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- The Committee on Judiciary to which was referred House Bill No. 869
 entitled "An act relating to judicial organization and operations" respectfully
 reports that it has considered the same and recommends that the Senate
 propose to the House that the bill be amended by striking out all after the
 enacting clause and inserting in lieu thereof the following:
- 7 * * * Judicial Masters * * *
- 8 Sec. 1. 4 V.S.A. § 38 is added to read:
- 9 § 38. JUDICIAL MASTERS
- 10 (a) The Administrative Judge may appoint a licensed Vermont lawyer who 11 has been engaged in the practice of law in Vermont for at least the last five 12 years to serve as a Judicial Master. The Judicial Master shall be an employee 13 of the Judiciary and be subject to the Code of Judicial Conduct. A Judicial 14 Master shall not engage in the active practice of law for remuneration while 15 serving in this position. In making this appointment, the Administrative Judge 16 shall apply the criteria and standards for judicial appointments contained in 17 section 601 of this title. The Judicial Master may hear and decide matters as 18 designated by the Administrative Judge in the Civil, Criminal, and Family 19 Divisions as described herein:
 - (1) In the Civil Division of the Superior Court, pre- and post-trial matters, as approved by the presiding judge, including rent escrow orders,

1	discovery orders, sanctions not including requests for dismissal, and financial		
2	disclosure hearings; the Master shall not hear requests for injunctive relief,		
3	motions for summary judgment, a motion to dismiss for failure to state a claim		
4	or an involuntary dismissal.		
5	(2) In the Criminal Division of the Superior Court, proceedings in		
6	treatment court dockets, as approved by the presiding judge, to assure		
7	compliance with court orders, including attendance and participation with a		
8	treatment plan, imposition of sanctions and incentives, including incarceration		
9	in the course of the program and dismissal from the program due to		
10	noncompliance; the Master shall not have authority to accept pleas or to		
11	impose sentences, to hear motions to suppress, or to dismiss for lack of a prima		
12	facie case.		
13	(3) In the Family Division of the Superior Court, in juvenile		
14	proceedings, as approved by the presiding judge, to assure compliance with		
15	existing court orders, including attendance and participation in substance		
16	abuse, mental health, and other court-ordered counseling; compliance with and		
17	modification of parent-child contact; to act as the administrative body to		
18	conduct permanency hearings pursuant to 33 V.S.A. § 5321(g) unless a		
19	contested permanency hearing becomes necessary; and to provide case		
20	management of juvenile proceedings; the Master shall not have the authority to		

1	hear temporary care hearings, requests for juvenile protective orders, hearings	
2	on the merits, or to conduct disposition hearings.	
3	(4) In the Family Division of the Superior Court, proceedings, with the	
4	approval of the presiding judge, to assure compliance with existing court	
5	orders relating to parent-child contact; to act as a Master pursuant to	
6	V.R.C.P. 53 where no order has been made pursuant to 32 V.S.A. § 1758(b);	
7	and to provide case management of proceedings with 15 V.S.A. chapters 5, 11	
8	15, and 18; the Master shall not have authority to determine divorce or	
9	parentage actions, parental rights and responsibilities, or spousal maintenance	
10	or modifications of such orders.	
11	(b) The Judicial Master may be appointed to serve as an acting judge	
12	pursuant to subsection 22(b) of this title in any matter in which her or she has	
13	not previously acted as a Judicial Master.	
14	(c) The decision of a Judicial Master under this section shall have the same	
15	effect as a decision of a Superior judge, except when acting as a Master	
16	pursuant to subdivision (a)(4) of this section.	
17	* * * Venue in TPR Cases * * *	
18	Sec. 2. 4 V.S.A. § 37 is amended to read:	
19	§ 37. VENUE	
20	(a) The venue for all actions filed in the superior court Superior Court,	
21	whether heard in the civil, criminal, family, environmental, or probate division	

1	Civil, Criminal, Family, Environmental, or Probate Division, shall be as
2	provided in law.
3	(b) Notwithstanding any other provision of law, the supreme court
4	Supreme Court may promulgate venue rules, subject to review by the
5	legislative committee on judicial rules under 12 V.S.A. chapter 1 of Title 12,
6	which are consistent with the following policies:
7	(1) Proceedings involving a case shall be heard in the unit in which the
8	case was brought, subject to the following exceptions:
9	(A) when the parties have agreed otherwise;
10	(B) status conferences, minor hearings, or other nonevidentiary
11	proceedings; or
12	(C) when a change in venue is necessary to ensure access to justice
13	for the parties or required for the fair and efficient administration of justice.
14	(2) The electronic filing of cases on a statewide basis should be
15	facilitated, and the court Court is authorized to promulgate rules establishing
16	an electronic case-filing system.
17	(3) The use of technology to ease travel burdens on citizens and the
18	courts should be promoted. For example, venue requirements should be
19	deemed satisfied for some court proceedings when a person, including a judge,
20	makes an appearance via video technology, even if the judge is not physically
21	present in the same location as the person making the appearance.

