

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Judiciary; court organization and operations

4 Statement of purpose of bill as introduced: This bill proposes a number of  
5 measures related to the organization and operation of courts and the Judiciary.

6 An act relating to judicial organization and operations

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 \* \* \* Mailing and Service Costs \* \* \*

9 Sec. 1. 4 V.S.A. § 466 is amended to read:

10 § 466. PROCEDURE

11 (a) A proceeding before a magistrate shall, in cases involving child support,  
12 be initiated by the filing of a petition. If a proceeding for divorce, annulment,  
13 or separation has been commenced before the Family Division of the Superior  
14 Court, the magistrate shall have jurisdiction to determine a temporary amount  
15 of child support on the basis of the complaint or petition filed in the Family  
16 Division of the Superior Court.

17 \* \* \*

18 (e) The ~~Family Division of the Superior Court clerk~~ petitioner shall provide  
19 for personal service or shall mail to the respondent, ~~at one or more of the~~  
20 ~~addresses supplied by the respondent,~~ by certified mail, return receipt

1 requested and delivery restricted to the addressee, the expense being paid by  
2 the petitioner, a notice signed by the clerk. If acceptance of service is refused,  
3 the ~~clerk~~ petitioner may serve the notice on the respondent by sending it to the  
4 respondent by ordinary first class mail and by certifying that such service has  
5 been made. In the alternative, the ~~clerk~~ petitioner may provide for mail service  
6 as provided in Rule 4(l) of the Vermont Rules of Civil Procedure.

7 \* \* \*

8 Sec. 2. 33 V.S.A. § 5223 is amended to read:

9 § 5223. FILING OF PETITION

10 (a) When notice to the child is provided by citation, the State's Attorney  
11 shall file the petition and supporting affidavit at least 10 days prior to the date  
12 for the preliminary hearing specified in the citation.

13 (b) The ~~Court~~ State's Attorney shall send or deliver a copy of the petition  
14 and affidavit to all persons required to receive notice, including the  
15 noncustodial parent, as soon as possible after the petition is filed and at least  
16 five days prior to the date set for the preliminary hearing.

17 Sec. 3. 33 V.S.A. § 5224 is amended to read:

18 § 5224. FAILURE TO APPEAR AT PRELIMINARY HEARING

19 If a child or custodial parent, guardian, or custodian fails to appear at the  
20 preliminary hearing as directed by a citation, the Court may issue a summons  
21 to appear, an order to have the child brought to Court, or a warrant as provided

1 in section 5108 of this title. The summons, order, or warrant shall be served by  
2 the State's Attorney.

3 \* \* \* Appeals of Judicial Bureau Decisions \* \* \*

4 Sec. 4. 4 V.S.A. § 1107 is amended to read:

5 § 1107. APPEALS

6 (a) A decision of the hearing officer may be appealed to the Criminal  
7 Division of the Superior Court. The proceeding before the Criminal Division  
8 of the Superior Court shall be on the record, ~~or at the option of the defendant,~~  
9 ~~de novo. The defendant shall have the right to trial by jury.~~ An appeal shall  
10 stay payment of a penalty and the imposition of points.

11 \* \* \*

12 \* \* \* Appeals of Magistrate and Probate Division Decisions \* \* \*

13 Sec. 5. 4 V.S.A. § 465 is amended to read:

14 § 465. APPEALS

15 An appeal from a decision of a magistrate shall be on the record to the  
16 ~~family division of the superior court. At the request of a party, the family court~~  
17 ~~shall hear additional evidence~~ Supreme Court.

