

1 Introduced by Senate Committee on Government Operations

2 Referred to Committee on

3 Date:

4 Subject: Executive Branch; municipal law; states of emergency; temporary
5 provisions

6 Statement of purpose of bill as introduced: This bill proposes to provide
7 temporary provisions for the Executive Branch and municipalities during a
8 state of emergency

9 An act relating to providing temporary governmental operations during a
10 state of emergency

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

12 * * * Municipal Quasi-Judicial Proceedings * * *

13 Sec. 1. MUNICIPAL QUASI-JUDICIAL PROCEEDINGS; TEMPORARY
14 SUSPENSION OF IN-PERSON HEARING AND INSPECTION
15 REQUIREMENTS

16 *[From [2020, Act 106, Sec. 1](#)]*

17 (a) Notwithstanding any provision of law to the contrary, during a declared
18 state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a
19 municipality is authorized to conduct any municipal quasi-judicial proceeding

1 through electronic means, provided that the municipality complies with all
2 other requirements for the conduct of the proceeding. The municipality shall
3 not be required to designate a physical location for the proceeding.

4 (b)(1) Notwithstanding 32 V.S.A. § 4404(c), during a declared state of
5 emergency under 20 V.S.A. chapter 1 due to COVID-19, a board of civil
6 authority shall not be required to physically inspect any property that is the
7 subject of an appeal. If the appellant requests in writing that the property be
8 inspected for purposes of the appeal, a member or members of the Board shall
9 conduct the inspection through electronic means. If the appellant does not
10 facilitate the inspection through electronic means, then the appeal shall be
11 deemed withdrawn.

12 (2) Notwithstanding 32 V.S.A. § 4467, during a declared state of
13 emergency under 20 V.S.A. chapter 1 due to COVID-19, a hearing officer
14 shall not be required to physically inspect any property that is the subject of an
15 appeal. If the appellant requests in writing that the property be inspected for
16 purposes of the appeal, the hearing officer shall conduct the inspection through
17 electronic means. If the appellant does not facilitate the inspection through
18 electronic means, then the appeal shall be deemed withdrawn.

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

1 penalties, or interest imposed on a municipality with respect to payment of the
2 statewide education property tax due to the State or a school district.

3 Sec. 3. MUNICIPAL TAX RATE; TEMPORARY AUTHORITY IN
4 RESPONSE TO COVID-19

5 *[From [2020, Act 105](#), Sec. 1]*

6 During a declared state of emergency under 20 V.S.A. chapter 1 **due to**
7 **COVID-19**, the legislative body of a city, town, or incorporated village may
8 adopt a budget and a municipal tax rate for the next fiscal year, provided that
9 the city, town, or incorporated village has not held an annual or special
10 meeting **in the year 2020** to adopt a budget and municipal tax rate.

11 Sec. 4. MUNICIPAL PROPERTY TAX; HIGHWAY EXPENDITURES;
12 GENERAL GOVERNMENT EXPENDITURES

13 *[From [2020, Act 113](#), Sec. 2]*

14 (a) Notwithstanding 19 V.S.A. § 312 and any other provision of law to the
15 contrary, **during a declared state of emergency under 20 V.S.A. chapter 1 due**
16 **to COVID-19**, the legislative body of a municipality is authorized to:

17 (1) borrow monies appropriated from property taxes for the highway
18 expenditures of the municipality as part of the budget approved by the legal
19 voters of the municipality to expend on general government expenditures; and

1 coronavirus disease 2019 (COVID-19) in the State of Vermont public bodies
2 should organize and hold open meetings in a manner that will protect the
3 health and welfare of the public while providing access to the operations of
4 government. Public bodies should meet electronically and provide the public
5 with electronic access to meetings in lieu of a designated physical location.
6 Accordingly, this act sets forth temporary Open Meeting Law procedures in
7 response to COVID-19.

8 Sec. 6. OPEN MEETING LAW; TEMPORARY SUSPENSION OF
9 DESIGNATED PHYSICAL MEETING LOCATION
10 REQUIREMENTS

11 *[From [2020, Act 92, Sec. 6](#)]*

12 (a) Notwithstanding 1 V.S.A. § 312(a), during a declared state of
13 emergency under 20 V.S.A. chapter 1 due to COVID-19:

14 (1) a quorum or more of the members of a public body may attend a
15 regular, special, or emergency meeting by electronic or other means without
16 being physically present at a designated meeting location;

17 (2) the public body shall not be required to designate a physical meeting
18 location where the public may attend; and

19 (3) the members and staff of the public body shall not be required to be
20 physically present at a designated meeting location.

