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13       **Section 4.** This act is effective July 1, 2007.

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(END)