

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 771 entitled “An act relating to the Vermont National
4 Guard” respectfully reports that it has considered the same and recommends
5 that the House concur with the Senate proposal of amendment with further
6 amendment thereto as follows:

7 First: In Sec. 2, 20 V.S.A. § 363, by striking out subdivision (a)(3) in its
8 entirety:

9 Second: In Sec. 2, 20 V.S.A. § 363, by striking out subsection (d) in its
10 entirety and inserting in lieu thereof a new subsection (d) to read:

11 (d) ~~The appointments~~ Appointments made pursuant to subsection (b) of this
12 section shall be in writing and recorded in the ~~office of the secretary of state~~
13 Office of the Secretary of State.

14 Third: By striking out Sec. 3, Effective Date, in its entirety and inserting in
15 lieu thereof Secs. 3 through 9 to read:

16 Sec. 3. 20 V.S.A. § 370 is added to read:

17 § 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION

18 BOARD

19 (a) The Adjutant and Inspector General Recommendation Board is created
20 to nominate candidates for Adjutant and Inspector General.

1 (b)(1) The Board shall consist of 10 members who shall be selected
2 as follows:

3 (A) The Senate Committee on Committees shall appoint four
4 members of the Senate, not all of whom shall be members of the same party.

5 (B) The Speaker of the House shall appoint four members of the
6 House, not all of whom shall be members of the same party.

7 (C) The Governor shall appoint two members who shall have served
8 in the U.S. Armed Forces.

9 (2)(A) The members of the Board appointed by the Governor shall serve
10 for terms of two years and may serve for no more than three terms.

11 (B) The members of the Board appointed by the House and Senate
12 shall serve for terms of two years and may serve for no more than three
13 consecutive terms.

14 (C) All appointments shall occur between January 1 and February 1
15 of each odd-numbered year, except to fill a vacancy. Members shall serve
16 until their successors are appointed.

17 (3) The members of the Board shall elect their own chair who shall
18 serve for a term of two years.

19 (c) Legislative members of the Board shall be entitled to per diem
20 compensation and reimbursement for expenses in accordance with 2 V.S.A.
21 § 406. Members of the Board who are not otherwise compensated by their

1 employer shall be entitled to per diem compensation and reimbursement for
2 expenses in the same manner as members of boards and commissions are
3 compensated under 32 V.S.A. § 1010. All compensation and reimbursement
4 shall be paid from the legislative appropriation.

5 (d) A quorum of the Board shall consist of six members.

6 (e) The Board is authorized to use the staff and services of appropriate
7 State agencies and departments as necessary to conduct investigations of
8 applicants.

9 Sec. 4. 20 V.S.A. § 371 is added to read:

10 § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
11 INSPECTOR GENERAL

12 (a) A candidate for Adjutant and Inspector General shall, not later than four
13 months prior to the election, declare his or her candidacy to the Board and
14 demonstrate that he or she meets the qualifications set forth in subsection
15 363(a) of this chapter as required pursuant to procedures adopted by the Board.

16 (b) In the case of a vacancy in the office of Adjutant and Inspector General
17 that occurs during a term, a candidate shall, not later than 14 days after the
18 office of Adjutant and Inspector General becomes vacant, declare his or her
19 candidacy to the Board and demonstrate that he or she meets the qualifications
20 set forth in subsection 363(a) of this chapter as required pursuant to procedures
21 adopted by the Board.

1 (c) The procedures necessary to carry out subsections (a) and (b) of this
2 section may be adopted and revised at the discretion of the Board and shall not
3 be subject to rulemaking under 3 V.S.A. §§ 836–844.

4 Sec. 5. 20 V.S.A. § 372 is added to read:

5 § 372. DUTIES OF RECOMMENDATION BOARD

6 (a) Establishment of criteria, standards, and procedures.

