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H.28

Introduced by Representatives Chapin of East Montpelier and LaLonde of  
South Burlington

Referred to Committee on

Date:

Subject: Legislature; Vermont Statutes Annotated; oaths and affirmations

Statement of purpose of bill as introduced: This bill proposes to expressly  
include the option of an affirmation in all instances in which an oath is  
required throughout Titles 1–10 of the Vermont Statutes Annotated.

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

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

\* \* \* Title 1 \* \* \*

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

§ 127. OATH; SWORN

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

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

§ 137. SWORN OR AFFIRMED

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

6 \* \* \* Title 2 \* \* \*

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

8 § 3. SENATE CERTIFICATES; OATHS AND AFFIRMATIONS;  
9 SECRETARY; CANVASSING COMMITTEE

10 The members-elect of the Senate shall deliver their certificates of election to  
11 the President of the Senate before 10 o’clock in the forenoon of the first  
12 Wednesday next after the first Monday of January, following their election; at  
13 which time, the Senate shall be called to order by its President and the names  
14 of the Senators who have presented their certificates shall be called. When a  
15 quorum appears, the members shall take and subscribe the oath or affirmation  
16 of allegiance and the oath or affirmation prescribed for Representatives to the  
17 General Assembly and shall then elect a Secretary, who shall appoint an  
18 Assistant Secretary, for whose acts ~~he or she~~ the Secretary shall be responsible.  
19 The Senate shall then appoint a committee, consisting of one Senator from  
20 each district, to join such committee as the House of Representatives appoints,

1 to canvass the votes for Governor, Lieutenant Governor, State Treasurer,  
2 Secretary of State, Auditor of Accounts, and Attorney General.

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

4 (b) Powers; training.

5 (1) A Capitol Police officer shall have all the same powers and authority  
6 as sheriffs and other law enforcement officers anywhere in the State, which  
7 shall include the authority to arrest persons and enforce the civil and criminal  
8 laws, keep the peace, provide security, and serve civil and criminal process.

9 For this purpose, a Capitol Police officer shall subscribe to the same oaths and  
10 affirmations as are required for sheriffs.

11 \* \* \*

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

13 § 267a. INVESTIGATIONS

14 The Attorney General shall investigate, on ~~his or her~~ the Attorney General's  
15 own initiative or in response to a complaint filed in writing with the Attorney  
16 General, whether a violation of this chapter has occurred. The Attorney  
17 General may administer oaths and affirmations, require filing of a statement  
18 under oath or affirmation, take evidence, and require the production, by  
19 subpoena or otherwise, of financial records, books, papers, correspondence,  
20 and other documents and records the Attorney General considers to be relevant  
21 and material to the investigation. The Attorney General shall make a

1 determination of each complaint filed and, at the time of resolution of a  
2 complaint ~~which~~ that is found to have merit, shall post on the website of the  
3 Office of the Attorney General a brief summary of the complaint and  
4 resolution.

5 \* \* \* Title 3 \* \* \*

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

7 (h) Notwithstanding any provision of Title 26 of the Vermont Statutes  
8 Annotated to the contrary, the Office, on behalf of the Director or a board, may  
9 use electronic mail to send notices and reminders that would otherwise be sent  
10 by mail, except certified mail, and may use online services to elicit information  
11 and sworn or affirmed attestations that would otherwise be obtained on a paper  
12 form.

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

14 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR  
15 PROFESSIONS; DISCIPLINE PROCESS

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

19 \* \* \*

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

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

4 \* \* \*

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

10 \* \* \*

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

12 § 151. ELECTION AND TERM

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

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

2 (b) The Attorney General may appoint a Deputy Attorney General with the  
3 approval of the Governor, remove ~~him or her~~ the Deputy Attorney General at  
4 pleasure, and be responsible for ~~his or her~~ the Deputy Attorney General's acts.  
5 ~~Such deputy~~ The Deputy Attorney General shall perform such duties as the  
6 Attorney General shall direct, and in the absence or disability of the Attorney  
7 General perform the duties of the Attorney General. In case a vacancy occurs  
8 in the ~~Office~~ office of Attorney General, ~~such deputy~~ the Deputy Attorney  
9 General shall assume and discharge the duties of ~~such~~ the office until ~~such~~ the  
10 vacancy is filled. ~~Such~~ The appointment of the Deputy Attorney General shall  
11 be in writing and be recorded in the Office of the Secretary of State. ~~Such~~ The  
12 Deputy Attorney General shall take the oath or affirmation required by the  
13 ~~constitution~~ Constitution, shall be an informing officer, and shall have the  
14 same authority throughout the State in civil or criminal matters as State's  
15 Attorneys have in their respective counties.

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

17 § 156. DUTIES

18 ~~Such~~ A legal assistant appointed pursuant to section 155 of this chapter  
19 shall perform such duties as the Attorney General directs and may appear in  
20 the trial or hearing of any civil or criminal cause in any court of the State on  
21 behalf of the Attorney General. Before assuming ~~his or her~~ any duties, ~~such~~

1 the legal assistant shall take and subscribe to the oath or affirmation prescribed  
2 by the Constitution.

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

4 § 258. REMOVAL OF CIVIL OFFICERS

5 The Governor may remove any civil officer whose appointment devolves  
6 upon the Governor in the first instance, whether appointed by ~~him or her~~ the  
7 current Governor or by any of ~~his or her~~ the Governor's predecessors, with or  
8 without the advice and consent of the Senate, and appoint a suitable person to  
9 succeed such official, subject to removal in ~~his or her~~ the Governor's  
10 discretion, who shall be sworn or make an affirmation and who shall give the  
11 bond, if any, required by law. ~~Such~~ A person so appointed, unless sooner  
12 removed, shall perform the duties and be entitled to the pay of the person  
13 whom ~~he or she~~ the appointed official succeeds, until March 1 of the next  
14 biennial year and until ~~his or her~~ a successor is appointed and has qualified.

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

16 § 317. OATHS, AFFIRMATIONS, TESTIMONY, AND THE  
17 PRODUCTION OF RECORDS

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

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

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

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

8 (c) The Board shall have power to administer oaths and affirmations and  
9 take testimony under oath or affirmation relative to the matter of inquiry. At  
10 any hearing ordered by the Board, the Board shall have the power to subpoena  
11 witnesses and to demand the production of books, papers, records, and  
12 documents for its examination. Officers who serve subpoenas issued by the  
13 Board and witnesses attending hearings conducted by the Board shall receive  
14 fees and compensation at the same rates as officers and witnesses in causes  
15 before a Criminal Division of the Superior Court, to be paid on vouchers of the  
16 Board.

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

18 (d) The fact finder shall conduct hearings pursuant to rules of the Board.  
19 Upon request of either party or of the fact finder, the Board may issue  
20 subpoenas of persons and documents for the hearings, and the fact finder may



1 require that testimony be given under oath or affirmation and may administer  
2 oaths and affirmations.

