

No. 88. An act relating to military affairs.

(H.917)

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

* * * Adjutant General * * *

Sec. 1. 2 V.S.A. § 10 is amended to read:

§ 10. ELECTION OF STATE AND JUDICIAL OFFICERS

* * *

(c) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday of the second year of the biennial session, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the State officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the legislative trustees of the Vermont State Colleges Corporation and the Adjutant ~~and Inspector~~ General. In case election of all such officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Sec. 2. 16 V.S.A. § 2539 is amended to read:

§ 2539. APPLICATION, AWARD, RENEWAL

* * *

(b) On being notified of an eligible applicant's matriculation at an institution as specified in subsection 2538(a) of this title, the Adjutant ~~and~~

~~Inspector~~ General or the Office of Veterans' Affairs shall provide funds from the special fund established in section 2541 of this title to the Vermont Student Assistance Corporation, which, upon verifying enrollment, shall disburse the scholarship award to the institution.

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Sec. 3. 16 V.S.A. § 2857 is amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

* * *

(e) Termination of tuition benefit.

(1) The Office of the Vermont Adjutant ~~and Inspector~~ General may terminate the tuition benefit provided an individual under the Program if:

* * *

(3) If an individual is dismissed for academic or disciplinary reasons from any postsecondary educational institution before receiving tuition benefits under the Program, the Office of the Adjutant ~~and Inspector~~ General may make a determination regarding the individual's eligibility to receive tuition benefits under the Program.

(f) Adoption of policies, procedures, and guidelines.

(1) VSAC, in consultation with the Office of the Adjutant ~~and Inspector~~ General, shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, which shall include eligibility, application, and acceptance requirements, proration of service requirements for

academic semesters or attendance periods shorter than one year, data sharing guidelines, and the criteria for determining “good cause” as used in subdivisions (d)(2) and (e)(1)(C) of this section.

* * *

Sec. 4. 20 V.S.A. § 361 is amended to read:

§ 361. MILITARY DEPARTMENT; NATIONAL GUARD

(a) The Military Department, created by 3 V.S.A. § 212, shall be administered by the Adjutant ~~and Inspector~~ General and shall include the National Guard and all military components of the State.

* * *

(c) The Adjutant ~~and Inspector~~ General shall adopt all necessary rules for the government of the National Guard pursuant to this chapter.

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

§ 363. OFFICERS GENERALLY

(a)(1) The General Assembly shall biennially elect an Adjutant ~~and Inspector~~ General for a term of two years, in accordance with 2 V.S.A. § 10(c).

(2) An Adjutant ~~and Inspector~~ General appointed to fill a vacancy occurring during a term shall serve the remainder of the unexpired term.

(3) In order to be eligible for election to serve as Adjutant ~~and Inspector~~ General, an individual shall:

* * *

(b) The Adjutant ~~and Inspector~~ General shall be granted the rank of a major general within the State.

(c)(1) The Adjutant General may appoint a Deputy with the approval of the Governor. The Adjutant General may also appoint an Assistant Adjutant General for Army, an Assistant Adjutant General for Air, an Assistant Adjutant General for Joint Operations, a Command Sergeant Major, and a Command Chief Master Sergeant, without pay, with the approval of the Governor.

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

* * *

(4) The Deputy, assistants, and sergeants shall perform duties as the Adjutant ~~and Inspector~~ General shall direct.

(d)(1) In the absence or disability of the Adjutant ~~and Inspector~~ General, the Deputy shall perform the duties of that office.

(2) In case a vacancy occurs in the office of Adjutant ~~and Inspector~~ General, the Deputy shall assume and discharge the duties of the office until the vacancy is filled.

* * *

(f) All other officers of the National Guard shall be chosen in accordance with rules adopted by the Adjutant ~~and Inspector~~ General consistent with the laws of this State and the United States.

Sec. 6. 20 V.S.A. § 365 is amended to read:

§ 365. DISCHARGES TO OFFICERS

Discharges to commissioned officers may be granted by the Governor under rules adopted by the Adjutant ~~and Inspector~~ General.