7 (1) The Board shall adopt rules under 3 V.S.A. chapter 25 that establish
8 criteria and standards for the evaluation and nomination of qualified candidates
9 for Adjutant and Inspector General. In adopting criteria and standards, the
10 Board shall consult with current and retired members of the Vermont Army
11 National Guard and the Vermont Air National Guard. The criteria and
12 standards adopted by the Board shall include:

13 (A) leadership;

14 (B) integrity;

15 (C) administrative and communication skills; and

16 (D) other criteria and standards as determined by the Board from
17 time to time.

18 (b) Interview and selection.

19 (1) The Board shall interview each candidate for Adjutant and Inspector
20 General who meets the qualifications set forth in subsection 363(a) of this
21 chapter.

1 (2) The Board may, as necessary to determine whether a candidate
2 meets the criteria and standards adopted pursuant to subsection (a) of this
3 section:

4 (A) review records kept or maintained by the State, the Vermont
5 National Guard, or the U.S. Armed Forces; and

6 (B) conduct interviews with current and former members of the
7 National Guard of any state or the U.S. Armed Forces.

8 (3) Based on the information gathered pursuant to subdivisions (1) and
9 (2) of this subsection, the Board shall evaluate each candidate against the
10 criteria and standards established pursuant to subsection (a) of this section and
11 shall nominate for election to the office of Adjutant and Inspector General all
12 qualified candidates which satisfy those criteria and standards.

13 (c) Nomination. The Board shall submit the list of its nominees for
14 Adjutant and Inspector General to the General Assembly and to the Secretary
15 of State at least seven weeks prior to the election of the Adjutant and Inspector
16 General.

17 (d) Confidentiality of proceedings and records.

18 (1) Except as otherwise provided by subdivision (2) of this subsection:

19 (A) all proceedings of the Board shall be confidential and exempt
20 from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2; and

1 office. If he or she fails so to notify the Secretary of State, his or her name
2 shall not be printed on the ballot.

3 (2) Not later than seven weeks prior to the election, the Adjutant and
4 Inspector General Recommendation Board shall, pursuant to 20 V.S.A. § 372,
5 submit the list of its nominees for Adjutant and Inspector General to the
6 Secretary of State to be printed on the ballot prepared by the Secretary. The
7 list shall constitute the complete list of candidates for Adjutant and Inspector
8 General that are included on the ballot.

9 (3) No ballot may be used other than the official ballot provided by the
10 Secretary of State.

11 Sec. 7. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR

12 GENERAL RECOMMENDATION BOARD

13 (a) The Senate Committee on Committees, the Speaker of the House, and
14 the Governor shall appoint the members of the Adjutant and Inspector General
15 Recommendation Board pursuant to 20 V.S.A. § 370 on or before March 15,
16 2019. Initially, the members of the Board shall be appointed for a term that
17 expires when their successors are appointed pursuant to 20 V.S.A. § 370.

18 (b) On or before September 1, 2019, the Adjutant and Inspector General
19 Recommendation Board shall propose for adoption rules that establish criteria
20 and standards for the evaluation and nomination of qualified candidates for
21 Adjutant and Inspector General.

1 Sec. 8. 2019 ELECTION OF ADJUTANT AND INSPECTOR GENERAL;
2 CERTIFICATION OF QUALIFICATIONS

3 For purposes of the 2019 election, a candidate for Adjutant and Inspector
4 General shall, at the time he or she notifies the Secretary of State of his or her
5 candidacy pursuant to 2 V.S.A. § 12(b), certify under oath to the Secretary that
6 he or she satisfies the requirements set forth in 20 V.S.A. § 363(a)(2).

7 Sec. 9. EFFECTIVE DATES

8 (a) This section and Secs. 1, 2, and 8 shall take effect on July 1, 2018.

9 (b) The remaining sections of this act shall take effect on March 1, 2019.

10

11

12 (Committee vote: _____)

13

14

Representative _____

15

FOR THE COMMITTEE