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H.744

Introduced by Representatives Canfield of Fair Haven, Grad of Moretown,  
Baser of Bristol, Batchelor of Derby, Beyor of Highgate,  
Brennan of Colchester, Burditt of West Rutland, Christie of  
Hartford, Condon of Colchester, Cupoli of Rutland City,  
Donahue of Northfield, Fagan of Rutland City, Frenier of  
Chelsea, Gage of Rutland City, Gamache of Swanton, Hebert of  
Vernon, Jickling of Randolph, Keefe of Manchester, Lewis of  
Berlin, Lucke of Hartford, Martel of Waterford, Mattos of  
Milton, Morrissey of Bennington, Myers of Essex, Norris of  
Shoreham, Poirier of Barre City, Quimby of Concord, Read of  
Fayston, Rosenquist of Georgia, Savage of Swanton,  
Scheuermann of Stowe, Shaw of Pittsford, Sabilia of Dover,  
Smith of Derby, Smith of New Haven, Strong of Albany,  
Sullivan of Dorset, Terenzini of Rutland Town, Troiano of  
Stannard, Willhoit of St. Johnsbury, and Wright of Burlington

Referred to Committee on

Date:

Subject: National Guard; Adjutant and Inspector General; General Assembly;  
legislative elections; motor vehicles; registration; veterans'  
exemptions; equipment; certified inspection mechanics; Secretary of

1 State; professional regulation; professions and occupations; nurses;  
2 licensed nursing assistants; health; food service establishment  
3 licenses; taxation and finance; exemption for military retirement pay  
4 Statement of purpose of bill as introduced: This bill proposes to establish  
5 minimum qualifications for candidates for Adjutant and Inspector General; to  
6 transfer authority for the appointment of the Adjutant and Inspector General  
7 from the General Assembly to the Governor; to create a board to review and  
8 recommend to the Governor candidates for Adjutant and Inspector General; to  
9 clarify provisions related to financial assistance provided to veterans by the  
10 U.S. Department of Veterans Affairs for the purchase of motor vehicles; to  
11 facilitate professional licensing for veterans and members of the U.S. Armed  
12 Forces who have a relevant military credential; to require the Office of  
13 Professional Regulation to study the feasibility of offering professional  
14 licensing reciprocity for certain immigrants settling in Vermont; and to create  
15 an exemption from the income tax for military retirement pay.

16 An act relating to veterans and military affairs

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

2 \* \* \* Selection of the Adjutant and Inspector General \* \* \*

3 Sec. 1. 2 V.S.A. § 11 is amended to read:

4 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

5 (a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after  
6 their biennial meeting and organization, the Senate and House of  
7 Representatives shall meet in joint assembly and proceed therein to elect the  
8 State officers, except judicial officers, whose election by the Constitution and  
9 laws devolves in the first instance upon them in joint assembly, including the  
10 Sergeant at Arms, ~~the Adjutant and Inspector General~~, and the legislative  
11 trustees of the University of Vermont and State Agricultural College. In case  
12 election of all such officers shall not be made on that day, they shall meet in  
13 joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding  
14 day, Saturdays and Sundays excepted, and proceed in such election, until all  
15 such officers are elected.

16 \* \* \*

17 Sec. 2. 20 V.S.A. § 370 is added to read:

18 § 370. ADJUTANT AND INSPECTOR GENERAL NOMINATING

19 BOARD

20 (a) The Adjutant and Inspector General Nominating Board is created to  
21 nominate candidates for Adjutant and Inspector General.

1       (b)(1) The Board shall consist of nine members who shall be selected  
2       as follows:

3               (A) Three members of the Governor's Veterans Advisory Council  
4       appointed on a majority vote of the Council.

5               (B) Three members of the House, not all of whom shall be members  
6       of the same party, appointed by the Speaker of the House.

7               (C) Three members of the Senate, not all of whom shall be members  
8       of the same party, appointed by the Committee on Committees.

9               (2)(A) The members of the Board shall serve for terms of two years and  
10       may serve for not more than three consecutive terms.

11               (B) All appointments shall occur between January 1 and February 1  
12       of each odd-numbered year, except to fill a vacancy. A House vacancy that  
13       occurs when the General Assembly is adjourned shall be filled by the Speaker  
14       of the House and a Senate vacancy that occurs when the General Assembly is  
15       adjourned shall be filled by the Senate Committee on Committees.

16               (C) Members shall serve until their successors are appointed.

17               (3) The members shall elect their own chair who shall serve for a term  
18       of two years.

