

House Calendar

Tuesday, February 16, 2010

43rd DAY OF ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Action Postponed Until February 16, 2010

Favorable with Amendment

H. 542

An act relating to transfers of mobile homes and rent-to-own transactions

Rep. South of St. Johnsbury, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 2602 is amended to read:

§ 2602. SALE OR TRANSFER; PRICE DISCLOSURE; UNIFORM MOBILE HOME UNIFORM BILL OF SALE

* * *

(b)(1) No mobile home may be sold or its ownership otherwise transferred unless a completed mobile home uniform bill of sale as described in subsection (c) is ~~completed~~ endorsed by the clerk of the town in which the mobile home is located and furnished by the seller or transferor to the buyer or transferee. ~~The mobile home uniform bill of sale must be filed with the town clerk of the town in which the mobile home is to be located. Prior to resale, a mobile home uniform bill of sale must be endorsed by the town clerk of the town in which the mobile home is located and a copy sent to the town clerk where the mobile home will be located.~~

(2) If a mobile home is sold or transferred separately from the real property on which it is located, the seller or transferor shall provide a copy of the mobile home uniform bill of sale by certified mail, return receipt requested, to the record owner of the real property on which the mobile home is located.

(3) A clerk shall not endorse a mobile home uniform bill of sale unless:

(A) all property taxes due and payable as of the most recent assessment or installment thereof on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full; and

(B) if a mobile home is sold or transferred separately from the real property on which it is located, the seller or transferor has provided a copy of the mobile home uniform bill of sale to the owner of the real property on which the mobile home is located.

(4) The buyer or transferee shall file the bill of sale with the clerk of the town in which the mobile home will be located within 10 days of receipt from the seller or transferor. If the mobile home will be relocated to real property that is not owned by the buyer or transferee, the buyer or transferee shall provide a copy of the mobile home uniform bill of sale to the record owner of the real property on which the mobile home will be located.

(5) A clerk shall not accept for filing a mobile home uniform bill of sale that is not endorsed as required by this subsection.

(6) The requirements of this subsection shall apply to a mobile home that is physically relocated by its owner to another town.

(7) This subsection shall not apply to:

(A) the valid transfer of a mobile home by deed when financed as residential real estate pursuant to this chapter;

(B) the valid transfer of a mobile home by a mobile home uniform bill of sale pursuant to the abandonment process set forth in 10 V.S.A. § 6249;

(C) the physical relocation of a mobile home that is held as inventory by a manufacturer, distributor, or dealer, is stored or displayed on a sales lot, and is not connected to utilities.

~~(e) No mobile home shall be moved over the highways of this state unless the operator of the vehicle hauling such mobile home has in his or her possession a copy of the mobile home uniform bill of sale endorsed pursuant to 32 V.S.A. § 5079 by the town clerk of the town in which the mobile home was last listed and by the clerk of the town in which the mobile home was last located. The mobile home uniform bill of sale shall contain the make, model, serial, size, year manufactured and location of each mobile home. It shall give the name and address of the owner of the property and whether the property is subject to a security interest and shall be substantially in the following form:~~

VERMONT MOBILE HOME UNIFORM BILL OF SALE

KNOW ALL PEOPLE BY THESE PRESENTS THAT

....., Seller(s), of County of
..... and State of, in
consideration of Dollars (\$ —) paid by

....., Buyer(s), of
County of and State of

the receipt and sufficiency whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto said Buyer(s) the following goods and chattels, namely:

Mobile Home Make: Model: Year:

..... Serial Number: Size:
Color: presently located
at in the Town of

Mobile Home will remain at above location.

Mobile Home will be located at in Town of
.....

~~TO HAVE AND TO HOLD all and singular the goods and chattels to the said Buyer(s) and Buyer(s) executors, administrators, and assigns, to Buyer(s) own use and behoof forever. And the Seller(s) hereby covenant(s) with the said Buyer(s) that Seller(s) is/are the lawful owner(s) of said goods and chattels, that they are free from all encumbrances, that Seller(s) has/have good right to sell the same as aforesaid, and that Seller(s) will warrant and defend the same against the lawful claims and demands of all persons.~~

~~IN WITNESS WHEREOF, the Seller(s) hereto set(s) his/her/their hand(s), this day of A.D. 20~~

.....
Witness Seller

.....
Witness Seller

~~NOTICE: Title 32 V.S.A. § 5079 requires that this Mobile Home Uniform Bill of Sale be signed by Sellers, Town Clerk of the Town where the Mobile Home is located prior to sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale.~~

