

1 S.270

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Executive; Attorney General; appointment and removal

6 Statement of purpose of bill as introduced: This bill proposes to make the
7 office of Attorney General a position appointed by the Governor with the
8 advice and consent of the Senate, and to provide a process for removal of the
9 Attorney General.

10 An act relating to the office of Attorney General

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

12 * * * Attorney General * * *

13 Sec. 1. 3 V.S.A. § 151 is amended to read:

14 § 151. ~~ELECTION AND~~ APPOINTMENT, TERM, AND REMOVAL

15 (a) An attorney general shall be elected at the same time and in the same
16 manner as provided for the election of other state officers. He or she The
17 Governor, with the advice and consent of the Senate, shall appoint an Attorney
18 General who shall be sworn to the faithful discharge of his or her duties. His
19 or her term of office shall commence when his or her election is declared by
20 the committee appointed by the senate and house of representatives to canvass

1 ~~the votes, agreeably with 17 V.S.A. § 2592, or when elected by the general~~
2 ~~assembly pursuant to said section, and continue for a term of be two years,~~
3 subject to the provisions of subsection (b) of this section.

4 (b)(1) Upon petition for removal of the Attorney General by the Governor
5 or any member of the General Assembly, a panel made up of the Governor,
6 three members of the public appointed by the Speaker of the House, and three
7 members of the public appointed by the Senate Committee on Committees
8 shall convene within 30 days of receiving the petition. If a majority of the
9 panel, including the Governor, votes to accept the petition, the panel shall
10 schedule a hearing to determine whether the Attorney General shall be
11 removed. The Attorney General shall receive notice of the hearing at least
12 45 days prior to the hearing date.

13 (2) After hearing, the Attorney General may only be removed from
14 office upon a finding by the majority of the panel, including the Governor, that
15 the Attorney General committed misconduct, inefficiency in office, or
16 incapacity or unfitness to perform assigned duties, or that the good of the
17 office so requires. The panel shall provide written findings, including a time
18 frame for removal, in support of a decision to remove the Attorney General
19 from office. Failure to obtain the required vote of the panel shall result in the
20 dismissal of the petition.

1 (3) The Attorney General may appeal the order of the panel by filing a
2 petition in Washington Superior Court within 30 days of the order.

3 Sec. 2. 2 V.S.A. § 3 is amended to read:

4 § 3. SENATE CERTIFICATES; OATHS; SECRETARY; CANVASSING
5 COMMITTEE

6 The members-elect of the ~~senate~~ Senate shall deliver their certificates of
7 election to the ~~president of the senate~~ President of the Senate before ten
8 o'clock in the forenoon of the first Wednesday next after the first Monday of
9 January, following their election; at which time, the ~~senate~~ Senate shall be
10 called to order by its ~~president~~ President and the names of the ~~senators~~
11 Senators who have presented their certificates shall be called. When a quorum
12 appears, the members shall take and subscribe the oath of allegiance and the
13 oath prescribed for ~~representatives~~ Representatives to the ~~general assembly~~
14 General Assembly and shall then elect a ~~secretary~~ Secretary, who shall appoint
15 an ~~assistant secretary~~ Assistant Secretary, for whose acts he or she shall be
16 responsible. The ~~senate~~ Senate shall then appoint a committee, consisting of
17 one ~~senator~~ Senator from each district, to join such committee as the ~~house of~~
18 ~~representatives~~ House of Representatives appoints, to canvass the votes for
19 ~~governor~~ Governor, ~~lieutenant governor~~ Lieutenant Governor, ~~state treasurer~~
20 State Treasurer, ~~secretary of state~~ Secretary of State, ~~auditor of accounts and~~
21 ~~attorney general~~ and Auditor of Accounts.

1 Sec. 3. 2 V.S.A. § 7 is amended to read:

2 § 7. HOUSE CLERK; CANVASSING COMMITTEE

3 The ~~house~~ House shall then elect a ~~clerk~~ Clerk and on the nomination of the
4 ~~speaker~~ Speaker shall appoint a committee, consisting of three members from
5 each district, to join such committee as the ~~senate~~ Senate appoints, to canvass
6 the votes for ~~governor~~ Governor, ~~lieutenant governor~~ Lieutenant Governor,
7 ~~state treasurer~~ State Treasurer, ~~secretary of state~~ Secretary of State, ~~auditor of~~
8 ~~accounts and attorney general~~ and Auditor of Accounts.