Sec. 7. 20 V.S.A. § 369 is amended to read:

§ 369. AWARDS AND MEDALS

Upon the approval of the Governor, the Adjutant ~~and Inspector~~ General may create and design awards and medals to recognize meritorious service or outstanding achievement for members of the Vermont National Guard. The Adjutant ~~and Inspector~~ General shall publish a roster of these awards and medals, the criteria and process for awarding them, and a description or specification of each award or medal. All awards and medals shall be presented in the name of the State of Vermont and be awarded to a member or retired member of the Vermont National Guard or if the member is deceased to the member's spouse, child, parent, sibling, or grandchild or, if none, to a person designated by the executor of the member's estate.

Sec. 8. 20 V.S.A. chapter 23 is amended to read:

CHAPTER 23. ADJUTANT ~~AND INSPECTOR~~ GENERAL

* * *

Sec. 9. 20 V.S.A. § 421 is amended to read:

§ 421. DUTIES GENERALLY

The Adjutant ~~and Inspector~~ General shall issue, sign, and transmit the orders of the Governor, and the rules that may be established, and obey the orders from ~~him or her~~ the Governor as to carrying into execution the laws of the United States and of this State. ~~He or she~~ The Adjutant General shall be charged with the correspondence between the Governor and officers of the several states and territories, the Secretary of Defense, and other persons in official stations, on the subject of military affairs, and shall keep a record of the correspondence.

Sec. 10. 20 V.S.A. § 422 is amended to read:

§ 422. FORMS; RETURN

(a) The Adjutant ~~and Inspector~~ General shall prepare and provide at the expense of the State, or procure from the federal government, all necessary rosters and books of record and the blank forms for commissions, discharges, returns, and other papers required by law. The Adjutant ~~and Inspector~~ General shall distribute the rosters, books of record, and forms to the officers and organizations requiring them.

(b) ~~He or she~~ The Adjutant General shall provide an account of the National Guard and its arms and equipment as required by the federal government or the Governor and transmit it to the proper officials.

Sec. 11. 20 V.S.A. § 423 is amended to read:

§ 423. EVIDENCE OF NEGLIGENCE OR DEFAULT IN MAKING RETURNS

When the Adjutant ~~and Inspector~~ General is complainant for neglect or other default in the submission of required reports and other documents, ~~he or she~~ the Adjutant General shall not be required to be present, but ~~his or her~~ the Adjutant General's certificate shall be prima facie evidence that the required report or document was not properly submitted; and copies of records or papers in the office, duly certified and authenticated by ~~him or her~~ the Adjutant General, shall be evidence in all cases as if the originals were produced.

Sec. 12. 20 V.S.A. § 424 is amended to read:

§ 424. PUBLICATION OF LAWS

The Adjutant ~~and Inspector~~ General shall, at the expense of the State, distribute to and inform every general, field, staff, and commanding officer of the laws related to the National Guard.

Sec. 13. 20 V.S.A. § 425 is amended to read:

§ 425. RECORDS

The Adjutant ~~and Inspector~~ General shall keep all records required for the administration of the National Guard.

Sec. 14. 20 V.S.A. § 426 is amended to read:

§ 426. WAR RECORDS AND FILES

Records and files pertaining to all wars in which the State has participated and rosters of Vermonters participating in wars shall be kept in the office of

the Adjutant ~~and Inspector~~ General or in the State Archives as provided pursuant to 3 V.S.A. § 218.

Sec. 15. 20 V.S.A. § 427 is amended to read:

§ 427. SEXUAL ASSAULT AND HARASSMENT; REPORT

(a) Notwithstanding 2 V.S.A. § 20(d), the Adjutant ~~and Inspector~~ General shall report to the General Assembly on or before January 15 of each year regarding complaints of sexual assault and harassment involving members of the Vermont National Guard.

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Sec. 16. 20 V.S.A. § 428 is amended to read:

§ 428. PROVOST MARSHAL

(a) Appointment; qualifications.