SECURITY INTEREST

~~This property is subject to the following security interest or interests of record:~~

~~Secured Party Date Discharged Town Record Number~~

~~TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS PRESENTLY LOCATED.~~

~~I hereby acknowledge that:~~

~~1. Notation of above transfer has been made on the margin of the retained copy of the Mobile Home Uniform Bill of Sale whereby Seller(s) herein acquired title.~~

~~2. Copy of this bill of sale has been forwarded to Town Clerk of Town where above Mobile Home will be located.~~

~~3. Notation of security interest has been made.~~

DATED: ATTEST: TOWN CLERK

(c)(1) A mobile home uniform bill of sale shall contain the following information regarding each mobile home being transferred:

(A) the name and address of each seller or transferor;

(B) the name and address of each buyer or transferee;

(C) the make, model, serial number, size, and year manufactured;

(D) the current address or location of the mobile home;

(E) whether the mobile home will be moved following the sale or transfer, and if so, the future address of the mobile home;

(F) the name and address of the owner of the real property on which the mobile home is located;

(G) the name and address of the owner of the real property on which the mobile home will be located following the sale or transfer;

(H) if the mobile home is sold separately from the real property on which it is located, confirmation that the seller or transferor has provided notice of the sale to the owner of the real property on which the mobile home is located; and

(I) if the property is subject to a security interest, the name of the debtor, the name of the secured party, and the effective date of the security agreement under which the security interest was created.

(2) A mobile home uniform bill of sale shall be substantially in the following form:

VERMONT MOBILE HOME UNIFORM BILL OF SALE

NOTICE

Vermont statute requires that this Mobile Home Uniform Bill of Sale be signed by each Buyer and Seller, endorsed by the Town Clerk of the Town where the Mobile Home is located at the time of sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale.

Seller or Transferor ("Seller"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Buyer or Transferee ("Buyer"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Mobile Home Being Sold or Transferred ("Mobile Home")

Specifications:

Make:

Model:.....

Year:.....

Serial Number:

Size:.....

Color:.....

Current Location:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home is Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Seller(s)/Transferor(s) has (have) provided a copy of this bill of sale to the owner of the real property on which mobile home is currently located.

Location of Mobile Home Following Sale

Mobile Home will remain at current location.

Mobile Home will be relocated to the following address:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home will be Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Security Interest

The Mobile Home is subject to the following security interests of record:

<u>Debtor</u>	<u>Secured Party</u>	<u>Date</u>
.....
.....

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, Seller hereby transfers to the Buyer the Mobile Home identified in this Bill of Sale, and Seller covenants with Buyer that Seller is the lawful owner of the Mobile Home, that it is free from all encumbrances, that Seller has good right to sell the Mobile Home, and that Seller will warrant and defend the same against the lawful claims and demands of all persons.

Seller Signature.....Date.....

Buyer Signature.....Date.....

TOWN CLERK ENDORSEMENT

TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS CURRENTLY LOCATED.

I hereby acknowledge that:

1. Notation of above transfer has been made on the margin of the retained copy of the Mobile Home Uniform Bill of Sale whereby Seller acquired title.

2. Notation of security interest has been made.

3. All property taxes due and payable as of the most recent assessment or installment thereof on the Mobile Home, but not the real property on which the Mobile Home is located if separately owned, have been paid in full.

4. If the Mobile Home is sold or transferred separately from the real property on which it is located, Seller has provided a copy of the Mobile Home Uniform Bill of Sale to the Owner of the real property on which the Mobile Home is located.

Town Clerk Signature:.....Date:.....

(3) Within 14 days of filing, the town clerk in the town in which a mobile home uniform bill of sale is filed shall mail a copy of the recorded bill of sale to each buyer, seller, and owner of real property for whom a mailing address is provided.

(d) A mobile home shall not be moved over the highways of this state unless the operator of the vehicle hauling the mobile home has in his or her possession a copy of the mobile home uniform bill of sale endorsed pursuant to subsection (b) of this section. In addition to any penalty or remedy imposed under section 2607 of this title, a violation of this subsection shall be subject to the collection and enforcement provisions set forth in 32 V.S.A. § 5079.

(e)(1) For purposes of this subsection, “an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis” means any agreement, other than an agreement to purchase a mobile home, that will be financed as residential real estate, under which:

(A) a buyer or lessee, however named, agrees to pay consideration in one or more installments to the owner of a mobile home, or to a third party designated by the owner of the mobile home to receive payment on behalf of the owner, for the right to use or occupy the mobile home;

(B) upon full compliance with the terms of the agreement, the buyer or lessee, however named, is bound to become, or for no further or a merely

nominal additional consideration, has the option of becoming, the owner of the mobile home.