1 Sec. 6. 12 V.S.A. § 2551 is amended to read:

2 § 2551. ~~SUPREME COURT JURISDICTION OF PROBATE~~  
3 ~~PROCEEDINGS IN SUPERIOR COURTS~~

4 ~~The Supreme Court shall have jurisdiction of questions of law arising in the~~  
5 ~~course of the proceedings of the Superior Courts in probate matters, as in other~~  
6 ~~causes. [Repealed.]~~

7 Sec. 7. 12 V.S.A. § 2553 is amended to read:

8 § 2553. ~~APPEALS TO CIVIL DIVISION; APPELLATE JURISDICTION~~

9 ~~The Civil Division of the Superior Court shall have appellate jurisdiction of~~  
10 ~~matters originally within the jurisdiction of the Probate Division of the~~  
11 ~~Superior Court, except as herein otherwise provided. [Repealed.]~~

12 Sec. 8. 12 V.S.A. § 2555 is amended to read:

13 § 2555. ~~APPEAL TO CIVIL DIVISION~~ SUPREME COURT

14 Except as otherwise provided, a person interested in an order, sentence,  
15 decree, or denial of a Probate Division of the Superior Court, who considers  
16 himself or herself injured thereby, may appeal therefrom on questions of law to  
17 the ~~Civil Division of the Superior Court~~ Supreme Court.

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\* \* \* Expenses for Masters \* \* \*

Sec. 9. 32 V.S.A. § 1758 is amended to read:

§ 1758. MASTERS, AUDITORS, REFEREES, AND COMMISSIONERS

(a) Unless otherwise provided, the pay and the expense allowance for commissioners, masters, auditors, and referees shall be fixed by the Court or by the presiding judge thereof and paid by the ~~state~~ State.

(b) The Superior Court may order that the cost of a master be shared by the parties, with the shares specified in the order, if:

(1) the distribution of property is contested and governed by 15 V.S.A. § 751 and the value of the property to be distributed exceeds \$500,000.00; or

(2) one or both parties seeks an award of maintenance under 15 V.S.A. § 752 and the parties have non-wage income of \$150,000.00 or more.

\* \* \* Workers' Compensation Appeals \* \* \*

Sec. 10. 21 V.S.A. § 670 is amended to read:

§ 670. ~~APPEALS TO SUPERIOR COURT~~

~~Within 30 days after copies of an award have been sent as provided by this chapter, either party may appeal to the superior court of a county wherein a civil action between the parties would be triable. Either party shall be entitled to a trial by jury. [Repealed.]~~

1 Sec. 11. 21 V.S.A. § 671 is amended to read:

2 § 671. ~~JURISDICTION; FINDINGS FOR NEW AWARD~~

3 ~~The jurisdiction of such court shall be limited to a review of questions of~~  
4 ~~fact or questions of fact and law certified to it by the commissioner and upon~~  
5 ~~completion of the case in superior court, either after trial or upon remand from~~  
6 ~~the supreme court, the clerk shall certify the findings of the court to the~~  
7 ~~commissioner who shall thereupon make a new order in accordance therewith~~  
8 ~~and shall forthwith send to each of the parties a copy of such order. Such new~~  
9 ~~order shall have all the force and effect of an award made pursuant to the~~  
10 ~~provisions of sections 663, 664 and 665 of this title and shall supersede the~~  
11 ~~award previously made by such commissioner. [Repealed.]~~

12 Sec. 12. 21 V.S.A. § 672 is amended to read:

13 § 672. APPEALS TO THE SUPREME COURT

14 ~~If an appeal is not taken under the provisions of section 670 of this title~~  
15 ~~within the time limited therefor, either party may transfer such cause to the~~  
16 ~~supreme court. The jurisdiction of such court shall be limited to a review of~~  
17 ~~questions of law certified to it by the commissioner. On such appeal or on an~~  
18 ~~appeal taken as provided in sections 670 and 671 of this title and coming to the~~  
19 ~~supreme court on appeal from superior court, the supreme court Within 30~~  
20 ~~days after copies of an award have been sent as provided by this chapter, either~~  
21 ~~party may appeal to the Supreme Court. The appeal shall be on the record.~~

1 The Supreme Court may render final judgment and award execution, or may  
2 remand the cause to the ~~superior court or to the commissioner~~ Commissioner  
3 for further findings or for new order by him or her in accordance with the  
4 mandate of ~~such court~~ the Court. ~~Such court~~ The Supreme Court shall, by  
5 general rules, prescribe the procedure to be followed in case of such appeals.