21 (b) When the public body meets electronically under subsection (a) of this

1 section, the public body shall use technology that permits the attendance of the
2 public through electronic or other means. The public body shall allow the
3 public to access the meeting by telephone whenever feasible. The public body
4 shall post information on how the public may access meetings electronically
5 and shall include this information in the published agenda for each meeting.
6 Unless unusual circumstances make it impossible for them to do so, the
7 legislative body of each municipality and each school board shall record its
8 meetings held pursuant to this section.

9 (c) In the event of a staffing shortage during a declared state of emergency
10 under 20 V.S.A. chapter 1 due to COVID-19, a public body may extend the
11 time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not
12 more than 10 days from the date of the meeting.

13 Sec. 7. OPEN MEETING LAW; TEMPORARY AUTHORITY;

14 ELECTRONIC POSTING OF MEETING NOTICES AND
15 AGENDAS

16 *[From 2020, Act 113, Sec. 1]*

17 Notwithstanding subdivisions (c)(2) and (d)(1)(B) of 1 V.S.A. § 312, during
18 a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a
19 municipal public body may post any meeting agenda or notice of a special
20 meeting in two designated electronic locations in lieu of the two designated
21 public places in the municipality, or in a combination of a designated

1 electronic location and a designated public place. A municipal public body
2 shall post the notice or agenda in or near the municipal clerk’s office and shall
3 provide a copy of each notice or agenda to the newspapers of general
4 circulation for the municipality.

5 Sec. 8. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE
6 BOARD; MEETING REQUIREMENTS IN THE YEAR 2020

7 *[From [2020, Act 92, Sec. 7](#)]*

8 In the [year], the Department of Fish and Wildlife and the Fish and Wildlife
9 Board shall not be required to hold the number of regional meetings as
10 required by 10 V.S.A. §§ 4081(f) (deer) and 4082(b) and (c) (migratory bird
11 and moose), but shall be required to hold not less than five meetings by
12 electronic means to ensure adequate public involvement.

13 * * * Deadlines for Municipal Corporations and

14 Other Political Subdivisions * * *

15 *[From [2020, Act 92, Sec. 8](#)]*

16 Sec. 9. EXTENSION OF DEADLINES APPLICABLE TO MUNICIPAL
17 CORPORATIONS AND REGIONAL PLANNING COMMISSIONS;
18 CONTINUED VALIDITY OF LICENSES AND PLANS

19 (a) During a declared state of emergency under 20 V.S.A. chapter 1 due to
20 COVID-19, the Governor may authorize State agencies to extend any deadline
21 applicable to municipal corporations or regional planning commissions. A

1 deadline established by statute shall not be extended to more than 90 days after
2 the date that the declared state of emergency ends. Any expiring license,
3 permit, program, or plan issued to a municipal corporation or regional planning
4 commission that is due to a State agency for renewal or review shall remain
5 valid for 90 days after the date that the declared state of emergency ends.

6 (b) During a declared state of emergency under 20 V.S.A. chapter 1 due to
7 COVID-19, a municipal corporation shall be permitted to extend any deadline
8 applicable to municipal corporations, provided that the deadline does not relate
9 to a State license, permit, program, or plan subject to subsection (a) of this
10 section. A municipal corporation may extend or waive deadlines applicable to
11 licenses, permits, programs, or plans issued by a municipal corporation. Any
12 expiring license, permit, program, or plan issued by a municipal corporation
13 that is due to the municipal corporation for renewal or review shall remain
14 valid for 90 days after the date that the declared state of emergency ends.

15 Sec. 10. TEMPORARY MORATORIUM ON DISCONNECTIONS FROM

16 PUBLIC DRINKING WATER AND WASTEWATER SYSTEMS

17 *[From [2020, Act 92, Sec. 9](#)]*

18 (a) Notwithstanding 24 V.S.A. chapter 129, a municipality shall be
19 prohibited from disconnecting a person from water or sewer services **during a**
20 **declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.**

21 (b) Notwithstanding any provision of law to the contrary, a person who is

1 permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who
2 provides another person water as a part of the operation of that public water
3 system shall be prohibited from disconnecting any person from the public
4 water system during a declared state of emergency under 20 V.S.A. chapter 1
5 due to COVID-19.

6 (c) Notwithstanding any provision of law to the contrary, a company
7 engaged in the collecting, sale, and distribution of water for domestic,
8 industrial, business, or fire protection purposes that is regulated by the Public
9 Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from
10 disconnecting any person from services during a declared state of emergency
11 under 20 V.S.A. chapter 1 due to COVID-19.

12 (d) A violation of subsection (a) or (b) of this section may be enforced by
13 the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201. A
14 violation of subsection (c) of this section may be enforced by the Public Utility
15 Commission under 30 V.S.A. § 30.

