

1 Introduced by House Committee on Government Operations and Military
2 Affairs

3 Date:

4 Subject: Internal security; military affairs

5 Statement of purpose of bill as introduced: This bill proposes to correct the
6 title of the Adjutant and Inspector General, to define “Gold Star family
7 member,” to provide a hiring preference for military spouses for employment
8 in State government, and to provide free parking for disabled veterans.

9 An act relating to military affairs

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

11 * * * Adjutant General * * *

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

13 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

14 * * *

15 (c) At 10 o’clock and 30 minutes, forenoon, on the seventh Thursday of the
16 second year of the biennial session, the Senate and House of Representatives
17 shall meet in joint assembly and proceed therein to elect the State officers,
18 whose election by the Constitution and laws devolves in the first instance upon
19 them in joint assembly, including the legislative trustees of the Vermont State
20 Colleges Corporation and the Adjutant ~~and Inspector~~ General. In case election

1 of all such officers shall not be made on that day, they shall meet in joint
2 assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day,
3 Saturdays and Sundays excepted, and proceed in such election, until all such
4 officers are elected.

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

6 § 2539. APPLICATION, AWARD, RENEWAL

7 * * *

8 (b) On being notified of an eligible applicant's matriculation at an
9 institution as specified in subsection 2538(a) of this title, the Adjutant ~~and~~
10 ~~Inspector~~ General or the Office of Veterans' Affairs shall provide funds from
11 the special fund established in section 2541 of this title to the Vermont Student
12 Assistance Corporation, which, upon verifying enrollment, shall disburse the
13 scholarship award to the institution.

14 * * *

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

16 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

17 * * *

18 (e) Termination of tuition benefit.

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

21 * * *

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

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

4 § 363. OFFICERS GENERALLY

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

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

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

11 * * *

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

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

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

21 * * *

1 medals, the criteria and process for awarding them, and a description or
2 specification of each award or medal. All awards and medals shall be
3 presented in the name of the State of Vermont and be awarded to a member or
4 retired member of the Vermont National Guard or if the member is deceased to
5 the member's spouse, child, parent, sibling, or grandchild or, if none, to a
6 person designated by the executor of the member's estate.

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

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

9 * * *

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

11 § 421. DUTIES GENERALLY

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

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

21 § 422. FORMS; RETURN

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

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

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

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

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

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

20 § 424. PUBLICATION OF LAWS

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

2 § 428. PROVOST MARSHAL

3 (a) Appointment; qualifications.

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

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

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

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

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

15 * * *

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

17 § 481. DUTIES GENERALLY

18 (a) The Adjutant ~~and Inspector~~ General shall keep in good repair, and
19 attend to the preservation, safekeeping, and cleaning of the ordnance, arms,
20 accoutrements, ammunition, munitions of war, and implements of every
21 description, whether the property of the State or issued to the State by the

1 federal government, and shall have the control and disposition of it for that
2 purpose, subject to the orders of the Governor.

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

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

7 § 483. INSTRUCTIONS TO COMMANDING OFFICERS

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

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

13 § 486. PROVISION FOR PAY

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

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

19 § 541. BOARD OF ARMORY COMMISSIONERS; MEMBERS

20 The Governor, the Adjutant ~~and Inspector~~ General, and the senior
21 commander of the Vermont Army National Guard shall, ex officio, constitute

1 the Board of Armory Commissioners. The Governor shall be the Chair of the
2 Board and the Adjutant ~~and Inspector~~ General shall be the Secretary.

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

4 § 601. WHEN AND BY WHOM NATIONAL GUARD CALLED OUT

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

13 * * *

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

15 § 703. DUTIES OF OFFICERS

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

1 United States; and conform to rules adopted by the Adjutant ~~and Inspector~~
2 General.

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

4 § 704. DUTIES OF ENLISTED MEMBERS

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

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

10 § 822. DAMAGED OR DESTROYED PROPERTY

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

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

17 § 823. STORAGE OF PROPERTY

18 Military stores belonging to the State not issued to the National Guard, and
19 military property belonging to the United States in possession of the State and
20 not issued to the National Guard, shall be stored in the State. The Adjutant ~~and~~

1 ~~Inspector~~ General shall adopt the necessary rules to secure the safekeeping of
2 military property issued to the National Guard.

