

1 H.28

2 An act relating to including an affirmation option in oath requirements in
3 Titles 1–10 of the Vermont Statutes Annotated

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

5 * * * Title 1 * * *

6 Sec. 1. 1 V.S.A. § 127 is amended to read:

7 § 127. OATH; SWORN

8 “Oath” shall include affirmation ~~where by law an affirmation may be~~
9 ~~substituted. In like~~ in all cases, and “sworn” shall include affirmed.

10 Sec. 2. 1 V.S.A. § 137 is amended to read:

11 § 137. SWORN OR AFFIRMED

12 “Sworn” or “affirmed” when applied to public officers required by the
13 ~~constitution~~ Constitution to take certain oaths or affirmations shall refer to
14 those oaths or affirmations; when applied to other officers, it shall mean sworn
15 or affirmed to the faithful discharge of the duties of their offices before a
16 person authorized to administer oaths and affirmations.

17 * * * Title 2 * * *

18 Sec. 3. 2 V.S.A. § 3 is amended to read:

19 § 3. SENATE CERTIFICATES; OATHS AND AFFIRMATIONS;
20 SECRETARY; CANVASSING COMMITTEE

1 The members-elect of the Senate shall deliver their certificates of election to
2 the President of the Senate before 10 o'clock in the forenoon of the first
3 Wednesday next after the first Monday of January, following their election; at
4 which time, the Senate shall be called to order by its President and the names
5 of the Senators who have presented their certificates shall be called. When a
6 quorum appears, the members shall take and subscribe the oath or affirmation
7 of allegiance and the oath or affirmation prescribed for Representatives to the
8 General Assembly and shall then elect a Secretary, who shall appoint an
9 Assistant Secretary, for whose acts ~~he or she~~ the Secretary shall be responsible.
10 The Senate shall then appoint a committee, consisting of one Senator from
11 each district, to join such committee as the House of Representatives appoints,
12 to canvass the votes for Governor, Lieutenant Governor, State Treasurer,
13 Secretary of State, Auditor of Accounts, and Attorney General.

14 Sec. 4. 2 V.S.A. § 70(b) is amended to read:

15 (b) Powers; training.

16 (1) A Capitol Police officer shall have all the same powers and authority
17 as sheriffs and other law enforcement officers anywhere in the State, which
18 shall include the authority to arrest persons and enforce the civil and criminal
19 laws, keep the peace, provide security, and serve civil and criminal process.
20 For this purpose, a Capitol Police officer shall subscribe to the same oaths and
21 affirmations as are required for sheriffs.

* * *

Sec. 5. 2 V.S.A. § 267a is amended to read:

§ 267a. INVESTIGATIONS

The Attorney General shall investigate, on ~~his or her~~ the Attorney General's own initiative or in response to a complaint filed in writing with the Attorney General, whether a violation of this chapter has occurred. The Attorney General may administer oaths and affirmations, require filing of a statement under oath or affirmation, take evidence, and require the production, by subpoena or otherwise, of financial records, books, papers, correspondence, and other documents and records the Attorney General considers to be relevant and material to the investigation. The Attorney General shall make a determination of each complaint filed and, at the time of resolution of a complaint ~~which~~ that is found to have merit, shall post on the website of the Office of the Attorney General a brief summary of the complaint and resolution.

* * * Title 3 * * *

Sec. 6. 3 V.S.A. § 123(h) is amended to read:

(h) Notwithstanding any provision of Title 26 of the Vermont Statutes Annotated to the contrary, the Office, on behalf of the Director or a board, may use electronic mail to send notices and reminders that would otherwise be sent by mail, except certified mail, and may use online services to elicit information

1 and sworn or affirmed attestations that would otherwise be obtained on a paper
2 form.

3 Sec. 7. 3 V.S.A. § 129 is amended to read:

4 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

5 PROFESSIONS; DISCIPLINE PROCESS

6 (a) In addition to any other provisions of law, a board or the Director, in the
7 case of professions that have advisor appointees, may exercise the following
8 powers:

9 * * *

10 (2) Issue subpoenas and administer oaths and affirmations in connection
11 with any authorized hearing, investigation, or disciplinary proceeding.

12 Subpoenas may be issued ex parte by the chair of the board, the Director, or
13 any attorney representing a party. Depositions may be taken after charges
14 upon due notice to all parties without specific authorization by the board.

15 * * *

16 (f)(1)(A) The Director may appoint a hearing officer, who shall be an
17 attorney admitted to practice in this State, to conduct a hearing that would
18 otherwise be heard by a board. A hearing officer appointed under this
19 subsection (f) may administer oaths and affirmations and exercise the powers
20 of the board properly incidental to the conduct of the hearing.

21 * * *

1 Sec. 8. 3 V.S.A. § 151 is amended to read:

2 § 151. ELECTION AND TERM

3 An Attorney General shall be elected at the same time and in the same
4 manner as provided for the election of other State officers. ~~He or she~~ An
5 individual elected Attorney General shall be sworn to or shall affirm the
6 faithful discharge of ~~his or her~~ the duties of the office of Attorney General.
7 ~~His or her~~ The term of office of an individual elected Attorney General shall
8 commence when ~~his or her~~ the individual's election is declared by the
9 committee appointed by the Senate and House of Representatives to canvass
10 the votes, agreeably with 17 V.S.A. § 2592, or when elected by the General
11 Assembly pursuant to said section, and continue for a term of two years.

12 Sec. 9. 3 V.S.A. § 153(b) is amended to read:

13 (b) The Attorney General may appoint a Deputy Attorney General with the
14 approval of the Governor, remove ~~him or her~~ the Deputy Attorney General at
15 pleasure, and be responsible for ~~his or her~~ the Deputy Attorney General's acts.
16 ~~Such deputy~~ The Deputy Attorney General shall perform such duties as the
17 Attorney General shall direct, and in the absence or disability of the Attorney
18 General perform the duties of the Attorney General. In case a vacancy occurs
19 in the ~~Office~~ office of Attorney General, ~~such deputy~~ the Deputy Attorney
20 General shall assume and discharge the duties of ~~such~~ the office until ~~such~~ the
21 vacancy is filled. ~~Such~~ The appointment of the Deputy Attorney General shall

1 be in writing and be recorded in the Office of the Secretary of State. ~~Such~~ The
2 Deputy Attorney General shall take the oath or affirmation required by the
3 ~~constitution~~ Constitution, shall be an informing officer, and shall have the
4 same authority throughout the State in civil or criminal matters as State's
5 Attorneys have in their respective counties.

6 Sec. 10. 3 V.S.A. § 156 is amended to read:

7 § 156. DUTIES

8 ~~Such~~ A legal assistant appointed pursuant to section 155 of this chapter
9 shall perform such duties as the Attorney General directs and may appear in
10 the trial or hearing of any civil or criminal cause in any court of the State on
11 behalf of the Attorney General. Before assuming ~~his or her~~ any duties, ~~such~~
12 the legal assistant shall take and subscribe to the oath or affirmation prescribed
13 by the Constitution.

14 Sec. 11. 3 V.S.A. § 258 is amended to read:

15 § 258. REMOVAL OF CIVIL OFFICERS

16 The Governor may remove any civil officer whose appointment devolves
17 upon the Governor in the first instance, whether appointed by ~~him or her~~ the
18 current Governor or by any of ~~his or her~~ the Governor's predecessors, with or
19 without the advice and consent of the Senate, and appoint a suitable person to
20 succeed such official, subject to removal in ~~his or her~~ the Governor's
21 discretion, who shall be sworn or make an affirmation and who shall give the

1 bond, if any, required by law. ~~Such~~ A person so appointed, unless sooner
2 removed, shall perform the duties and be entitled to the pay of the person
3 whom ~~he or she~~ the appointed official succeeds, until March 1 of the next
4 biennial year and until ~~his or her~~ a successor is appointed and has qualified.

5 Sec. 12. 3 V.S.A. § 317 is amended to read:

6 § 317. OATHS, AFFIRMATIONS, TESTIMONY, AND THE
7 PRODUCTION OF RECORDS

8 The Commissioner shall have the power to administer oaths and
9 affirmations, subpoena witnesses, and order the production of books and
10 papers pertinent to any investigation or hearing authorized by this chapter.

11 Sec. 13. 3 V.S.A. § 925(d) is amended to read:

12 (d) The fact finder shall conduct hearings, pursuant to rules established by
13 the Board. Upon request of either party or of the fact finder, the Board may
14 issue subpoenas of persons and documents for the hearings and the fact finder
15 may require that testimony be given under oath or affirmation and may
16 administer oaths and affirmations.

17 Sec. 14. 3 V.S.A. § 965(c) is amended to read:

18 (c) The Board shall have power to administer oaths and affirmations and
19 take testimony under oath or affirmation relative to the matter of inquiry. At
20 any hearing ordered by the Board, the Board shall have the power to subpoena
21 witnesses and to demand the production of books, papers, records, and

1 documents for its examination. Officers who serve subpoenas issued by the
2 Board and witnesses attending hearings conducted by the Board shall receive
3 fees and compensation at the same rates as officers and witnesses in causes
4 before a Criminal Division of the Superior Court, to be paid on vouchers of the
5 Board.

6 Sec. 15. 3 V.S.A. § 1018(d) is amended to read:

7 (d) The fact finder shall conduct hearings pursuant to rules of the Board.
8 Upon request of either party or of the fact finder, the Board may issue
9 subpoenas of persons and documents for the hearings, and the fact finder may
10 require that testimony be given under oath or affirmation and may administer
11 oaths and affirmations.