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

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

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

11 (d) Subpoenas ~~and~~ oaths, and affirmations. The Commission, the  
12 Executive Director, and the Commission's legal counsel and investigators shall  
13 have the power to issue subpoenas and administer oaths and affirmations in  
14 connection with any investigation or hearing, including compelling the  
15 provision of materials or the attendance of witnesses at any investigation or  
16 hearing. The Commission, the Executive Director, and the Commissioner's  
17 legal counsel shall seek voluntary compliance prior to issuing a subpoena,  
18 except in cases where there is reasonable suspicion that materials will not be  
19 produced in a timely manner. The Commission, the Executive Director, and  
20 the Commission's legal counsel and investigators may take or cause  
21 depositions to be taken as needed in any investigation or hearing.

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

2 § 2103. ~~OATH,~~ OATHS AND AFFIRMATIONS; MEETINGS;

3 COMMITTEES

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

6 \* \* \*

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

8 (b) The hearing shall be conducted by the Board or by a hearing officer  
9 appointed by the Board. The Chair of the Board may compel, by subpoena, the  
10 attendance and testimony of witnesses and the production of books and  
11 records. All witnesses shall be examined under oath or affirmation. The  
12 Board shall adopt rules with reference to appeals, which shall not be  
13 inconsistent with this chapter. The rules shall provide for reasonable notice to  
14 parties, and an opportunity to be heard and be represented by counsel.

15 \* \* \* Title 4 \* \* \*

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

17 § 4. JUSTICES

18 \* \* \*

19 (c) A Supreme Court Justice may file in the Office of the Secretary of  
20 State, on or before September 1 of the year preceding the expiration of the term  
21 for which the Justice was appointed or retained, a declaration that the Justice

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

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

1 notify the President of the Senate, the Speaker of the House, the Office of  
2 Legislative Counsel, and the Office of Legislative Operations forthwith.

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

4 § 27b. SELF-ATTESTED DECLARATION IN LIEU OF NOTARIZATION

5 \* \* \*

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

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

11 § 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

12 \* \* \*

13 (b) A Superior judge may file in the Office of the Secretary of State, on or  
14 before September 1 of the year preceding the expiration of the term for which  
15 the Superior judge was appointed or retained, a declaration that the Superior  
16 judge will be a candidate for retention. However, a Superior judge appointed  
17 and having taken the oath or affirmation of office after September 1 of the year  
18 preceding the expiration of the term of office shall automatically be a  
19 candidate for retention without filing notice. When a judge files such a  
20 declaration, the judge's name shall be submitted to the General Assembly for a  
21 vote on retention. The General Assembly shall vote upon one ballot on the

1 question “Shall the following Superior judges be retained in office?” The  
2 names of the judges shall be listed followed by “Yes \_\_ No \_\_ .” If a majority  
3 of those voting on the question vote against retention, upon expiration of the  
4 term of office, a vacancy shall exist that shall be filled by appointment in  
5 accordance with the Constitution and chapter 15 of this title; if the majority  
6 vote is in favor of retention, the judge shall, unless removed for cause, remain  
7 in office for another term and, at its end, shall be eligible for retention in office  
8 in the manner prescribed pursuant to this subsection.

9 (c) The Court Administrator shall notify the Secretary of State whenever a  
10 Superior judge is appointed and takes the oath or affirmation of office after  
11 September 1 of the year preceding the expiration of the term of office to which  
12 the judge has succeeded, thereby resulting in automatic notification of an  
13 intention to continue in office. Whenever a Superior judge files a declaration  
14 under subsection (b) of this section or notification occurs automatically, the  
15 Secretary of State shall notify the President of the Senate, the Speaker of the  
16 House, the Office of Legislative Counsel, and the Office of Legislative  
17 Operations forthwith.

18 \* \* \*

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

20 § 362. OATHS AND AFFIRMATIONS

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

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

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

3 \* \* \*

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

9 (2) A magistrate may file in the ~~office~~ Office of the Secretary of State,  
10 on or before September 1 of the year preceding the expiration of the term for  
11 which the magistrate was appointed or retained, a declaration that the  
12 magistrate will be a candidate ~~to succeed themselves~~ for retention. However, a  
13 magistrate appointed and having taken the oath or affirmation of office after  
14 September 1 of the year preceding the expiration of the term of office shall  
15 automatically be a candidate for retention without filing notice. When a  
16 magistrate files such a declaration, the magistrate's name shall be submitted to  
17 the General Assembly for a vote on retention. The General Assembly shall  
18 vote upon one ballot on the question: "Shall the following magistrates be  
19 retained in office?" The names of the magistrates shall be listed followed by  
20 "Yes\_\_\_\_ No\_\_\_\_." If a majority of those voting on the question vote against  
21 retaining a magistrate in office, upon the expiration of the term, a vacancy shall

1 exist that shall be filled in accordance with the Constitution and chapter 15 of  
2 this title. If the majority vote is in favor of retention, the magistrate shall,  
3 unless removed for cause, remain in office for another term and, at its end,  
4 shall be eligible for retention in office in the manner prescribed pursuant to this  
5 subdivision.

6 (3) The Court Administrator shall notify the Secretary of State whenever  
7 a magistrate is appointed and takes the oath or affirmation of office after  
8 September 1 of the year preceding the expiration of the term of office to which  
9 the magistrate has succeeded, thereby resulting in automatic notification of an  
10 intention to continue in office. Whenever a magistrate files a declaration under  
11 subdivision (2) of this subsection or when notification occurs automatically,  
12 the Secretary of State shall notify the President of the Senate, the Speaker of  
13 the House, the Office of Legislative Counsel, and the Office of Legislative  
14 Operations forthwith.

15 \* \* \*

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

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

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

2 § 491. QUALIFICATION OF JUSTICE OF THE PEACE—FILING OF  
3 OATH OR AFFIRMATION AND CERTIFICATE

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

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

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

13 (f) In the performance of its official functions, the Joint Committee on  
14 Judicial Retention may by a majority vote of its membership issue subpoenas  
15 to compel the attendance of witnesses to testify under oath or affirmation and  
16 to produce documents.

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

18 § 794. OATH OR AFFIRMATION; CORRECTNESS OF REPORTS AND  
19 COPIES

20 Upon appointment, a stenographic reporter shall ~~be sworn~~ take an oath or  
21 affirmation before entering upon ~~his or her~~ any duties and shall be responsible



1 for the correctness of ~~his or her~~ the reporter's own reports and of certified  
2 ~~copies thereof made by him or her or under his or her~~ of reports made by the  
3 reporter or at the reporter's direction.

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

5 § 803. ELECTRONIC RECORDING EQUIPMENT

6 \* \* \*

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

13 (c) The court may then designate the person operating the equipment or any  
14 other competent person to read the recording and to transcribe it into  
15 typewriting. The person transcribing the recording shall subscribe to an oath  
16 or affirmation that it has truly and correctly been transcribed.

