

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing and Military Affairs to which was
3 referred House Bill No. 278 entitled “An act relating to selection of the
4 Adjutant and Inspector General” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

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

8 § 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION

9 BOARD

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

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

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

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

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

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

1 of the Board appointed by the House and Senate shall serve for terms of
2 two years and may serve for no more than three consecutive terms. All
3 appointments shall occur between January 1 and February 1 of each
4 odd-numbered year, except to fill a vacancy. Members shall serve until their
5 successors are appointed.

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

8 (c) Legislative members of the Board shall be entitled to per diem
9 compensation and reimbursement for expenses in accordance with 2 V.S.A.
10 § 406. Members of the Board who are not otherwise compensated by their
11 employer shall be entitled to per diem compensation and reimbursement for
12 expenses in the same manner as Board members are compensated under
13 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the
14 legislative appropriation.

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

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

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

2 § 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
3 INSPECTOR GENERAL

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

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

9 § 372. DUTIES OF RECOMMENDATION BOARD

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

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

17 (A) leadership;

18 (B) integrity;

19 (C) administrative and communicative skills; and

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

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

4 (b) Interview and selection.

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

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

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

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

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

1 General. The list shall constitute the complete list of all candidates for
2 Adjutant and Inspector General and shall be printed on a ballot prepared by the
3 Secretary of State pursuant to 2 V.S.A. § 12.

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

5 § 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

6 * * *

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

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

14 (1) be a resident of Vermont;

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

16 (3) be a current member of the U.S. Army, the U.S. Air Force, the U.S.
17 Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the
18 Air National Guard or be eligible to return to active service in the Army
19 National Guard or the Air National Guard;

20 (4) be a graduate of a Senior Service College, be currently enrolled in a
21 Senior Service College, or be eligible to be enrolled in a Senior Service

1 College during the biennium in which the candidate would first be
2 appointed; and

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

5 Sec. 5. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR
6 GENERAL RECOMMENDATION BOARD

7 (a) The Adjutant and Inspector General Recommendation Board, as
8 constituted in this act, is established on March 15, 2017. The Senate
9 Committee on Committees, the Speaker of the House, and the Governor shall
10 appoint the members of the Board as set forth in Sec. 1 of this act on or before
11 March 15, 2017. Initially, the members of the Board shall be appointed for a
12 term that expires when their successors are appointed as provided in Sec. 1 of
13 this act.

14 (b) On or before September 1, 2017, the Adjutant and Inspector General
15 Recommendation Board shall propose for adoption rules that establish criteria
16 and standards for the evaluation and nomination of qualified candidates for
17 Adjutant and Inspector General.

18 **Sec. 6. 2017 ELECTION OF ADJUTANT AND INSPECTOR GENERAL;**

19 **CERTIFICATION OF QUALIFICATIONS**

20 **For purposes of the 2017 election, a candidate for Adjutant and Inspector**
21 **General shall, at the time he or she notifies the Secretary of State of his or her**

1 candidacy pursuant to 2 V.S.A. § 12(b), certify under oath to the Secretary that
2 he or she meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

3 Sec. 7. EFFECTIVE DATES

4 (a) This section and Sec. 6 shall take effect on July 1, 2016.

5 (b) In Sec. 4, in 2 V.S.A. § 12, subdivisions (c)(1)–(4) shall take effect on
6 July 1, 2016. The remaining provisions of Sec. 4 shall take effect on March 1,
7 2017.

8 (c) The remaining sections of this act shall take effect on March 1, 2017.

9
10 (Committee vote: _____)

11 _____
12 Representative _____

13 FOR THE COMMITTEE