

S.354

An act relating to emergency provisions for the operation of government

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

\* \* \* Open Meeting Law \* \* \*

Sec. 1. 1 V.S.A. § 312a is added to read:

§ 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

(a) As used in this section:

(1) “Affected public body” means a public body:

(A) whose regular meeting location is located in an area affected by a hazard; and

(B) that cannot meet in a designated physical meeting location due to a declared state of emergency pursuant to 20 V.S.A. chapter 1.

(2) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

(b) Notwithstanding subdivisions 312(a)(2)(D) and (c)(2) of this title, during a declared state of emergency under 20 V.S.A. chapter 1:

(1) a quorum or more of an affected public body may attend a regular, special, or emergency meeting by electronic or other means without designating a physical meeting location where the public may attend;

(2) the members and staff of an affected public body shall not be required to be physically present at a designated meeting location; and

(3) an affected public body of a municipality may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place.

(c) When an affected public body meets electronically under subsection (b) of this section, the affected public body shall:

(1) use technology that permits the attendance and participation of the public through electronic or other means;

(2) whenever feasible, allow the public to access the meeting by telephone; and

(3) post information that enables the public to directly access and participate in meetings electronically and shall include this information in the published agenda for each meeting.

(d) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any meetings held pursuant to this section.

(e) An affected public body of a municipality shall continue to post notices and agendas in or near the municipal clerk's office pursuant to subdivision 312(c)(2) of this title and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality.

\* \* \* Municipal Quasi-Judicial Proceedings \* \* \*

Sec. 2. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

\* \* \*

(c)(1) The ~~Board~~ board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine such appeals until all questions and objections are heard and decided. Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board who shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given. If, after notice, the appellant refuses to allow an inspection of the property as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn. The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of such board, by certified mail. If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided

in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value ~~which~~ that will produce a tax liability equal to the tax liability for the preceding year. The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action; by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of ~~such~~ the person.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a board of civil authority within a municipality affected by an all-hazard shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, "electronic means" means the transmittal of video or photographic evidence by the appellant at the direction of the board members conducting the inspection.

(d) Listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while convened to hear and determine such appeals nor shall an appellant, his or her servant, agent, or attorney be eligible to serve as a member of the ~~Board~~ board while convened to hear and determine any appeals. However, listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.

Sec. 3. 32 V.S.A. § 4467 is amended to read:

§ 4467. DETERMINATION OF APPEAL

(a) Upon appeal to the Director or the ~~Court~~ court, the hearing officer or ~~Court~~ court shall proceed de novo and determine the correct valuation of the property as promptly as practicable and to determine a homestead and a housesite value if a homestead has been declared with respect to the property for the year in which the appeal is taken. The hearing officer or ~~Court~~ court shall take into account the requirements of law as to valuation, and the provisions of Chapter I, Article 9 of the Constitution of Vermont and the 14th Amendment to the Constitution of the United States.

(b) If the hearing officer or ~~Court~~ court finds that the listed value of the property subject to appeal does not correspond to the listed value of comparable properties within the town, the hearing officer or ~~Court~~ court shall set ~~said~~ the property in the list at a corresponding value. The findings and

determinations of the hearing officer shall be made in writing and shall be available to the appellant.

(c)(1) If the appeal is taken to the Director, the hearing officer may inspect the property prior to making a determination, unless one of the parties requests an inspection, in which case the hearing officer shall inspect the property prior to making a determination. Within 10 days of the appeal being filed with the Director, the Director shall notify the property owner in writing of his or her option to request an inspection under this section.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, “electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the hearing officer conducting the inspection.

\* \* \* Temporary Moratoria on Water Service Disconnections \* \* \*

Sec. 4. 24 V.S.A. § 5152 is added to read:

§ 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

(a) Notwithstanding this chapter or any provision of law to the contrary, a municipality; a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system; or a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1, provided that:

(1) the state of emergency is declared in response to an all-hazard that will cause financial hardship and the inability of ratepayers to pay for water or sewer services; and

(2) the all-hazard does not require the water or sewer service provider to disconnect services to protect the health and safety of the public.

(b)(1) A violation of subsection (a) of this section by a municipality or a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201.