17 \* \* \*

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

19 § 851. APPOINTMENT AND POWERS OF COMMISSIONERS

20 The Governor may appoint commissioners in other states and in foreign  
21 countries who shall hold office for five years unless sooner removed by ~~him or~~

1 ~~her~~ the Governor. They may take depositions, affidavits, and testimony to be  
2 used in any proceedings in Superior Court; administer oaths and affirmations;  
3 and take the acknowledgment of deeds and other instruments to be used or  
4 recorded in this State, and their acts in other states or foreign countries shall  
5 have the same force as though performed by a justice or master in this State.

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

7 § 852. OATH OR AFFIRMATION AND BOND

8 Before entering upon ~~his or her~~ any duties, each commissioner shall take  
9 and subscribe an oath or affirmation of office before a magistrate of ~~his or her~~  
10 the commissioner's locality and execute a bond to this State with sureties to the  
11 satisfaction of the Governor in the sum of \$500.00, conditioned for the faithful  
12 performance of ~~his or her~~ the commissioner's duties. The bond shall be kept in  
13 the ~~office~~ Office of the Secretary of State, and an action may be maintained  
14 against any or all signers ~~thereof~~ of the bond, in the name of the State, for the  
15 benefit of a person injured by the act or neglect of the commissioner.

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

17 (b) The hearing shall be held before a hearing officer and conducted in an  
18 impartial manner. The hearing officer may, by subpoena, compel the  
19 attendance and testimony of witnesses and the production of books and  
20 records. All witnesses shall be sworn or shall make an affirmation. The  
21 burden of proof shall be on the State or municipality to prove the allegations

1 by clear and convincing evidence. As used in this section, “clear and  
2 convincing evidence” means evidence that establishes that the truth of the facts  
3 asserted is highly probable. Certified copies of records supplied by the  
4 Department of Motor Vehicles or the Agency of Natural Resources and  
5 presented by the issuing officer or other person shall be admissible without  
6 testimony by a representative of the Department of Motor Vehicles or the  
7 Agency of Natural Resources.

8 \* \* \* Title 5 \* \* \*

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

10 § 32. PRODUCTION AND EXAMINATION OF BOOKS; WITNESSES

11 So far as is necessary for the performance of their duties, the members of  
12 the Transportation Board or the Secretary of Transportation or ~~his or her~~  
13 designee and any other employee of the Agency authorized by the Secretary  
14 shall have power to examine the books, accounts, and papers of any person,  
15 receiver, trustee, or lessee owning or operating any line, plant, or property,  
16 subject to the Board’s or the Agency’s jurisdiction, that in any way relate to or  
17 contain entries, data, or memoranda concerning any transaction substantially  
18 affecting the interests of the State of Vermont or consumers of transportation  
19 services within the State. In addition to these powers, they may subpoena  
20 witnesses, administer oaths and affirmations to witnesses, and examine them  
21 on all matters over which the Board or Agency has jurisdiction.

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

2 § 34. REFUSAL TO SHOW BOOKS; FALSE OATH OR AFFIRMATION;  
3 PENALTIES

4 A person, company, or corporation subject to the supervision of the Board  
5 or the Agency who refuses the Board or the Agency access to its books,  
6 accounts, or papers so far as may be necessary under the provisions of this  
7 chapter, or who fails or refuses to furnish any returns, reports, or information  
8 lawfully required by it, or who willfully hinders, delays, or obstructs it in the  
9 discharge of the duties imposed upon it, or who fails within a reasonable time  
10 to obey a final order or decree of the Board, shall be fined not more than  
11 \$5,000.00. An individual who knowingly, under oath or affirmation, makes a  
12 false return or statement or gives false information to the Board or the Agency,  
13 or who knowingly testifies falsely in any material matter before either of them,  
14 shall be deemed to have committed perjury and shall be punished accordingly.

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

16 (d) The board shall adopt rules in accordance with the provisions of the  
17 ordinance or resolution by which it was created. Meetings of the board shall  
18 be held at the call of the chair and at such other times as the board may  
19 determine. The chair, or in ~~his or her~~ the chair's absence the acting chair, may  
20 administer oaths and affirmations and compel the attendance of witnesses. All  
21 hearings of the board shall be public. The board shall keep minutes of its

1 proceedings, showing the vote of each member upon each question, or, if  
2 absent or failing to vote, indicating this fact. The board shall keep records of  
3 its examinations and other official actions, all of which shall immediately be  
4 filed in the office of the board and shall be a public record.

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

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

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

10 § 3756. OATH OR AFFIRMATION OF OFFICE

11 Each police officer ~~is~~ commissioned pursuant to section 3755 of this  
12 chapter shall, before entering upon the duties of ~~his or her~~ the office, take an  
13 oath or affirmation of office administered by the Commissioner of Public  
14 Safety or ~~his or her~~ designee.

15 \* \* \* Title 6 \* \* \*

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

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

21 \* \* \*

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

3   \* \* \*

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

5       § 11. ADMINISTRATIVE HEARINGS; HEARING OFFICERS

6           The Secretary may designate a hearing officer to preside in ~~his or her~~ the  
7 Secretary's place in all matters in which the Secretary is required or permitted  
8 by law to conduct a hearing. The hearing officer may administer oaths and  
9 affirmations or issue subpoenas in connection with a hearing. The hearing  
10 officer shall report findings of fact to the Secretary in writing, within a  
11 reasonable time after the conclusion of the hearing, in contested cases within  
12 the meaning of 3 V.S.A. § 801(b)(2). Judgment on the findings in cases  
13 covered by this section shall be rendered only by the Secretary.

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

15           (a) On or before March 1 of each year, all handlers shall send the Secretary  
16 a full and accurate report of the amount of business done during the preceding  
17 year, together with such other statistical information as the Secretary may  
18 require. Failure to file requested information shall be grounds for suspension  
19 of license. If the handler purchases milk from a Vermont farm, a cooperative  
20 representing a Vermont farm, or a marketing service owned by a cooperative,

1 the handler, in addition to any other information required by the Secretary,  
2 shall provide the following information:

3 \* \* \*

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

8 \* \* \*

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

10 § 2722. APPLICATION

11 Applications shall be completely filled out and sworn to or affirmed by the  
12 applicant or a partner or officer of the applicant and in case of renewal shall be  
13 filed with the Secretary on or before July 15 of each year. New handlers may  
14 apply for a license at any time. Renewal applications not received on or before  
15 August 15 shall be assessed a late fee of \$100.00. The application for a  
16 handler's license shall provide the following information and such other  
17 information as the Secretary by ~~regulation~~ rule shall reasonably require:

18 \* \* \*

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

21 \* \* \*

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

10   \* \* \*

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

12       § 2762. PRODUCER AFFIDAVIT; VOLUNTARY LABELING

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

17       (1) Producer affidavit. Each milk producer supplying the handler with  
18 milk to be so identified shall, by affidavit, notify the handler that milk sold to  
19 the handler is from cows that are not, and have not been within 90 days prior to  
20 the notification, treated with rbST, and swears or affirms that ~~he or she~~ the



1 milk producer will notify ~~his or her~~ the handler at least 90 days before using  
2 rbST in the production of milk by such cows.

