

1 Introduced by Committee on Government Operations

2 Referred to Committee on

3 Date:

4 Subject: Government operations; emergency provisions; Open Meeting Law;

5 municipal corporations; local elections; professional regulation;

6 sheriff funding

7 Statement of purpose of bill as introduced: This bill proposes to establish

8 statutory provisions that may be used for the operation of government in cases

9 of emergency.

10 An act relating to emergency provisions for the operation of government

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

12 * * * Open Meeting Law * * *

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

14 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

15 (a) For purposes of this section:

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

17 (A) whose regular meeting location is located in an area affected by a

18 hazard; and

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

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

4 (b) Notwithstanding 1 V.S.A. § 312, during a declared state of emergency
5 under 20 V.S.A. chapter 1:

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

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

11 (3) an affected public body of a municipality may post any meeting
12 agenda or notice of a special meeting in two designated electronic locations in
13 lieu of the two designated public places in the municipality, or in a
14 combination of a designated electronic location and a designated public place;
15 and

16 (4) in the event of a staffing shortage, an affected public body may
17 extend the deadline for the posting of minutes under 1 V.S.A. § 312(b)(2) to
18 not more than 10 days from the date of the meeting.

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

21 (1) use technology that permits the attendance of the public through

1 electronic or other means;

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

4 (3) post information on how the public may access meetings
5 electronically and shall include this information in the published agenda for
6 each meeting.

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

10 (e) An affected public body of a municipality shall continue to post notices
11 and agendas in or near the municipal clerk’s office pursuant to 1 V.S.A.
12 § 312(c)(2) and shall provide a copy of each notice or agenda to the
13 newspapers of general circulation for the municipality.

14 * * * Municipal Quasi-Judicial Proceedings * * *

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

16 § 4404. APPEALS FROM LISTERS AS TO GRAND LIST

17 * * *

18 (c)(1) The Board shall meet at the time and place so designated, and on that
19 day and from day to day thereafter shall hear and determine such appeals until
20 all questions and objections are heard and decided. Each property, the
21 appraisal of which is being appealed, shall be inspected by a committee of not

1 less than three members of the board who shall report to the board within 30
2 days from the hearing on the appeal and before the final decision pertaining to
3 the property is given. If, after notice, the appellant refuses to allow an
4 inspection of the property as required under this subsection, including the
5 interior and exterior of any structure on the property, the appeal shall be
6 deemed withdrawn. The board shall, within 15 days from the time of the
7 report, certify in writing its notice of decision, with reasons, in the premises,
8 and shall file ~~such~~ the notice with the town clerk who shall thereupon record
9 the same in the book wherein the appeal was recorded and forthwith notify the
10 appellant in writing of the action of such board, by certified mail. If the board
11 does not substantially comply with the requirements of this subsection and if
12 the appeal is not withdrawn by filing written notice of withdrawal with the
13 board or deemed withdrawn as provided in this subsection, the grand list of the
14 appellant for the year for which appeal is being made shall remain at the
15 amount set before the appealed change was made by the listers; except, if there
16 has been a complete reappraisal, the grand list of the appellant for the year for
17 which appeal is being made shall be set at a value which will produce a tax
18 liability equal to the tax liability for the preceding year. The town clerk shall
19 immediately record the same in the book wherein the appeal was recorded and
20 forthwith notify the appellant in writing of ~~such~~ the action, by certified mail.

1 Thereupon the appraisal so determined pursuant to this subsection shall
2 become a part of the grand list of ~~such~~ the person.

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

11 (3) As used in this subsection, “electronic means” means the transmittal
12 of video or photographic evidence by the appellant at the direction of the
13 Board members conducting the inspection.

14 * * *

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

16 § 4467. DETERMINATION OF APPEAL

17 (a) Upon appeal to the Director or the Court, the hearing officer or Court
18 shall proceed de novo and determine the correct valuation of the property as
19 promptly as practicable and to determine a homestead and a housesite value if
20 a homestead has been declared with respect to the property for the year in
21 which the appeal is taken. The hearing officer or Court shall take into account

1 the requirements of law as to valuation, and the provisions of Chapter I, Article
2 9 of the Constitution of Vermont and the 14th Amendment to the Constitution
3 of the United States.

4 (b) If the hearing officer or Court finds that the listed value of the property
5 subject to appeal does not correspond to the listed value of comparable
6 properties within the town, the hearing officer or Court shall set ~~said~~ the
7 property in the list at a corresponding value. The findings and determinations
8 of the hearing officer shall be made in writing and shall be available to the
9 appellant.

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

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

1 inspection through electronic means, then the appeal shall be deemed
2 withdrawn.