(2) A violation of subsection (a) of this section by a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) may be enforced by the Public Utility Commission pursuant to 30 V.S.A. § 30.

(c) A ratepayer shall remain obligated for any amounts due to a water or sewer service provider subject to this section. The ratepayer shall have a minimum of 90 days after the end of the declared state of emergency to pay the amounts due.

\* \* \* Municipal Deadlines \* \* \*

Sec. 5. 20 V.S.A. § 47 is added to read:

§ 47. MUNICIPAL DEADLINES, PLANS, AND LICENSES; EXTENSION

(a) During a state of emergency declared under this chapter, a municipal corporation may:

(1) extend any statutory deadline applicable to municipal corporations, provided that the deadline does not relate to a license, permit, program, or plan issued or administered by the State or federal government; and

(2) extend or waive deadlines applicable to licenses, permits, programs, or plans that are issued by the municipal corporation.

(b) During a state of emergency declared under this chapter, any expiring license, permit, program, or plan issued by a municipal corporation that is due

for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

\* \* \* Town Highway Funds \* \* \*

Sec. 6. REPEAL

19 V.S.A. § 312 (use of town highway funds) is repealed.

\* \* \* Local Elections \* \* \*

Sec. 7. 17 V.S.A. 2643a is added read:

§ 2643a. EMERGENCY PROVISION; MOVING DATE AND TIME OF LOCAL ELECTION

Notwithstanding the provisions of sections 2640 and 2643 of this subchapter or any other provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1 that affects a municipality, the municipality's legislative body may move the time and date of the municipality's upcoming annual or special meeting if the legislative body determines that the circumstances of the state of emergency may harm the public health, safety, or welfare if the meeting is held at its scheduled time and date. If it makes such a determination, the legislative body shall schedule a new time and date for the meeting so that it is held as soon as practicable and shall warn the meeting accordingly.

Sec. 8. 17 V.S.A. § 2680a is added to read:

§ 2680a. EMERGENCY PROVISION; AUSTRALIAN BALLOT APPLIED  
BY LEGISLATIVE BODY

(a) Notwithstanding the provisions of subsection 2680(a) of this subchapter that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality or any other provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1 that affects a municipality, the legislative body may vote to apply the Australian ballot system to an upcoming annual or special meeting not less than 60 days in advance of that meeting if the legislative body determines that it is necessary to do so in order to protect the public health, safety, or welfare due to the circumstances of the state of emergency.

(b) A legislative body that uses the authority set forth in subsection (a) of this section shall not be subject to any statutory deadlines or other statutory provisions, or provisions set forth in a school district's articles of agreement, related to the municipal meeting that conflict with the need to apply the Australian ballot system to the meeting, to the extent necessary to enable the municipality to apply the Australian ballot system to that meeting.

\* \* \* Professional Regulation \* \* \*

Sec. 9. 3 V.S.A. § 138 is added to read:

§ 138. EMERGENCY PROVISION; EXTENSION OF LICENSE TERMS

Notwithstanding any provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1, the Director may extend for up to 90 days at a time the expiration dates of current licenses to practice a profession attached to the Office and waive any associated late fees for license renewal that would have otherwise applied if the circumstances of the state of emergency create a barrier to obtaining renewal.

Sec. 10. 3 V.S.A. § 139 is added to read:

§ 139. EMERGENCY PROVISION; OUT-OF-STATE HEALTH CARE

PROFESSIONALS

(a) Notwithstanding any provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1, and in consultation with the Commissioner of Health, the Director may authorize a health care professional who practices a profession attached to the Office and who holds a valid license, certificate, or registration to provide those health care services in any other U.S. jurisdiction, to be deemed to be licensed, certified, or registered to provide health care services to a patient located in Vermont using telehealth or as part of the staff of a licensed facility, provided the health care professional:

(1) is licensed, certified, or registered in good standing in the other U.S. jurisdiction or jurisdictions in which the health care professional holds a license, certificate, or registration;

(2) is not subject to any professional disciplinary proceedings in any other U.S. jurisdiction; and

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.

(b) A health care professional who is deemed to be authorized to provide health care services under this section shall submit, or have submitted on the individual's behalf, to the Office the individual's name, contact information, and the location or locations at which the individual will be practicing.

