

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20

H.917

Introduced by House Committee on Government Operations and Military
Affairs

Date:

Subject: Internal security; military affairs

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

An act relating to military affairs

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

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

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

7 § 2539. APPLICATION, AWARD, RENEWAL

8 * * *

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

15 * * *

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

17 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

18 * * *

19 (e) Termination of tuition benefit.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(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.

* * *

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.

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

2 § 422. FORMS; RETURN

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

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

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

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

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

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

2 § 424. PUBLICATION OF LAWS

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

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

7 § 425. RECORDS

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

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

11 § 426. WAR RECORDS AND FILES

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

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

17 § 427. SEXUAL ASSAULT AND HARASSMENT; REPORT

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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

1 description, whether the property of the State or issued to the State by the
2 federal government, and shall have the control and disposition of it for that
3 purpose, subject to the orders of the Governor.

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

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

8 § 483. INSTRUCTIONS TO COMMANDING OFFICERS

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

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

14 § 486. PROVISION FOR PAY

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

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

2 § 541. BOARD OF ARMORY COMMISSIONERS; MEMBERS

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

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

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

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

17 * * *

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

19 § 703. DUTIES OF OFFICERS

20 Commissioned officers shall obey orders received from superior officers;
21 attend drills, parades, inspections, and reviews prescribed or authorized by this

1 chapter; make returns pursuant to the direction of the Governor or rules
2 adopted by the Adjutant ~~and Inspector~~ General; perform other duties incident
3 to their positions under the Constitution and laws of this State and of the
4 United States; and conform to rules adopted by the Adjutant ~~and Inspector~~
5 General.

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

7 § 704. DUTIES OF ENLISTED MEMBERS

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

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

13 § 822. DAMAGED OR DESTROYED PROPERTY

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

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

2 § 823. STORAGE OF PROPERTY

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

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

9 § 942a. STRUCTURE OF COURTS-MARTIAL

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

12 * * *

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

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

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

3 * * *

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

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

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

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

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

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

18 § 942b. EXPENSES OF MILITARY COURTS

19 (a) The expense incident to and connected with the holding of military
20 courts in this State under this chapter shall be paid out of the General Fund

1 under orders and rules issued by the Adjutant ~~and Inspector~~ General with the
2 approval of the Governor.

3 * * *

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

5 § 945. RULES OF THE NATIONAL GUARD

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

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

14 § 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

15 * * *

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

18 * * *

19 (2) The Adjutant ~~and Inspector~~ General or an officer of a general or flag
20 rank in command may delegate ~~his or her~~ the powers provided under this

1 subsection to a principal assistant who is a member of the Vermont National
2 Guard.

3 * * *

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

5 § 963. NONJUDICIAL DISCIPLINE PANELS

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

9 * * *

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

15 * * *

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

17 § 964. APPEALS FROM NONJUDICIAL DISCIPLINE DECISIONS

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

1 961 or the appointing authority under section 963 of this subchapter may
2 determine.

3 (2) An appeal from the decision of an appointing authority under section
4 963 of this subchapter shall be taken directly to the next higher authority,
5 unless the action is initiated by a general officer, in which case the Adjutant
6 ~~and Inspector~~ General shall have the final decision.

7 * * *

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

9 § 1483. ADJUTANT GENERAL; DUTIES AS TO VETERANS' AFFAIRS

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

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

17 * * *

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

19 § 1484. ASSISTANTS; OFFICE SPACE

20 Subject to the approval of the Governor, the Adjutant ~~and Inspector~~ General
21 may employ expert and clerical assistants as necessary to administer the

1 functions and duties of the Adjutant ~~and Inspector~~ General with respect to
2 veterans' affairs, and shall fix their compensation within the amounts made
3 available by appropriation for those functions and duties.

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

5 § 1485. COOPERATION WITH LOCAL ORGANIZATIONS

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

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

10 § 1486. ACCEPTANCE OF GIFTS, SERVICES, AND FACILITIES

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

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

16 § 1548. VERMONT VETERANS' FUND

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

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

2 * * *

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

4 § 1581. VERMONT VETERANS' MEMORIAL CEMETERY ADVISORY
5 BOARD

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

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

13 * * *

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

15 § 1601. AID TO VETERANS IN NEED

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

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

11 (b) The Office of Veterans' Affairs shall develop application and operating
12 procedures for the fund, which must be approved by the Office of the Adjutant
13 ~~and Inspector~~ General. Any deviation from the application and operating
14 procedures shall be approved by the Adjutant ~~and Inspector~~ General. The
15 application and operating procedures shall be available for review by
16 applicants, service providers, and others that may have an interest in the fund.
17 Sec. 39. 20 V.S.A. § 1605 is amended to read:

18 § 1605. VETERAN EDUCATION

19 The Office of Veterans' Affairs may use some, none, or all of the funds to
20 educate veterans in need about programs and benefits that will provide more
21 permanent solutions to their financial situation. Any use of funds for veteran

1 education or program support shall be approved in advance by the Adjutant
2 ~~and Inspector~~ General.

3 * * * Gold Star Families * * *

4 Sec. 40. 1 V.S.A. § 152 is added to read:

5 § 152. GOLD STAR FAMILY MEMBER

6 “Gold Star family member” means any spouse, parent, child, sibling,
7 grandparent, or grandchild of a member of the U.S. Armed Forces who died
8 while serving or from a service-connected illness or injury.

9 Sec. 41. 23 V.S.A. § 304 is amended to read:

10 § 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY
11 AND OTHER SPECIAL PLATES

12 * * *

13 (k)(1) The Commissioner of Motor Vehicles shall, upon proper application,
14 issue special gold star ~~and next-of-kin~~ plates for use only on vehicles registered
15 at the pleasure car rate and on trucks registered for less than 26,001 pounds and
16 excluding vehicles registered under the International Registration Plan, ~~as~~
17 ~~follows:~~

18 ~~(A) Gold star plates shall be issued to the widow or widower, parents,~~
19 ~~and next of kin as defined in 10 U.S.C. § 1126(d) of members of the U.S.~~
20 ~~Armed Forces who lost their lives under the circumstances described in 10~~
21 ~~U.S.C. § 1126(a).~~