(1) The Adjutant ~~and Inspector~~ General may:

(A) appoint to serve as provost marshal an officer who holds the rank of major (O-4) or below and is certified as a Level III law enforcement officer by the Vermont Criminal Justice Council; and

(B) appoint to serve as assistant provost marshal a noncommissioned officer who holds the rank of first sergeant (E-8) or below and is certified as a Level III law enforcement officer by the Vermont Criminal Justice Council.

(2) The provost marshal and the assistant provost marshal shall serve at the pleasure of the Adjutant ~~and Inspector~~ General.

(b) Duties. The provost marshal shall report directly to the Adjutant ~~and~~ Inspector General and shall have the following duties:

* * *

Sec. 17. 20 V.S.A. § 481 is amended to read:

§ 481. DUTIES GENERALLY

(a) The Adjutant ~~and Inspector~~ General shall keep in good repair, and attend to the preservation, safekeeping, and cleaning of the ordnance, arms, accoutrements, ammunition, munitions of war, and implements of every description, whether the property of the State or issued to the State by the federal government, and shall have the control and disposition of it for that purpose, subject to the orders of the Governor.

(b) The Adjutant ~~and Inspector~~ General shall make provisions for the care and preservation of the buildings and grounds used in connection with the National Guard.

Sec. 18. 20 V.S.A. § 483 is amended to read:

§ 483. INSTRUCTIONS TO COMMANDING OFFICERS

The Adjutant ~~and Inspector~~ General shall give instructions to the commanding officers of the separate units of the National Guard as necessary for the discharge of the duties of the unit and the Military Department under this chapter.

Sec. 19. 20 V.S.A. § 486 is amended to read:

§ 486. PROVISION FOR PAY

The Adjutant ~~and Inspector~~ General shall provide for the pay of each officer and enlisted Guard member for duty performed and authorized in accordance with chapters 21–39 of this title. The Adjutant ~~and Inspector~~ General shall adopt rules to carry out the provisions of this section.

Sec. 20. 20 V.S.A. § 541 is amended to read:

§ 541. BOARD OF ARMORY COMMISSIONERS; MEMBERS

The Governor, the Adjutant ~~and Inspector~~ General, and the senior commander of the Vermont Army National Guard shall, ex officio, constitute the Board of Armory Commissioners. The Governor shall be the Chair of the Board and the Adjutant ~~and Inspector~~ General shall be the Secretary.

Sec. 21. 20 V.S.A. § 601 is amended to read:

§ 601. WHEN AND BY WHOM NATIONAL GUARD CALLED OUT

(a) The Governor or, in ~~his or her~~ the Governor's absence, the Lieutenant Governor, or, in the absence of both, the Adjutant ~~and Inspector~~ General, in case of riot, rebellion, or insurrection within the State, or in case of great opposition to the service of legal process, whether civil or criminal, or in case of invasion or imminent danger of invasion, or in case of disaster, or emergency proclaimed by the Governor, may call out the National Guard, or such parts of the National Guard as ~~he or she deems~~ deemed necessary, and may order this force into camp for instruction and drill.

* * *

Sec. 22. 20 V.S.A. § 703 is amended to read:

§ 703. DUTIES OF OFFICERS

Commissioned officers shall obey orders received from superior officers; attend drills, parades, inspections, and reviews prescribed or authorized by this chapter; make returns pursuant to the direction of the Governor or rules adopted by the Adjutant ~~and Inspector~~ General; perform other duties incident to their positions under the Constitution and laws of this State and of the United States; and conform to rules adopted by the Adjutant ~~and Inspector~~ General.

Sec. 23. 20 V.S.A. § 704 is amended to read:

§ 704. DUTIES OF ENLISTED MEMBERS

Enlisted members shall obey orders received from their officers to attend drills, parades, inspections, and reviews directed or authorized by this chapter, and perform the duties incident to their respective positions, subject to the rules adopted by the Adjutant ~~and Inspector~~ General.