19               (c) Legislative members of the Board shall be entitled to per diem  
20       compensation and reimbursement for expenses in accordance with 2 V.S.A.  
21       § 406. Members of the Board who are not otherwise compensated by their

1 employer shall be entitled to per diem compensation and reimbursement for  
2 expenses in the same manner as board members are compensated under  
3 32 V.S.A. § 1010. The compensation and reimbursement for the six members  
4 appointed by the House and Senate shall be paid from the legislative  
5 appropriation. The compensation and reimbursement for the three members  
6 appointed by the Governor's Veterans Advisory Council shall be paid from the  
7 appropriation for the Military Department.

8 (d) A quorum of the Board shall consist of a majority of the members.

9 (e) The Board is authorized to use the staff and services of appropriate  
10 State agencies and departments as necessary to conduct investigations of  
11 candidates.

12 Sec. 3. 20 V.S.A. § 371 is added to read:

13 § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND  
14 INSPECTOR GENERAL; REQUIREMENTS

15 (a)(1) A candidate for Adjutant and Inspector General shall, on or before  
16 November 1 of the year prior to when the Governor will appoint a new  
17 Adjutant and Inspector General, declare his or her candidacy to the Board  
18 pursuant to procedures adopted by the Board and certify under oath that he or  
19 she meets the qualifications set forth in subsection (b) of this section.

20 (2) In the case of a vacancy occurring during a term, a candidate shall,  
21 not later than 14 days after the office of Adjutant and Inspector General

1 becomes vacant, declare his or her candidacy to the Board pursuant to  
2 procedures adopted by the Board and certify under oath that he or she meets  
3 the qualifications set forth in subsection (b) of this section.

4 (b) A candidate for Adjutant and Inspector General shall:

5 (1) be a resident of Vermont;

6 (2) have attained the rank of lieutenant colonel (O-5) or above;

7 (3) be a current member of the U.S. Army, the U.S. Air Force, the  
8 U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or  
9 the Air National Guard or be eligible to return to active service in the Army  
10 National Guard or the Air National Guard; and

11 (4) be a graduate of a Senior Service College, currently be enrolled in a  
12 Senior Service College, or be eligible to be enrolled in a Senior Service  
13 College during the biennium in which the candidate would first be appointed.

14 (c) The Board's procedures pursuant to this section and section 372 of this  
15 chapter shall not be subject to rulemaking under 3 V.S.A. §§ 836–844 and may  
16 be adopted and revised at the discretion of the Board.

17 (d)(1) Except as otherwise provided by subdivision (2) of this subsection:

18 (A) all proceedings of the Board shall be confidential and exempt  
19 from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2; and

1           (B) all records of the Board, including the names of candidates and  
2           any information related to candidates, shall be exempt from public inspection  
3           and copying under the Public Records Act and shall be kept confidential.

4           (2) The following shall be public:

5           (A) the Board's operating procedures;

6           (B) the Board's application procedures and any application or other  
7           forms used by the Board, provided they do not contain information about a  
8           candidate or confidential proceedings;

9           (C) proceedings of the Board that are not directly related to the  
10          consideration of candidates;

11          (D) the names of the candidates sent to the Governor; and

12          (E) at the time the Board sends the names of the candidates to the  
13          Governor, the total number of applicants interviewed by the Board and the  
14          total number of candidates sent to the Governor.

15          Sec. 4. 20 V.S.A. § 372 is added to read:

16          § 372. DUTIES OF NOMINATING BOARD

17          (a) Interview and selection. The Board shall interview each candidate for  
18          Adjutant and Inspector General and evaluate him or her with respect to:

19               (1) the qualifications set forth in subsection 371(b) of this title;

20               (2) leadership;

21               (3) integrity; and

1           (4) administrative and communication skills.

2           (b) Nomination. After interviewing and evaluating all candidates, the  
3           Board shall submit to the Governor a list of all well-qualified candidates for  
4           Adjutant and Inspector General.

5           Sec. 5. 20 V.S.A. § 363 is amended to read:

6           § 363. OFFICERS GENERALLY

7           (a) The ~~general assembly shall biennially elect~~ Governor shall appoint,  
8           with the advice and consent of the Senate and from a list of candidates  
9           submitted by the Adjutant and Inspector General Nominating Board, an  
10           adjutant and inspector general, who Adjutant and Inspector General for a term  
11           of four years. An Adjutant and Inspector General appointed to fill a vacancy  
12           occurring during a term shall serve the remainder of the unexpired term. The  
13           Adjutant and Inspector General shall also be ~~quartermaster general~~  
14           Quartermaster General with the rank of a major general.