6 Sec. 13. 21 V.S.A. § 673 is amended to read:

7 § 673. APPEAL IN CASE OF FRAUD, ACCIDENT, OR MISTAKE

8 On petition and proof and in its discretion, the ~~supreme or superior court~~  
9 Supreme Court may grant leave to enter an appeal from an order of the  
10 ~~commissioner of labor~~ Commissioner of Labor in cases where the petitioner  
11 has been prevented by fraud, accident or mistake from taking or entering an  
12 appeal within the time allowed by law. On granting the same, the ~~court~~ Court  
13 shall order ~~such~~ the petitioner to give sufficient security to prosecute ~~such~~ the  
14 appeal to effect and pay such costs as are awarded against him or her.

15 \* \* \* Board of Civil Authority Appeals \* \* \*

16 Sec. 14. 32 V.S.A. § 4461 is amended to read:

17 § 4461. TIME AND MANNER OF APPEAL

18 (a) A taxpayer or the Selectboard members of a town aggrieved by a  
19 decision of the board of civil authority under subchapter 1 of this chapter may  
20 appeal the decision of the board to ~~either the Director or the Superior Court of~~  
21 ~~the county in which the property is located. The appeal to the Superior Court~~

1 ~~shall be heard without a jury.~~ The appeal to either the Director or the Superior  
2 ~~Court~~ shall be commenced by filing a notice of appeal pursuant to Rule 74 of  
3 ~~the Vermont Rules of Civil Procedure,~~ within 30 days of entry of the decision  
4 of the board of civil authority. The date of mailing of notice of the board's  
5 decision by the town clerk to the taxpayer shall be deemed the date of entry of  
6 the board's decision. The town clerk shall transmit a copy of the notice to the  
7 Director ~~or to the Superior Court~~ as indicated in the notice and shall record or  
8 attach a copy of the notice in the grand list book. The entry fee for an appeal  
9 to the Director is \$70.00.

10 (b) On or before the last day on which appeals may be taken from the  
11 decision of the board of civil authority, the agent of the town to prosecute and  
12 defend suits in which the town is interested, in the name of the town, on  
13 written application of one or more taxpayers of the town whose combined  
14 grand list represents at least three percent of the grand list of the town for the  
15 preceding year, shall appeal to the ~~Superior Court~~ Director from any action of  
16 the board of civil authority not involving appeals of the applying taxpayers.  
17 However, the town agent shall, in any event, have at least six days after receipt  
18 of such taxpayers' application for appeal in which to take the appeal, and the  
19 date for the taking of such appeal shall accordingly be extended, if necessary,  
20 until the six days shall have elapsed. The \$70.00 entry fee shall be paid by the



1 applicants with respect to each individual property thus being appealed which  
2 is separately listed in the grand list.

3 \* \* \*

4 Sec. 15. 32 V.S.A. § 4467 is amended to read:

5 § 4467. DETERMINATION OF APPEAL

6 Upon appeal to the Director ~~or the Court~~, the hearing officer ~~or Court~~ shall  
7 proceed de novo and determine the correct valuation of the property as  
8 promptly as practicable and to determine a homestead and a housesite value if  
9 a homestead has been declared with respect to the property for the year in  
10 which the appeal is taken. The hearing officer ~~or Court~~ shall take into  
11 account the requirements of law as to valuation, and the provisions of  
12 Chapter I, Article 9 of the Constitution of Vermont and the 14th Amendment  
13 to the Constitution of the United States. If the hearing officer ~~or Court~~ finds  
14 that the listed value of the property subject to appeal does not correspond to the  
15 listed value of comparable properties within the town, the hearing officer ~~or~~  
16 ~~Court~~ shall set ~~said~~ the property in the list at a corresponding value. The  
17 findings and determinations of the hearing officer shall be made in writing and  
18 shall be available to the appellant. ~~If the appeal is taken to the Director, the~~  
19 The hearing officer shall inspect the property prior to making a determination.