12 Sec. 16. 3 V.S.A. § 1030(c) is amended to read:

13 (c) The Board may administer oaths and affirmations, take testimony,
14 subpoena witnesses, and demand production of documents. Officers who
15 serve subpoenas issued by the Board and witnesses attending hearings shall be
16 paid fees and compensation on vouchers of the Board at the same rates as
17 officers and witnesses in causes before a Criminal Division of the Superior
18 Court.

19 Sec. 17. 3 V.S.A. § 1230(d) is amended to read:

20 (d) Subpoenas ~~and~~ oaths, and affirmations. The Commission, the
21 Executive Director, and the Commission's legal counsel and investigators shall

1 have the power to issue subpoenas and administer oaths and affirmations in
2 connection with any investigation or hearing, including compelling the
3 provision of materials or the attendance of witnesses at any investigation or
4 hearing. The Commission, the Executive Director, and the Commissioner's
5 legal counsel shall seek voluntary compliance prior to issuing a subpoena,
6 except in cases where there is reasonable suspicion that materials will not be
7 produced in a timely manner. The Commission, the Executive Director, and
8 the Commission's legal counsel and investigators may take or cause
9 depositions to be taken as needed in any investigation or hearing.

10 Sec. 18. 3 V.S.A. § 2103 is amended to read:

11 § 2103. ~~OATH~~, OATHS AND AFFIRMATIONS; MEETINGS;
12 COMMITTEES

13 (a) Each Secretary shall take and file the official oath or affirmation prior to
14 assuming office.

15 * * *

16 Sec. 19. 3 V.S.A. § 3091(b) is amended to read:

17 (b) The hearing shall be conducted by the Board or by a hearing officer
18 appointed by the Board. The Chair of the Board may compel, by subpoena, the
19 attendance and testimony of witnesses and the production of books and
20 records. All witnesses shall be examined under oath or affirmation. The
21 Board shall adopt rules with reference to appeals, which shall not be

1 inconsistent with this chapter. The rules shall provide for reasonable notice to
2 parties, and an opportunity to be heard and be represented by counsel.

3 * * * Title 4 * * *

4 Sec. 20. 4 V.S.A. § 4 is amended to read:

5 § 4. JUSTICES

6 * * *

7 (c) A Supreme Court Justice may file in the Office of the Secretary of
8 State, on or before September 1 of the year preceding the expiration of the term
9 for which the Justice was appointed or retained, a declaration that the Justice
10 will be a candidate for retention. However, a Justice appointed and having
11 taken the oath or affirmation of office after September 1 of the year preceding
12 the expiration of the term of office shall automatically be a candidate for
13 retention without filing notice. When a Justice files such a declaration, the
14 Justice's name shall be submitted to the General Assembly for a vote on
15 retention. The General Assembly shall vote upon one ballot on the question
16 "Shall the following Supreme Court Justices be retained in office?" The
17 names of the Justices shall be followed by "Yes ___ No ___ ." If a majority of
18 those voting on the question vote against retention, upon expiration of the term
19 of office, a vacancy shall exist that shall be filled by appointment in
20 accordance with the Constitution and chapter 15 of this title; if the majority
21 vote is in favor of retention, the Justice shall, unless removed for cause, remain

1 in office for another term and, at its end, shall be eligible for retention in office
2 in the manner prescribed pursuant to this subsection.

3 (d) The Court Administrator shall notify the Secretary of State whenever a
4 Justice is appointed and takes the oath or affirmation of office after September
5 1 of the year preceding the expiration of the term of office to which the Justice
6 has succeeded, thereby resulting in automatic notification of an intention to
7 continue in office. Whenever a Justice files a declaration under subsection (c)
8 of this section, or notification occurs automatically, the Secretary of State shall
9 notify the President of the Senate, the Speaker of the House, the Office of
10 Legislative Counsel, and the Office of Legislative Operations forthwith.

11 Sec. 21. 4 V.S.A. § 27b is amended to read:

12 § 27b. SELF-ATTESTED DECLARATION IN LIEU OF NOTARIZATION

13 * * *

14 (c) This section shall not apply to an affidavit in support of a search
15 warrant application, an application for a nontestimonial identification order, an
16 oath or affirmation required by 14 V.S.A. § 108, or consents and
17 relinquishments in adoption proceedings governed by Title 15A.

18 Sec. 22. 4 V.S.A. § 71 is amended to read:

19 § 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

20 * * *

1 (b) A Superior judge may file in the Office of the Secretary of State, on or
2 before September 1 of the year preceding the expiration of the term for which
3 the Superior judge was appointed or retained, a declaration that the Superior
4 judge will be a candidate for retention. However, a Superior judge appointed
5 and having taken the oath or affirmation of office after September 1 of the year
6 preceding the expiration of the term of office shall automatically be a
7 candidate for retention without filing notice. When a judge files such a
8 declaration, the judge's name shall be submitted to the General Assembly for a
9 vote on retention. The General Assembly shall vote upon one ballot on the
10 question "Shall the following Superior judges be retained in office?" The
11 names of the judges shall be listed followed by "Yes ___ No ___ ." If a majority
12 of those voting on the question vote against retention, upon expiration of the
13 term of office, a vacancy shall exist that shall be filled by appointment in
14 accordance with the Constitution and chapter 15 of this title; if the majority
15 vote is in favor of retention, the judge shall, unless removed for cause, remain
16 in office for another term and, at its end, shall be eligible for retention in office
17 in the manner prescribed pursuant to this subsection.

18 (c) The Court Administrator shall notify the Secretary of State whenever a
19 Superior judge is appointed and takes the oath or affirmation of office after
20 September 1 of the year preceding the expiration of the term of office to which
21 the judge has succeeded, thereby resulting in automatic notification of an

1 intention to continue in office. Whenever a Superior judge files a declaration
2 under subsection (b) of this section or notification occurs automatically, the
3 Secretary of State shall notify the President of the Senate, the Speaker of the
4 House, the Office of Legislative Counsel, and the Office of Legislative
5 Operations forthwith.

6 * * *

7 Sec. 23. 4 V.S.A. § 362 is amended to read:

8 § 362. OATHS AND AFFIRMATIONS

9 A Probate judge or register may administer oaths and affirmations.

10 Sec. 24. 4 V.S.A. § 461 is amended to read:

11 § 461. OFFICE OF MAGISTRATE; JURISDICTION; SELECTION; TERM

12 * * *

13 (c)(1) Terms of office of magistrates, except in the case of an appointment
14 to fill a vacancy or unexpired term, shall be for a term of six years from and
15 including April 1 in the year of the magistrate's appointment or retention. A
16 magistrate shall remain in office until a successor is appointed and qualified,
17 unless sooner removed for cause or unless ~~he or she~~ the magistrate resigns.

18 (2) A magistrate may file in the ~~office~~ Office of the Secretary of State,
19 on or before September 1 of the year preceding the expiration of the term for
20 which the magistrate was appointed or retained, a declaration that the
21 magistrate will be a candidate ~~to succeed themselves~~ for retention. However, a

1 magistrate appointed and having taken the oath or affirmation of office after
2 September 1 of the year preceding the expiration of the term of office shall
3 automatically be a candidate for retention without filing notice. When a
4 magistrate files such a declaration, the magistrate's name shall be submitted to
5 the General Assembly for a vote on retention. The General Assembly shall
6 vote upon one ballot on the question: "Shall the following magistrates be
7 retained in office?" The names of the magistrates shall be listed followed by
8 "Yes____ No____." If a majority of those voting on the question vote against
9 retaining a magistrate in office, upon the expiration of the term, a vacancy shall
10 exist that shall be filled in accordance with the Constitution and chapter 15 of
11 this title. If the majority vote is in favor of retention, the magistrate shall,
12 unless removed for cause, remain in office for another term and, at its end,
13 shall be eligible for retention in office in the manner prescribed pursuant to this
14 subdivision.

15 (3) The Court Administrator shall notify the Secretary of State whenever
16 a magistrate is appointed and takes the oath or affirmation of office after
17 September 1 of the year preceding the expiration of the term of office to which
18 the magistrate has succeeded, thereby resulting in automatic notification of an
19 intention to continue in office. Whenever a magistrate files a declaration under
20 subdivision (2) of this subsection or when notification occurs automatically,
21 the Secretary of State shall notify the President of the Senate, the Speaker of

1 the House, the Office of Legislative Counsel, and the Office of Legislative
2 Operations forthwith.

3 * * *

4 Sec. 25. 4 V.S.A. § 466(d) is amended to read:

5 (d) Witnesses shall be sworn or shall make an affirmation. Hearings shall
6 be electronically recorded. The magistrate shall assist the parties in developing
7 relevant and reliable evidence.

8 Sec. 26. 4 V.S.A. § 491 is amended to read:

9 § 491. QUALIFICATION OF JUSTICE OF THE PEACE—FILING OF
10 OATH OR AFFIRMATION AND CERTIFICATE

11 (a) Before entering upon ~~his or her~~ any duties, each justice of the peace
12 shall deposit with the town clerk a signed copy of ~~his or her official oath,~~
13 ~~signed by himself or herself~~ the justice's official oath or affirmation, along
14 with a certificate of the magistrate or notary public ~~administering the same~~
15 who administered the oath or affirmation to the justice. The Secretary of State
16 shall provide oath or affirmation forms for this purpose.