Sec. 24. 20 V.S.A. § 822 is amended to read:

§ 822. DAMAGED OR DESTROYED PROPERTY

When military arms, stores, uniforms, equipment, or property of any kind belonging to the State become damaged, partially or wholly unfit for use, or partially or wholly destroyed, the officer responsible for the property may

request the Adjutant ~~and Inspector~~ General to appoint a board of inspection to examine and report as to its condition.

Sec. 25. 20 V.S.A. § 823 is amended to read:

§ 823. STORAGE OF PROPERTY

Military stores belonging to the State not issued to the National Guard, and military property belonging to the United States in possession of the State and not issued to the National Guard, shall be stored in the State. The Adjutant ~~and Inspector~~ General shall adopt the necessary rules to secure the safekeeping of military property issued to the National Guard.

Sec. 26. 20 V.S.A. § 942a is amended to read:

§ 942a. STRUCTURE OF COURTS-MARTIAL

(a) General court-martial. A general court-martial of the Vermont National Guard shall be convened only by order of the Governor.

* * *

(2) The procedure by which a general court-martial shall function in view of the State's lack of manpower, and shortage of places of confinement and finances, shall ~~be in compliance~~ comply with reasonable rules, adjusted to the peculiar characteristics of the State. The rules shall be formulated by the Adjutant ~~and Inspector~~ General, drafted by the Staff Judge Advocate, and approved by the Governor.

(b) Special court-martial. The Adjutant ~~and Inspector~~ General or the commanding officer of a battalion or similar unit may appoint a special court-

martial, but the special court-martial may in any case be appointed by superior authority when the superior authority considers the appointment desirable.

* * *

(d) Appeal from convictions. Any appeal from the sentence of a court-martial by the defendant shall be taken to the Adjutant ~~and Inspector~~ General.

(1) The defendant shall file written notice of appeal within 30 days after the court's finding of guilty.

(2) The Adjutant ~~and Inspector~~ General with the assistance of the Staff Judge Advocate shall review all questions of law and fact.

(3) The final decision in all appeals from the special and summary courts-martial are with the Adjutant ~~and Inspector~~ General. An appeal from the general court-martial conviction shall be reviewed by the Adjutant ~~and Inspector~~ General as provided in this subsection.

(4) Within 60 days after being served with the written decision of the Adjutant ~~and Inspector~~ General, affirming in whole or in part the conviction, the defendant may appeal to the Governor, whose decision is final.

Sec. 27. 20 V.S.A. § 942b is amended to read:

§ 942b. EXPENSES OF MILITARY COURTS

(a) The expense incident to and connected with the holding of military courts in this State under this chapter shall be paid out of the General Fund under orders and rules issued by the Adjutant ~~and Inspector~~ General with the approval of the Governor.

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Sec. 28. 20 V.S.A. § 945 is amended to read:

§ 945. RULES OF THE NATIONAL GUARD

All matters relating to the organization, government, and discipline of the National Guard, including nonjudicial punishment similar to that provided for in the Uniform Code of Military Justice, not otherwise provided for by the laws of the United States, this chapter, or regulations issued by the President shall be governed by rules adopted by the Adjutant ~~and Inspector~~ General and approved by the Governor, and the adopted rules shall have the same force and effect as though enacted in this chapter.

Sec. 29. 20 V.S.A. § 961 is amended to read:

§ 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

* * *

(d)(1) The Adjutant ~~and Inspector~~ General or an officer of a general or flag rank in command may impose:

* * *

(2) The Adjutant ~~and Inspector~~ General or an officer of a general or flag rank in command may delegate ~~his or her~~ the powers provided under this subsection to a principal assistant who is a member of the Vermont National Guard.

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Sec. 30. 20 V.S.A. § 963 is amended to read:

§ 963. NONJUDICIAL DISCIPLINE PANELS

(a) When a service member elects to have ~~his or her~~ the service member's case heard before a nonjudicial discipline panel as provided in section 962 of this subchapter, the panel shall be formed as follows:

* * *

(4) If the nonjudicial discipline is being offered by a general officer, the panel shall consist of three members appointed by the Adjutant ~~and Inspector~~ General with the most senior member being the chair and the most junior member being the recorder, who shall record the summaries of the proceedings.

