

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 811 entitled “An act relating to election of
4 Adjutant and Inspector General of the Vermont National Guard” respectfully
5 reports that it has considered the same and recommends that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

9 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

10 * * *

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

1 may make a determination regarding the individual’s eligibility to receive
2 tuition benefits under the Program.

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

4 (1) VSAC, in consultation with the Office of the Adjutant ~~and Inspector~~
5 General, shall adopt policies, procedures, and guidelines necessary to
6 implement the provisions of this section, which shall include eligibility,
7 application, and acceptance requirements, proration of service requirements for
8 academic semesters or attendance periods shorter than one year, data sharing
9 guidelines, and the criteria for determining “good cause” as used in
10 subdivisions (d)(2) and (e)(1)(C) of this section.

11 * * *

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

13 § 361. MILITARY DEPARTMENT; NATIONAL GUARD

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

17 * * *

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

20
21

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

2 § 363. OFFICERS GENERALLY

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

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

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

9 * * *

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

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

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

19 * * *

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

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

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

6 * * *

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

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

11 § 365. DISCHARGES TO OFFICERS

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

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

15 § 369. AWARDS AND MEDALS

16 Upon the approval of the Governor, the Adjutant ~~and Inspector~~ General
17 may create and design awards and medals to recognize meritorious service or
18 outstanding achievement for members of the Vermont National Guard. The
19 Adjutant ~~and Inspector~~ General shall publish a roster of these awards and
20 medals, the criteria and process for awarding them, and a description or
21 specification of each award or medal. All awards and medals shall be

1 presented in the name of the State of Vermont and be awarded to a member or
2 retired member of the Vermont National Guard or if the member is deceased to
3 the member's spouse, child, parent, sibling, or grandchild or, if none, to a
4 person designated by the executor of the member's estate.

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

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

7 * * *

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

9 § 421. DUTIES GENERALLY

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

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

19 § 422. FORMS; RETURN

20 (a) The Adjutant ~~and Inspector~~ General shall prepare and provide at the
21 expense of the State, or procure from the federal government, all necessary

1 rosters and books of record and the blank forms for commissions, discharges,
2 returns, and other papers required by law. The Adjutant ~~and Inspector~~ General
3 shall distribute the rosters, books of record, and forms to the officers and
4 organizations requiring them.

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

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

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

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

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

18 § 424. PUBLICATION OF LAWS

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

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

2 § 425. RECORDS

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

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

6 § 426. WAR RECORDS AND FILES

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

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

12 § 427. SEXUAL ASSAULT AND HARASSMENT; REPORT

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

17 * * *

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

19 § 428. PROVOST MARSHAL

20 (a) Appointment; qualifications.

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

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

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

5 § 483. INSTRUCTIONS TO COMMANDING OFFICERS

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

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

11 § 486. PROVISION FOR PAY

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

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

17 § 541. BOARD OF ARMORY COMMISSIONERS; MEMBERS

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

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

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

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

11 * * *

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

13 § 703. DUTIES OF OFFICERS

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

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 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. EFFECTIVE DATE

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

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19

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1

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3 (Committee vote: _____)

4

5

Representative _____

6

FOR THE COMMITTEE