1	(4) In proceedings involving the termination of parental rights, the
2	Supreme Court is authorized to designate a region of no more than four
3	counties in which the venue for specified types of cases in the region shall be
4	the region as a whole irrespective of the county in which the venue would lie
5	for the case under the governing statute. A designation under this subdivision
6	shall be made by rule and shall be reviewed by the Legislative Committee on
7	Judicial Rules pursuant to 12 V.S.A. § 1.
8	* * * Petition and Affidavit in Delinquency Proceedings * * *
9	Sec. 2. 33 V.S.A. § 5223 is amended to read:
10	§ 5223. FILING OF PETITION
11	(a) When notice to the child is provided by citation, the State's Attorney
12	shall file the petition and supporting affidavit at least 10 days prior to the date
13	for the preliminary hearing specified in the citation.
14	(b) The Court shall send or deliver a A copy of the petition and affidavit
15	shall be made available at the State's Attorney's office to all persons required
16	to receive notice, including the noncustodial parent, as soon as possible after
17	the petition is filed and at least five days prior to the date set for the
18	preliminary hearing.
19	* * * Appeals of Judicial Bureau Decisions * * *
20	Sec. 3. 4 V.S.A. § 1107 is amended to read:
21	§ 1107. APPEALS

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1	(a) A decision of the hearing officer may be appealed to the Criminal		
2	Division of the Superior Court. The proceeding before the Criminal Division		
3	of the Superior Court shall be on the record, or at the option of the defendant,		
4	de novo. The defendant shall have the right to trial by jury. An appeal shall		
5	stay payment of a penalty and the imposition of points.		
6	<mark>* * *</mark>		
7	* * * Licensing Board Appeals * * *		
8	Sec. 3. 3 V.S.A. § 130a is amended to read:		
9	§ 130a. APPEALS FROM BOARD DECISIONS		
10	(a) A party aggrieved by a final decision of a board may, within 30 days of		
11	the decision, appeal that decision by filing a notice of appeal with the director		
12	who shall assign the case to an appellate officer. The review shall be		
13	conducted on the basis of the record created before the board. In cases of		
14	alleged irregularities in procedure before the board, not shown in the record,		
15	proof on that issue may be taken by the appellate officer.		
16	* * *		
17	(c) A party aggrieved by a decision of the appellate officer may appeal to		
18	the superior court in Washington County Supreme Court, which shall review		
19	the matter on the basis of the records created before the board and the appellate		
20	officer.		

1	* * * Transportation Board Appeals * * *		
2	Sec. 4. 19 V.S.A. § 5 is amended to read:		
3	§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES		
4	* * *		
5	(c) The Board may delegate the responsibility to hear quasi-judicial		
6	matters, and other matters as it may deem appropriate, to a hearing examiner or		
7	a single Board member, to hear a case and make findings in accordance with		
8	3 V.S.A. chapter 25, except that highway condemnation proceedings shall be		
9	conducted pursuant to the provisions of chapter 5 of this title. A hearing		
10	examiner or single Board member so appointed shall report his or her findings		
11	of fact in writing to the Board. Any order resulting therefrom shall be rendered		
12	only by a majority of the Board. Final orders of the Board issued pursuant to		
13	section 20 of this title may be reviewed on the record by a Superior Court		
14	pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final		
15	orders of the Board may be reviewed on the record by the Supreme Court.		
16	* * *		
17	* * * Accessibility and Efficiency of Court System * * *		
18	Sec. 5. ACCESS TO JUSTICE; COLLABORATIVE PROCESS		
19	The Supreme Court shall coordinate a collaborative process with its justice		
20	partners, including the Vermont Bar Association, the Department of State's		
21	Attorneys and Sheriffs, the Defender General, the Attorney General, the		

1	Department for Children and Families, and the Vermont Association for			
2	Justice, in an effort to identify court system reforms that promote efficient use			
3	of judicial resources and allocation of costs while preserving access to justice			
4	and maintaining the quality of court services. The Court shall report the			
5	proposals developed in the collaborative process to the House and Senate			
6	Committees on Judiciary on or before December 15, 2016.			
7	* * * Effective Dates * * *			
8	Sec. 6. EFFECTIVE DATES			
9	(a) Secs. 1, 2, 5 and this section shall take effect on passage.			
10	(b) Secs. 3 and 4 shall take effect on July 1, 2016 and shall apply to appeals			
11	filed on or after that date.			
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18	(Committee vote:)			
19				
20		Senator		
21		FOR THE COMMITTEE		