

# Senate Calendar

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THURSDAY, JANUARY 13, 2011

**SENATE CONVENES AT: 11:30 A.M.**

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**ORDERS OF THE DAY**

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**NOTICE CALENDAR**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 1.**

An act relating to technical amendments to the judicial restructuring act of 2010.

**Reported favorably with recommendation of amendment by Senator Nitka for the Committee on Judiciary.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 479(h) is added to read:

(h) For purposes of entitlement to medical benefits in retirement, former county court employees hired by the counties to court positions on or before June 30, 2008 who became state employees on February 1, 2011 pursuant to No. 154 of the Acts of the 2009 Adj. Sess. (2010) shall be deemed to have been first included in membership of the system on or before June 30, 2008.

Sec. 2. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

For the purposes of this chapter:

\* \* \*

(8) “Employee,” means any individual employed and compensated on a permanent or limited status basis by the judiciary department, including permanent part-time employees and any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of an unfair labor practice. “Employee” does not include any of the following:

\* \* \*

(H) ~~A register of probate.~~ [Repealed.]

\* \* \*

Sec. 3. 4 V.S.A. § 363 is added to read:

§ 363. POWERS

(a) A probate judge may issue warrants, subpoenas, and processes in conformity with the law necessary to compel the attendance of witnesses or to produce books, papers, documents, or tangible things, or to carry into effect the orders, sentences, or decrees of the probate division or the powers granted it by law.

(b) A probate judge may appoint not more than three masters to report on a particular issue or to do or perform particular acts or to receive and report evidence.

Sec. 4. 12 V.S.A. § 2553 is added to read:

§ 2553. APPEALS TO CIVIL DIVISION; APPELLATE JURISDICTION

The civil division of the superior court shall have appellate jurisdiction of matters originally within the jurisdiction of the probate division of the superior court, except as herein otherwise provided.

Sec. 5. 12 V.S.A. § 2555 is added to read:

§ 2555. APPEAL TO CIVIL DIVISION

Except as otherwise provided, a person interested in an order, sentence, decree or denial issued by the probate division of the superior court, who considers himself or herself injured thereby, may appeal therefrom to the civil division of the superior court.

Sec. 6. Subsection (c) of Sec. 199 of No. 154 of the Acts of the 2009 Adj. Sess. (2010), in 32 V.S.A. § 1142, is amended to read:

(c) A probate judge whose salary is less than \$45,701.00 shall be eligible only for the least expensive medical benefit plan option available to state employees or may apply the state share the premium for which the judge is eligible toward the purchase of another state or private health insurance plan. A probate judge whose salary is less than \$45,701.00 may participate in other state employee benefit plans.

Sec. 7. REPEAL

4 V.S.A. § 436a (relating to a special circuit court at Waterbury to hear applications for treatment of mentally ill individuals) is repealed.

Sec. 8. EFFECTIVE DATE

This act shall take effect on February 1, 2011, except for Sec. 6 and this section, which shall take effect on passage.

(Committee vote: 5-0-0)

And that when so amended the bill ought to pass.