(2) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis shall not transfer ownership of the mobile home, or the rights, duties, and liabilities arising from ownership of the mobile home, unless and until:

(A) the buyer and seller execute a written retail installment contract complying with the requirements set forth in chapter 59 of this title;

(B) the seller furnishes to the buyer an executed mobile home uniform bill of sale endorsed pursuant to subsection (b) of this section; and

(C) the buyer executes and records the mobile home uniform bill of sale with the town clerk of the town in which the mobile home will be located within 10 days of receipt from the seller.

(3) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that meets the requirements of subdivision (2) of this subsection shall constitute a “retail installment transaction” as defined in subdivision 2351(4) of this title, and in addition to any other applicable law, shall be subject to chapter 59 of this title and 9A V.S.A. Article 2 of the Uniform Commercial Code (Sale of Goods).

(4) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that does not meet the requirements of subdivision (2) of this subsection shall constitute a residential rental agreement as defined in subdivision 4451(8) of this title, and in addition to any other applicable law, shall be governed by chapter 137 of this title, and as appropriate, 9A V.S.A. Article 2A of the Uniform Commercial Code (Leases) and chapter 153 of Title 10.

(5) Notwithstanding subdivisions (2)–(4) of this subsection, a buyer or seller may pursue any remedies available at law or at equity for:

(A) damages resulting from another party’s breach of a valid agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis; and

(B) damages resulting from a failed transfer of ownership under subdivision (2) of this subsection arising from another party’s act or omission.

(f)(1) The sale of a mobile home under this section is a sale of goods under Article 2 of the Uniform Commercial Code, as codified in Title 9A of the Vermont Statutes Annotated. The provisions of this section should be harmonized with the provisions of the Uniform Commercial Code to the

furthest possible extent, but in the event of a direct conflict, this section shall govern.

(2) The sale of a mobile home under this section is subject to the provisions governing express and implied warranties on the sale of goods set forth in 9A V.S.A. Article 2, Part 3, with the following modifications:

(A) the warranty of title in a contract of sale under 9A V.S.A. § 2-312 may be excluded or modified only by a written agreement that is executed by the buyer and seller prior to sale and clearly states any deficiency or limitation on the seller's title, as well as any security interest, lien, or encumbrance on the mobile home that excludes or modifies the warranty of title; and

(B) the implied warranty of merchantability under 9A V.S.A. § 2-314 and the implied warranty of fitness for a particular purpose under 9A V.S.A. § 2-315 may not be waived if the seller has notice, as that term is defined in 9A V.S.A. § 1-202, that the mobile home will be used by the buyer as his or her primary residence.

(3) In addition to any additional penalties or remedies available at law or at equity, the sale of a mobile home in violation of subdivision (2)(A) or (B) of this subsection shall be unenforceable against the buyer.

Sec. 2. 32 V.S.A. § 5079 is amended to read:

§ 5079. SALE OR TRANSFER OF MOBILE HOMES; COLLECTION OF TAXES

~~(a) Within 10 days of acquiring ownership by sale, trade, transfer, or other means, an owner of a mobile home as defined in 9 V.S.A. § 2601 or 10 V.S.A. § 6201 shall file with the clerk of the municipality in which the mobile home is located a mobile home uniform bill of sale, containing the make, model, serial number, size, year manufactured, and location of the mobile home. It shall give the name and address of the owner of the property, and whether the property is subject to a security interest, and shall be substantially in the form prescribed in 9 V.S.A. § 2602(e). This subsection shall not apply to mobile homes held solely for sale by a manufacturer, distributor, or dealer that are stored or displayed on a sales lot and are not connected to utilities. A transfer of ownership of a mobile home shall be made pursuant to the requirements set forth in chapter 72 of Title 9.~~

~~(b) An owner of a mobile home, except those held for sale by a manufacturer, distributor or dealer that are stored or displayed on a sales lot and are not connected to utilities, may not sell, trade, transfer, or move the home without a mobile home uniform bill of sale endorsed by the clerk of the~~

