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H.247

Introduced by Representative Troiano of Stannard

Referred to Committee on

Date:

Subject: Adjutant and Inspector General; nomination of candidates

Statement of purpose of bill as introduced: This bill proposes to create an
Adjutant and Inspector General Recommendation Board to nominate qualified
candidates for Adjutant and Inspector General to the General Assembly.

An act relating to the Adjutant General

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

Sec. 1. 20 V.S.A. § 370 is added to read:

§ 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION

BOARD

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

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

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

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

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

5 (2) The members of the Board appointed by the Governor shall serve for
6 terms of two years and may serve for no more than three terms. The members
7 of the Board appointed by the House and Senate shall serve for terms of
8 two years and may serve for no more than three consecutive terms. All
9 appointments shall occur between January 1 and February 1 of each
10 odd-numbered year, except to fill a vacancy. Members shall serve until their
11 successors are appointed.

12 (3) The members shall elect their own chair who shall serve for a term
13 of two years.

14 (c) Legislative members of the Board shall be entitled to per diem
15 compensation and reimbursement for expenses in accordance with 2 V.S.A.
16 § 406. Members of the Board who are not otherwise compensated by their
17 employer shall be entitled to per diem compensation and reimbursement for
18 expenses in the same manner as Board members are compensated under
19 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the
20 legislative appropriation.

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

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

4 Sec. 2. 20 V.S.A. § 371 is added to read:

5 § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
6 INSPECTOR GENERAL

7 A candidate for Adjutant and Inspector General shall, not later than four
8 months prior to the election, declare his or her candidacy to the Board and
9 demonstrate that he or she meets the qualifications set forth in 2 V.S.A.
10 § 12(c)(1)–(4) as required pursuant to procedures adopted by the Board.

11 Sec. 3. 20 V.S.A. § 372 is added to read:

12 § 372. DUTIES OF RECOMMENDATION BOARD

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

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

20 (A) leadership;

21 (B) integrity;

1 (C) administrative and communicative skills; and

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

4 (2) The Board's procedures related to section 371 of this chapter shall
5 not be subject to rulemaking under 3 V.S.A. chapter 25 and may be adopted
6 and revised at the discretion of the Board.

7 (b) Interview and selection.

8 (1) The Board shall interview each candidate for Adjutant and Inspector
9 General who meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

10 (2)(A) All meetings of the Board are confidential, and shall be exempt
11 from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

12 (B) Except as otherwise provided by subsection (c) of this section, all
13 records of the Board, including the names of candidates considered by the
14 Board and information about any candidate submitted by any source, shall be
15 exempt from public inspection and copying under the Public Records Act and
16 shall be kept confidential.

17 (3) After interviewing each qualified candidate, the Board shall evaluate
18 the candidates based on the criteria and standards established pursuant to
19 subsection (a) of this section and shall nominate for election to the position of
20 Adjutant and Inspector General all qualified candidates that satisfy such
21 criteria and standards.

1 (c) Nomination. The Board shall submit the list of its nominees for
2 Adjutant and Inspector General to the General Assembly and to the Secretary
3 of State at least seven weeks prior to the election of the Adjutant and Inspector
4 General. The list shall constitute the complete list of all candidates for
5 Adjutant and Inspector General and shall be printed on a ballot prepared by the
6 Secretary of State pursuant to 2 V.S.A. § 12.

7 Sec. 4. 2 V.S.A. § 12 is amended to read:

8 § 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

9 * * *

10 (b) A candidate for office, other than for Adjutant and Inspector General,
11 shall, not later than one week preceding the election, notify the Secretary of
12 State in writing of his or her candidacy, naming the particular office. If he or
13 she fails so to notify the Secretary of State, his or her name shall not be printed
14 on the ballot. No ballot may be used other than the official ballot provided by
15 the Secretary of State.

16 (c) A candidate for Adjutant and Inspector General shall:

- 17 (1) be a resident of Vermont;
- 18 (2) have attained the rank of lieutenant colonel (O-5) or above;
- 19 (3) be a current member of the U.S. Army, the U.S. Air Force, the U.S.
20 Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the

1 Air National Guard or be eligible to return to active service in the Army
2 National Guard or the Air National Guard;

3 (4) be a graduate of a Senior Service College, be currently enrolled in a
4 Senior Service College, or be eligible to be enrolled in a Senior Service
5 College during the biennium in which the candidate would first be
6 appointed; and

7 (5) be nominated by the Adjutant and Inspector General
8 Recommendation Board pursuant to 20 V.S.A. § 372.

9 Sec. 5. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR

10 GENERAL RECOMMENDATION BOARD

11 (a) The Adjutant and Inspector General Recommendation Board, as
12 constituted in this act, is established on July 15, 2019. The Senate Committee
13 on Committees, the Speaker of the House, and the Governor shall appoint the
14 members of the Board as set forth in Sec. 1 of this act on or before July 15,
15 2019. Initially, the members of the Board shall be appointed for a term that
16 expires when their successors are appointed as provided in Sec. 1 of this act.

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

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.