1 Sec. 16. 32 V.S.A. § 4468 is amended to read:

2 § 4468. TRANSMISSION AND RECORD OF DETERMINATION

3 The Director ~~or clerk of the Court~~ shall forward by certified mail one copy  
4 of the determination to the taxpayer, one copy to the Commissioner, and one  
5 copy to the town clerk, who shall record the same in the book in which the  
6 appeal was recorded under section 4461 of this title. The appraisal so fixed by  
7 the Director ~~or Court~~ shall become the basis for the grand list of the taxpayer  
8 for the year in which the appeal is taken and, if the appraisal relates to real  
9 property, for the two next ensuing years, except that if the real property is  
10 enrolled in use value appraisal under chapter 124 of this title, the value of  
11 enrolled land, prior to its being equalized, shall be the per acre value set  
12 annually by the Current Use Advisory Board multiplied by the number of acres  
13 enrolled. The appraisal, however, may be changed in the ensuing two years if  
14 the taxpayer's property is materially altered, changed, damaged or if the  
15 municipality, city, or town in which it is located has undergone a complete  
16 revaluation of all taxable real estate.

17 \* \* \* Licensing Board Appeals \* \* \*

18 Sec. 17. 3 V.S.A. § 130a is amended to read:

19 § 130a. APPEALS FROM BOARD DECISIONS

20 (a) A party aggrieved by a final decision of a board may, within 30 days of  
21 the decision, appeal that decision by filing a notice of appeal with the director

1 who shall assign the case to an appellate officer. The review shall be  
2 conducted on the basis of the record created before the board. In cases of  
3 alleged irregularities in procedure before the board, not shown in the record,  
4 proof on that issue may be taken by the appellate officer.

5 \* \* \*

6 (c) A party aggrieved by a decision of the appellate officer may appeal to  
7 the ~~superior court in Washington County~~ Supreme Court, which shall review  
8 the matter on the basis of the records created before the board and the appellate  
9 officer.

10 \* \* \* Transportation Board Appeals \* \* \*

11 Sec. 18. 19 V.S.A. § 5 is amended to read:

12 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

13 \* \* \*

14 (c) The board may delegate the responsibility to hear quasi-judicial matters,  
15 and other matters as it may deem appropriate, to a hearing examiner or a single  
16 board member, to hear a case and make findings in accordance with 3 V.S.A.  
17 ~~chapter 25 of Title 3~~, except that highway condemnation proceedings shall be  
18 conducted pursuant to the provisions of chapter 5 of this title. A hearing  
19 examiner or single board member so appointed shall report his or her findings  
20 of fact in writing to the board. Any order resulting therefrom shall be rendered  
21 only by a majority of the board. Final orders of the board may be reviewed on

1 the record by the ~~superior court pursuant to Rule 74 of the Vermont Rules of~~  
2 ~~Civil Procedure~~ Supreme Court.

3 \* \* \*

4 \* \* \* Tax Department Appeals \* \* \*

5 Sec. 19. 32 V.S.A. § 3116 is added to read:

6 § 3116. APPEALS FROM DECISIONS OF COMMISSIONER

7 A taxpayer or other person aggrieved by a decision of the Commissioner  
8 made after a hearing conducted pursuant to 3 V.S.A. chapter 25 may within  
9 30 days appeal the decision to the Supreme Court, which shall decide the  
10 appeal based on the record before the Commissioner.

11 Sec. 20. 32 V.S.A. § 5404a is amended to read:

12 § 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT  
13 FINANCING DISTRICTS

14 \* \* \*

15 (j) Tax increment financing district rulemaking, oversight, and  
16 enforcement.

17 \* \* \*

18 (2) Authority to issue decisions.