~~municipality in which it is located. In the case of removal of a mobile home from the municipality, or of a sale, trade, or transfer that will result in the removal of the mobile home from the municipality, the clerk shall not endorse the mobile home uniform bill of sale unless all property taxes assessed with regard to the mobile home, but not the mobile home site, have been paid. The owner of the mobile home shall file a copy of the endorsed mobile home bill of sale with the clerk of the new municipality within 10 days of the date on which the mobile home is moved into the new municipality. Where ownership of an abandoned mobile home is transferred pursuant to a court order issued pursuant to 10 V.S.A. § 6249, the order shall not constitute a release of the mobile home from any lien for penalties, interest and taxes due the town to the date of the bill of sale, prorated as of that date. Where ownership of an abandoned mobile home is transferred pursuant to 10 V.S.A. § 6249 to an owner who certifies to the court that the mobile home will be disposed of, the order shall not constitute a release of the mobile home from any lien for taxes due the town and an authorization to remove the mobile home from the town for the purpose of disposal.~~

~~(c) Any person, including the owner of a mobile home or agent, who removes a mobile home from the town in which it was listed without having in his or her possession a mobile home uniform bill of sale endorsed by the clerk of the municipality where the mobile home was located as required by subsection (b) of this section shall be fined not more than \$300.00.~~

(d) A mobile home removed from a town without a mobile home uniform bill of sale endorsed by the clerk of the municipality where the mobile home was located as required by ~~subsection (b) of this section~~ 9 V.S.A. § 2602 may be taken into possession by any sheriff, deputy sheriff, constable, or police officer, or by the treasurer or tax collector of the town in which the mobile home was last listed if known, or by the commissioner of taxes if that town is unknown. A mobile home taken into possession under this section by an officer other than the collector of taxes shall be delivered promptly to the collector of taxes of the town in which the mobile home was last listed. In taking possession, the authorized officer may proceed without judicial process only in the event that the taking of possession can be done without breach of the peace. Proceedings for collection of the taxes assessed against and due with respect to the mobile home shall then be conducted in accordance with subchapter 9 of chapter 133 of this title.

(e) Taxes assessed against a mobile home shall be considered due for purposes of this section as of the date of removal of the mobile home from the town in which the mobile home was last listed, and the owner shall be liable for fees provided for in section 1674 of this title from the date of removal.

(f) The treasurer or tax collector of any town from which a mobile home is removed, without an endorsed mobile home uniform bill of sale as required by ~~subsection (b) of this section~~ 9 V.S.A. § 2602(b) may notify the director of the division of property valuation and review of the removal giving a description of the mobile home by serial or other number if known. If the director is notified of the seizure of a mobile home as provided in subsection (d) of this section, he or she shall immediately notify the treasurer or tax collector of the town, if known, in which the mobile home was last listed on the grand list.

(g) Taxes lawfully assessed upon a mobile home shall attach as a lien on the mobile home as provided in section 5061 of this title.

Sec. 3. 10 V.S.A. § 6204(d) is amended to read:

(d) A mobile home occupied on the basis of a lease-purchase or ~~“rent to own”~~ rent-to-own contract shall be subject to the provisions of 9 V.S.A. ~~chapter 59 § 2602(e)~~.

Sec. 4. AVAILABILITY OF MOBILE HOME UNIFORM BILL OF SALE

The department of housing and community affairs shall make publicly available on its website a mobile home uniform bill of sale in a format substantially similar to the form set forth in 9 V.S.A. § 2602(c).

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2010.

(**Committee Vote: 8-0-0**)

Amendment to be offered by Rep. South of St. Johnsbury to the recommendation of amendment of the Committee on General, Housing and Military Affairs to H. 542

First: In Sec. 1, by striking 9 V.S.A. § 2602(b)(3)(A) in its entirety and inserting in lieu thereof a new subdivision (b)(3)(A) to read:

(A) all property taxes due and payable on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full as of the most recent assessment, or if the town collects taxes in installments pursuant to 32 V.S.A. § 4872, as of the most recent installment; and

Second: In Sec. 1, in 9 V.S.A. § 2602(c)(1) in (H), by striking the ; and in (I) by striking up to the period.

Third: In Sec. 1, by striking 9 V.S.A. § 2602(c)(2) in its entirety and inserting in lieu thereof a new subdivision (c)(2) to read:

(2) A mobile home uniform bill of sale shall be substantially in the following form:

VERMONT MOBILE HOME UNIFORM BILL OF SALE

NOTICE

Vermont statute requires that this Mobile Home Uniform Bill of Sale be signed by each Buyer and Seller, endorsed by the Town Clerk of the Town where the Mobile Home is located at the time of sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale. A financing statement evidencing a security interest in the Mobile Home must be filed with the Secretary of State.

Seller or Transferor ("Seller"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Buyer or Transferee ("Buyer"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Mobile Home Being Sold or Transferred ("Mobile Home")

Specifications:

Make:

Model:.....

Year:.....

Serial Number:

Size:.....

Color:.....