(c) A health care professional who delivers health care services in Vermont pursuant to subsection (a) of this section shall be deemed to consent to, and shall be subject to, the regulatory jurisdiction of the Office.

(d) The authority to practice under this section shall remain in effect until the termination of the declared state of emergency and provided the health care professional remains licensed, certified, or registered in good standing.

Sec. 11. 3 V.S.A. § 140 is added to read:

§ 140. EMERGENCY PROVISION; INACTIVE HEALTH CARE

PROFESSIONALS

(a) Notwithstanding any provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1, and in consultation with the Commissioner of Health, the Director may authorize a former health care professional who practiced a profession attached to the Office and who left active practice not more than three years earlier with the individual's Vermont license, certificate, or registration in good standing to provide health care services to a patient located in Vermont using telehealth or as part of the staff of a licensed facility after submitting, or having submitted on the individual's behalf, to the Office the individual's name, contact information, and the location or locations at which the individual will be practicing.

(b) Such a returning health care professional shall be authorized to provide health care services without a license for not more than 30 days pending the individual's application for a temporary license or until the Director determines whether to issue that individual a temporary license, whichever comes first.

(c) The Director may issue a temporary license to such a returning health care professional at no charge and may impose limitations on the professional's scope of practice as the Director deems appropriate.

(d) A former health care professional who returns to the Vermont health care workforce pursuant to this section shall be subject to the regulatory jurisdiction of the Office.

Sec. 12. 3 V.S.A. § 141 is added to read:

§ 141. EMERGENCY PROVISION; DIRECTOR; AUTHORITY TO ACT  
FOR BOARDS

(a) During a state of emergency declared under 20 V.S.A. chapter 1, if the Director finds that a board attached to the Office cannot reasonably, safely, and expeditiously convene a quorum to transact business, and if authorized by the Secretary of State, the Director may exercise the full powers and authorities of that board, including disciplinary authority.

(b) The signature of the Director shall have the same force and effect as a voted act of the board.

(c) A record of the actions of the Director taken pursuant to the authority granted by this section shall be published conspicuously on the website of the board on whose behalf the Director took the action.

Sec. 13. 3 V.S.A. § 142 is added to read:

§ 142. EMERGENCY PROVISION; DIRECTOR; EMERGENCY  
REGULATORY ORDERS

During a state of emergency declared under 20 V.S.A. chapter 1, the Director may issue such orders governing regulated professional activities and

practices as may be necessary to protect the public health, safety, and welfare.  
If the Director finds that a professional practice, act, offering, therapy, or  
procedure by a person licensed or required to be licensed by the Office is  
exploitative, deceptive, or detrimental to the public health, safety, or welfare,  
or a combination of these, the Director may issue an order to cease and desist  
from the applicable activity, which, after reasonable efforts to publicize or  
serve the order on the affected persons, shall be binding upon all persons  
licensed or required to be licensed by the Office, and a violation of the order  
shall subject the person or persons to professional discipline, may be a basis  
for injunction by the Superior Court, and shall be deemed a violation of section  
127 of this subchapter (unauthorized practice).

Sec. 14. 26 V.S.A. § 1378 is added to read:

§ 1378. EMERGENCY PROVISION; EXECUTIVE DIRECTOR;

AUTHORITY TO ACT FOR BOARD

(a) During a state of emergency declared under 20 V.S.A. chapter 1, if the  
Executive Director finds that the Board cannot reasonably, safely, and  
expeditiously convene a quorum to transact business, and if authorized by the  
Commissioner of Health, the Executive Director may exercise the full powers  
and authorities of the Board, including disciplinary authority.

(b) The signature of the Executive Director shall have the same force and  
effect as a voted act of the Board.

(c) A record of the actions of the Executive Director taken pursuant to the authority granted by this section shall be published conspicuously on the Board's website.