3 (2) Handler affidavit.

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

10 \* \* \*

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

12 § 2929. POWER TO MAKE ORDERS AND CONDUCT HEARINGS;

13 RULES

14 (a) In administering this chapter, the Commission shall have the power to  
15 make orders under this section, conduct hearings, subpoena, and examine  
16 under oath or affirmation producers, handlers, and distributors, their books,  
17 records, documents, correspondence, and accounts, and any other person it  
18 deems necessary to carry out the purposes and intent of this chapter.

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

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(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.

\* \* \*

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

(b) Included among the powers of the Council in connection with the enforcement of this chapter are the powers to require reports from any person subject to this chapter; to adopt, rescind, modify, and amend all proper and necessary rules and orders to administer this chapter, which rules and orders shall be adopted by publication in the manner prescribed by the Council and shall have the force and effect of law when not inconsistent with existing laws; to administer oaths and affirmations, subpoena witnesses, take depositions, and

1 certify to official acts; to require any dealer to keep such true and accurate  
2 records and to make such reports covering purchases, sales, and receipts of  
3 dairy products and related matters as the Council deems reasonably necessary  
4 for effective administration, which records shall be open to inspection by the  
5 Secretary of Agriculture, Food and Markets at any reasonable time and as often  
6 as may be necessary, but information thus obtained shall not be published or be  
7 open to public inspection in any manner revealing any individual dealer's  
8 identity, except as required in proceedings to enforce compliance; to keep  
9 accurate books, records, and accounts of all of its dealings; and to make  
10 annually a full report of its doings to the House Committee on Agriculture,  
11 Food Resiliency, and Forestry and the Senate Committee on Agriculture and  
12 the Governor, which shall show the amount of money received and the  
13 expenditures thereof. The report shall be submitted on or before January 15.  
14 The Vermont Agency of Agriculture, Food and Markets shall perform the  
15 administrative work of the Council as directed by the Council. The Council  
16 shall reimburse the Agency of Agriculture, Food and Markets for the cost of  
17 services performed by the Agency.

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

19 § 3318. INVESTIGATION; RECORD KEEPING

20 (a) The Secretary shall also have power:

21 \* \* \*

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

11           (b) For the purpose of this chapter, the Secretary shall at all reasonable  
12 times have access to and the right to copy any documentary evidence of any  
13 person being investigated or proceeded against. The Secretary may subpoena  
14 the attendance and testimony of witnesses and the production of all  
15 documentary evidence of any person relating to any matter under investigation  
16 or subject to administrative hearing. The Secretary or ~~his or her~~ designee may  
17 sign subpoenas and may administer oaths and affirmations, examine witnesses,  
18 and receive evidence.

19           (1) The attendance of witnesses and the production of documentary  
20 evidence may be required at any designated place of hearing. In case of  
21 disobedience to a subpoena, the Secretary may invoke the aid of any ~~district or~~

1 Superior Court in requiring the attendance and testimony of witnesses and the  
2 production of documentary evidence.

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

9 \* \* \*

10 (4) The Secretary may order testimony to be taken by deposition in any  
11 proceeding or investigation pending under this chapter at any stage of the  
12 proceeding or investigation. The depositions may be taken before any person  
13 designated by the Secretary who has the power to administer oaths and  
14 affirmations. The testimony shall be reduced to writing by the person taking  
15 the deposition, or under ~~his or her~~ that person's direction, and shall be  
16 subscribed by the deponent. Any person may be compelled to appear and  
17 depose and to produce documentary evidence in the same manner as witnesses  
18 may be compelled to appear and testify and produce documentary evidence  
19 before the Secretary as provided in this chapter.

20 \* \* \*

1 \* \* \* Title 7 \* \* \*

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

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

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

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

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

13 (1) the Commissioner of Liquor and Lottery deems the amount to be  
14 reasonable; and

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

18 \* \* \* Title 8 \* \* \*

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

20 (a) In addition to any other penalties, and in order to enforce this title, 9  
21 V.S.A. chapters 131 and 150, Title 9A, and 18 V.S.A. chapter 221, the

1 Commissioner may issue subpoenas, examine persons, administer oaths and  
2 affirmations, and require production of papers and records. Any subpoena or  
3 notice to produce may be served by registered or certified mail or in person by  
4 an agent of the Commissioner. Service by registered or certified mail shall be  
5 effective three business days after mailing. Any subpoena or notice to produce  
6 shall provide at least six business days' time from service within which to  
7 comply, except that the Commissioner may shorten the time for compliance for  
8 good cause shown. Any subpoena or notice to produce sent by registered or  
9 certified mail, postage prepaid, shall constitute service on the person to whom  
10 it is addressed. Each witness who appears before the Commissioner under  
11 subpoena shall receive a fee and mileage as provided for witnesses in civil  
12 cases in Superior Courts; provided, however, that any person subject to  
13 regulation under this title shall not be eligible to receive fees or mileage under  
14 this section.

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

16 (a) Application for a license or registration shall be in writing, under oath  
17 or affirmation, and in the form prescribed by the Commissioner, and shall  
18 contain the legal name, any fictitious name or trade name, and the address of  
19 the residence and place of business of the applicant; if the applicant is a  
20 partnership corporation, limited liability company, partnership, or other entity,  
21 the name and title of each key individual and person in control of the applicant;

1 the county and municipality with street and number, if any, where the business  
2 is to be conducted; and such further information as the Commissioner may  
3 require.

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

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

8 (2) The Commissioner may direct, subpoena, or order the attendance of,  
9 and examine under oath or affirmation, a person whose testimony is required  
10 about the loans or the business or subject matter of an examination or  
11 investigation, and may direct, subpoena, or order the person to produce books,  
12 accounts, records, files, and any other documents the Commissioner deems  
13 relevant to the inquiry.

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

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

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



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

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

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

§ 2236a. EXTENT OF ASSIGNMENT; SERVICE UPON EMPLOYER

Under any such assignment or order for the payment of future salary, wages, commissions, or other compensation for services given as security for a loan made by any licensee under this chapter, a sum not to exceed 10 percent of the borrower's salary, wages, commissions, or other compensation for services shall be collectible from the employer of the borrower by the licensee at the time of each payment to the borrower of such salary, wages, commissions, or other compensation for services, from the time that a copy of such assignment, verified by the oath or affirmation of the licensee or the

1 licensee's agent, together with a similarly verified statement of the amount  
2 unpaid upon such loan, is served upon the employer.

