

1 Introduced by Committee on General, Housing, and Military Affairs

2 Date:

3 Subject: Adjutant and Inspector General; election; nomination of candidates

4 Statement of purpose of bill as introduced: This bill proposes to establish  
5 minimum qualifications for candidates for Adjutant and Inspector General and  
6 to create an Adjutant and Inspector General Recommendation Board to  
7 nominate qualified candidates for Adjutant and Inspector General to the  
8 General Assembly.

9 An act relating to the qualifications and election of the Adjutant and  
10 Inspector General

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

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

13 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

14 (a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after  
15 their biennial meeting and organization, the Senate and House of  
16 Representatives shall meet in joint assembly and proceed therein to elect the  
17 State officers, except judicial officers, whose election by the Constitution and  
18 laws devolves in the first instance upon them in joint assembly, including the  
19 Sergeant at Arms, ~~the Adjutant and Inspector General~~, and the legislative  
20 trustees of the University of Vermont and State Agricultural College. In case

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

5 \* \* \*

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

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

19 § 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

20 \* \* \*

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

7           (c) A written list of the names of the candidates for Adjutant and Inspector  
8 General shall be submitted to the Secretary of State by the Adjutant and  
9 Inspector General Nominating Board not later than four weeks before the  
10 election. If the name of an individual is not included in the list provided by the  
11 Board, it shall not be printed on the ballot prepared by the Secretary of State.  
12 No ballot may be used other than the official ballot provided by the Secretary  
13 of State.

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

15           § 370. ADJUTANT AND INSPECTOR GENERAL NOMINATING

16           BOARD

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

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

3               (A) three members of the Governor’s Veterans Advisory Council  
4       appointed on a majority vote of the Council, provided that no member  
5       appointed by the Council may be a current member of the General Assembly;

6               (B) three members of the House, not all of whom shall be members  
7       of the same party, appointed by the Speaker of the House; and

8               (C) three members of the Senate, not all of whom shall be members  
9       of the same party, appointed by the Committee on Committees.

10              (2)(A) The members of the Board shall serve for terms of two years and  
11       may serve for not more than three consecutive terms.

12              (B)(i) All appointments shall be made, if practicable, within seven  
13       days of the convening of each biennial session of the General Assembly.

14              (ii) A House vacancy that occurs when the General Assembly is  
15       adjourned shall be filled by the Speaker of the House, and a Senate vacancy  
16       that occurs when the General Assembly is adjourned shall be filled by the  
17       Senate Committee on Committees.

18              (C) Members shall serve until their successors are appointed.

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

1        (c) Legislative members of the Board shall be entitled to per diem  
2        compensation and reimbursement for expenses in accordance with 2 V.S.A.  
3        § 406. Members of the Board who are not otherwise compensated by their  
4        employer shall be entitled to per diem compensation and reimbursement for  
5        expenses in the same manner as board members are compensated under  
6        32 V.S.A. § 1010. The compensation and reimbursement for the six members  
7        appointed by the House and Senate shall be paid from the legislative  
8        appropriation. The compensation and reimbursement for the three members  
9        appointed by the Governor’s Veterans Advisory Council shall be paid from the  
10       appropriation for the Military Department.

11       (d) A quorum of the Board shall consist of a majority of the members.

12       (e) The Board may use the staff and services of the Legislative Council to,  
13       in addition to other duties, obtain information regarding candidates for  
14       Adjutant and Inspector General by soliciting comments from members of the  
15       Vermont National Guard and the public.

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

17       § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND

18                    INSPECTOR GENERAL; REQUIREMENTS

19       (a)(1) A candidate for Adjutant and Inspector General shall, on or before  
20       November 1 of the year prior to the next election of an Adjutant and Inspector  
21       General pursuant to 2 V.S.A. § 10(c), declare his or her candidacy to the Board

1 pursuant to procedures adopted by the Board and demonstrate that he or she  
2 meets the qualifications set forth in subsection (b) of this section as required  
3 pursuant to procedures adopted by the Board.

4 (2) In the case of a vacancy occurring during a term, a candidate shall,  
5 not later than 14 days after the office of Adjutant and Inspector General  
6 becomes vacant, declare his or her candidacy to the Board pursuant to  
7 procedures adopted by the Board and demonstrate that he or she meets the  
8 qualifications set forth in subsection (b) of this section as required pursuant to  
9 procedures adopted by the Board.

10 (b) A candidate for Adjutant and Inspector General shall:

11 (1) have attained the rank of lieutenant colonel (O-5) or above;

12 (2) be a current member of the U.S. Army, the U.S. Air Force, the  
13 U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard or  
14 the Air National Guard, or be eligible to return to active service in the Army  
15 National Guard or the Air National Guard; and

16 (3) be a graduate of a Senior Service College, currently enrolled in a  
17 Senior Service College, or eligible to be enrolled in a Senior Service College  
18 during the biennium in which the candidate would first be appointed.

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

20 § 372. PROCEDURES OF THE BOARD; CONFIDENTIALITY

1       (a)(1) The Board shall endeavor to hold its organizational meeting within  
2       seven days of the appointment of its members.

3       (2) The Board shall endeavor to adopt all necessary forms and  
4       procedures for receiving and reviewing applications of candidates for Adjutant  
5       and Inspector General by April 15 of the first year of each biennial session.

6       (b) The Board’s procedures shall not be subject to rulemaking under  
7       3 V.S.A. §§ 836–844 and may be adopted and revised at the discretion of the  
8       Board.

