

1 S.156

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Internal security and public safety; Adjutant General

6 Statement of purpose of bill as introduced: This bill proposes to establish
7 minimum qualifications for candidates for Adjutant and Inspector General, to
8 transfer authority for the appointment of the Adjutant and Inspector General
9 from the General Assembly to the Governor, and to create a board to interview
10 and recommend to the Governor candidates for Adjutant and Inspector
11 General.

12 An act relating to the appointment of the Adjutant and Inspector General

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

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

15 § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

16 (a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after
17 their biennial meeting and organization, the Senate and House of
18 Representatives shall meet in joint assembly and proceed therein to elect the
19 State officers, except judicial officers, whose election by the Constitution and
20 laws devolves in the first instance upon them in joint assembly, including the

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

7 * * *

8 Sec. 2. 20 V.S.A. chapter 21 is amended to read:

9 CHAPTER 21. GENERAL PROVISIONS

10 Subchapter 1. General Provisions

11 § 361. MILITARY DEPARTMENT; NATIONAL GUARD

12 * * *

13 Subchapter 2. Adjutant and Inspector General Nominating Board

14 § 370. ADJUTANT AND INSPECTOR GENERAL NOMINATING BOARD

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

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

19 (A) three members, appointed by the Governor, who shall not be
20 current members of the Vermont National Guard;

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

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

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

7 (B) All appointments shall occur between January 1 and February 1
8 of each odd-numbered year, except to fill a vacancy. A House vacancy that
9 occurs when the General Assembly is adjourned shall be filled by the Speaker
10 of the House, and a Senate vacancy that occurs when the General Assembly is
11 adjourned shall be filled by the Senate Committee on Committees.

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

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

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

1 appropriation. The compensation and reimbursement for the three members
2 appointed by the Governor shall be paid from the appropriation for the Military
3 Department.

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

5 (e) The Board is authorized to use the staff and services of appropriate
6 State agencies and departments as necessary to investigate the qualifications of
7 candidates.

8 § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
9 INSPECTOR GENERAL; REQUIREMENTS

10 (a)(1) On or before November 1 of the year prior to when the Governor
11 will appoint a new Adjutant and Inspector General, each candidate for
12 Adjutant and Inspector General shall submit to the Board:

13 (A) a declaration of candidacy for Adjutant and Inspector General;

14 and

15 (B) a certification under oath that the candidate satisfies the
16 requirements of subsection (b) of this section.

17 (2) In the case of a vacancy occurring during a term, each candidate for
18 Adjutant and Inspector General shall, not later than 14 days after the office of
19 Adjutant and Inspector General becomes vacant, submit to the Board:

20 (A) a declaration of candidacy for Adjutant and Inspector General;

21 and

1 (B) a certification under oath that the candidate satisfies the
2 requirements of subsection (b) of this section.

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

4 (1) be a resident of Vermont;

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

6 (3) be a current member of the U.S. Army, the U.S. Air Force, the
7 U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or
8 the Air National Guard or be eligible to return to active service in the Army
9 National Guard or the Air National Guard; and

10 (4) be a graduate of a Senior Service College, currently enrolled in a
11 Senior Service College, or eligible to be enrolled in a Senior Service College
12 during the biennium in which the candidate would first be appointed.

13 § 372. ADOPTION OF PROCEDURES; CONFIDENTIALITY

14 (a) The Board shall adopt procedures regarding the submission of candidate
15 information pursuant to section 371 of this chapter and the evaluation of
16 candidates pursuant to section 373 of this chapter. The Board's procedures
17 shall not be subject to rulemaking under 3 V.S.A. §§ 836–844 and may be
18 adopted and revised at the discretion of the Board.

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

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

1 (B) all records of the Board, including the names of candidates and
2 any information related to candidates, shall be exempt from public inspection
3 and copying under the Public Records Act and shall be kept confidential.

4 (2) The following shall be public:

5 (A) the Board's operating procedures;

6 (B) the Board's application procedures and any application forms or
7 other forms used by the Board, provided they do not contain information about
8 a candidate or confidential proceedings;

9 (C) proceedings of the Board that are not directly related to the
10 consideration of candidates; and

11 (D) at the time the Board sends the list of well-qualified candidates to
12 the Governor, the total number of applicants interviewed by the Board and the
13 total number of candidates sent to the Governor.

14 § 373. DUTIES OF NOMINATING BOARD

15 (a) Interview and selection. The Board shall interview each candidate for
16 Adjutant and Inspector General and evaluate the candidate with respect to:

17 (1) the qualifications set forth in subsection 371(b) of this title;

18 (2) leadership;

19 (3) integrity; and

20 (4) administrative and communication skills.