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

4 (a) Annually, on or before April 1, each company registered under this  
5 chapter shall file a report with the Commissioner under oath or affirmation and  
6 in the form and manner prescribed by the Commissioner. In addition to  
7 information required by section 2120 of this title, the report shall include any  
8 information the Commissioner requires concerning the company's business  
9 and operations during the preceding calendar year within Vermont and, in  
10 addition, shall include:

11 \* \* \*

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

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

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

20 (e) "Surplus to policyholders" for the purposes of this section, in addition  
21 to the insurer's unassigned capital and surplus, shall be deemed to include any

1 voluntary reserves ~~which~~ that are not required pursuant to law, and shall be  
2 determined from the last sworn or affirmed statement of the insurer on file with  
3 the Commissioner, or by the last report of examination of the insurer,  
4 whichever is the more recent at time of assumption of risk.

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

6 (a) Each domestic, foreign, and alien insurance company doing business in  
7 this ~~state~~ State shall annually submit to the Commissioner a statement of its  
8 financial condition, verified by oath or affirmation of two of its executive  
9 officers. The statement shall be prepared in accordance with the National  
10 Association of Insurance Commissioners' Instructions Handbook and  
11 Accounting Practices and Procedures Manual and shall be in such general form  
12 and context, as approved by, and shall contain any other information required  
13 by, the National Association of Insurance Commissioners with any useful or  
14 necessary modifications or adaptations thereof required or approved or  
15 accepted by the Commissioner for the type of insurance and kinds of insurers  
16 to be reported upon, and as supplemented by additional information required  
17 by the Commissioner. The statement of an alien insurer shall relate only to the  
18 insurer's transactions and affairs in the United States unless the Commissioner  
19 requires otherwise. A foreign or alien company, upon withdrawing from the  
20 State of Vermont, shall pay to the Commissioner \$25.00 for the filing of its  
21 final financial statement.

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

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

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

8 (b) Filing of examination report. ~~Not~~ Not later than 60 days following  
9 completion of the examination, the examiner in charge shall file with the  
10 Department a written report of examination under oath or affirmation. Upon  
11 receipt of the report, the Department shall transmit the report to the company  
12 examined, together with a notice ~~which~~ that shall afford the company  
13 examined a reasonable opportunity of not more than 30 days to make a written  
14 submission or rebuttal with respect to any matters contained in the examination  
15 report.

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

17 (f) Compelling production. In the event the insurer fails to comply with an  
18 order, the Commissioner shall have the power to examine the affiliates to  
19 obtain the information. The Commissioner also shall have the power to issue  
20 subpoenas, to administer oaths and affirmations, and to examine under oath or  
21 affirmation any person for purposes of determining compliance with this

1 section. Upon the failure or refusal of any person to obey a subpoena, the  
2 Commissioner may petition a court of competent jurisdiction, and upon proper  
3 showing, the court may enter an order compelling the witness to appear and  
4 testify or produce documentary evidence. Failure to obey the court order shall  
5 be punishable as contempt of court. Every person shall be obliged to attend as  
6 a witness at the place specified in the subpoena, when subpoenaed, anywhere  
7 within the State. ~~He or she~~ A person who appears as a witness pursuant to a  
8 subpoena shall be entitled to the same fees and mileage, if claimed, as a  
9 witness in the Superior Court of this State, which fees, mileage, and actual  
10 expense, if any, necessarily incurred in securing the attendance of witnesses  
11 and their testimony shall be itemized and charged against and be paid by the  
12 company being examined.

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

14 § 3865. MILL MUTUAL; FEES

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

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

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

6           (3) its fire marshal tax.

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

8           § 3914. STATEMENT AS TO APPLICATIONS

9           At the time of such filing, or within one year thereafter, such persons, or  
10          those who have been designated as the president and the secretary of such  
11          corporation, may file with the Commissioner a sworn or affirmed statement to  
12          the effect that applications for insurance in the amounts respectively indicated  
13          in section 3920 of this title have been made in good faith to such corporation.  
14          Such statement shall give the names and addresses of such applicants and the  
15          amount of insurance applied for by each. In case such corporation charges  
16          advance premiums, such statement shall show that the premium, specifying the  
17          amount, has been paid in full by each such applicant.

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

19          (4) Upon receipt of a preliminary certificate from the Commissioner, the  
20          society may solicit members for the purpose of completing its organization,  
21          shall collect from each applicant the amount of not less than one regular

1 monthly premium in accordance with its table of rates as provided by its  
2 constitution and laws, and shall issue to each such applicant a receipt for the  
3 amount so collected. No society may incur any liability other than for the  
4 return of the advance premium, nor issue any certificate, nor pay, allow, or  
5 offer or promise to pay or allow, any death or disability benefit to any person  
6 until all of the following have occurred:

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

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

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

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

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

1           (F) ~~It~~ It has been shown to the Commissioner, by sworn or affirmed  
2 statement of the treasurer, or corresponding officer of the society, that at least  
3 500 applicants have each paid in cash at least one regular monthly premium as  
4 provided in this section, which premiums in the aggregate shall amount to at  
5 least \$2,500.00, all of which have been credited to the fund or funds from  
6 which benefits are to be paid and no part of which may be used for expenses.  
7 The advance premiums shall be held in trust during the period of organization,  
8 and if the society has not qualified for a certificate of authority within one year,  
9 as provided in this section, the premiums shall be returned to the applicants.

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

11 § 4468. CONSOLIDATIONS AND MERGERS

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

14           (b) ~~The domestic society~~ shall file with the Commissioner of Financial  
15 Regulation:

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

18           (2) a sworn or affirmed statement by the president and secretary or  
19 corresponding officers of each society showing the financial condition ~~thereof~~  
20 of their respective society on a date fixed by the Commissioner of Financial



1 Regulation but not earlier than December 31, next preceding the date of the  
2 contract;

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

6 \* \* \*

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

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

12 \* \* \*

13 (4) a statement of its business under oath or affirmation of its president  
14 and secretary or corresponding officers in a form prescribed by the  
15 Commissioner of Financial Regulation, duly verified by an examination made  
16 by the supervising insurance official of its home state or other state, territory,  
17 province, or country, satisfactory to the Secretary of State of this State;