9       (c) In the performance of its functions pursuant to subsection 373(a) of this  
10       section, the Board may by a majority vote of its membership issue subpoenas  
11       to compel the attendance of witnesses to testify under oath and to produce  
12       documents.

13       (d) A candidate has the right to a reasonable time period to prepare and  
14       present to the Board a response to any testimony or written complaint adverse  
15       to his or her candidacy for Adjutant and Inspector General.

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

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

19               (B) all records of the Board, including information related to  
20       candidates, shall be exempt from public inspection and copying under the  
21       Public Records Act and shall be kept confidential.

1           (2) The following shall be public:

2                   (A) the Board’s operating procedures;

3                   (B) the Board’s application procedures and any application or other  
4 forms used by the Board, provided they do not contain information about a  
5 candidate or confidential proceedings;

6                   (C) proceedings of the Board that are not directly related to the  
7 consideration of candidates;

8                   (D) the names of the candidates; and

9                   (E) the list of well-qualified candidates submitted to the Secretary of  
10 State by the Board.

11       Sec. 6. 20 V.S.A. § 373 is added to read:

12       § 373. DUTIES OF NOMINATING BOARD

13           (a) Evaluation. In determining whether a candidate for Adjutant and  
14 Inspector General should be listed on the ballot for election by the General  
15 Assembly, the Board shall do the following:

16                   (1) Interview the candidate for Adjutant and Inspector General.

17                   (2) Review comments received in relation to the candidate from  
18 members of the Vermont National Guard and the public. The Board may, in  
19 its discretion, conduct interviews or seek additional information related to  
20 comments received in relation to a candidate.



1           (3) Determine whether the candidate is well qualified for election by the  
2           General Assembly based on his or her application materials and interview, and  
3           any comments and related information received in relation to the candidate.

4           The Board shall evaluate whether each candidate is well qualified based on:

5                   (A) whether the candidate satisfies the qualifications set forth in  
6                   subsection 371(b) of this chapter; and

7                   (B) the candidate's leadership; integrity; and administrative and  
8                   communication skills.

9           (b) Nomination. After interviewing and evaluating each of the candidates,  
10           the Board shall submit to the Secretary of State a list of all candidates that it  
11           determines are well qualified for election to the office of Adjutant and  
12           Inspector General.

13           (c) Report. Not later than four weeks before the election of the Adjutant  
14           and Inspector General pursuant to 2 V.S.A. § 10(c), the Board shall report to  
15           the General Assembly its reasons for selecting each of the candidates  
16           submitted to the Secretary of State, with any information that it may deem  
17           appropriate, in order that the General Assembly may discharge its obligation  
18           under 2 V.S.A. § 10(c).

19           Sec. 7. 20 V.S.A. § 363 is amended to read:

20           § 363. OFFICERS GENERALLY

1           (a)(1) The General Assembly shall biennially elect an Adjutant and  
2 Inspector General, who for a term of two years.

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

5           (3)(A) The Adjutant and Inspector General shall, at all times during the  
6 term of office:

7                   (i) be a resident of Vermont; and

8                   (ii) satisfy the requirements set forth in 20 V.S.A. § 371(b).

9           (B) As used in this section, “resident of Vermont” means an  
10 individual who is domiciled in Vermont as evidenced by an intent to maintain  
11 a principal dwelling place in Vermont indefinitely and to return to Vermont if  
12 temporarily absent, coupled with an act or acts consistent with that intent.

13           (b) The Adjutant and Inspector General shall also be Quartermaster  
14 General with the rank of a major general.

15           (c)(1) The Adjutant General may appoint a ~~deputy~~ Deputy with appropriate  
16 rank, an Assistant Adjutant General for Army, an Assistant Adjutant General  
17 for Air, an Assistant Adjutant General for Joint Operations, a Sergeant Major,  
18 and a 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.

1           (3) Upon appointment, each Assistant Adjutant General shall be a  
2           federally recognized officer of the National Guard of the rank of lieutenant  
3           colonel or above, and shall have a rank of colonel or brigadier general, and the  
4           Sergeant Major shall be a federally recognized noncommissioned officer of the  
5           National Guard of the rank of master sergeant or first sergeant or above, and  
6           the Chief Master Sergeant shall be a federally recognized noncommissioned  
7           officer of the rank of senior master sergeant or first sergeant.

8           (4) The Deputy, ~~Assistants~~ assistants, and ~~Sergeants~~ sergeants shall  
9           perform duties as the Adjutant and Inspector General ~~and Quartermaster~~  
10          ~~General~~ shall direct.

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

13          (2) In case a vacancy occurs in the office of Adjutant and Inspector  
14          General ~~and Quartermaster General~~, the Deputy shall assume and discharge the  
15          duties of the office until the vacancy is filled.

16          (e) ~~The appointments~~ Appointments made pursuant to subsections (a) and  
17          (c) of this section shall be in writing and recorded in the office Office of the  
18          Secretary of State.

19          (f) All other officers of the National Guard shall be chosen in accordance  
20          with rules adopted by the Governor consistent with the laws of this State and  
21          the United States.

1       Sec. 8. ADJUTANT AND INSPECTOR GENERAL; CURRENT TERM

2           Notwithstanding any provision of law to the contrary, the term of the  
3           Adjutant and Inspector General in office on the effective date of this act shall  
4           end on March 1, 2022.

5       Sec. 9. EFFECTIVE DATE

6           This act shall take effect on July 1, 2020.