

# Senate Calendar

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FRIDAY, JANUARY 14, 2011

**SENATE CONVENES AT: 8:30 A.M.**

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**NEW BUSINESS**

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(H) ~~A register of probate.~~ [Repealed.]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

**NOTICE CALENDAR**

**Concurrent Resolutions**

**H.C.R. 1.**

House concurrent resolution in memory of Representative Albert Audette of South Burlington.

**H.C.R. 2.**

House concurrent resolution in memory of Vermont National Guard Sergeant Steven J. DeLuzio of South Glastonbury, Connecticut.

**H.C.R. 3.**

House concurrent resolution in memory of United States Marine Lance Corporal Anthony James Rosa of Swanton.

**H.C.R. 4.**

House concurrent resolution in memory of Vermont National Guard Sergeant Tristan H. Southworth of Walden.

**H.C.R. 5.**

House concurrent resolution in memory of Specialist Ryan Grady of West Burke.

**REPORTS ON FILE**

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont webpage.

1. List of boards and commissions created by Executive Order, authorized to receive per diem compensation, pursuant to 32 VSA Sec. 1010(e), (Agency of Administration, Office of the Secretary) (November 2010).
2. Board of Pharmacy, 2010 Annual Report on Remote Pharmacy Pilot Project. (Office of the Secretary of State, Board of Pharmacy) (December 2010).
3. Department of Liquor Control Annual Report. (January 2011).
4. Report on Tobacco Compliance Tests Conducted During Calendar Year 2010. (Department of Liquor Control) (January 2010).

