

1 Introduced by Committee on Government Operations

2 Date:

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

4 municipal corporations; local elections; professional regulation;

5 sheriff funding

6 Statement of purpose of bill as introduced: This bill proposes to establish
7 statutory provisions that may be used for the operation of government in cases
8 of emergency.

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

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

11 * * * Open Meeting Law * * *

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

13 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

14 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

1 the report, certify in writing its notice of decision, with reasons, in the
2 premises, and shall file ~~such~~ the notice with the town clerk who shall
3 thereupon record the same in the book wherein the appeal was recorded and
4 forthwith notify the appellant in writing of the action of such board, by
5 certified mail. If the board does not substantially comply with the
6 requirements of this subsection and if the appeal is not withdrawn by filing
7 written notice of withdrawal with the board or deemed withdrawn as provided
8 in this subsection, the grand list of the appellant for the year for which appeal
9 is being made shall remain at the amount set before the appealed change was
10 made by the listers; except, if there has been a complete reappraisal, the grand
11 list of the appellant for the year for which appeal is being made shall be set at a
12 value ~~which~~ that will produce a tax liability equal to the tax liability for the
13 preceding year. The town clerk shall immediately record the same in the book
14 wherein the appeal was recorded and forthwith notify the appellant in writing
15 of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined
16 pursuant to this subsection shall become a part of the grand list of ~~such~~ the
17 person.

18 (2) During a declared state of emergency under 20 V.S.A. chapter 1, a
19 board of civil authority within a municipality affected by an all-hazard shall
20 not be required to physically inspect any property that is the subject of an
21 appeal. If the appellant requests in writing that the property be inspected for

1 purposes of the appeal, a member or members of the board shall conduct the
2 inspection through electronic means. If the appellant does not facilitate the
3 inspection through electronic means, then the appeal shall be deemed
4 withdrawn.

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

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

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

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

4 (b) If the hearing officer or ~~Court~~ court finds that the listed value of the
5 property subject to appeal does not correspond to the listed value of
6 comparable properties within the town, the hearing officer or ~~Court~~ court shall
7 set ~~said~~ the property in the list at a corresponding value. The findings and
8 determinations of the hearing officer shall be made in writing and shall be
9 available to the 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 Moratoria 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 (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 state of emergency declared under this chapter, any expiring
7 license, permit, program, or plan issued by a municipal corporation that is due
8 for renewal or review shall remain valid for 90 days after the date that the
9 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. 3 V.S.A. § 138 is added to read:

6 § 138. EMERGENCY PROVISION; EXTENSION OF LICENSE TERMS

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

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

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

15 PROFESSIONALS

16 (a) Notwithstanding any provision of law to the contrary, during a state of
17 emergency declared under 20 V.S.A. chapter 1, and in consultation with the
18 Commissioner of Health, the Director may authorize a health care professional
19 who practices a profession attached to the Office and who holds a valid
20 license, certificate, or registration to provide those health care services in any
21 other U.S. jurisdiction, to be deemed to be licensed, certified, or registered to

1 provide health care services to a patient located in Vermont using telehealth or
2 as part of the staff of a licensed facility, provided the health care professional:

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

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

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

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

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

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

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

2 § 140. EMERGENCY PROVISION; INACTIVE HEALTH CARE

3 PROFESSIONALS

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

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

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

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

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

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

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

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

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

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

18 § 142. EMERGENCY PROVISION; DIRECTOR; EMERGENCY
19 REGULATORY ORDERS

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

1 practices as may be necessary to protect the public health, safety, and welfare.
2 If the Director finds that a professional practice, act, offering, therapy, or
3 procedure by a person licensed or required to be licensed by the Office is
4 exploitative, deceptive, or detrimental to the public health, safety, or welfare,
5 or a combination of these, the Director may issue an order to cease and desist
6 from the applicable activity, which, after reasonable efforts to publicize or
7 serve the order on the affected persons, shall be binding upon all persons
8 licensed or required to be licensed by the Office, and a violation of the order
9 shall subject the person or persons to professional discipline, may be a basis
10 for injunction by the Superior Court, and shall be deemed a violation of section
11 127 of this subchapter (unauthorized practice).

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

13 § 1378. EMERGENCY PROVISION; EXECUTIVE DIRECTOR;

14 AUTHORITY TO ACT FOR BOARD

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

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

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

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

5 § 1405. EMERGENCY PROVISION; OUT-OF-STATE HEALTH CARE
6 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 health care
10 professional who practices a profession regulated by the Board and who holds
11 a valid license, certificate, or registration to provide those health care services
12 in any other U.S. jurisdiction, to be deemed to be licensed, certified, or
13 registered to provide health care services to a patient located in Vermont using
14 telehealth or as part of the staff of a licensed facility, provided the health care
15 professional:

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

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

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

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

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

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

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

14 § 1406. EMERGENCY PROVISION; INACTIVE HEALTH

15 CARE PROFESSIONALS

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

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

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

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

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

17 * * * Emergency Sheriff Funding * * *

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

19 § 313. EMERGENCY PROVISION; COUNTY RESERVE FUNDS;

20 FUNDING OF EMERGENCY SHERIFF NEEDS

21 (a) Funding.

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

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

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

13 (b) Reimbursement.

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

18 (2) Within 30 days of receiving any such allowable reimbursement, the
19 sheriff shall provide those funds to the county in order to reimburse the county
20 for the funds allocated to the sheriff under subsection (a) of this section. A
21 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. The authority for a sheriff to obtain funding for emergency
4 needs under subsection (a) of this section shall sunset two weeks after the day
5 the Governor terminates the state of emergency.

6 * * * Effective Dates * * *

7 Sec. 18. EFFECTIVE DATES

8 This act shall take effect on January 1, 2021, except that Sec. 6 (repeal of
9 19 V.S.A. § 312 (use of town highway funds)) shall take effect on July 1,
10 2021.