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

4 § 942a. STRUCTURE OF COURTS-MARTIAL

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

7 * * *

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

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

18 * * *

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

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

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

9 § 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

10 * * *

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

13 * * *

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

18 * * *

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

20 § 963. NONJUDICIAL DISCIPLINE PANELS

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

4 * * *

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

10 * * *

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

12 § 964. APPEALS FROM NONJUDICIAL DISCIPLINE DECISIONS

13 (a)(1) A service member disciplined under this subchapter who considers
14 the discipline unjust or disproportionate to the offense may appeal to the next
15 superior authority within 15 days after the discipline is either announced or
16 notice of the discipline is sent to the accused, as the commander under section
17 961 or the appointing authority under section 963 of this subchapter may
18 determine.

19 (2) An appeal from the decision of an appointing authority under section
20 963 of this subchapter shall be taken directly to the next higher authority,

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

3 * * *

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

5 § 1483. ADJUTANT GENERAL; DUTIES AS TO VETERANS' AFFAIRS

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

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

13 * * *

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

15 § 1484. ASSISTANTS; OFFICE SPACE

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

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

2 § 1581. VERMONT VETERANS' MEMORIAL CEMETERY ADVISORY
3 BOARD

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

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

11 * * *

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

13 § 1601. AID TO VETERANS IN NEED

14 (a) The monies annually available for the purposes of this chapter, or the
15 amount of those monies that is necessary, shall be expended under the
16 supervision of the Vermont Office of Veterans' Affairs at the direction of the
17 Adjutant ~~and Inspector~~ General. The Office of Veterans' Affairs shall disburse
18 the funds, as necessary, in aiding, caring for, and educating veterans in need
19 and persons in need who are legal dependents of veterans. The Office of
20 Veterans' Affairs shall award funds to applicants approved for assistance based
21 on criteria approved by the Adjutant ~~and Inspector~~ General. Monetary

1 assistance will be given only to applicants who would not be better served by
2 other State, federal, or private assistance programs. The Adjutant ~~and~~
3 ~~Inspector~~ General shall determine conditions for eligibility and shall ensure
4 that the program is managed to the limit imposed by the available funding.
5 The Office of Veterans' Affairs shall submit an annual report to the Adjutant
6 ~~and Inspector~~ General on all fund activities at the end of each fiscal year. In
7 addition, the Adjutant ~~and Inspector~~ General shall review all fund expenditures
8 at least once per fiscal year.

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

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

16 § 1605. VETERAN EDUCATION

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

1 ~~Armed Forces not eligible for gold star plates under subdivision (A) of this~~
2 ~~subdivision (1) who lost their lives while serving on active duty or on active~~
3 ~~duty for training, or while assigned in a Reserve or National Guard unit in drill~~
4 ~~status, or as a result of injury or illness incurred during such service or~~
5 ~~assignment~~ a gold star family member as defined in 1 V.S.A. § 152.

6 (2) The type and style of the gold star ~~and next of kin~~ plates shall be
7 determined by the Commissioner and the Vermont Office of Veterans' Affairs,
8 except that a gold star shall appear on one side of gold star plates ~~and a distinct~~
9 ~~emblem shall be approved for next of kin plates.~~ An applicant shall apply on a
10 form prescribed by the Commissioner, and the applicant's eligibility will be
11 certified by the Office of Veterans' Affairs. A plate shall be reissued only to
12 the original holder of the plate. The Commissioner may adopt rules to
13 implement the provisions of this subsection. Except for new or renewed
14 registrations, applications for the issuance of gold star ~~or next of kin~~ plates
15 shall be processed in the order received by the Department subject to normal
16 workflow considerations.

17 * * *

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.