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

6 * * * Temporary Moratoriums on Water Service Disconnections * * *

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

8 § 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

9 (a) Notwithstanding this chapter or any provision of law to the contrary, a
10 municipality; a person who is permitted as a public water system pursuant to
11 10 V.S.A. chapter 56 and who provides another person water as a part of the
12 operation of that public water system; or a company engaged in the collecting,
13 sale, and distribution of water for domestic, industrial, business, or fire
14 protection purposes that is regulated by the Public Utility Commission under
15 30 V.S.A. §203(3) shall be prohibited from disconnecting any person from
16 services during a declared state of emergency under 20 V.S.A. chapter 1,
17 provided that:

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

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

3 (b)(1) A violation of subsection (a) of this section by a municipality or a
4 person who is permitted as a public water system pursuant to 10 V.S.A.
5 chapter 56 may be enforced by the Agency of Natural Resources pursuant to
6 10 V.S.A. chapter 201.

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

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

16 * * * Municipal Deadlines * * *

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

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

19 (a) During a declared state of emergency under 20 V.S.A. chapter 1, a
20 municipal corporation may:

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

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

6 (b) During a declared state of emergency under 20 V.S.A. chapter 1, any
7 expiring license, permit, program, or plan issued by a municipal corporation
8 that is due for renewal or review shall remain valid for 90 days after the date
9 that the declared state of emergency ends.

10 * * * Town Highway Funds * * *

11 Sec. 6. REPEAL

12 19 V.S.A. § 312 (use of town highway funds) is repealed.

13 * * * Local Elections * * *

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

15 § 2643a. EMERGENCY PROVISION; MOVING DATE AND TIME OF

16 LOCAL ELECTION

17 Notwithstanding the provisions of sections 2640 and 2643 of this
18 subchapter or any other provision of law to the contrary, during a state of
19 emergency declared under 20 V.S.A. chapter 1 that affects a municipality, the
20 municipality's legislative body may move the time and date of the
21 municipality's upcoming annual or special meeting if the legislative body

1 determines that the circumstances of the state of emergency may harm the
2 public health, safety, or welfare if the meeting is held at its scheduled time and
3 date. If it makes such a determination, the legislative body shall schedule a
4 new time and date for the meeting so that it is held as soon as practicable, and
5 shall warn the meeting accordingly.

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

7 § 2680a. EMERGENCY PROVISION; AUSTRALIAN BALLOT APPLIED
8 BY LEGISLATIVE BODY

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

19 (b) A legislative body that uses the authority set forth in subsection (a) of
20 this section shall not be subject to any statutory deadlines or other statutory
21 provisions, or provisions set forth in a school district's articles of agreement,

1 related to the municipal meeting that conflict with the need to apply the
2 Australian ballot system to the meeting, to the extent necessary to enable the
3 municipality to apply the Australian ballot system to that meeting.

4 * * * Professional Regulation * * *

5 Sec. 9. 20 V.S.A. § 9 is amended to read:

6 § 9. EMERGENCY POWERS OF GOVERNOR

7 Subject to the provisions of this chapter, in the event of an all-hazards event
8 in or directed upon the United States or Canada that causes or may cause
9 substantial damage or injury to persons or property within the bounds of the
10 State in any manner, the Governor may proclaim a state of emergency within
11 the entire State or any portion or portions of the State. Thereafter, the
12 Governor shall have and may exercise for as long as the Governor determines
13 the emergency to exist the following additional powers within such area or
14 areas:

15 * * *

16 (12) In consultation with the head of the professional regulatory entity
17 of an agency under the Office of Governor, to extend for up to 90 days at a
18 time the expiration dates of current professional licenses or other
19 authorizations to practice a profession issued by that entity and to waive any
20 associated late fees for license or authorization renewal that would have
21 otherwise applied if the circumstances of the all-hazards event create a barrier

1 to obtaining renewal.

2 Sec. 10. 3 V.S.A. § 138 is added to read:

3 § 138. EMERGENCY PROVISION; EXTENSION OF LICENSE TERMS

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

10 Sec. 11. 3 V.S.A. § 139 is added to read:

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

12 PROFESSIONALS

13 (a) Notwithstanding any provision of law to the contrary, during a state of
14 emergency declared under 20 V.S.A. chapter 1, and in consultation with the
15 Commissioner of Health, the Director may authorize a health care professional
16 who practices a profession attached to the Office and who holds a valid
17 license, certificate, or registration to provide those health care services in any
18 other U.S. jurisdiction, to be deemed to be licensed, certified, or registered to
19 provide health care service to a patient located in Vermont using telehealth or
20 as 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 is deemed as authorized to provide
9 health care services under this section shall submit or have submitted on the
10 individual’s behalf the individual’s name, contact information, and the location
11 or locations at which the individual will be practicing to the Office.

