

1 H.917

2 An act relating to military affairs

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

4 * * * Adjutant General * * *

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

6 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

7 * * *

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

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

19 § 2539. APPLICATION, AWARD, RENEWAL

20 * * *

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

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

5 * * *

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

7 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

8 * * *

9 (e) Termination of tuition benefit.

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

12 * * *

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

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

19 (1) VSAC, in consultation with the Office of the Adjutant ~~and Inspector~~
20 General, shall adopt policies, procedures, and guidelines necessary to
21 implement the provisions of this section, which shall include eligibility,

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

5 * * *

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

7 § 361. MILITARY DEPARTMENT; NATIONAL GUARD

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

11 * * *

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

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

15 § 363. OFFICERS GENERALLY

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

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

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

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(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.

* * *

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

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

5 § 365. DISCHARGES TO OFFICERS

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

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

9 § 369. AWARDS AND MEDALS

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

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

21 CHAPTER 23. ADJUTANT ~~AND INSPECTOR~~ GENERAL

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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.

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

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

5 § 423. EVIDENCE OF NEGLIGENCE OR DEFAULT IN MAKING RETURNS

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

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

14 § 424. PUBLICATION OF LAWS

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

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

19 § 425. RECORDS

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

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

2 § 426. WAR RECORDS AND FILES

3 Records and files pertaining to all wars in which the State has participated
4 and rosters of Vermonters participating in wars shall be kept in the office of
5 the Adjutant ~~and Inspector~~ General or in the State Archives as provided
6 pursuant to 3 V.S.A. § 218.

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

8 § 427. SEXUAL ASSAULT AND HARASSMENT; REPORT

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

13 * * *

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

15 § 428. PROVOST MARSHAL

16 (a) Appointment; qualifications.

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

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

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

2 § 483. INSTRUCTIONS TO COMMANDING OFFICERS

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

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

8 § 486. PROVISION FOR PAY

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

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

14 § 541. BOARD OF ARMORY COMMISSIONERS; MEMBERS

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

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

2 § 704. DUTIES OF ENLISTED MEMBERS

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

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

8 § 822. DAMAGED OR DESTROYED PROPERTY

9 When military arms, stores, uniforms, equipment, or property of any kind
10 belonging to the State become damaged, partially or wholly unfit for use, or
11 partially or wholly destroyed, the officer responsible for the property may
12 request the Adjutant ~~and Inspector~~ General to appoint a board of inspection to
13 examine and report as to its condition.

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

15 § 823. STORAGE OF PROPERTY

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

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

2 § 942a. STRUCTURE OF COURTS-MARTIAL

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

5 * * *

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

12 (b) Special court-martial. The Adjutant ~~and Inspector~~ General or the
13 commanding officer of a battalion or similar unit may appoint a special court-
14 martial, but the special court-martial may in any case be appointed by superior
15 authority when the superior authority considers the appointment desirable.

16 * * *

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

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

1 laws of the United States, this chapter, or regulations issued by the President
2 shall be governed by rules adopted by the Adjutant ~~and Inspector~~ General and
3 approved by the Governor, and the adopted rules shall have the same force and
4 effect as though enacted in this chapter.

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

6 § 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

7 * * *

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

10 * * *

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

15 * * *

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

17 § 963. NONJUDICIAL DISCIPLINE PANELS

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

21 * * *

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

2 § 1486. ACCEPTANCE OF GIFTS, SERVICES, AND FACILITIES

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

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

8 § 1548. VERMONT VETERANS' FUND

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

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

14 * * *

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

16 § 1581. VERMONT VETERANS' MEMORIAL CEMETERY ADVISORY
17 BOARD

18 (a) The Vermont Veterans' Memorial Cemetery Advisory Board is created
19 to advise the Adjutant ~~and Inspector~~ General on all matters relating to the
20 establishment and operation of a Vermont veterans' memorial cemetery to be

1 known as the Vermont Veterans' Memorial Cemetery. The Board shall consist
2 of:

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

5 * * *

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

7 § 1601. AID TO VETERANS IN NEED

8 (a) The monies annually available for the purposes of this chapter, or the
9 amount of those monies that is necessary, shall be expended under the
10 supervision of the Vermont Office of Veterans' Affairs at the direction of the
11 Adjutant ~~and Inspector~~ General. The Office of Veterans' Affairs shall disburse
12 the funds, as necessary, in aiding, caring for, and educating veterans in need
13 and persons in need who are legal dependents of veterans. The Office of
14 Veterans' Affairs shall award funds to applicants approved for assistance based
15 on criteria approved by the Adjutant ~~and Inspector~~ General. Monetary
16 assistance will be given only to applicants who would not be better served by
17 other State, federal, or private assistance programs. The Adjutant ~~and~~
18 ~~Inspector~~ General shall determine conditions for eligibility and shall ensure
19 that the program is managed to the limit imposed by the available funding.
20 The Office of Veterans' Affairs shall submit an annual report to the Adjutant
21 ~~and Inspector~~ General on all fund activities at the end of each fiscal year. In

1 addition, the Adjutant ~~and Inspector~~ General shall review all fund expenditures
2 at least once per fiscal year.

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

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

10 § 1605. VETERAN EDUCATION

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

16 Sec. 40. [Deleted.]

17 Sec. 41. [Deleted.]

18 * * * Hiring Preference for Military Spouses * * *

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

20 § 310. CLASSIFICATION PLAN; RULES

21 * * *

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

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

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

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

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

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

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

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

12 * * *

13 * * * Parking for Disabled Veterans * * *

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

15 § 2291. ENUMERATION OF POWERS

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

19 * * *

20 (26) To regulate parking lots and parking meters on public property or
21 public highways of the municipality, including the power to set parking fees

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

8 * * *

9 * * * Effective Date * * *

10 Sec. 44. EFFECTIVE DATE

11 This act shall take effect on July 1, 2026.