18 \* \* \*

19 Sec. 66. 8 V.S.A. § 4495 is amended to read:

20 § 4495. EXAMINATION OF DOMESTIC SOCIETIES

1       The Commissioner of Financial Regulation, or any person ~~he or she~~ the  
2       Commissioner may appoint, shall have the power of visitation and examination  
3       into the affairs of any domestic society, and ~~he or she~~ the Commissioner or  
4       designee shall make the examination at least once in every three years. ~~He or~~  
5       ~~she~~ The Commissioner may employ assistants for the purpose of the  
6       examination, and ~~he or she~~ the Commissioner, or any person ~~he or she~~ the  
7       Commissioner may appoint, shall have free access to all books, papers, and  
8       documents that relate to the business of the society. The minutes of the  
9       proceedings of the supreme legislative or governing body and of the board of  
10      directors or corresponding body of a society shall be in the English language.  
11      In making an examination, the Commissioner ~~of Financial Regulation~~ may  
12      summon and qualify as witnesses under oath or affirmation and examine ~~its~~ the  
13      society's officers, agents, and employees or other persons in relation to the  
14      affairs, transactions, and condition of the society. A summary of the report of  
15      the Commissioner ~~of Financial Regulation~~ and such recommendations or  
16      statements of the Commissioner ~~of Financial Regulation~~ as may accompany  
17      the report, shall be read at the first meeting of the board of directors or  
18      corresponding body of the society following the receipt thereof and, if directed  
19      so to do by the Commissioner ~~of Financial Regulation~~, shall also be read at the  
20      first meeting of the supreme legislative or governing body of the society  
21      following the receipt thereof. A copy of the report, recommendations, and

1 statements of the Commissioner of Financial Regulation shall be furnished by  
2 the society to each member of the board of directors or other governing body.

3 The expense of each examination and of each valuation, including  
4 compensation and actual expense of examiners, shall be paid by the society  
5 examined or whose certificates are valued, upon statements furnished by the  
6 Commissioner of Financial Regulation.

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

8 (b) A person who willfully makes a false or fraudulent statement in any  
9 verified report or declaration under oath or affirmation required or authorized  
10 by this chapter, or of any material fact or thing contained in a sworn or  
11 affirmed statement concerning the death or disability of a member for the  
12 purpose of procuring payment of a benefit named in the certificate, shall be  
13 guilty of perjury and shall be subject to the penalties for perjury prescribed by  
14 law.

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

16 § 4516. ANNUAL REPORT TO COMMISSIONER

17 Annually, on or before March 1, a hospital service corporation shall file  
18 with the Commissioner of Financial Regulation a statement sworn to or  
19 affirmed by the president and treasurer of the corporation showing its condition  
20 on December 31. The statement shall be in such form and contain such matters  
21 as the Commissioner shall prescribe. To qualify for the tax exemption set forth

1 in section 4518 of this title, the statement shall include a certification that the  
2 hospital service corporation operates on a nonprofit basis for the purpose of  
3 providing an adequate hospital service plan to individuals of the State, both  
4 groups and nongroups, without discrimination based on age, gender,  
5 geographic area, industry, and medical history, except as allowed by  
6 subdivisions 4080g(b)(7)(B)(ii) and 4080g(c)(8)(B)(ii) of this title and by 33  
7 V.S.A. § 1811(f)(2)(B).

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

9 § 4588. ANNUAL REPORT TO COMMISSIONER

10 Annually, on or before March 1, a medical service corporation shall file  
11 with the Commissioner of Financial Regulation a statement sworn to or  
12 affirmed by the president and treasurer of the corporation showing its condition  
13 on December 31, which shall be in such form and contain such matters as the  
14 Commissioner shall prescribe. To qualify for the tax exemption set forth in  
15 section 4590 of this title, the statement shall include a certification that the  
16 medical service corporation operates on a nonprofit basis for the purpose of  
17 providing an adequate medical service plan to individuals of the State, both  
18 groups and nongroups, without discrimination based on age, gender,  
19 geographic area, industry, and medical history, except as allowed by  
20 subdivisions 4080g(b)(7)(B)(ii) and 4080g(c)(8)(B)(ii) of this title and by  
21 33 V.S.A. § 1811(f)(2)(B).

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

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

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

17 (d) Within 30 days after commencing business, each captive insurance  
18 company shall file with the Commissioner a statement under oath or  
19 affirmation of its president and secretary certifying that the captive insurance  
20 company possessed the requisite unimpaired paid-in capital and surplus prior  
21 to commencing business.

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

2 (b) Prior to March 1 of each year, and prior to March 15 of each year in the  
3 case of pure captive insurance companies, association captive insurance  
4 companies, sponsored captive insurance companies, industrial insured captive  
5 insurance companies, or agency captive insurance companies, each captive  
6 insurance company shall submit to the Commissioner a report of its financial  
7 condition, verified by oath or affirmation of two of its executive officers. Each  
8 captive insurance company shall report using generally accepted accounting  
9 principles, statutory accounting principles, or international financial reporting  
10 standards unless the Commissioner requires, approves, or accepts the use of  
11 any other comprehensive basis of accounting, in each case with any  
12 appropriate or necessary modifications or adaptations thereof required or  
13 approved or accepted by the Commissioner for the type of insurance and kinds  
14 of insurers to be reported upon, and as supplemented by additional information  
15 required by the Commissioner. As used in this section, statutory accounting  
16 principles shall mean the accounting principles codified in the NAIC  
17 Accounting Practices and Procedures Manual. Upon application for  
18 admission, a captive insurance company shall select, with explanation, an  
19 accounting method for reporting. Any change in a captive insurance  
20 company's accounting method shall require prior approval. Except as  
21 otherwise provided, each risk retention group shall file its report in the form

1 required by subsection 3561(a) of this title, and each risk retention group shall  
2 comply with the requirements set forth in section 3569 of this title. The  
3 Commissioner shall by rule propose the forms in which pure captive insurance  
4 companies, association captive insurance companies, sponsored captive  
5 insurance companies, and industrial insured captive insurance companies shall  
6 report. Subdivision 6002(c)(3) of this title shall apply to each report filed  
7 pursuant to this section.

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

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

11 \* \* \*

12 (2) prior to March 15 of each year, submit to the Commissioner a report  
13 of its financial condition, verified by oath or affirmation of two of its executive  
14 officers, in a form as may be prescribed by the Commissioner; and

15 \* \* \*

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

17 § 6045. BRANCH CAPTIVE REPORTS

18 Prior to March 15 of each year, or with the approval of the Commissioner  
19 within 75 days after its fiscal year-end, a branch captive insurance company  
20 shall file with the Commissioner a copy of all reports and statements required  
21 to be filed under the laws of the jurisdiction in which the alien captive

1 insurance company is formed, verified by oath or affirmation of two of its  
2 executive officers. If the Commissioner is satisfied that the annual report filed  
3 by the alien captive insurance company in its domiciliary jurisdiction provides  
4 adequate information concerning the financial condition of the alien captive  
5 insurance company, the Commissioner may waive the requirement for  
6 completion of the captive annual statement for business written in the alien  
7 jurisdiction.

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

9 § 7051. GROUNDS FOR REHABILITATION

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

14 \* \* \*

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



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

(a) The liquidator shall have the power to:

\* \* \*

(5) Hold hearings, subpoena witnesses to compel their attendance, administer oaths and affirmations, examine any person under oath or affirmation, and compel any person to subscribe to testimony after it has been correctly reduced to writing; and in connection with such proceedings, require the production of any books, papers, records, or other documents that ~~he or she~~ the liquidator deems relevant to the inquiry.