17 (b) The term of office of justices of the peace shall be two years; and shall
18 commence on the first day of February next after their election.

19 Sec. 27. 4 V.S.A. § 608(f) is amended to read:

20 (f) In the performance of its official functions, the Joint Committee on
21 Judicial Retention may by a majority vote of its membership issue subpoenas

1 to compel the attendance of witnesses to testify under oath or affirmation and
2 to produce documents.

3 Sec. 28. 4 V.S.A. § 794 is amended to read:

4 § 794. OATH OR AFFIRMATION; CORRECTNESS OF REPORTS AND
5 COPIES

6 Upon appointment, a stenographic reporter shall ~~be sworn~~ take an oath or
7 affirmation before entering upon ~~his or her~~ any duties and shall be responsible
8 for the correctness of ~~his or her~~ the reporter's own reports and of certified
9 copies ~~thereof made by him or her or under his or her~~ of reports made by the
10 reporter or at the reporter's direction.

11 Sec. 29. 4 V.S.A. § 803 is amended to read:

12 § 803. ELECTRONIC RECORDING EQUIPMENT

13 * * *

14 (b) For the purpose of operating recording equipment, the judge may
15 appoint or designate the official reporter of that court, a special reporter, the
16 clerk of the court, any staff of the court, the court officer, or any other
17 designated court personnel. The person operating recording equipment shall
18 subscribe to an oath or affirmation that the operator will well and truly operate
19 it to record all matters and proceedings.

20 (c) The court may then designate the person operating the equipment or any
21 other competent person to read the recording and to transcribe it into

1 typewriting. The person transcribing the recording shall subscribe to an oath
2 or affirmation that it has truly and correctly been transcribed.

3 * * *

4 Sec. 30. 4 V.S.A. § 851 is amended to read:

5 § 851. APPOINTMENT AND POWERS OF COMMISSIONERS

6 The Governor may appoint commissioners in other states and in foreign
7 countries who shall hold office for five years unless sooner removed by ~~him or~~
8 ~~her~~ the Governor. They may take depositions, affidavits, and testimony to be
9 used in any proceedings in Superior Court; administer oaths and affirmations;
10 and take the acknowledgment of deeds and other instruments to be used or
11 recorded in this State, and their acts in other states or foreign countries shall
12 have the same force as though performed by a justice or master in this State.

13 Sec. 31. 4 V.S.A. § 852 is amended to read:

14 § 852. OATH OR AFFIRMATION AND BOND

15 Before entering upon ~~his or her~~ any duties, each commissioner shall take
16 and subscribe an oath or affirmation of office before a magistrate of ~~his or her~~
17 the commissioner's locality and execute a bond to this State with sureties to the
18 satisfaction of the Governor in the sum of \$500.00, conditioned for the faithful
19 performance of ~~his or her~~ the commissioner's duties. The bond shall be kept in
20 the ~~office~~ Office of the Secretary of State, and an action may be maintained

1 against any or all signers ~~thereof~~ of the bond, in the name of the State, for the
2 benefit of a person injured by the act or neglect of the commissioner.

3 Sec. 32. 4 V.S.A. § 1106(b) is amended to read:

4 (b) The hearing shall be held before a hearing officer and conducted in an
5 impartial manner. The hearing officer may, by subpoena, compel the
6 attendance and testimony of witnesses and the production of books and
7 records. All witnesses shall be sworn or shall make an affirmation. The
8 burden of proof shall be on the State or municipality to prove the allegations
9 by clear and convincing evidence. As used in this section, “clear and
10 convincing evidence” means evidence that establishes that the truth of the facts
11 asserted is highly probable. Certified copies of records supplied by the
12 Department of Motor Vehicles or the Agency of Natural Resources and
13 presented by the issuing officer or other person shall be admissible without
14 testimony by a representative of the Department of Motor Vehicles or the
15 Agency of Natural Resources.

16 * * * Title 5 * * *

17 Sec. 33. 5 V.S.A. § 32 is amended to read:

18 § 32. PRODUCTION AND EXAMINATION OF BOOKS; WITNESSES

19 So far as is necessary for the performance of their duties, the members of
20 the Transportation Board or the Secretary of Transportation or ~~his or her~~
21 designee and any other employee of the Agency authorized by the Secretary

1 shall have power to examine the books, accounts, and papers of any person,
2 receiver, trustee, or lessee owning or operating any line, plant, or property,
3 subject to the Board's or the Agency's jurisdiction, that in any way relate to or
4 contain entries, data, or memoranda concerning any transaction substantially
5 affecting the interests of the State of Vermont or consumers of transportation
6 services within the State. In addition to these powers, they may subpoena
7 witnesses, administer oaths and affirmations to witnesses, and examine them
8 on all matters over which the Board or Agency has jurisdiction.

9 Sec. 34. 5 V.S.A. § 34 is amended to read:

10 § 34. REFUSAL TO SHOW BOOKS; FALSE OATH OR AFFIRMATION;
11 PENALTIES

12 A person, company, or corporation subject to the supervision of the Board
13 or the Agency who refuses the Board or the Agency access to its books,
14 accounts, or papers so far as may be necessary under the provisions of this
15 chapter, or who fails or refuses to furnish any returns, reports, or information
16 lawfully required by it, or who willfully hinders, delays, or obstructs it in the
17 discharge of the duties imposed upon it, or who fails within a reasonable time
18 to obey a final order or decree of the Board, shall be fined not more than
19 \$5,000.00. An individual who knowingly, under oath or affirmation, makes a
20 false return or statement or gives false information to the Board or the Agency,

1 or who knowingly testifies falsely in any material matter before either of them,
2 shall be deemed to have committed perjury and shall be punished accordingly.

3 Sec. 35. 5 V.S.A. § 1016(d) is amended to read:

4 (d) The board shall adopt rules in accordance with the provisions of the
5 ordinance or resolution by which it was created. Meetings of the board shall
6 be held at the call of the chair and at such other times as the board may
7 determine. The chair, or in ~~his or her~~ the chair's absence the acting chair, may
8 administer oaths and affirmations and compel the attendance of witnesses. All
9 hearings of the board shall be public. The board shall keep minutes of its
10 proceedings, showing the vote of each member upon each question, or, if
11 absent or failing to vote, indicating this fact. The board shall keep records of
12 its examinations and other official actions, all of which shall immediately be
13 filed in the office of the board and shall be a public record.

14 Sec. 36. 5 V.S.A. § 1017(c) is amended to read:

15 (c) The board of adjustment shall not be required to return the original
16 papers acted upon by it, but it shall be sufficient to return certified ~~or~~ sworn,
17 or affirmed copies or of portions of copies that may be called for by the court.

18 Sec. 37. 5 V.S.A. § 3756 is amended to read:

19 § 3756. OATH OR AFFIRMATION OF OFFICE

20 Each police officer ~~so~~ commissioned pursuant to section 3755 of this
21 chapter shall, before entering upon the duties of ~~his or her~~ the office, take an

1 oath or affirmation of office administered by the Commissioner of Public
2 Safety or ~~his or her~~ designee.

3 * * * Title 6 * * *

4 Sec. 38. 6 V.S.A. § 1(a) is amended to read:

5 (a) The Agency of Agriculture, Food and Markets shall be administered by
6 a Secretary of Agriculture, Food and Markets. The Secretary shall supervise
7 and be responsible for the execution and enforcement of all laws relating to
8 agriculture and standards of weight and measure. The Secretary may:

9 * * *

10 (5) Issue subpoenas and administer oaths and affirmations in connection
11 with an authorized investigation or hearing.

12 * * *

13 Sec. 39. 6 V.S.A. § 11 is amended to read:

14 § 11. ADMINISTRATIVE HEARINGS; HEARING OFFICERS

15 The Secretary may designate a hearing officer to preside in ~~his or her~~ the
16 Secretary's place in all matters in which the Secretary is required or permitted
17 by law to conduct a hearing. The hearing officer may administer oaths and
18 affirmations or issue subpoenas in connection with a hearing. The hearing
19 officer shall report findings of fact to the Secretary in writing, within a
20 reasonable time after the conclusion of the hearing, in contested cases within

1 the meaning of 3 V.S.A. § 801(b)(2). Judgment on the findings in cases
2 covered by this section shall be rendered only by the Secretary.

3 Sec. 40. 6 V.S.A. § 2674(a) is amended to read:

4 (a) On or before March 1 of each year, all handlers shall send the Secretary
5 a full and accurate report of the amount of business done during the preceding
6 year, together with such other statistical information as the Secretary may
7 require. Failure to file requested information shall be grounds for suspension
8 of license. If the handler purchases milk from a Vermont farm, a cooperative
9 representing a Vermont farm, or a marketing service owned by a cooperative,
10 the handler, in addition to any other information required by the Secretary,
11 shall provide the following information:

12 * * *

13 (2) a sworn or affirmed balance sheet showing assets and liabilities and
14 a profit and loss statement as of the end of the handler's preceding fiscal year
15 and such other information regarding its financial condition as the Secretary
16 may require; and

17 * * *

18 Sec. 41. 6 V.S.A. § 2722 is amended to read:

19 § 2722. APPLICATION

20 Applications shall be completely filled out and sworn to or affirmed by the
21 applicant or a partner or officer of the applicant and in case of renewal shall be

1 filed with the Secretary on or before July 15 of each year. New handlers may
2 apply for a license at any time. Renewal applications not received on or before
3 August 15 shall be assessed a late fee of \$100.00. The application for a
4 handler's license shall provide the following information and such other
5 information as the Secretary by ~~regulation~~ rule shall reasonably require:

6 * * *

7 (3) In the case of a new application, the applicant shall provide the
8 following information:

9 * * *

10 (B) The anticipated supply of milk and the daily quantity to be
11 purchased from such sources. If a handler buys milk or represents that ~~he or~~
12 ~~she~~ the handler intends to buy milk from Vermont producers, ~~he or she~~ the
13 handler shall provide a sworn or affirmed balance sheet showing assets and
14 liabilities and a profit and loss statement as of the end of the handler's
15 preceding fiscal year and such other information regarding its financial
16 condition as the Secretary may require. Upon the request of the Secretary, the
17 financial statements shall be accompanied by an opinion of a certified public
18 accountant.