9 Sec. 4. 17 V.S.A. § 2471 is amended to read:

10 § 2471. GENERAL ELECTION BALLOT

11 (a) A consolidated ballot shall be used at a general election, which shall list
12 the several candidates for the offices to be voted upon. The offices of
13 ~~president~~ President and ~~vice-president~~ Vice President of the United States,
14 United States ~~senator~~ Senator, United States ~~representative~~ Representative,
15 ~~governor~~ Governor, ~~lieutenant governor~~ Lieutenant Governor, ~~state treasurer~~
16 State Treasurer, ~~secretary of state~~ Secretary of State, ~~auditor of accounts~~
17 Auditor of Accounts, ~~attorney general, state senator~~ State Senator,
18 ~~representative to the general assembly~~ Representative to the General
19 Assembly, ~~judge of probate~~ Judge of Probate, assistant judge, ~~state's attorney~~
20 State's Attorney, sheriff, and high bailiff shall be listed in that order. Any
21 statewide public question shall also be listed on the ballot, before the listing of

1 all offices to be filled. The ballot shall be prepared at ~~state~~ State expense under
2 the direction of the ~~secretary of state~~ Secretary of State. The color of the ballot
3 shall be determined by the ~~secretary of state~~ Secretary of State. The printing
4 shall be black.

5 * * *

6 Sec. 5. 17 V.S.A. § 2592 is amended to read:

7 § 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN
8 GENERAL OR SPECIAL ELECTIONS

9 * * *

10 (k) In the case of the offices of ~~governor~~ Governor, ~~lieutenant governor~~
11 Lieutenant Governor, ~~treasurer~~ Treasurer, ~~secretary of state~~ Secretary of State,
12 ~~attorney general~~, and ~~auditor of accounts~~ Auditor of Accounts, the canvassing
13 committee shall prepare a certificate of election but shall not sign it. The
14 prepared certificate shall be presented to the official canvassing committee
15 appointed by the ~~general assembly~~ General Assembly, pursuant to Chapter II,
16 § 47 of the Vermont ~~constitution~~ Constitution, for their use if they desire.

17 Sec. 6. 32 V.S.A. § 1003 is amended to read:

18 § 1003. STATE OFFICERS

19 (a) Each elective officer of the Executive Department is entitled to an
20 annual salary as follows:

	Annual Salary
	as of
	July 8, 2007
1	
2	
3	
4	Governor \$150,067
5	Lieutenant Governor 63,701
6	Secretary of State 95,156
7	State Treasurer 95,156
8	Auditor of Accounts 95,156
9	Attorney General 113,915

10 (b) The Governor may appoint each officer of the Executive Branch listed
11 in this subsection at a starting salary ranging from the base salary stated for
12 that position to a salary which does not exceed the maximum salary unless
13 otherwise authorized by this subsection. The maximum salary for each
14 appointive officer shall be 50 percent above the base salary. Annually, the
15 Governor may grant to each of those officers an annual salary adjustment
16 subject to the maximum salary. The annual salary adjustment granted to
17 officers under this subsection shall not exceed the average of the total rate of
18 adjustment available to classified employees under the collective bargaining
19 agreement then in effect. In addition to the annual salary adjustment specified
20 in this subsection, the Governor may grant a special salary increase subject to
21 the maximum salary, or a bonus, to any officer listed in this subsection whose

1 job duties have significantly increased, or whose contributions to the State in
2 the preceding year are deemed especially significant. Special salary increases
3 or bonuses granted to any individual shall not exceed the average of the total
4 rate of adjustment available to classified employees under the collective
5 bargaining agreement then in effect.

6 (1) Heads of the following departments and agencies:

7		Base Salary as
8		of
9		July 1, 2012

10 * * *

11	<u>(KK) Attorney General</u>	<u>113,915</u>
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13 * * * Transitional Provision and Effective Date * * *

14 Sec. 7. TRANSITIONAL PROVISION

15 Notwithstanding the effective date of Sec. 1 (appointment of Attorney
16 General) of this act, if an elected Attorney General is in office on the effective
17 date of that section, that incumbent may serve the remainder of his or her term
18 of office as it existed upon his or her election. At the expiration of his or her
19 term of office or in the case of a vacancy in his or her office, the provisions of
20 Sec. 1 of this act shall apply.

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on November 8, 2016.