

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

Introduced by Senate Committee on Government Operations

Referred to Committee on

Date:

Subject: <Subject>

Statement of purpose of bill as introduced: This bill proposes to <Purpose>

An act relating to <Title>

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

* * * Elections * * *

Sec. 1. 17 V.S.A. chapter 63 is added to read:

CHAPTER 63. ELECTION PROVISIONS DURING A STATE OF

EMERGENCY

§ 3001. LEGISLATIVE INTENT; PROTECTION OF CITIZENS AND OF

ELECTIONS

It is the intent of the General Assembly that, if there is a public health-related state of emergency under 20 V.S.A. § 1, the citizens of Vermont should be able to protect their health, safety, and welfare while also continuing to exercise their right to participate in elections in order to maintain our democratic institutions. Accordingly, this chapter sets forth temporary

1 elections provisions that may be used during such a public health-related state
2 of emergency.

3 § 3002. SUSPENSION OF PRIMARY PETITION, STATEMENT OF
4 NOMINATION, AND LOCAL ELECTION VOTER SIGNATURE
5 REQUIREMENTS

6 (a) Notwithstanding 17 V.S.A. § 2354, 2355, 2402(b), 2681(b), or any
7 other provision of law to the contrary, during a statewide, public health-related
8 state of emergency under 20 V.S.A. chapter 1, a person shall not be required to
9 collect voter signatures in order to have the person’s name placed on any
10 ballot, including on any local election ballot. Accordingly, a person shall not
11 be required to file a primary petition as a major party candidate for the
12 primary, a statement of nomination as an independent candidate for the general
13 election, or a petition as a candidate for a local election, as those contain the
14 voter signatures.

15 (b) If a person is not required to collect voter signatures as is provided in
16 subsection (a) of this section:

17 (1) Notwithstanding the start date for filing primary petitions for major
18 party candidates set forth in 17 V.S.A. § 2356(a), consent of candidate forms
19 for those candidates shall be filed not earlier than the second Thursday after the
20 first Monday in May.

21 (2) Notwithstanding the start date for filing statements of nomination for

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1 independent candidates for President or Vice President of the United States set
2 forth in 17 V.S.A. § 2402(d)(1)(A), consent of candidate forms for those
3 candidates shall be filed not earlier than two weeks preceding the deadline to
4 file those statements of nomination.

5 (3) Notwithstanding the start date for filing statements of nomination for
6 any other independent candidates except for justice of the peace set forth in
7 17 V.S.A. § 2402(d)(1)(C), consent of candidate forms for those candidates
8 shall be filed not earlier than two weeks preceding the deadline to file those
9 statements of nomination.

10 (c) All other requirements relating to nominations and candidate
11 qualifications shall continue to apply.

12 § 3003. SECRETARY OF STATE; TEMPORARY ELECTIONS
13 PROCEDURES

14 (a) During a statewide public health-related state of emergency, the
15 Secretary of State is authorized, in consultation with the Governor, to order or
16 permit, as applicable, appropriate elections procedures for the purpose of
17 protecting the health, safety, and welfare of voters, elections workers, and
18 candidates in carrying out elections, including:

19 (1) requiring mail balloting by requiring town clerks to send ballots by
20 mail to all registered voters;

21 (2) creating early or mail ballot collection stations;

1 (3) permitting municipal clerks to process and begin counting ballots in
2 a 30-day window preceding the day of an election;

3 (4) permitting drive-up, car window collection of ballots by election
4 officials;

5 (5) extending the time for municipal clerks to process and count ballots;
6 and

7 (6) extending voting hours on the day of an election.

8 (b) For any temporary elections procedure the Secretary of State orders or
9 permits under this section, the Secretary shall adopt any necessary
10 corresponding procedures that ensure the public can monitor polling places and
11 the counting of votes.

12 § 3004. LOCAL ELECTIONS BY AUSTRALIAN BALLOT

13 (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) that require the
14 voters of a municipality to vote to apply the provisions of the Australian ballot
15 system to the annual or special meeting of the municipality, during a state of
16 emergency under 20 V.S.A. chapter 1 within a municipality, that municipality
17 may apply the Australian ballot system to any or all of its municipal elections
18 that are to be held within XYZ days by vote of its legislative body.

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19 (b) The Secretary of State may waive statutory deadlines or other statutory
20 provisions, or provisions set forth in a school district's articles of agreement,
21 related to a municipal election as necessary in order for a municipality to apply

1 the Australian ballot system to its meeting as provided in subsection (a) of this
2 section. This waiver authority applies to statutory provisions set forth in a
3 municipal charter or provisions set forth in a school district’s articles of
4 agreement if the waiver is requested by that municipality.