19 * * *

20 Sec. 42. 6 V.S.A. § 2762 is amended to read:

21 § 2762. PRODUCER AFFIDAVIT; VOLUNTARY LABELING

1 A milk handler may claim in the label on a container or package of milk, or
2 of a dairy product offered for retail sale in Vermont, or in a written display at
3 the point of sale of such milk or dairy product, that the milk or dairy product is
4 derived from cows not treated with rbST, provided that:

5 (1) Producer affidavit. Each milk producer supplying the handler with
6 milk to be so identified shall, by affidavit, notify the handler that milk sold to
7 the handler is from cows that are not, and have not been within 90 days prior to
8 the notification, treated with rbST, and swears or affirms that ~~he or she~~ the
9 milk producer will notify ~~his or her~~ the handler at least 90 days before using
10 rbST in the production of milk by such cows.

11 (2) Handler affidavit.

12 (A) The milk handler shall, by affidavit, notify the Secretary of the
13 handler's practices adopted to ensure that milk from cows not treated with
14 rbST is kept separate from other milk throughout the collection, transportation,
15 and processing steps until the finished milk or dairy product is in final
16 packaged form in a labeled container and swears or affirms that the handler
17 will notify the Secretary at least 90 days before ceasing use of such practices.

18 * * *

19 Sec. 43. 6 V.S.A. § 2929 is amended to read:

20 § 2929. POWER TO MAKE ORDERS AND CONDUCT HEARINGS;

21 RULES

(b) Any order issued under this chapter shall only be made final after a public hearing and after publication of a proposed order for public review and comment for 30 days following the publication of the proposed order.

(2) Interested persons shall not be considered “parties,” and, except as otherwise specifically provided by subsection (c) of this section, the provisions of 3 V.S.A. chapter 25 relating to contested cases shall not apply to the procedure for the conduct of the hearing, the issuance of a proposed pricing order, or the promulgation of a final order. The hearing on the proposed order shall be held in accordance with the applicable provisions of 3 V.S.A. § 840(c) and (d), other than the provisions relating to notice and the requirements of 3 V.S.A. § 832a. The hearing procedure shall provide for the establishment of a formal record of sworn or affirmed evidence received, matters officially noticed, questions and offers of proof submitted by interested persons, and any proposed findings presented.

VT LEG #386652 v.1

1 Sec. 44. 6 V.S.A. § 2972(b) is amended to read:

2 (b) Included among the powers of the Council in connection with the
3 enforcement of this chapter are the powers to require reports from any person
4 subject to this chapter; to adopt, rescind, modify, and amend all proper and
5 necessary rules and orders to administer this chapter, which rules and orders
6 shall be adopted by publication in the manner prescribed by the Council and
7 shall have the force and effect of law when not inconsistent with existing laws;
8 to administer oaths and affirmations, subpoena witnesses, take depositions, and
9 certify to official acts; to require any dealer to keep such true and accurate
10 records and to make such reports covering purchases, sales, and receipts of
11 dairy products and related matters as the Council deems reasonably necessary
12 for effective administration, which records shall be open to inspection by the
13 Secretary of Agriculture, Food and Markets at any reasonable time and as often
14 as may be necessary, but information thus obtained shall not be published or be
15 open to public inspection in any manner revealing any individual dealer's
16 identity, except as required in proceedings to enforce compliance; to keep
17 accurate books, records, and accounts of all of its dealings; and to make
18 annually a full report of its doings to the House Committee on Agriculture,
19 Food Resiliency, and Forestry and the Senate Committee on Agriculture and
20 the Governor, which shall show the amount of money received and the
21 expenditures thereof. The report shall be submitted on or before January 15.

1 The Vermont Agency of Agriculture, Food and Markets shall perform the
2 administrative work of the Council as directed by the Council. The Council
3 shall reimburse the Agency of Agriculture, Food and Markets for the cost of
4 services performed by the Agency.

5 Sec. 45. 6 V.S.A. § 3318 is amended to read:

6 § 3318. INVESTIGATION; RECORD KEEPING

7 (a) The Secretary shall also have power:

8 * * *

9 (2) To require, by general or special orders, persons engaged in
10 intrastate commerce to file with the Secretary, in the form that the Secretary
11 may prescribe, annual or special reports or answers in writing to specific
12 questions. The person filing the reports or answers shall furnish the Secretary
13 with any information ~~he or she~~ the Secretary may require as to the
14 organization, business, conduct, practices, management, and relation to other
15 persons. The reports and answers shall be made under oath or affirmation, or
16 otherwise, as the Secretary may prescribe and shall be filed with the Secretary
17 within a reasonable period as the Secretary may prescribe, unless additional
18 time is granted by the Secretary.

19 (b) For the purpose of this chapter, the Secretary shall at all reasonable
20 times have access to and the right to copy any documentary evidence of any
21 person being investigated or proceeded against. The Secretary may subpoena

1 the attendance and testimony of witnesses and the production of all
2 documentary evidence of any person relating to any matter under investigation
3 or subject to administrative hearing. The Secretary or ~~his or her~~ designee may
4 sign subpoenas and may administer oaths and affirmations, examine witnesses,
5 and receive evidence.

6 (1) The attendance of witnesses and the production of documentary
7 evidence may be required at any designated place of hearing. In case of
8 disobedience to a subpoena, the Secretary may invoke the aid of any ~~district or~~
9 Superior Court in requiring the attendance and testimony of witnesses and the
10 production of documentary evidence.

11 (2) Any ~~district or~~ Superior Court within the jurisdiction in which an
12 inquiry is carried on may, in case of resistance or refusal to obey a subpoena
13 issued to any person, issue an order requiring the person to appear before the
14 Secretary or to produce documentary evidence or to give evidence touching the
15 matter in question. Any failure to obey an order of the court may be punished
16 by the court as a contempt.

17 * * *

18 (4) The Secretary may order testimony to be taken by deposition in any
19 proceeding or investigation pending under this chapter at any stage of the
20 proceeding or investigation. The depositions may be taken before any person
21 designated by the Secretary who has the power to administer oaths and

1 affirmations. The testimony shall be reduced to writing by the person taking
2 the deposition, or under ~~his or her~~ that person's direction, and shall be
3 subscribed by the deponent. Any person may be compelled to appear and
4 depose and to produce documentary evidence in the same manner as witnesses
5 may be compelled to appear and testify and produce documentary evidence
6 before the Secretary as provided in this chapter.

7 * * *

8 * * * Title 7 * * *

9 Sec. 46. 7 V.S.A. § 211(b) is amended to read:

10 (b) The hearing officer may administer oaths and affirmations in all cases,
11 so far as the exercise of that power is properly incidental to the performance of
12 the hearing officer's duty or that of the Board. A hearing officer may hold any
13 hearing in any matter within the jurisdiction of the Board.

14 Sec. 47. 7 V.S.A. § 588 is amended to read:

15 § 588. FEES OF SHERIFF, CONSTABLE, OR POLICE OFFICER

16 When a sheriff, constable, or police officer makes a search under this title
17 pursuant to a warrant, ~~he or she~~ the officer shall receive a fee for the search,
18 reimbursement for mileage at the rate set pursuant to 32 V.S.A. § 1267, and the
19 sum that ~~he or she~~ the officer actually paid out for necessary assistance, if:

20 (1) the Commissioner of Liquor and Lottery deems the amount to be
21 reasonable; and

1 (2) the officer declares under oath or affirmation that the money was
2 expended as claimed; and, if applicable, states the name of ~~his or her~~ the
3 officer's assistant and the amount paid for the assistance.

4 * * * Title 8 * * *

5 Sec. 48. 8 V.S.A. § 13(a) is amended to read:

6 (a) In addition to any other penalties, and in order to enforce this title, 9
7 V.S.A. chapters 131 and 150, Title 9A, and 18 V.S.A. chapter 221, the
8 Commissioner may issue subpoenas, examine persons, administer oaths and
9 affirmations, and require production of papers and records. Any subpoena or
10 notice to produce may be served by registered or certified mail or in person by
11 an agent of the Commissioner. Service by registered or certified mail shall be
12 effective three business days after mailing. Any subpoena or notice to produce
13 shall provide at least six business days' time from service within which to
14 comply, except that the Commissioner may shorten the time for compliance for
15 good cause shown. Any subpoena or notice to produce sent by registered or
16 certified mail, postage prepaid, shall constitute service on the person to whom
17 it is addressed. Each witness who appears before the Commissioner under
18 subpoena shall receive a fee and mileage as provided for witnesses in civil
19 cases in Superior Courts; provided, however, that any person subject to
20 regulation under this title shall not be eligible to receive fees or mileage under
21 this section.