15           (b)(1) ~~Such officer~~ The Adjutant and Inspector General may appoint a  
16           deputy with appropriate rank, an ~~assistant adjutant general~~ Assistant Adjutant  
17           General for army Army, an ~~assistant adjutant general~~ Assistant Adjutant  
18           General for air Air, an ~~assistant adjutant general~~ Assistant Adjutant General for  
19           ~~joint operations~~ Joint Operations, a sergeant major, and a chief master  
20           sergeant, without pay, with the approval of the ~~governor~~ Governor.



1           (2) The ~~adjutant general~~ Adjutant and Inspector General may remove  
2           the appointed assistant adjutant generals and sergeants and shall be responsible  
3           for their acts.

4           (3) Upon appointment, each assistant adjutant general shall be a  
5           federally recognized officer of the ~~national guard~~ National Guard of the rank of  
6           lieutenant colonel or above, and shall have a rank of colonel or brigadier  
7           general, and the sergeant major shall be a federally recognized  
8           noncommissioned officer of the ~~national guard~~ National Guard of the rank of  
9           master sergeant or first sergeant, and the chief master sergeant shall be a  
10          federally recognized noncommissioned officer of the rank of senior master  
11          sergeant or first sergeant.

12          (4) The deputy, assistants, and sergeants shall perform duties as the  
13          ~~adjutant and inspector general and quartermaster general~~ Adjutant and  
14          Inspector General shall direct. In the absence or disability of the ~~officer~~  
15          Adjutant and Inspector General, the deputy shall perform the duties of that  
16          office.

17          (c) In case a vacancy occurs in the office of ~~adjutant and inspector general~~  
18          ~~and quartermaster general~~ Adjutant and Inspector General, the deputy shall  
19          assume and discharge the duties of the office until the vacancy is filled.

1        ~~(d) The appointments~~ Appointments made pursuant to subsections (a) and  
2        (b) of this section shall be in writing and recorded in the office of the ~~secretary~~  
3        ~~of state~~ Secretary of State.

4        (e) All other officers of the ~~national guard~~ National Guard shall be chosen  
5        in accordance with ~~such regulations as~~ rules adopted by the ~~governor may~~  
6        ~~prescribe~~ Governor consistent with the laws of this ~~state~~ State and the United  
7        States.

8                    \* \* \* Vehicles Acquired with Financial Assistance from  
9                    the U.S. Department of Veterans Affairs \* \* \*

10        Sec. 6. 23 V.S.A. § 378 is amended to read:

11        § 378. VETERANS' EXEMPTIONS

12        No fees shall be charged an honorably discharged ~~veterans~~ veteran of the  
13        U.S. Armed Forces; who ~~are residents~~ is a resident of the State of Vermont for  
14        the registration of a motor vehicle ~~granted that the veteran by the Veterans'~~  
15        ~~Administration~~ has acquired with financial assistance from the  
16        U.S. Department of Veterans Affairs, or for the registration of a motor vehicle  
17        owned by him or her during his or her lifetime obtained as a replacement  
18        thereof, when his or her application is accompanied by a ~~certificate~~ copy of an  
19        approved VA Form 21-4502 issued by the ~~Veterans' Administration center~~  
20        U.S. Department of Veterans Affairs certifying him or her to be entitled to  
21        ~~such exemption~~ the financial assistance.

1 Sec. 7. 23 V.S.A. § 609 is amended to read:

2 § 609. VETERANS' EXEMPTION

3 No fees shall be charged an honorably discharged ~~veterans~~ veteran of the  
4 U.S. Armed Forces; who ~~are residents~~ is a resident of the State of Vermont; for  
5 a license to operate a motor vehicle, when the veteran has ~~received~~ acquired a  
6 motor vehicle with financial assistance from the ~~Veterans' Administration~~  
7 U.S. Department of Veterans Affairs and he or she is otherwise eligible to be  
8 granted ~~such the~~ the license; and when his or her application is accompanied by a  
9 ~~certificate~~ copy of an approved VA Form 21-4502 issued by the ~~Veterans'~~  
10 ~~Administration center~~ U.S. Department of Veterans Affairs certifying him or  
11 her to be entitled to ~~such exemption~~ the financial assistance.