6 **FOR FURTHER COMMITTEE DISCUSSION:**

7 * * * Office of Professional Regulation and Board of Medical Practice * * *

8 *[From [2020, Act 91](#), Secs. 17-21]*

9 Sec. 17. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
10 MEDICAL PRACTICE; OUT-OF-STATE HEALTH CARE
11 PROFESSIONALS

12 (a) Notwithstanding any provision of Vermont’s professional licensure
13 statutes or rules to the contrary, during a declared state of emergency in
14 Vermont as a result of COVID-19, a health care professional, including a
15 mental health professional, who holds a valid license, certificate, or registration
16 to provide health care services in any other U.S. jurisdiction shall be deemed to
17 be licensed, certified, or registered to provide health care services, including
18 mental health services, to a patient located in Vermont using telehealth or as
19 part of the staff of a licensed facility, provided the health care professional:

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

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

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

8 (b) A health care professional who plans to provide health care services in
9 Vermont as part of the staff of a licensed facility shall submit or have
10 submitted on the individual’s behalf the individual’s name, contact
11 information, and the location or locations at which the individual will be
12 practicing to:

13 (1) the Board of Medical Practice for medical doctors, physician
14 assistants, and podiatrists; or

15 (2) the Office of Professional Regulation for all other health care
16 professions.

17 (c) A health care professional who delivers health care services in Vermont
18 pursuant to subsection (a) of this section shall be subject to the imputed
19 jurisdiction of the Board of Medical Practice or the Office of Professional
20 Regulation, as applicable based on the health care professional’s profession, in
21 accordance with Sec. 19 of this act.

1 (d) This section shall remain in effect until the termination of the declared
2 state of emergency in Vermont as a result of COVID-19 and provided the
3 health care professional remains licensed, certified, or registered in good
4 standing.

5 Sec. 18. RETIRED HEALTH CARE PROFESSIONALS; BOARD OF
6 MEDICAL PRACTICE; OFFICE OF PROFESSIONAL
7 REGULATION

8 (a)(1) During a declared state of emergency in Vermont as a result of
9 COVID-19, a former health care professional, including a mental health
10 professional, who retired not more than three years earlier with the individual's
11 Vermont license, certificate, or registration in good standing may provide
12 health care services, including mental health services, to a patient located in
13 Vermont using telehealth or as part of the staff of a licensed facility after
14 submitting, or having submitted on the individual's behalf, to the Board of
15 Medical Practice or Office of Professional Regulation, as applicable, the
16 individual's name, contact information, and the location or locations at which
17 the individual will be practicing.

18 (2) A former health care professional who returns to the Vermont health
19 care workforce pursuant to this subsection shall be subject to the regulatory
20 jurisdiction of the Board of Medical Practice or the Office of Professional
21 Regulation, as applicable.

1 (b) During a declared state of emergency in Vermont as a result of COVID-
2 19, the Board of Medical Practice and the Office of Professional Regulation
3 may permit former health care professionals, including mental health
4 professionals, who retired more than three but less than 10 years earlier with
5 their Vermont license, certificate, or registration in good standing to return to
6 the health care workforce on a temporary basis to provide health care services,
7 including mental health services, to patients in Vermont. The Board of
8 Medical Practice and Office of Professional Regulation may issue temporary
9 licenses to these individuals at no charge and may impose limitations on the
10 scope of practice of returning health care professionals as the Board or Office
11 deems appropriate.

12 Sec. 19. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
13 MEDICAL PRACTICE; IMPUTED JURISDICTION

14 A practitioner of a profession or professional activity regulated by Title 26
15 of the Vermont Statutes Annotated who provides regulated professional
16 services to a patient in the State of Vermont without holding a Vermont
17 license, as may be authorized in a declared state of emergency, is deemed to
18 consent to, and shall be subject to, the regulatory and disciplinary jurisdiction
19 of the Vermont regulatory agency or body having jurisdiction over the
20 regulated profession or professional activity.

1 Sec. 20. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
2 MEDICAL PRACTICE; EMERGENCY AUTHORITY TO ACT
3 FOR REGULATORY BOARDS

4 (a)(1) During a declared state of emergency in Vermont as a result of
5 COVID-19, if the Director of Professional Regulation finds that a regulatory
6 body attached to the Office of Professional Regulation by 3 V.S.A. § 122
7 cannot reasonably, safely, and expeditiously convene a quorum to transact
8 business, the Director may exercise the full powers and authorities of that
9 regulatory body, including disciplinary authority.