1 Sec. 49. 8 V.S.A. § 2102(a) is amended to read:

2 (a) Application for a license or registration shall be in writing, under oath
3 or affirmation, and in the form prescribed by the Commissioner, and shall
4 contain the legal name, any fictitious name or trade name, and the address of
5 the residence and place of business of the applicant; if the applicant is a
6 partnership corporation, limited liability company, partnership, or other entity,
7 the name and title of each key individual and person in control of the applicant;
8 the county and municipality with street and number, if any, where the business
9 is to be conducted; and such further information as the Commissioner may
10 require.

11 Sec. 50. 8 V.S.A. § 2117(b) is amended to read:

12 (b)(1) The Commissioner may review, investigate, or examine any person,
13 regardless of whether the person has obtained a license under this part, as often
14 as necessary in order to carry out the purposes of this part.

15 (2) The Commissioner may direct, subpoena, or order the attendance of,
16 and examine under oath or affirmation, a person whose testimony is required
17 about the loans or the business or subject matter of an examination or
18 investigation, and may direct, subpoena, or order the person to produce books,
19 accounts, records, files, and any other documents the Commissioner deems
20 relevant to the inquiry.

1 Sec. 51. 8 V.S.A. § 2120(a) is amended to read:

2 (a)(1) In addition to any specific information required by the applicable
3 chapter, annually, on or before April 1, a licensee shall file a report with the
4 Commissioner to provide the information the Commissioner reasonably
5 requires concerning the business and operations conducted in this State during
6 the preceding calendar year.

7 (2) The licensee shall submit the report under oath or affirmation and in
8 the form the Commissioner requires.

9 * * *

10 Sec. 52. 8 V.S.A. § 2202a(a) is amended to read:

11 (a) Application for a license for a lender making solely commercial loans
12 shall be in writing, under oath or affirmation, and in the form prescribed by the
13 Commissioner, and shall contain the name and address of the residence and the
14 place of business of the applicant and, if the applicant is a partnership or
15 association, of every member thereof, and, if a corporation, of each officer,
16 director, and control person thereof; the county and municipality with street
17 and number, if any, where the business is to be conducted; and such further
18 information as the Commissioner may require.

19 Sec. 53. 8 V.S.A. § 2236a is amended to read:

20 § 2236a. EXTENT OF ASSIGNMENT; SERVICE UPON EMPLOYER

1 Under any such assignment or order for the payment of future salary,
2 wages, commissions, or other compensation for services given as security for a
3 loan made by any licensee under this chapter, a sum not to exceed 10 percent
4 of the borrower's salary, wages, commissions, or other compensation for
5 services shall be collectible from the employer of the borrower by the licensee
6 at the time of each payment to the borrower of such salary, wages,
7 commissions, or other compensation for services, from the time that a copy of
8 such assignment, verified by the oath or affirmation of the licensee or the
9 licensee's agent, together with a similarly verified statement of the amount
10 unpaid upon such loan, is served upon the employer.

11 Sec. 54. 8 V.S.A. § 2260(a) is amended to read:

12 (a) Annually, on or before April 1, each company registered under this
13 chapter shall file a report with the Commissioner under oath or affirmation and
14 in the form and manner prescribed by the Commissioner. In addition to
15 information required by section 2120 of this title, the report shall include any
16 information the Commissioner requires concerning the company's business
17 and operations during the preceding calendar year within Vermont and, in
18 addition, shall include:

19 * * *

1 Sec. 55. 8 V.S.A. § 3361(a) is amended to read:

2 (a) A foreign or alien insurer shall not transact business in this State unless
3 it first obtains from the Commissioner a license authorizing it to do so. Before
4 receiving a license, it shall file with the Commissioner a certified copy of its
5 charter and bylaws, a statement under oath or affirmation of its president and
6 secretary, showing its financial condition, and any other statements required by
7 the Commissioner.

8 Sec. 56. 8 V.S.A. § 3371(e) is amended to read:

9 (e) “Surplus to policyholders” for the purposes of this section, in addition
10 to the insurer’s unassigned capital and surplus, shall be deemed to include any
11 voluntary reserves ~~which~~ that are not required pursuant to law, and shall be
12 determined from the last sworn or affirmed statement of the insurer on file with
13 the Commissioner, or by the last report of examination of the insurer,
14 whichever is the more recent at time of assumption of risk.

15 Sec. 57. 8 V.S.A. § 3561(a) is amended to read:

16 (a) Each domestic, foreign, and alien insurance company doing business in
17 this ~~state~~ State shall annually submit to the Commissioner a statement of its
18 financial condition, verified by oath or affirmation of two of its executive
19 officers. The statement shall be prepared in accordance with the National
20 Association of Insurance Commissioners’ Instructions Handbook and
21 Accounting Practices and Procedures Manual and shall be in such general form

1 and context, as approved by, and shall contain any other information required
2 by, the National Association of Insurance Commissioners with any useful or
3 necessary modifications or adaptations thereof required or approved or
4 accepted by the Commissioner for the type of insurance and kinds of insurers
5 to be reported upon, and as supplemented by additional information required
6 by the Commissioner. The statement of an alien insurer shall relate only to the
7 insurer's transactions and affairs in the United States unless the Commissioner
8 requires otherwise. A foreign or alien company, upon withdrawing from the
9 State of Vermont, shall pay to the Commissioner \$25.00 for the filing of its
10 final financial statement.

11 Sec. 58. 8 V.S.A. § 3565(a) is amended to read:

12 (a) The Commissioner, inspecting an insurance company, may require its
13 officers, or any agent thereof, to exhibit books kept by them relating to their
14 business and may examine under oath or affirmation such agents and officers
15 and other persons as ~~he or she~~ the Commissioner thinks proper, in relation to
16 the business transactions and conditions of the company.

17 Sec. 59. 8 V.S.A. § 3574(b) is amended to read:

18 (b) Filing of examination report. ~~No~~ Not later than 60 days following
19 completion of the examination, the examiner in charge shall file with the
20 Department a written report of examination under oath or affirmation. Upon
21 receipt of the report, the Department shall transmit the report to the company

1 examined, together with a notice ~~which~~ that shall afford the company
2 examined a reasonable opportunity of not more than 30 days to make a written
3 submission or rebuttal with respect to any matters contained in the examination
4 report.

5 Sec. 60. 8 V.S.A. § 3686(f) is amended to read:

6 (f) Compelling production. In the event the insurer fails to comply with an
7 order, the Commissioner shall have the power to examine the affiliates to
8 obtain the information. The Commissioner also shall have the power to issue
9 subpoenas, to administer oaths and affirmations, and to examine under oath or
10 affirmation any person for purposes of determining compliance with this
11 section. Upon the failure or refusal of any person to obey a subpoena, the
12 Commissioner may petition a court of competent jurisdiction, and upon proper
13 showing, the court may enter an order compelling the witness to appear and
14 testify or produce documentary evidence. Failure to obey the court order shall
15 be punishable as contempt of court. Every person shall be obliged to attend as
16 a witness at the place specified in the subpoena, when subpoenaed, anywhere
17 within the State. ~~He or she~~ A person who appears as a witness pursuant to a
18 subpoena shall be entitled to the same fees and mileage, if claimed, as a
19 witness in the Superior Court of this State, which fees, mileage, and actual
20 expense, if any, necessarily incurred in securing the attendance of witnesses

1 and their testimony shall be itemized and charged against and be paid by the
2 company being examined.

3 Sec. 61. 8 V.S.A. § 3865 is amended to read:

4 § 3865. MILL MUTUAL; FEES

5 A mutual fire insurance company of another state ~~which~~ that insures only
6 factories or mills, or property connected with such factories or mills, may be
7 admitted to transact business in this State upon complying with the conditions
8 set forth in the statutory laws of this State, except that in lieu of all other taxes,
9 licenses, and fees whatsoever, it shall pay to the Commissioner:

10 (1) for filing its charter and bylaws, a fee of \$30.00;

11 (2) for filing a statement under oath or affirmation of its president and
12 secretary, showing its financial condition and standing upon forms furnished
13 by ~~him or her~~ the Commissioner, a fee of \$20.00; and annually thereafter on or
14 before March 31, it shall pay to the Commissioner a fee of \$20.00 for the filing
15 of its annual statement and an annual license fee of \$5.00; and

16 (3) its fire marshal tax.

17 Sec. 62. 8 V.S.A. § 3914 is amended to read:

18 § 3914. STATEMENT AS TO APPLICATIONS

19 At the time of such filing, or within one year thereafter, such persons, or
20 those who have been designated as the president and the secretary of such
21 corporation, may file with the Commissioner a sworn or affirmed statement to

1 the effect that applications for insurance in the amounts respectively indicated
2 in section 3920 of this title have been made in good faith to such corporation.
3 Such statement shall give the names and addresses of such applicants and the
4 amount of insurance applied for by each. In case such corporation charges
5 advance premiums, such statement shall show that the premium, specifying the
6 amount, has been paid in full by each such applicant.