19 \* \* \*

20 (B) The Vermont Economic Progress Council shall prepare  
21 recommendations for the Secretary prior to the issuance of a decision. As

1 appropriate, the Council may prepare such recommendations in consultation  
2 with the Commissioner of Taxes, the Attorney General, and the State  
3 Treasurer. In preparing recommendations, the Council shall provide a  
4 municipality with a reasonable opportunity to submit written information in  
5 support of its position. The Secretary shall review the recommendations of the  
6 Council and issue a final written decision on each matter within 60 days of the  
7 receipt of the recommendations. However, pursuant to subdivision (5) of this  
8 subsection (j), the Secretary may permit an appeal to be taken by any party to a  
9 ~~Superior~~ the Supreme Court for determination of questions of law in the same  
10 manner as the Supreme Court may by rule provide for appeals before final  
11 judgment from a Superior Court before issuing a final decision.

12 \* \* \*

13 Sec. 21. 32 V.S.A. § 5408 is amended to read:

14 § 5408. PETITION FOR REDETERMINATION

15 \* \* \*

16 (d) A municipality or the Division of Property Valuation and Review may  
17 appeal from a decision of the Valuation Appeal Board to the ~~Superior Court of~~  
18 ~~the county in which the municipality is located.~~ ~~The Superior Court shall hear~~  
19 ~~the matter de novo in the manner provided by V.R.C.P. Rule 74. An appeal~~  
20 ~~from the decision of the Superior Court shall be to the Supreme Court under~~  
21 the Vermont Rules of Appellate Procedure.

1 Sec. 22. 32 V.S.A. § 5885 is amended to read:

2 § 5885. PROCEDURE FOR HEARINGS BY COMMISSIONER; APPEALS

3 (a) Any hearing granted by the Commissioner under section 5883 or 5884  
4 of this title shall be subject to and governed by 3 V.S.A. chapter 25.

5 (b) ~~Any aggrieved taxpayer may, within 30 days after a determination by~~  
6 ~~the Commissioner concerning a notice of deficiency, an assessment of penalty~~  
7 ~~or interest, or a claim to refund, appeal that determination to the Washington~~  
8 ~~Superior Court or the Superior Court of the county in which the taxpayer~~  
9 ~~resides or has a place of business. [Repealed.]~~

10 Sec. 23. 32 V.S.A. § 5936 is amended to read:

11 § 5936. HEARING PROCEDURE

12 (a) If a debtor applies in writing for a hearing before a claimant agency  
13 within 30 days of the date of mailing of the notice described in subsection  
14 5934(c) of this chapter, the claimant agency shall conduct a hearing to  
15 determine the validity and amount of debt owed by the debtor. The hearing  
16 shall be held in accordance with 3 V.S.A. §§ 809 through 813.

17 (b) The final determination of any claimant agency regarding the validity  
18 and amount of any debt may be appealed within 30 days to the ~~Civil Division~~  
19 ~~of the Superior Court of the unit in which the taxpayer resides, except that if~~  
20 ~~the claimant agency is the Office of Child Support the appeal shall be to the~~  
21 ~~Family Division of the Superior Court. Upon appeal, the provisions of the~~

1 ~~Vermont Rules of Civil Procedure or the Vermont Rules for Family~~  
2 ~~Proceedings, as appropriate, shall apply, and the Court shall proceed de novo~~  
3 ~~to determine the debt owed Supreme Court.~~

4 \* \* \*

5 Sec. 24. 32 V.S.A. § 6072 is amended to read:

6 § 6072. APPEALS

7 Any person aggrieved by the denial, in whole or in part, of relief claimed  
8 under this chapter, except when the denial is based upon late filing of claim for  
9 relief, may appeal to the Commissioner by filing a petition of appeal within  
10 60 days after the denial. This appeal shall be a person's exclusive remedy for  
11 denial of a benefit claimed under this chapter. ~~The Commissioner's~~  
12 ~~determination may be further appealed in the manner described in subsection~~  
13 ~~5885(b) of this title.~~

14 Sec. 25. 32 V.S.A. § 7489 is amended to read:

15 § 7489. PROCEDURE FOR HEARINGS BY COMMISSIONER; APPEALS

16 (a) Any hearing granted by the Commissioner under section 7487 or 7488  
17 of this title shall be subject to and governed by 3 V.S.A. chapter 25.