* * *

Sec. 31. 20 V.S.A. § 964 is amended to read:

§ 964. APPEALS FROM NONJUDICIAL DISCIPLINE DECISIONS

(a)(1) A service member disciplined under this subchapter who considers the discipline unjust or disproportionate to the offense may appeal to the next superior authority within 15 days after the discipline is either announced or notice of the discipline is sent to the accused, as the commander under section 961 or the appointing authority under section 963 of this subchapter may determine.

(2) An appeal from the decision of an appointing authority under section 963 of this subchapter shall be taken directly to the next higher authority,

unless the action is initiated by a general officer, in which case the Adjutant ~~and Inspector~~ General shall have the final decision.

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Sec. 32. 20 V.S.A. § 1483 is amended to read:

§ 1483. ADJUTANT GENERAL; DUTIES AS TO VETERANS' AFFAIRS

In addition to the duties elsewhere set forth by law, the Adjutant ~~and Inspector~~ General shall:

(1) ~~acquaint himself or herself~~ become acquainted, and ~~his or her~~ so shall the Adjutant General's assistants and employees become acquainted, with federal, State, and local laws enacted for the benefit of members of the U.S. Armed Forces and Vermont National Guard, veterans having a discharge other than dishonorable, and the heirs and beneficiaries of members and veterans;

* * *

Sec. 33. 20 V.S.A. § 1484 is amended to read:

§ 1484. ASSISTANTS; OFFICE SPACE

Subject to the approval of the Governor, the Adjutant ~~and Inspector~~ General may employ expert and clerical assistants as necessary to administer the functions and duties of the Adjutant ~~and Inspector~~ General with respect to veterans' affairs, and shall fix their compensation within the amounts made available by appropriation for those functions and duties.

Sec. 34. 20 V.S.A. § 1485 is amended to read:

§ 1485. COOPERATION WITH LOCAL ORGANIZATIONS

The Adjutant ~~and Inspector~~ General may cooperate with local organizations in the State to provide information and assistance for the purposes set forth in this chapter.

Sec. 35. 20 V.S.A. § 1486 is amended to read:

§ 1486. ACCEPTANCE OF GIFTS, SERVICES, AND FACILITIES

The Adjutant ~~and Inspector~~ General is authorized to accept gifts, services, and facilities from any source, public or private, granted in aid of the administration of the duties of the Adjutant ~~and Inspector~~ General, provided that no obligation is imposed by the acceptance.

Sec. 36. 20 V.S.A. § 1548 is amended to read:

§ 1548. VERMONT VETERANS' FUND

(a) There is created a special fund to be known as the Vermont Veterans' Fund. This Fund shall be administered by the Military Department and shall be paid out in grants on the recommendations of a nine-member committee comprising:

- (1) the Adjutant ~~and Inspector~~ General or designee;

* * *

Sec. 37. 20 V.S.A. § 1581 is amended to read:

§ 1581. VERMONT VETERANS' MEMORIAL CEMETERY ADVISORY

BOARD

(a) The Vermont Veterans' Memorial Cemetery Advisory Board is created to advise the Adjutant ~~and Inspector~~ General on all matters relating to the establishment and operation of a Vermont veterans' memorial cemetery to be known as the Vermont Veterans' Memorial Cemetery. The Board shall consist of:

(1) The Commissioner of Buildings and General Services, who shall serve as Chair of the Board.

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Sec. 38. 20 V.S.A. § 1601 is amended to read:

§ 1601. AID TO VETERANS IN NEED

(a) The monies annually available for the purposes of this chapter, or the amount of those monies that is necessary, shall be expended under the supervision of the Vermont Office of Veterans' Affairs at the direction of the Adjutant ~~and Inspector~~ General. The Office of Veterans' Affairs shall disburse the funds, as necessary, in aiding, caring for, and educating veterans in need and persons in need who are legal dependents of veterans. The Office of Veterans' Affairs shall award funds to applicants approved for assistance based on criteria approved by the Adjutant ~~and Inspector~~ General. Monetary assistance will be given only to applicants who would not be better served by other State, federal, or private assistance programs. The Adjutant ~~and Inspector~~ General shall determine conditions for eligibility and shall ensure that the program is managed to the limit imposed by the available funding.