7 Sec. 63. 8 V.S.A. § 4464(4) is amended to read:

8 (4) Upon receipt of a preliminary certificate from the Commissioner, the
9 society may solicit members for the purpose of completing its organization,
10 shall collect from each applicant the amount of not less than one regular
11 monthly premium in accordance with its table of rates as provided by its
12 constitution and laws, and shall issue to each such applicant a receipt for the
13 amount so collected. No society may incur any liability other than for the
14 return of the advance premium, nor issue any certificate, nor pay, allow, or
15 offer or promise to pay or allow, any death or disability benefit to any person
16 until all of the following have occurred:

17 (A) ~~actual~~ Actual bona fide applications for death benefits have been
18 secured aggregating at least \$500,000.00 on not less than 500 lives;

19 (B) ~~all~~ All such applicants for death benefits shall have furnished
20 evidence of insurability satisfactory to the society;

1 (C) ~~certificates~~ Certificates of examinations or acceptable
2 declarations of insurability have been duly filed and approved by the chief
3 medical examiner of the society;

4 (D) ~~ten~~ Ten subordinate lodges or branches have been established
5 into which the 500 applicants have been admitted;

6 (E) ~~there~~ There has been submitted to the Commissioner under oath
7 or affirmation of the president or secretary, or corresponding officer of the
8 society, a list of the applicants, giving their names, addresses, date each was
9 admitted, name and number of the subordinate branch of which each applicant
10 is a member, amount of benefits to be granted, and premiums therefor; ~~and~~.

11 (F) ~~it~~ It has been shown to the Commissioner, by sworn or affirmed
12 statement of the treasurer, or corresponding officer of the society, that at least
13 500 applicants have each paid in cash at least one regular monthly premium as
14 provided in this section, which premiums in the aggregate shall amount to at
15 least \$2,500.00, all of which have been credited to the fund or funds from
16 which benefits are to be paid and no part of which may be used for expenses.
17 The advance premiums shall be held in trust during the period of organization,
18 and if the society has not qualified for a certificate of authority within one year,
19 as provided in this section, the premiums shall be returned to the applicants.

20 Sec. 64. 8 V.S.A. § 4468 is amended to read:

21 § 4468. CONSOLIDATIONS AND MERGERS

1 (a) A domestic society may consolidate or merge with any other society by
2 complying with the provisions of this section.

3 (b) ~~It~~ The domestic society shall file with the Commissioner of Financial
4 Regulation:

5 (1) a certified copy of the written contract containing in full the terms
6 and conditions of the consolidation or merger;

7 (2) a sworn or affirmed statement by the president and secretary or
8 corresponding officers of each society showing the financial condition ~~thereof~~
9 of their respective society on a date fixed by the Commissioner of Financial
10 Regulation but not earlier than December 31, next preceding the date of the
11 contract;

12 (3) a certificate of the officers, duly verified by their respective oaths or
13 affirmations, that the consolidation or merger has been approved by a two-
14 thirds vote of the supreme legislative or governing body of each society; and

15 * * *

16 Sec. 65. 8 V.S.A. § 4485(a) is amended to read:

17 (a) No foreign or alien society may transact business in this State without a
18 license issued by the Commissioner of Financial Regulation. Any such society
19 may be licensed to transact business in this State upon filing with the
20 Commissioner of Financial Regulation:

21 * * *

* * *

§ 4495. EXAMINATION OF DOMESTIC SOCIETIES

VT LEG #386652 v.1

1 affairs, transactions, and condition of the society. A summary of the report of
2 the Commissioner ~~of Financial Regulation~~ and such recommendations or
3 statements of the Commissioner ~~of Financial Regulation~~ as may accompany
4 the report, shall be read at the first meeting of the board of directors or
5 corresponding body of the society following the receipt thereof and, if directed
6 so to do by the Commissioner ~~of Financial Regulation~~, shall also be read at the
7 first meeting of the supreme legislative or governing body of the society
8 following the receipt thereof. A copy of the report, recommendations, and
9 statements of the Commissioner ~~of Financial Regulation~~ shall be furnished by
10 the society to each member of the board of directors or other governing body.
11 The expense of each examination and of each valuation, including
12 compensation and actual expense of examiners, shall be paid by the society
13 examined or whose certificates are valued, upon statements furnished by the
14 Commissioner of Financial Regulation.

15 Sec. 67. 8 V.S.A. § 4503(b) is amended to read:

16 (b) A person who willfully makes a false or fraudulent statement in any
17 verified report or declaration under oath or affirmation required or authorized
18 by this chapter, or of any material fact or thing contained in a sworn or
19 affirmed statement concerning the death or disability of a member for the
20 purpose of procuring payment of a benefit named in the certificate, shall be

1 guilty of perjury and shall be subject to the penalties for perjury prescribed by
2 law.

3 Sec. 68. 8 V.S.A. § 4516 is amended to read:

4 § 4516. ANNUAL REPORT TO COMMISSIONER

5 Annually, on or before March 1, a hospital service corporation shall file
6 with the Commissioner of Financial Regulation a statement sworn to or
7 affirmed by the president and treasurer of the corporation showing its condition
8 on December 31. The statement shall be in such form and contain such matters
9 as the Commissioner shall prescribe. To qualify for the tax exemption set forth
10 in section 4518 of this title, the statement shall include a certification that the
11 hospital service corporation operates on a nonprofit basis for the purpose of
12 providing an adequate hospital service plan to individuals of the State, both
13 groups and nongroups, without discrimination based on age, gender,
14 geographic area, industry, and medical history, except as allowed by
15 subdivisions 4080g(b)(7)(B)(ii) and 4080g(c)(8)(B)(ii) of this title and by 33
16 V.S.A. § 1811(f)(2)(B).

17 Sec. 69. 8 V.S.A. § 4588 is amended to read:

18 § 4588. ANNUAL REPORT TO COMMISSIONER

19 Annually, on or before March 1, a medical service corporation shall file
20 with the Commissioner of Financial Regulation a statement sworn to or
21 affirmed by the president and treasurer of the corporation showing its condition

1 on December 31, which shall be in such form and contain such matters as the
2 Commissioner shall prescribe. To qualify for the tax exemption set forth in
3 section 4590 of this title, the statement shall include a certification that the
4 medical service corporation operates on a nonprofit basis for the purpose of
5 providing an adequate medical service plan to individuals of the State, both
6 groups and nongroups, without discrimination based on age, gender,
7 geographic area, industry, and medical history, except as allowed by 33 V.S.A.
8 § 1811(f)(2)(B).

9 Sec. 70. 8 V.S.A. § 5105(b) is amended to read:

10 (b) All financial and market conduct examinations shall be conducted
11 pursuant to and in conformity with sections 3573, 3574, 3575, and 3576 of this
12 title at the expense of the health maintenance organization and shall be
13 conducted in accordance with guidelines, principles, manuals, instructions, and
14 other procedures promulgated by the National Association of Insurance
15 Commissioners, including the use of statutory accounting principles for
16 financial examinations, together with any useful or necessary modifications or
17 adaptation thereof required or approved by the Commissioner. Every health
18 maintenance organization shall provide the Commissioner with all books and
19 records relating to its operation, including books and records of any affiliate or
20 subsidiary as defined in section 3681 of this title. For the purpose of
21 examinations, the Commissioner may issue subpoenas to, administer oaths and

1 affirmations to, and examine any person and the officers and agents of the
2 health maintenance organization.

3 Sec. 71. 8 V.S.A. § 6004(d) is amended to read:

4 (d) Within 30 days after commencing business, each captive insurance
5 company shall file with the Commissioner a statement under oath or
6 affirmation of its president and secretary or, in the case of a captive insurance
7 company formed as a limited liability company or as a reciprocal insurer, of
8 two individuals authorized by the governing board certifying that the captive
9 insurance company possessed the requisite unimpaired, paid-in capital and
10 surplus prior to commencing business.

11 Sec. 72. 8 V.S.A. § 6007(b) is amended to read:

12 (b) Prior to March 1 of each year, and prior to March 15 of each year in the
13 case of pure captive insurance companies, association captive insurance
14 companies, sponsored captive insurance companies, industrial insured captive
15 insurance companies, or agency captive insurance companies, each captive
16 insurance company shall submit to the Commissioner a report of its financial
17 condition, verified by oath or affirmation of two of its executive officers or, in
18 the case of a captive insurance company formed as a limited liability company
19 or as a reciprocal insurer, of two individuals authorized by the governing
20 board. Each captive insurance company shall report using generally accepted
21 accounting principles, statutory accounting principles, or international financial

1 reporting standards unless the Commissioner requires, approves, or accepts the
2 use of any other comprehensive basis of accounting, in each case with any
3 appropriate or necessary modifications or adaptations thereof required or
4 approved or accepted by the Commissioner for the type of insurance and kinds
5 of insurers to be reported upon, and as supplemented by additional information
6 required by the Commissioner. As used in this section, statutory accounting
7 principles shall mean the accounting principles codified in the NAIC
8 Accounting Practices and Procedures Manual. Upon application for
9 admission, a captive insurance company shall select, with explanation, an
10 accounting method for reporting. Any change in a captive insurance
11 company's accounting method shall require prior approval. Except as
12 otherwise provided, each risk retention group shall file its report in the form
13 required by subsection 3561(a) of this title, and each risk retention group shall
14 comply with the requirements set forth in section 3569 of this title. The
15 Commissioner shall by rule propose the forms in which pure captive insurance
16 companies, association captive insurance companies, sponsored captive
17 insurance companies, and industrial insured captive insurance companies shall
18 report. Subdivision 6002(c)(3) of this title shall apply to each report filed
19 pursuant to this section, except that such subdivision shall not apply to reports
20 filed by risk retention groups.