12 Sec. 8. 23 V.S.A. § 2002 is amended to read:

13 § 2002. FEES

14 (a) The Commissioner shall be paid the following fees:

15 \* \* \*

16 (11) for a certificate of title for a motor vehicle ~~granted~~ acquired by a  
17 veteran ~~by~~ with financial assistance from the ~~Veterans' Administration~~  
18 U.S. Department of Veterans Affairs and exempt from registration fees  
19 pursuant to section 378 of this title, no fee;

20 \* \* \*

1 Sec. 9. 32 V.S.A. § 8911 is amended to read:

2 § 8911. EXCEPTIONS

3 The tax imposed by this chapter shall not apply to:

4 \* \* \*

5 (14) A motor vehicle ~~granted~~ acquired by a veteran ~~by~~ with financial  
6 assistance from the Veterans' Administration U.S. Department of Veterans  
7 Affairs or a vehicle obtained as a replacement to one ~~granted~~ acquired with  
8 such assistance, when accompanied by a ~~certificate~~ copy of an approved VA  
9 Form 21-4502 issued by the ~~Veterans' Administration Center~~ U.S. Department  
10 of Veterans Affairs certifying the veteran to be entitled to the ~~exemption~~  
11 financial assistance.

12 \* \* \*

13 \* \* \* Professional Licensing \* \* \*

14 Sec. 10. 26 V.S.A. § 1643 is amended to read:

15 § 1643. NURSING ASSISTANT LICENSURE BY ENDORSEMENT

16 (a) The Board may issue a license to practice as a nursing assistant to an  
17 applicant who:

18 (1) is licensed or registered in another U.S. jurisdiction; and

19 (2) ~~who~~ has met the practice requirements set by the Board by rule.

20 (b) The Board may issue a license to practice as a nursing assistant to an  
21 applicant who:







1           (C) have met the criteria for “demonstration of knowledge”  
2           requirements set forth by the Department of Health in rule for the purposes of  
3           obtaining a food establishment license.

4           (2) As used in this subsection:

5           (A) “Service member” means an individual who is an active duty  
6           member of:

7                   (i) the U.S. Armed Forces;

8                   (ii) a reserve component of the U.S. Armed Forces;

9                   (iii) the U.S. Coast Guard; or

10                  (iv) the National Guard of any state.

11           (B) “Veteran” means a former service member who received an  
12           honorable discharge or a general discharge under honorable conditions from  
13           active duty not more than two years prior to submitting an application for a  
14           food establishment license under this chapter.

15           Sec. 13. LICENSING RECIPROCITY FOR IMMIGRANTS SETTLING IN  
16                   VERMONT; REPORT

17           The Director of the Office of Professional Regulation, in consultation with  
18           the State Refugee Coordinator, shall examine means of reducing unnecessary  
19           barriers to professional licensure for qualified immigrants to Vermont from  
20           foreign countries. On or before January 15, 2019, the Director shall submit to



1 the House and Senate Committees on Government Operations a report of his or  
2 her findings and any recommendations for legislative action.

3 \* \* \* Tax Exemption for U.S. Armed Forces Retirement Pay \* \* \*

4 Sec. 14. 32 V.S.A. § 5811 is amended to read:

5 § 5811. DEFINITIONS

6 The following definitions shall apply throughout this chapter unless the  
7 context requires otherwise:

8 \* \* \*

9 (21) “Taxable income” means, in the case of an individual, federal  
10 adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

11 (A) ~~Increased~~ increased by the following items of income (to the  
12 extent such income is excluded from federal adjusted gross income):

13 \* \* \*

14 (B) ~~Decreased~~ decreased by the following items of income (to the  
15 extent such income is included in federal adjusted gross income):

16 (i) income from U.S. government obligations;

17 (ii) with respect to adjusted net capital gain income as defined in  
18 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend  
19 income: either the first \$5,000.00 of such adjusted net capital gain income; or  
20 40 percent of adjusted net capital gain income from the sale of assets held by

1 the taxpayer for more than three years, except not adjusted net capital gain  
2 income from:

3 (I) the sale of any real estate or portion of real estate used by  
4 the taxpayer as a primary or nonprimary residence; or

5 (II) the sale of depreciable personal property other than farm  
6 property and standing timber; or stocks or bonds publicly traded or traded on  
7 an exchange, or any other financial instruments; regardless of whether sold by  
8 an individual or business; and provided that the total amount of decrease under  
9 this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable  
10 income; ~~and~~

11 (iii) recapture of State and local income tax deductions not taken  
12 against Vermont income tax; and

13 (iv) income from U.S. Armed Forces retirement pay that is subject  
14 to federal income tax; and

15 (C) ~~Decreased~~ decreased by the following exemptions and  
16 deductions:

17 \* \* \*

18 Sec. 15. 32 V.S.A. § 5813 is amended to read:

19 § 5813. STATUTORY PURPOSES

20 \* \* \*