10 (2) During a declared state of emergency in Vermont as a result of
11 COVID-19, if the Executive Director of the Board of Medical Practice finds
12 that the Board cannot reasonably, safely, and expeditiously convene a quorum
13 to transact business, the Executive Director may exercise the full powers and
14 authorities of the Board, including disciplinary authority.

15 (b) The signature of the Director of the Office of Professional Regulation
16 or of the Executive Director of the Board of Medical Practice shall have the
17 same force and effect as a voted act of their respective boards.

18 (c)(1) A record of the actions of the Director of the Office of Professional
19 Regulation taken pursuant to the authority granted by this section shall be
20 published conspicuously on the website of the regulatory body on whose
21 behalf the Director took the action.

1 (2) A record of the actions of the Executive Director of the Board of
2 Medical Practice taken pursuant to the authority granted by this section shall
3 be published conspicuously on the website of the Board of Medical Practice.

4 Sec. 21. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
5 MEDICAL PRACTICE; EMERGENCY REGULATORY ORDERS

6 During a declared state of emergency in Vermont as a result of COVID-19,
7 the Director of Professional Regulation and the Commissioner of Health may
8 issue such orders governing regulated professional activities and practices as
9 may be necessary to protect the public health, safety, and welfare. If the
10 Director or Commissioner finds that a professional practice, act, offering,
11 therapy, or procedure by persons licensed or required to be licensed by Title 26
12 of the Vermont Statutes Annotated is exploitative, deceptive, or detrimental to
13 the public health, safety, or welfare, or a combination of these, the Director or
14 Commissioner may issue an order to cease and desist from the applicable
15 activity, which, after reasonable efforts to publicize or serve the order on the
16 affected persons, shall be binding upon all persons licensed or required to be
17 licensed by Title 26 of the Vermont Statutes Annotated, and a violation of the
18 order shall subject the person or persons to professional discipline, may be a
19 basis for injunction by the Superior Court, and shall be deemed a violation of 3
20 V.S.A. § 127.

1 * * * Electrician and Plumber License Renewal Extensions * * *

2 Sec. 15. DEPARTMENT OF PUBLIC SAFETY; ELECTRICIANS'
3 LICENSING BOARD; PLUMBERS' EXAMINING BOARD;
4 TEMPORARY LICENSE EXTENSION AND LATE FEE WAIVER

5 *[From [2020, Act 92](#), Sec. 4]*

6 Notwithstanding the provisions of 26 V.S.A. §§ 908 (electricians) and 2195
7 (plumbers) regulating the renewal of licenses by the Electricians' Licensing
8 Board and Plumbers' Examining Board, all electrician and plumber licenses
9 that were due to expire between [March 30, 2020 and September 30, 2020](#) shall
10 remain valid and be deemed to expire on [September 30, 2020](#), and any
11 associated late fees for renewal that would have applied during that time frame
12 shall be waived.

13 * * * Emergency Sheriff Funding * * *

14 Sec. 16. COVID-19 STATE OF EMERGENCY; COUNTY RESERVE
15 FUNDS; COUNTY SHERIFFS; FUNDING OF EMERGENCY
16 NEEDS

17 *[From [2020, Act 100](#), Sec. 5]*

18 (a) Funding.

19 (1) To support the emergency needs of sheriffs due to the State's
20 COVID-19 response, a county's operations reserve funds and capital reserve
21 funds described in 24 V.S.A. § 133(e) may be allowed to be used for the

1 emergency needs of the county sheriff subject to the approval of the assistant
2 judges. “Emergency needs” means the needs to respond to COVID-19 and
3 includes hiring deputies, dispatchers, and other personnel and purchasing
4 equipment and supplies.

5 (2) The funding of these emergency needs under this subsection shall be
6 in addition to the support of the sheriff’s department set forth in 24 V.S.A.
7 § 73.

8 (b) Reimbursement.

9 (1) Any sheriff who receives county reserve funds for emergency needs
10 under subsection (a) of this section shall apply to the Federal Emergency
11 Management Agency (FEMA) and any other applicable resources for COVID-
12 19 relief known to the sheriff for any allowable reimbursement.

13 (2) Within 30 days of receiving any such allowable reimbursement, the
14 sheriff shall provide those funds to the county in order to reimburse the county
15 for the funds allocated to the sheriff under subsection (a) of this section. A
16 sheriff shall only be responsible for reimbursing the county an amount equal to
17 the allowable reimbursement the sheriff received under subdivision (1) of this
18 subsection.

19 (c) Sunset. This section shall be repealed two weeks after the day the
20 Governor terminates the state of emergency for the State of Vermont in
21 response to COVID-19.

1 Sec. X. EFFECTIVE DATE

2 This act shall take effect on passage.