1 Sec. 73. 8 V.S.A. § 6024(c) is amended to read:

2 (c) A dormant captive insurance company that has been issued a certificate
3 of dormancy shall:

4 * * *

5 (2) prior to March 15 of each year, submit to the Commissioner a report
6 of its financial condition, verified by oath or affirmation of two of its executive
7 officers or, in the case of a captive insurance company formed as a limited
8 liability company or as a reciprocal insurer, of two individuals authorized by
9 its governing board, in a form as may be prescribed by the Commissioner; and

10 * * *

11 Sec. 74. 8 V.S.A. § 6045 is amended to read:

12 § 6045. BRANCH CAPTIVE REPORTS

13 Prior to March 15 of each year, or with the approval of the Commissioner
14 within 75 days after its fiscal year-end, a branch captive insurance company
15 shall file with the Commissioner a copy of all reports and statements required
16 to be filed under the laws of the jurisdiction in which the alien captive
17 insurance company is formed, verified by oath or affirmation of two of its
18 executive officers. If the Commissioner is satisfied that the annual report filed
19 by the alien captive insurance company in its domiciliary jurisdiction provides
20 adequate information concerning the financial condition of the alien captive
21 insurance company, the Commissioner may waive the requirement for

1 completion of the captive annual statement for business written in the alien
2 jurisdiction.

3 Sec. 75. 8 V.S.A. § 7051 is amended to read:

4 § 7051. GROUNDS FOR REHABILITATION

5 The Commissioner may petition the Superior Court of Washington County
6 for an order authorizing ~~him or her~~ the Commissioner to rehabilitate a
7 domestic insurer or an alien insurer domiciled in this State on one or more of
8 the following grounds:

9 * * *

10 (5) A person who in fact has executive authority in the insurer, whether
11 an officer, manager, general agent, director or trustee, employee, or other
12 person, has refused to be examined under oath or affirmation by the
13 Commissioner concerning the insurer's affairs, whether in this State or
14 elsewhere; and, after reasonable notice of the allegation, the insurer has failed
15 promptly and effectively to terminate the employment and status of the person
16 and all ~~his or her~~ the person's influence on management.

17 * * *

18 Sec. 76. 8 V.S.A. § 7060(a) is amended to read:

19 (a) The liquidator shall have the power to:

20 * * *

* * *

* * *

* * *

VT LEG #386652 v.1

1 and the controlling party under the insurance regulatory laws of the jurisdiction
2 of their respective domiciles; or, if any such certificate is not obtainable under
3 the laws or practices of a domicile regulator, a certificate of the transferring
4 insurer or the controlling party, as applicable, attesting to the foregoing,
5 verified by oath or affirmation of two of its executive officers.

6 (6) A letter of no objection, or the equivalent, from the domicile
7 regulator of the transferring insurer confirming that the regulator has no
8 objection to the transfer of the closed block under the plan; or, if any such
9 certificate is not obtainable under the laws or practices of a domicile regulator,
10 a certificate of the transferring insurer or the controlling party, as applicable,
11 attesting to the foregoing, verified by oath or affirmation of two of its
12 executive officers.

13 * * *

14 Sec. 79. 8 V.S.A. § 13103(e)(4) is amended to read:

15 (4) The temporary secretary shall make and attest a record of the
16 proceedings until the secretary has been chosen and sworn or affirmed,
17 including a record of such choice and qualification.

18 Sec. 80. 8 V.S.A. § 14405 is amended to read:

19 § 14405. POWERS AND DUTIES OF OFFICERS

20 In proceedings in the Probate Division of the Superior Court or elsewhere,
21 connected with authority exercised as executor, administrator, receiver,

1 assignee, trustee, or guardian, all accounts, returns, and other papers may be
2 signed and sworn to ~~in~~ or affirmed on behalf of such a financial institution
3 exercising trust powers by any officer ~~thereof~~ of the financial institution duly
4 authorized by it. The answers and examinations of that officer, under oath or
5 affirmation, shall be received as the answers and examinations of the financial
6 institution. The court may order and compel any and all officers of the
7 financial institution to answer and attend the examinations, in the same manner
8 as if they, personally, were parties to the proceeding or inquiry. Such a
9 financial institution shall not be required to receive or hold any property or
10 money or to execute any trust contrary to its own desire.

11 Sec. 81. 8 V.S.A. § 30501(a) is amended to read:

12 (a) The Commissioner shall require each credit union to submit a quarterly
13 report of its condition within 30 days ~~of~~ following the end of each calendar
14 quarter in such manner and on such forms as the Commissioner may require.
15 Reports shall be verified to be true, correct, and complete by the oath or
16 affirmation of the person preparing the report.

17 Sec. 82. 8 V.S.A. § 31103(e)(3) is amended to read:

18 (3) The temporary secretary shall make and attest to a record of the
19 proceedings until the secretary has been chosen and sworn or affirmed,
20 including a record of such choice and qualification.

1 Sec. 83. 8 V.S.A. § 31309 is amended to read:

2 § 31309. OATHS AND AFFIRMATIONS OF OFFICE; CERTIFICATE OF
3 ELECTION

4 (a) Within 10 days after election to any position, each person so elected or
5 appointed shall execute an oath or affirmation of office by which ~~he or she~~ the
6 person agrees to accept, and diligently and faithfully to carry out, the duties
7 and responsibilities of the position to which ~~he or she~~ the person has been
8 elected and not negligently or willfully to violate, or permit to be violated, any
9 provision of this title or the bylaws of the credit union.

10 (b) The chairperson of the governing body and the secretary shall execute a
11 certificate of election, which shall set forth the names and addresses of the
12 officers, directors, and committee members elected or appointed.

13 (c) The oath or affirmation of office and the certificate of election shall be
14 executed on forms prepared by the Department, and one copy of each shall be
15 filed with the Department within 15 days after the election or appointment.

16 * * * Title 9 * * *

17 Sec. 84. 9 V.S.A. § 280 is amended to read:

18 § 280. NOTARIZATION AND ACKNOWLEDGMENT

19 If a law requires a signature or record to be notarized, acknowledged,
20 verified, or made under oath or affirmation, the requirement is satisfied if the
21 electronic signature of the person authorized to perform those acts, together

1 with all other information required to be included by other applicable law, is
2 attached to or logically associated with the signature or record.

3 Sec. 85. 9 V.S.A. § 2156 is amended to read:

4 § 2156. ASSIGNEE'S DUTIES

5 The assignee shall proceed with reasonable dispatch in the discharge of ~~his~~
6 ~~or her~~ the assignee's trust to ~~the~~ its completion ~~of the same~~. When completed,
7 ~~he or she~~ the assignee shall file with the clerk of ~~such~~ the Superior Court for
8 the district in which the assignor resides a copy of the settlement of ~~his or her~~
9 the assignee's trust account showing in detail how ~~he or she~~ the assignee has
10 administered the trust, which account shall be verified by the oath or
11 affirmation of the assignee as a true and just account, and the same shall
12 remain on file in such office for the inspection of the creditors of the assignor.

13 Sec. 86. 9 V.S.A. § 2157 is amended to read:

14 § 2157. APPLICATION TO SUPERIOR JUDGE FOR SETTLEMENT OF
15 ACCOUNT BY ASSIGNEE

16 If, in the opinion of a creditor of the assignor named in the assignment, the
17 assignee neglects to settle ~~his or her~~ the assignee's trust and file a copy of ~~his~~
18 ~~or her~~ the assignee's account with the ~~county~~ clerk of the Superior Court for
19 the district in which the assignor resides for an unreasonable length of time,
20 such creditor may apply to a Superior judge for an order upon the assignee to
21 settle the same and file with the clerk of such court a copy of ~~his or her~~ the

1 assignee's trust account verified by oath or affirmation within such time as the
2 Superior judge deems proper.

3 Sec. 87. 9 V.S.A. § 2435(b) is amended to read:

4 (b) Notice of breach.

5 * * *

6 (3) A data collector or other entity subject to this subchapter shall
7 provide notice of a breach to the Attorney General or to the Department of
8 Financial Regulation, as applicable, as follows:

9 * * *

10 (B)(i) The data collector shall notify the Attorney General or the
11 Department, as applicable, of the date of the security breach and the date of
12 discovery of the breach and shall provide a preliminary description of the
13 breach within 14 business days, consistent with the legitimate needs of the law
14 enforcement agency as provided in this subdivision (3) and subdivision (4) of
15 this subsection (b), of the data collector's discovery of the security breach or
16 when the data collector provides notice to consumers pursuant to this section,
17 whichever is sooner.

18 (ii) Notwithstanding subdivision (B)(i) of this subdivision (b)(3), a
19 data collector who, prior to the date of the breach, on a form and in a manner
20 prescribed by the Attorney General, had sworn or affirmed in writing to the
21 Attorney General that it maintains written policies and procedures to maintain

1 the security of personally identifiable information or login credentials and
2 respond to a breach in a manner consistent with Vermont law shall notify the
3 Attorney General of the date of the security breach and the date of discovery of
4 the breach and shall provide a description of the breach prior to providing
5 notice of the breach to consumers pursuant to subdivision (1) of this subsection
6 (b).