The Office of Veterans' Affairs shall submit an annual report to the Adjutant ~~and Inspector~~ General on all fund activities at the end of each fiscal year. In addition, the Adjutant ~~and Inspector~~ General shall review all fund expenditures at least once per fiscal year.

(b) The Office of Veterans' Affairs shall develop application and operating procedures for the fund, which must be approved by the Office of the Adjutant ~~and Inspector~~ General. Any deviation from the application and operating procedures shall be approved by the Adjutant ~~and Inspector~~ General. The application and operating procedures shall be available for review by applicants, service providers, and others that may have an interest in the fund.

Sec. 39. 20 V.S.A. § 1605 is amended to read:

§ 1605. VETERAN EDUCATION

The Office of Veterans' Affairs may use some, none, or all of the funds to educate veterans in need about programs and benefits that will provide more permanent solutions to their financial situation. Any use of funds for veteran education or program support shall be approved in advance by the Adjutant ~~and Inspector~~ General.

Sec. 40. [Deleted.]

Sec. 41. [Deleted.]

* * * Hiring Preference for Military Spouses * * *

Sec. 42. 3 V.S.A. § 310 is amended to read:

§ 310. CLASSIFICATION PLAN; RULES

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(f) The Classification and Compensation Plan and the rules for personnel administration shall be based on merit system principles and shall provide for compliance with the laws relating to preference granted to qualified persons who have served in the U.S. Armed Forces and received honorable discharge.

(g)(1) After the requirements of an applicable collective bargaining agreement have been satisfied with regard to hiring issues and after compliance with subsection 327(a) of this title, and consistent with applicable State or federal standards for affirmative action, the State shall make a diligent effort to recruit, interview, and hire:

(A) those applicants who meet the definition of a veteran as defined by 38 U.S.C. § 101 and who received an honorable discharge; ~~and~~

(B) the spouses of veterans, as defined in subdivision (A) of this subdivision (1), who currently receive disability compensation or improved pension from the U.S. Department of Veterans Affairs and are unable to work due to disability and the surviving spouses of veterans in cases where the surviving spouse currently receives dependency indemnity compensation from the U.S. Department of Veterans Affairs; and

(C) the spouses of personnel currently serving in the U.S. Armed Forces.

(2) Veterans and spouses of personnel currently serving in the U.S. Armed Forces who apply for and meet the requirements for any open

competitive recruitment that is conducted using a point-based examination and who receive a passing score shall have five points added to their competitive examination rating, and service-connected disabled veterans, veterans' unremarried widows or widowers, and spouses of totally service-connected disabled veterans who meet the requirements for any open competitive examination and who receive a passing score shall have ~~ten~~ 10 points added to their competitive examination rating, subject to the provisions contained in 20 V.S.A. § 1543.

(h) Those individuals qualifying under subdivision (g)(1)(A) of this section shall be entitled to apply and compete for vacant positions for which recruitment is being conducted only on a statewide promotional basis.

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* * * Parking for Disabled Veterans * * *

Sec. 43. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(26) To regulate parking lots and parking meters on public property or public highways of the municipality, including the power to set parking fees and use parking revenues for any municipal purpose. Projects relating to

parking lots and parking meters under this subdivision shall constitute an improvement under chapter 53 of this title, and a municipality shall have the right of eminent domain to condemn land necessary for such projects subject to the restrictions set forth in section 2805 of this title and 18 V.S.A. § 5318. A vehicle with disabled veteran plates issued by any state shall be permitted to park at a parking meter without fee.

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* * * Effective Date * * *

Sec. 44. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

Date Governor signed bill: April 27, 2026