\* \* \*

Sec. 77. 8 V.S.A. § 7075(c) is amended to read:

(c) At any time, the liquidator may request the claimant to present information or evidence supplementary to that required under subsection (a) of this section and may take testimony under oath or affirmation, require production of affidavits or depositions, or otherwise obtain additional information or evidence.

Sec. 78. 8 V.S.A. § 7112 is amended to read:

§ 7112. APPLICATION; FEE; PLAN

\* \* \*

(b) A plan shall include the following:

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\* \* \*

(5) Certificates issued by the domicile regulator of the transferring insurer and, if applicable, of any controlling party that is a regulated insurance company, in each case attesting to the good standing of the transferring insurer and the controlling party under the insurance regulatory laws of the jurisdiction of their respective domiciles; or, if any such certificate is not obtainable under the laws or practices of a domicile regulator, a certificate of the transferring insurer or the controlling party, as applicable, attesting to the foregoing, verified by oath or affirmation of two of its executive officers.

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

\* \* \*

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

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

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

2 § 14405. POWERS AND DUTIES OF OFFICERS

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

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

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

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

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

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

6 § 31309. OATHS AND AFFIRMATIONS OF OFFICE; CERTIFICATE OF  
7 ELECTION

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

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

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



1           If, in the opinion of a creditor of the assignor named in the assignment, the  
2           assignee neglects to settle ~~his or her~~ the assignee's trust and file a copy of ~~his~~  
3           ~~or her~~ the assignee's account with the ~~county~~ clerk of the Superior Court for  
4           the district in which the assignor resides for an unreasonable length of time,  
5           such creditor may apply to a Superior judge for an order upon the assignee to  
6           settle the same and file with the clerk of such court a copy of ~~his or her~~ the  
7           assignee's trust account verified by oath or affirmation within such time as the  
8           Superior judge deems proper.

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

10           (b) Notice of breach.

11   \* \* \*

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

15   \* \* \*

16           (B)(i) The data collector shall notify the Attorney General or the  
17           Department, as applicable, of the date of the security breach and the date of  
18           discovery of the breach and shall provide a preliminary description of the  
19           breach within 14 business days, consistent with the legitimate needs of the law  
20           enforcement agency as provided in this subdivision (3) and subdivision (4) of  
21           this subsection (b), of the data collector's discovery of the security breach or

1 when the data collector provides notice to consumers pursuant to this section,  
2 whichever is sooner.

3 (ii) Notwithstanding subdivision (B)(i) of this subdivision (b)(3), a  
4 data collector who, prior to the date of the breach, on a form and in a manner  
5 prescribed by the Attorney General, had sworn or affirmed in writing to the  
6 Attorney General that it maintains written policies and procedures to maintain  
7 the security of personally identifiable information or login credentials and  
8 respond to a breach in a manner consistent with Vermont law shall notify the  
9 Attorney General of the date of the security breach and the date of discovery of  
10 the breach and shall provide a description of the breach prior to providing  
11 notice of the breach to consumers pursuant to subdivision (1) of this subsection  
12 (b).

13 \* \* \*

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

15 (a)(1) The Attorney General or a State's Attorney, whenever ~~he or she~~ the  
16 Attorney General or State's Attorney has reason to believe any person to be or  
17 to have been in violation of section 2453 of this title, or of any rule ~~or~~  
18 ~~regulation made~~ adopted pursuant to section 2453 of this title, may examine or  
19 cause to be examined by any agent or representative designated by ~~him or her~~  
20 the Attorney General or State's Attorney for that purpose, any books, records,  
21 papers, memoranda, and physical objects of whatever nature bearing upon each

1 alleged violation, and may demand written responses under oath or affirmation  
2 to questions bearing upon each alleged violation.

3 (2) The Attorney General or a State's Attorney may require the  
4 attendance of such person or of any other person having knowledge in the  
5 premises in the county where the person resides or has a place of business, or  
6 in Washington County if the person is a nonresident or has no place of  
7 business, within the State; ~~;~~ may take testimony and require proof material for  
8 ~~his or her~~ the person's information; ~~;~~ and may administer oaths and affirmations  
9 or take acknowledgment ~~in respect of~~ with respect to any book, record, paper,  
10 or memorandum.

11 \* \* \*

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

13 (d)(1) Civil investigation. Whenever the Attorney General has reason to  
14 believe any person to be or to have been in violation of section 2517 of this  
15 title, the Attorney General may examine or cause to be examined by any agent  
16 or representative designated by the Attorney General for that purpose, any  
17 books, records, papers, memoranda, and physical objects of whatever nature  
18 bearing upon each alleged violation, and may demand written responses under  
19 oath or affirmation to questions bearing upon each alleged violation. The  
20 Attorney General may require the attendance of such person or of any other  
21 person having knowledge in the county where such person resides or has a



1 place of business, or in Washington County if such person is a nonresident or  
2 has no place of business within the State, ~~and;~~ may take testimony and require  
3 proof material for ~~his or her~~ the person's information; and may administer  
4 oaths and affirmations or take acknowledgement ~~in respect of~~ with respect to  
5 any book, record, paper, or memorandum. The Attorney General shall serve  
6 notice of the time, place, and cause of such examination or attendance, or  
7 notice of the cause of the demand for written responses, at least 10 days prior  
8 to the date of such examination, personally or by certified mail, upon such  
9 person at ~~his or her~~ the person's principal place of business, or, if such place is  
10 not known, to ~~his or her~~ the person's last known address. Any book, record,  
11 paper, memorandum, or other information produced by any person pursuant to  
12 this subsection shall not, unless otherwise ordered by a court of this State for  
13 good cause shown, be disclosed to any person other than the duly authorized  
14 agent or representative of the Attorney General or a State's Attorney or another  
15 law enforcement officer engaged in legitimate law enforcement activities,  
16 unless with the consent of the person producing the same. This subsection  
17 shall not be applicable to any criminal investigation or prosecution brought  
18 under the laws of this or any state.

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

20 § 2522. REGISTRATION

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

7 \* \* \*

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

9 § 2575. SEARCH WARRANT; JUDICIAL PROCEEDINGS

10 If a person or corporation that has complied with the provisions of section  
11 2571 of this title, or the agent of such person or corporation, makes oath or  
12 affirmation before a judge of a Criminal Division of the Superior Court that ~~he~~  
13 ~~or she~~ the person, corporation, or agent has reason to believe and does believe  
14 that a person has unlawfully in ~~his or her~~ that person's possession or is  
15 secreting a receptacle marked as provided in section 2571 of this title, the  
16 judge, if satisfied that there is a reasonable cause for the belief, shall issue a  
17 search warrant to discover and obtain the same, and may cause to be brought  
18 before ~~him or her~~ the judge a person in whose possession such receptacle is  
19 found, and shall inquire into the circumstances of the possession. If the judge  
20 finds that the person is guilty of a willful violation of a provision of sections  
21 2572–2574 of this title, ~~he or she~~ the judge shall impose the penalty prescribed

1 ~~therein~~ in the applicable section or sections, and award to the owner the  
2 possession of the property taken upon the search warrant.