7 * * *

8 Sec. 88. 9 V.S.A. § 2460(a) is amended to read:

9 (a)(1) The Attorney General or a State's Attorney, whenever ~~he or she~~ the
10 Attorney General or State's Attorney has reason to believe any person to be or
11 to have been in violation of section 2453 of this title, or of any rule ~~or~~
12 ~~regulation made~~ adopted pursuant to section 2453 of this title, may examine or
13 cause to be examined by any agent or representative designated by ~~him or her~~
14 the Attorney General or State's Attorney for that purpose, any books, records,
15 papers, memoranda, and physical objects of whatever nature bearing upon each
16 alleged violation, and may demand written responses under oath or affirmation
17 to questions bearing upon each alleged violation.

18 (2) The Attorney General or a State's Attorney may require the
19 attendance of such person or of any other person having knowledge in the
20 premises in the county where the person resides or has a place of business, or
21 in Washington County if the person is a nonresident or has no place of

1 business, within the State; may take testimony and require proof material for
2 ~~his or her~~ the person's information; and may administer oaths and affirmations
3 or take acknowledgment ~~in respect of~~ with respect to any book, record, paper,
4 or memorandum.

5 * * *

6 Sec. 89. 9 V.S.A. § 2518(d)(1) is amended to read:

7 (d)(1) Civil investigation. Whenever the Attorney General has reason to
8 believe any person to be or to have been in violation of section 2517 of this
9 title, the Attorney General may examine or cause to be examined by any agent
10 or representative designated by the Attorney General for that purpose, any
11 books, records, papers, memoranda, and physical objects of whatever nature
12 bearing upon each alleged violation, and may demand written responses under
13 oath or affirmation to questions bearing upon each alleged violation. The
14 Attorney General may require the attendance of such person or of any other
15 person having knowledge in the county where such person resides or has a
16 place of business, or in Washington County if such person is a nonresident or
17 has no place of business within the State, ~~and~~; may take testimony and require
18 proof material for ~~his or her~~ the person's information; and may administer
19 oaths and affirmations or take acknowledgement ~~in respect of~~ with respect to
20 any book, record, paper, or memorandum. The Attorney General shall serve
21 notice of the time, place, and cause of such examination or attendance, or

1 notice of the cause of the demand for written responses, at least 10 days prior
2 to the date of such examination, personally or by certified mail, upon such
3 person at ~~his or her~~ the person's principal place of business, or, if such place is
4 not known, to ~~his or her~~ the person's last known address. Any book, record,
5 paper, memorandum, or other information produced by any person pursuant to
6 this subsection shall not, unless otherwise ordered by a court of this State for
7 good cause shown, be disclosed to any person other than the duly authorized
8 agent or representative of the Attorney General or a State's Attorney or another
9 law enforcement officer engaged in legitimate law enforcement activities,
10 unless with the consent of the person producing the same. This subsection
11 shall not be applicable to any criminal investigation or prosecution brought
12 under the laws of this or any state.

13 Sec. 90. 9 V.S.A. § 2522 is amended to read:

14 § 2522. REGISTRATION

15 Every person who adopts and uses any trademark for the purpose of
16 designating, making known, and distinguishing any merchandise, goods,
17 wares, or other products of labor, manufactured, produced, compounded, sold,
18 or offered for sale in this State may, subject to the limitations ~~hereafter~~ set
19 forth in this chapter, file for record in the Office of the Secretary of State a
20 statement under oath or affirmation setting forth:

21 * * *

1 Sec. 91. 9 V.S.A. § 2575 is amended to read:

2 § 2575. SEARCH WARRANT; JUDICIAL PROCEEDINGS

3 If a person or corporation that has complied with the provisions of section
4 2571 of this title, or the agent of such person or corporation, makes oath or
5 affirmation before a judge of a Criminal Division of the Superior Court that ~~he~~
6 ~~or she~~ the person, corporation, or agent has reason to believe and does believe
7 that a person has unlawfully in ~~his or her~~ that person's possession or is
8 secreting a receptacle marked as provided in section 2571 of this title, the
9 judge, if satisfied that there is a reasonable cause for the belief, shall issue a
10 search warrant to discover and obtain the same, and may cause to be brought
11 before ~~him or her~~ the judge a person in whose possession such receptacle is
12 found, and shall inquire into the circumstances of the possession. If the judge
13 finds that the person is guilty of a willful violation of a provision of sections
14 2572–2574 of this title, ~~he or she~~ the judge shall impose the penalty prescribed
15 ~~therein~~ in the applicable section or sections, and award to the owner the
16 possession of the property taken upon the search warrant.

17 Sec. 92. 9 V.S.A. § 3044 is amended to read:

18 § 3044. EXEMPTIONS

19 The following foods shall not be subject to the labeling requirements of
20 section 3043 of this title:

21 * * *

* * *

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation,

1 obtains a sworn or affirmed statement in accordance with subdivision 3044(2)
2 of this title.

3 Sec. 94. 9 V.S.A. § 3346 is amended to read:

4 § 3346. OATH OR AFFIRMATION, DUTIES, AND LIABILITIES OF
5 INSPECTOR

6 Before entering upon the duties of ~~his or her~~ the office, an inspector shall be
7 sworn or shall make an affirmation, and when called upon by a vendor,
8 purchaser, or by any officer mentioned in section 3348 of this title, to test such
9 oils, shall do so with reasonable dispatch by applying the fire test as indicated
10 and determined by Tagliabue's pyrometer, or some instrument equally
11 accurate.

12 * * * Title 9A * * *

13 Sec. 95. 9A V.S.A. § 3—505(b) is amended to read:

14 (b) A protest is a certificate of dishonor made by a United States consul or
15 vice consul, or a notary public or other person authorized to administer oaths
16 or affirmations, or both, by the law of the place where dishonor occurs. It may
17 be made upon information satisfactory to that person. The protest must
18 identify the instrument and certify either that presentment has been made or, if
19 not made, the reason why it was not made, and that the instrument has been
20 dishonored by nonacceptance or nonpayment. The protest may also certify
21 that notice of dishonor has been given to some or all parties.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

- 2
- 3
- 4
- 5

6

7
8

9

10

11

12
13
14
15
16

17

18
19
20

* * *

§ 4191. GAME WARDENS, NUMBER, RECORD

VT LEG #386652 v.1

* * *

Sec. 100. 10 V.S.A. § 4270 is amended to read:

§ 4270. FUR BUYER'S RECORDS

Licensed dealers shall keep such records as the Commissioner may require. ~~Such~~ These records shall be open to inspection by the Commissioner or ~~his or her~~ the Commissioner's agents, and ~~such a~~ a dealer shall, within 30 days after the expiration of ~~his or her~~ the dealer's license and upon request of the Commissioner, file with the Commissioner a sworn or affirmed statement of ~~such record or such part thereof~~ any record or portion of a record as the Commissioner may require.

Sec. 101. 10 V.S.A. § 4454(d) is amended to read:

(d)(1) Prior to suspending a Vermont hunting, fishing, or trapping license of a resident of this State under subsection (a) of this section, the Commissioner shall notify the person in writing. A suspension shall be deemed effective:

* * *

(3) At the hearing, the Commissioner or a hearing officer designated by the Commissioner may:

(A) administer oaths and affirmations;

* * *

1 Sec. 102. 10 V.S.A. § 4508 is amended to read:

2 § 4508. SALE OF FORFEITED EQUIPMENT

3 Upon seizure of such firearm, jack, light, vehicle, or device without a
4 warrant, a game warden or other officer shall forthwith make complaint, under
5 oath or affirmation, subscribed by ~~him or her~~ a game warden or officer, to a
6 court or magistrate having jurisdiction of offenses ~~hereunder~~ under this title in
7 whose jurisdiction the ~~same was~~ item or items were seized. In the event, under
8 proceedings provided in sections 4503–4507 of this title, ~~such~~ that the device is
9 ordered forfeited and is a device not illegal in itself, such firearm, jack, light,
10 motor, or other vehicle or device, upon written order of ~~such~~ the court, shall be
11 sold by the Commissioner at public auction for the benefit of the State ~~by the~~
12 ~~Commissioner~~.

13 Sec. 103. 10 V.S.A. § 6027 is amended to read:

14 § 6027. POWERS

15 (a) The Board and District Commissions shall have supervisory authority in
16 environmental matters respecting projects within their jurisdiction and shall
17 apply their independent judgment in determining facts and interpreting law.

18 Each shall have the power, with respect to any matter within its jurisdiction, to:

19 (1) administer oaths and affirmations, take depositions, subpoena and
20 compel the attendance of witnesses, and require the production of evidence;

21 * * *

* * * Purpose; Interpretation * * *

Sec. 104. PURPOSE; INTERPRETATION

The purpose of this act is to expressly include the option of an affirmation in each instance in which an oath or swearing is authorized or required throughout Titles 1–10 of the Vermont Statutes Annotated (V.S.A.), except in interstate compacts or as otherwise limited by law. The act also makes other minor, technical amendments to the language of the affected statutes for readability and consistency with V.S.A. style. It is the intent of the General Assembly that the technical amendments in this act shall not supersede substantive changes contained in other bills enacted by the General Assembly during the current biennium. Where possible, the technical amendments in this act shall be interpreted to be supplemental to other amendments to the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the technical changes in this act.

* * * Effective Date * * *

Sec. 105. EFFECTIVE DATE

This act shall take effect on January 1, 2027.