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

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

4 Sec. 12. 3 V.S.A. § 140 is added to read:

5 § 140. EMERGENCY PROVISION; INACTIVE HEALTH

6 CARE PROFESSIONALS

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

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

1 (c) The Director may issue temporary licenses to these individuals at no
2 charge and may impose limitations on the scope of practice of returning health
3 care professionals as the Director deems appropriate.

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

7 Sec. 13. 3 V.S.A. § 141 is added to read:

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

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

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

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

1 Sec. 14. 3 V.S.A. § 142 is added to read:

2 § 142. EMERGENCY PROVISION; DIRECTOR; EMERGENCY

3 REGULATORY ORDERS

4 During a state of emergency declared under 20 V.S.A. chapter 1, the
5 Director may issue such orders governing regulated professional activities and
6 practices as may be necessary to protect the public health, safety, and welfare.

7 If the Director finds that a professional practice, act, offering, therapy, or
8 procedure by a person licensed or required to be licensed by the Office is
9 exploitative, deceptive, or detrimental to the public health, safety, or welfare,
10 or a combination of these, the Director may issue an order to cease and desist
11 from the applicable activity, which, after reasonable efforts to publicize or
12 serve the order on the affected persons, shall be binding upon all persons
13 licensed or required to be licensed by the Office, and a violation of the order
14 shall subject the person or persons to professional discipline, may be a basis
15 for injunction by the Superior Court, and shall be deemed a violation of 3
16 V.S.A. § 127.

17 Sec. 15. 26 V.S.A. § 1380 is added to read:

18 § 1380. EMERGENCY PROVISION; OUT-OF-STATE HEALTH CARE

19 PROFESSIONALS

20 (a) Notwithstanding any provision of law to the contrary, during a state of
21 emergency declared under 20 V.S.A. chapter 1, and when authorized by the

1 Commissioner of Health, the Executive Director may authorize a health care
2 professional who practices a profession regulated by the Board and who holds
3 a valid license, certificate, or registration to provide those health care services
4 in any other U.S. jurisdiction, to be deemed to be licensed, certified, or
5 registered to provide health care services to a patient located in Vermont using
6 telehealth or as part of the staff of a licensed facility, provided the health care
7 professional:

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

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

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

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

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

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

4 Sec. 16. 3 V.S.A. § 1381 is added to read:

5 § 1381. EMERGENCY PROVISION; INACTIVE HEALTH

6 CARE PROFESSIONALS

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

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

1 (c) The Executive Director may issue temporary licenses to these
2 individuals at no charge and may impose limitations on the scope of practice of
3 returning health care professionals as the Executive Director deems
4 appropriate.

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

8 Sec. 17. 26 V.S.A. § 1382 is added to read:

9 § 1382. EMERGENCY PROVISION; EXECUTIVE DIRECTOR;

10 AUTHORITY TO ACT FOR BOARD

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

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

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

1 Sec. 12. 26 V.S.A. § 1383 is added to read:

2 § 1383. EMERGENCY PROVISION; EXECUTIVE DIRECTOR;

3 EMERGENCY REGULATORY ORDERS

4 During a state of emergency declared under 20 V.S.A. chapter 1, and when
5 authorized by the Commissioner of Health, the Executive Director may issue
6 such orders governing regulated professional activities and practices as may be
7 necessary to protect the public health, safety, and welfare. If the Executive
8 Director finds that a professional practice, act, offering, therapy, or procedure
9 by a person licensed or required to be licensed by the Board is exploitative,
10 deceptive, or detrimental to the public health, safety, or welfare, or a
11 combination of these, the Executive Director may issue an order to cease and
12 desist from the applicable activity, which, after reasonable efforts to publicize
13 or serve the order on the affected persons, shall be binding upon all persons
14 licensed or required to be licensed by the Board, and a violation of the order
15 shall subject the person or persons to professional discipline, may be a basis
16 for injunction by the Superior Court, and shall be deemed a violation of 3
17 V.S.A. § 127.

1 emergency relief, such as the Federal Emergency Management Agency
2 (FEMA), that are known to the sheriff for any allowable reimbursement.

3 (2) Within 30 days of receiving any such allowable reimbursement, the
4 sheriff shall provide those funds to the county in order to reimburse the county
5 for the funds allocated to the sheriff under subsection (a) of this section. A
6 sheriff shall only be responsible for reimbursing the county an amount equal to
7 the allowable reimbursement the sheriff received under subdivision (1) of this
8 subsection.

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

12 * * * Effective Dates * * *

13 Sec. 19. EFFECTIVE DATES

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