Sec. 15. 26 V.S.A. § 1405 is added to read:

§ 1405. EMERGENCY PROVISION; OUT-OF-STATE HEALTH CARE PROFESSIONALS

(a) Notwithstanding any provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1, and when authorized by the Commissioner of Health, the Executive Director may authorize a health care professional who practices a profession regulated by the Board and who holds a valid license, certificate, or registration to provide those health care services in any other U.S. jurisdiction, to be deemed to be licensed, certified, or registered to provide health care services to a patient located in Vermont using telehealth or as part of the staff of a licensed facility, provided the health care professional:

(1) is licensed, certified, or registered in good standing in the other U.S. jurisdiction or jurisdictions in which the health care professional holds a license, certificate, or registration;

(2) is not subject to any professional disciplinary proceedings in any other U.S. jurisdiction; and

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.

(b) A health care professional who is deemed to be authorized to provide health care services under this section shall submit, or have submitted on the individual's behalf, to the Board the individual's name, contact information, and the location or locations at which the individual will be practicing.

(c) A health care professional who delivers health care services in Vermont pursuant to subsection (a) of this section shall be deemed to consent to, and shall be subject to, the regulatory jurisdiction of the Board.

(d) The authority to practice under this section shall remain in effect until the termination of the declared state of emergency and provided the health care professional remains licensed, certified, or registered in good standing.

Sec. 16. 26 V.S.A. § 1406 is added to read:

§ 1406. EMERGENCY PROVISION; INACTIVE HEALTH

CARE PROFESSIONALS

(a) Notwithstanding any provision of law to the contrary, during a state of emergency declared under 20 V.S.A. chapter 1, and when authorized by the Commissioner of Health, the Executive Director may authorize a former health care professional who practiced a profession regulated by the Board and who left active practice not more than three years earlier with the individual's Vermont license, certificate, or registration in good standing to provide health

care services to a patient located in Vermont using telehealth or as part of the staff of a licensed facility after submitting, or having submitted on the individual's behalf, to the Board the individual's name, contact information, and the location or locations at which the individual will be practicing.

(b) Such a returning health care professional shall be authorized to provide health care services without a license for not more than 30 days pending the individual's application for a temporary license or until the Executive Director determines whether to issue that individual a temporary license, whichever comes first.

(c) The Executive Director may issue a temporary license to such a returning health care professional at no charge and may impose limitations on the professional's scope of practice as the Executive Director deems appropriate.

(d) A former health care professional who returns to the Vermont health care workforce pursuant to this section shall be subject to the regulatory jurisdiction of the Board.

\* \* \* Emergency Sheriff Funding \* \* \*

Sec. 17. 24 V.S.A. § 313 is added to read:

§ 313. EMERGENCY PROVISION; COUNTY RESERVE FUNDS;

FUNDING OF EMERGENCY SHERIFF NEEDS

(a) Funding.

(1)(A) During a state of emergency declared under 20 V.S.A. chapter 1 that affects a county, in order to support the emergency needs of that county's sheriff due to that emergency, the county's operations reserve funds and capital reserve funds described in subsection 133(e) of this chapter may be allowed to be used for the emergency needs of the sheriff subject to the approval of the assistant judges.

(B) As used in this section, "emergency needs" means the needs to respond to the emergency and includes hiring deputies, dispatchers, and other personnel and purchasing equipment and supplies.

(2) The funding of these emergency needs under this subsection shall be in addition to the support of the sheriff's department set forth in section 73 of this title.

(b) Reimbursement.

(1) Any sheriff who receives county reserve funds for emergency needs under subsection (a) of this section shall apply to any applicable resources for emergency relief, such as the Federal Emergency Management Agency (FEMA), that are known to the sheriff for any allowable reimbursement.

(2) Within 30 days of receiving any such allowable reimbursement, the sheriff shall provide those funds to the county in order to reimburse the county for the funds allocated to the sheriff under subsection (a) of this section.

A sheriff shall only be responsible for reimbursing the county an amount equal

to the allowable reimbursement the sheriff received under subdivision (1) of this subsection.

(c) Sunset. The authority for a sheriff to obtain funding for emergency needs under subsection (a) of this section shall sunset two weeks after the day the Governor terminates the state of emergency.

\* \* \* Effective Dates \* \* \*

Sec. 18. EFFECTIVE DATES

This act shall take effect on January 1, 2021, except that Sec. 6 (repeal of 19 V.S.A. § 312 (use of town highway funds)) shall take effect on July 1, 2021.