16 * * * Elections * * *

17 *[From [2020, Act 92](#), Secs. 1-4]*

18 Sec. 11. LEGISLATIVE INTENT; PROTECTION OF CITIZENS AND OF
19 ELECTIONS

20 It is the intent of the General Assembly that, if the coronavirus disease 2019
21 (COVID-19) pandemic continues its expected spread in the State of Vermont,

1 the citizens of Vermont should be able to protect their health, safety, and
2 welfare while also continuing to exercise their right to participate in elections
3 in order to maintain our democratic institutions. Accordingly, this act sets
4 forth temporary elections provisions in response to COVID-19.

5 Sec. 12. ELECTIONS **IN THE YEAR 2020**; SUSPENSION OF PRIMARY
6 PETITION, STATEMENT OF NOMINATION, AND LOCAL
7 ELECTION VOTER SIGNATURE REQUIREMENTS

8 (a) Notwithstanding 17 V.S.A. § 2354, 2355, 2402(b), 2681(b), or any
9 other provision of law to the contrary, a person shall not be required to collect
10 voter signatures in order to have the person's name placed on any ballot in the
11 year 2020, including on any local election ballot. Accordingly, a person shall
12 not be required to file a primary petition as a major party candidate for the
13 primary, a statement of nomination as an independent candidate for the general
14 election, or a petition as a candidate for a local election, as those contain the
15 voter signatures.

16 (b) **In the year 2020:**

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

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 **Saturday, July 18, 2020.**

4 (3) Notwithstanding the start date for filing statements of nomination for
5 any other independent candidates except for justice of the peace set forth in
6 17 V.S.A. § 2402(d)(1)(C), consent of candidate forms for those candidates
7 shall be filed not earlier than **Thursday, July 23, 2020.**

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

10 Sec. 13. ELECTIONS **IN THE YEAR 2020**; SECRETARY OF STATE;

11 GOVERNOR; TEMPORARY ELECTIONS PROCEDURES

12 *[2020, Act 92, Sec. 3, as amended by 2020, Act 135, Sec. 1]*

13 (a) **In the year 2020**, the Secretary of State is authorized, in consultation
14 **and agreement** with the Governor, to order or permit, as applicable, appropriate
15 elections procedures for the purpose of protecting the health, safety, and
16 welfare of voters, elections workers, and candidates in carrying out elections,
17 including:

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

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

21 (3) permitting municipal clerks to process and begin counting ballots in

1 a 30-day window preceding the day of an election;

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

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

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

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

11 Sec. 14. **2020** LOCAL ELECTIONS BY AUSTRALIAN BALLOT

12 (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) that require the
13 voters of a municipality to vote to apply the provisions of the Australian ballot
14 system to the annual or special meeting of the municipality, **in the year 2020,**
15 any municipality may apply the Australian ballot system to any or all of its
16 municipal elections held **in the year 2020** by vote of its legislative body.

17 (b) The Secretary of State may waive statutory deadlines or other statutory
18 provisions, or provisions set forth in a school district's articles of agreement,
19 related to a municipal election as necessary in order for a municipality to apply
20 the Australian ballot system to its meeting **in the year 2020.** This waiver
21 authority applies to statutory provisions set forth in a municipal charter or

1 provisions set forth in a school district’s articles of agreement if the waiver is
2 requested by that municipality.

3 * * * Electrician and Plumber License Renewal Extensions * * *

4 Sec. 15. DEPARTMENT OF PUBLIC SAFETY; ELECTRICIANS’

5 LICENSING BOARD; PLUMBERS’ EXAMINING BOARD;

6 TEMPORARY LICENSE EXTENSION AND LATE FEE WAIVER

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

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

15 * * * Emergency Sheriff Funding * * *

16 Sec. 16. COVID-19 STATE OF EMERGENCY; COUNTY RESERVE

17 FUNDS; COUNTY SHERIFFS; FUNDING OF EMERGENCY

18 NEEDS

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

1 (a) Funding.

2 (1) To support the emergency needs of sheriffs due to the State’s
3 COVID-19 response, a county’s operations reserve funds and capital reserve
4 funds described in 24 V.S.A. § 133(e) may be allowed to be used for the
5 emergency needs of the county sheriff subject to the approval of the assistant
6 judges. “Emergency needs” means the needs to respond to COVID-19 and
7 includes hiring deputies, dispatchers, and other personnel and purchasing
8 equipment and supplies.

9 (2) The funding of these emergency needs under this subsection shall be
10 in addition to the support of the sheriff’s department set forth in 24 V.S.A.
11 § 73.

12 (b) Reimbursement.

13 (1) Any sheriff who receives county reserve funds for emergency needs
14 under subsection (a) of this section shall apply to the Federal Emergency
15 Management Agency (FEMA) and any other applicable resources for COVID-
16 19 relief known to the sheriff for any allowable reimbursement.

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

1 the allowable reimbursement the sheriff received under subdivision (1) of this
2 subsection.
3 (c) Sunset. This section shall be repealed two weeks after the day the
4 Governor terminates the state of emergency for the State of Vermont in
5 response to COVID-19.