18 (b) ~~Any aggrieved taxpayer may, within 30 days, appeal a determination by~~  
19 ~~the Commissioner concerning a notice of deficiency, an assessment of penalty~~  
20 ~~or interest, or claim to refund, to the Washington Superior Court or the~~

1 ~~Superior Court of the county in which the taxpayer resides or has a place of~~  
2 ~~business.~~ [Repealed.]

3 Sec. 26. 32 V.S.A. § 9617 is amended to read:

4 § 9617. NOTICES, APPEALS

5 Unless otherwise provided by this title:

6 \* \* \*

7 (e) ~~A taxpayer may within 30 days appeal a determination by the~~  
8 ~~Commissioner concerning a notice of deficiency, an assessment of penalty or~~  
9 ~~interest to the Washington Superior Court or the Superior Court of the county~~  
10 ~~in which the taxpayer resides or has a place of business.~~ [Repealed.]

11 \* \* \*

12 (h) At any time within three years after the date a property is transferred,  
13 a taxpayer may petition the Commissioner in writing for the refund of all or  
14 any part of the amount of tax paid. The Commissioner shall thereafter grant a  
15 hearing subject to the provisions of 3 V.S.A chapter 25 upon the matter and  
16 notify the taxpayer in writing of his or her determination concerning the refund  
17 request. ~~The Commissioner's determination may be appealed as provided in~~  
18 ~~subsection (e) of this section.~~ This shall be a taxpayer's exclusive remedy with  
19 respect to the refund of taxes under this chapter.



1 Sec. 27. 32 V.S.A. § 10109 is amended to read:

2 § 10109. DETERMINATION BY COMMISSIONER

3 (a) Upon receipt of a notice of deficiency or assessment of penalty or  
4 interest under section 10106 of this title or upon receipt of a notice of the  
5 denial of all or a portion of a refund request under section 10107 of this title,  
6 the taxpayer may, within 60 days after the date of mailing of the notice or  
7 assessment, petition the Commissioner in writing for a determination of that  
8 deficiency or assessment. The Commissioner shall thereafter grant a hearing  
9 upon the matter and notify the taxpayer in writing of the Commissioner's  
10 determination concerning the deficiency, assessment or refund request.

11 ~~(b) The aggrieved taxpayer may within 30 days after a determination by the~~  
12 ~~Commissioner concerning a notice of deficiency, an assessment of penalty or~~  
13 ~~interest, or a claim to refund, appeal that determination to the Washington~~  
14 ~~Superior Court or the Superior Court of the county in which the taxpayer~~  
15 ~~resides or has a place of business. [Repealed.]~~

16 Sec. 28. 32 V.S.A. § 10110 is amended to read:

17 § 10110. APPEAL PROCESS

18 (a) Any hearing granted by the Commissioner under section 10109 of this  
19 title shall be subject to and governed by 3 V.S.A. chapter 25.

20 (b) Any aggrieved taxpayer may within 30 days appeal a determination by  
21 the Commissioner concerning a notice of deficiency, an assessment of penalty

1 or interest, or a claim to refund, to the ~~Washington Superior Court or the~~  
2 ~~Superior Court of the county in which the taxpayer resides or has a place of~~  
3 ~~business~~ Supreme Court, by filing a notice of appeal and either paying or  
4 giving security, approved by the Commissioner, for the payment of any tax  
5 liability that may be determined to be due and costs of appeal.

6 Sec. 29. 32 V.S.A. § 10208 is amended to read:

7 § 10208. APPEALS

8 Any licensee aggrieved by an action taken under subsection 10207(c) of this  
9 chapter and any person aggrieved by the Commissioner's refusal to issue or  
10 renew a license under this chapter may appeal in writing to the Commissioner  
11 for review of such action. The Commissioner shall thereafter grant a hearing  
12 subject to the provisions of 3 V.S.A. chapter 25 upon the matter and notify the  
13 aggrieved person in writing of his or her determination. The Commissioner's  
14 determination may be appealed within 30 days to the ~~Washington Superior~~  
15 ~~Court or the Superior Court of the county in which the taxpayer resides or has~~  
16 ~~a place of business~~ Supreme Court.