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

4 § 3044. EXEMPTIONS

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

7 \* \* \*

8 (2) A raw agricultural commodity or processed food derived from it that  
9 has been grown, raised, or produced without the knowing or intentional use of  
10 food or seed produced with genetic engineering. Food will be deemed to be as  
11 described in this subdivision only if the person otherwise responsible for  
12 complying with the requirements of subsection 3043(a) of this title with  
13 respect to a raw agricultural commodity or processed food obtains, from  
14 whomever sold the raw agricultural commodity or processed food to that  
15 person, a sworn or affirmed statement that the raw agricultural commodity or  
16 processed food has not been knowingly or intentionally produced with genetic  
17 engineering and has been segregated from and has not been knowingly or  
18 intentionally commingled with food that may have been produced with genetic  
19 engineering at any time. In providing such a sworn or affirmed statement, any  
20 person may rely on a sworn or affirmed statement from ~~his or her~~ the person's

1 own supplier that contains the ~~affirmation~~ declaration set forth in this  
2 subdivision.

3 \* \* \*

4 Sec. 93. 9 V.S.A. § 3045(b) is amended to read:

5 (b) A retailer shall not be held liable for failure to label a raw agricultural  
6 commodity as required by section 3043 of this title, provided that the retailer,  
7 within 30 days of any proposed enforcement action or notice of violation,  
8 obtains a sworn or affirmed statement in accordance with subdivision 3044(2)  
9 of this title.

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

11 § 3346. OATH OR AFFIRMATION, DUTIES, AND LIABILITIES OF  
12 INSPECTOR

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

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\* \* \* Title 9A \* \* \*

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

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

Sec. 96. 9A V.S.A. § 9—607(b) is amended to read:

(b) If necessary to enable a secured party to exercise subdivision (a)(3) of this section, the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

\* \* \*

(2) the secured party's sworn or affirmed affidavit in recordable form stating that:

\* \* \*

1 \* \* \* Title 10 \* \* \*

2 Sec. 97. 10 V.S.A. § 611(h) is amended to read:

3 (h) Before entering into ~~his or her~~ any duties, each commissioner of the  
4 Agency shall take and subscribe an oath or affirmation to perform the duties of  
5 ~~his or her~~ the office faithfully, impartially, and justly to the best of ~~his or her~~  
6 the individual's ability. A record of the oath or affirmation shall be filed in the  
7 Office of the Secretary of State.

8 Sec. 98. 10 V.S.A. § 2625(f) is amended to read:

9 (f) Appeals. If the exemption is denied or if authorization to proceed is  
10 denied, the landowner shall have 30 days in which to file an appeal with the  
11 Commissioner.

12 (1) Upon the filing of an appeal, the Commissioner may appoint a  
13 review team of natural resources professionals to visit the site, gather  
14 information about the proposed heavy cut, and make recommendations to the  
15 Commissioner. The Commissioner may also appoint a hearing officer to take  
16 sworn or affirmed statements of the landowner, the review team, and other  
17 witnesses called by the landowner or the hearing officer, and make  
18 recommendations to the Commissioner.

19 \* \* \*

20 Sec. 99. 10 V.S.A. § 4191 is amended to read:

21 § 4191. GAME WARDENS, NUMBER, RECORD

1 (a) The Commissioner, with the approval of the Governor, may employ a  
2 chief game warden and as many State game wardens as may be required for  
3 the proper enforcement of the fish and wildlife laws of the State. These  
4 officers shall be included in the classified service created in 3 V.S.A. chapter  
5 13. These officers and deputy game wardens employed as ~~herein~~ provided in  
6 this subchapter shall be sworn or shall affirm to the faithful performance of  
7 their duties. The Commissioner may appoint and employ for a limited time as  
8 many deputy game wardens as deemed necessary. The number of game  
9 wardens shall be determined by the Commissioner with the approval of the  
10 Governor. A copy of the appointment and oath or affirmation of office of each  
11 game warden and deputy shall be filed in the office of the Commissioner.

12 \* \* \*

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

14 § 4270. FUR BUYER'S RECORDS

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

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

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

6 \* \* \*

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

9 (A) administer oaths and affirmations;

10 \* \* \*

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

12 § 4508. SALE OF FORFEITED EQUIPMENT

13 Upon seizure of such firearm, jack, light, vehicle, or device without a  
14 warrant, a game warden or other officer shall forthwith make complaint, under  
15 oath or affirmation, subscribed by ~~him or her~~ a game warden or officer, to a  
16 court or magistrate having jurisdiction of offenses ~~hereunder~~ under this title in  
17 whose jurisdiction the ~~same was~~ item or items were seized. In the event, under  
18 proceedings provided in sections 4503–4507 of this title, ~~such that the~~ device is  
19 ordered forfeited and is a device not illegal in itself, such firearm, jack, light,  
20 motor, or other vehicle or device, upon written order of ~~such the~~ the court, shall be



1 sold by the Commissioner at public auction for the benefit of the State ~~by the~~  
2 ~~Commissioner~~.

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

4 § 6027. POWERS

5 (a) The Board and District Commissions shall have supervisory authority in  
6 environmental matters respecting projects within their jurisdiction and shall  
7 apply their independent judgment in determining facts and interpreting law.  
8 Each shall have the power, with respect to any matter within its jurisdiction, to:

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

11 \* \* \*

12 \* \* \* Purpose; Interpretation \* \* \*

13 Sec. 104. PURPOSE; INTERPRETATION

14 The purpose of this act is to expressly include the option of an affirmation  
15 in each instance in which an oath or swearing is authorized or required  
16 throughout Titles 1–10 of the Vermont Statutes Annotated (V.S.A.), except in  
17 interstate compacts or as otherwise limited by law. The act also makes other  
18 minor, technical amendments to the language of the affected statutes for  
19 readability and consistency with V.S.A. style. It is the intent of the General  
20 Assembly that the technical amendments in this act shall not supersede  
21 substantive changes contained in other bills enacted by the General Assembly

1 during the current biennium. Where possible, the technical amendments in this  
2 act shall be interpreted to be supplemental to other amendments to the same  
3 sections of statute; to the extent the provisions conflict, the substantive changes  
4 in other acts shall take precedence over the technical changes in this act.

5 \* \* \* Effective Date \* \* \*

6 Sec. 105. EFFECTIVE DATE

7 This act shall take effect on July 1, 2025.