17 Sec. 30. 32 V.S.A. § 10404 is amended to read:

18 § 10404. DETERMINATION OF DEFICIENCY, REFUND, PENALTY, OR

19 INTEREST

20 (a) Within 60 days after the mailing of a notice of deficiency, denial, or  
21 reduction of a refund claim, or assessment of penalty or interest, a health

1 insurer may petition the Commissioner in writing for a determination of that  
2 deficiency, refund, or assessment. The Commissioner shall thereafter grant a  
3 hearing upon the matter and notify the health insurer in writing of his or her  
4 determination concerning the deficiency, penalty, or interest. This is the  
5 exclusive remedy of a health insurer with respect to these matters.

6 (b) Any hearing granted by the Commissioner under this section shall be  
7 subject to and governed by 3 V.S.A. chapter 25.

8 ~~(c) Any aggrieved health insurer may, within 30 days after a determination~~  
9 ~~by the Commissioner concerning a notice of deficiency, an assessment of~~  
10 ~~penalty or interest, or a claim to refund, appeal that determination to the~~  
11 ~~Washington Superior Court or to the Superior Court for the county in which~~  
12 ~~the health insurer has a place of business. [Repealed.]~~

13 \* \* \* Regional Venue \* \* \*

14 Sec. 31. 4 V.S.A. § 37 is amended to read:

15 § 37. VENUE

16 (a) The venue for all actions filed in the ~~superior court~~ Superior Court,  
17 whether heard in the ~~civil, criminal, family, environmental, or probate division~~  
18 Civil, Criminal, Family, Environmental, or Probate Division, shall be as  
19 provided in law.

20 (b) Notwithstanding any other provision of law, the ~~supreme court~~  
21 Supreme Court may promulgate venue rules, subject to review by the

1 legislative committee on judicial rules under 12 V.S.A. chapter 1 ~~of Title 12~~,  
2 which are consistent with the following policies:

3 (1) Proceedings involving a case shall be heard in the unit in which the  
4 case was brought, subject to the following exceptions:

5 (A) when the parties have agreed otherwise;

6 (B) status conferences, minor hearings, or other nonevidentiary  
7 proceedings; or

8 (C) when a change in venue is necessary to ensure access to justice  
9 for the parties or required for the fair and efficient administration of justice.

10 (2) The electronic filing of cases on a statewide basis should be  
11 facilitated, and the ~~court~~ Court is authorized to promulgate rules establishing  
12 an electronic case-filing system.

13 (3) The use of technology to ease travel burdens on citizens and the  
14 courts should be promoted. For example, venue requirements should be  
15 deemed satisfied for some court proceedings when a person, including a judge,  
16 makes an appearance via video technology, even if the judge is not physically  
17 present in the same location as the person making the appearance.

18 (4) The Supreme Court is authorized to designate a region of no more  
19 than four counties in which the venue for specified types of cases in the region  
20 shall be the region as a whole irrespective of the county in which the venue  
21 would lie for the case under the governing statute. A designation under this

1 subdivision shall be made by rule and shall be reviewed by the Legislative  
2 Committee on Judicial Rules pursuant to 12 V.S.A. § 1.

3 Sec. 32. REPEAL.

4 2011 Acts and Resolves No. 41, Sec. 9 (suspension of video arraignments)  
5 is repealed.

6 Sec. 33. EFFECTIVE DATES

7 (a) Secs. 9, 31, 32, and this section shall take effect on passage.

8 (b) Secs. 1, 2, and 3 shall take effect on July 1, 2015.

9 (c) Secs. 4-8 and 10-30 shall take effect on July 1, 2015 and apply to  
10 appeals filed on or after that date.