Current Location:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home is Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Seller(s)/Transferor(s) has (have) provided a copy of this bill of sale to the owner of the real property on which mobile home is currently located.

Location of Mobile Home Following Sale

Mobile Home will remain at current location.

Mobile Home will be relocated to the following address:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home will be Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, Seller hereby transfers to the Buyer the Mobile Home identified in this Bill of Sale, and Seller covenants with Buyer that Seller is the lawful owner of the Mobile Home, that it is free from all encumbrances, that Seller has good right to sell the Mobile Home, and that Seller will warrant and defend the same against the lawful claims and demands of all persons.

Seller Signature.....Date.....

Witness Signature.....Date.....

Buyer Signature.....Date.....

Witness Signature.....Date.....

TOWN CLERK ENDORSEMENT

TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS CURRENTLY LOCATED.

I hereby acknowledge that:

1. Notation of above transfer has been made on the margin of the retained copy of the Mobile Home Uniform Bill of Sale whereby Seller acquired title.

2. All property taxes due and payable on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full as of the most recent assessment, or if the town collects taxes in installments pursuant to 32 V.S.A. § 4872, as of the most recent installment.

3. If the Mobile Home is sold or transferred separately from the real property on which it is located, Seller has provided a copy of the Mobile Home Uniform Bill of Sale to the Owner of the real property on which the Mobile Home is located.

Town Clerk Signature:.....Date:.....

Fourth: In Sec. 1, in 9 V.S.A. § 2602(c)(3), by deleting the word “recorded” and inserting in lieu thereof the word “filed”

Fifth: In Sec. 1, in 9 V.S.A. § 2602(e)(2)(C), by deleting the word “records” and inserting in lieu thereof the word “files”

Sixth: In Sec. 1., by striking 9 V.S.A. § 2602(e)(5) in its entirety and inserting in lieu thereof a new subdivision (e)(5) to read:

(5) In addition to remedies available under subdivisions (2)–(4) of this subsection, a buyer or seller may pursue any other remedies available at

law or equity for injury arising from an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis.

Third Reading

H. 229

An act relating to mausoleums and columbaria

H. 598

An act relating to sorting early voter absentee ballots

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR

Committee Bill for Second Reading

H. 761

An act relating to authorization of High-Speed Intercity Passenger Rail Program grants.

(Rep. Aswad of Burlington will speak for the Committee on Transportation.)

Favorable with Amendment

H. 281

An act relating to the removal of bodily remains

Rep. Ram of Burlington, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 5212 is amended to read:

§ 5212. PERMIT TO REMOVE DEAD BODIES

(a) A person desirous of disinterring or removing the body of a human being from one cemetery to another cemetery or to another part of the same cemetery or from a tomb or receiving vault elsewhere shall apply to the ~~town~~

clerk of the ~~town where such~~ municipality in which the dead body is interred or entombed for a removal permit.

(b) An applicant for a removal permit shall publish notice of his or her intent to remove the remains. This notice shall be published for two successive weeks in a newspaper of general circulation in the ~~town~~ municipality in which the body is interred or entombed. The notice shall include a statement that the spouse, child, parent ~~or~~, sibling, or descendant of the deceased or that the cemetery commissioner or other municipal authority responsible for cemeteries in the municipality may object to the proposed removal by filing a complaint in the probate court of the district in which the body is located as provided in section 5212a of this title.

(c) The ~~town~~ municipal clerk shall issue a removal permit 45 days after the date on which notice was last published pursuant to subsection (b) of this section or, if an objection is made pursuant to section 5212a, upon order of the court.

(d) Notwithstanding the provisions of subsections (b) and (c) of this section, a removal permit shall be issued upon application:

- (1) when removal is necessary because of temporary entombment; or
- (2) to a federal, state, county, or municipal official acting pursuant to official duties; or
- (3) if the applicant has written permission to remove the remains from all persons entitled to object under section 5212a of this title.

(e) This section does not apply to:

- (1) Unmarked burial sites which are subject to the provisions of subchapter 7 of this chapter.
- (2) The removal of "historic remains," which has the same meaning as in subdivision 5217(a)(1) of this title.

Sec. 2. 18 V.S.A. § 5212a is amended to read:

§ 5212a. REMOVAL; OBJECTIONS

(a) Unless removal is otherwise authorized by law, the cemetery commissioner or other municipal authority responsible for cemeteries in the municipality in which remains are interred or entombed or a spouse, child, parent ~~or~~, sibling, or descendant of the deceased may, within 30 days after the date notice was last published under section 5212 of this title, object to the proposed removal by filing a complaint and a copy of the application in the probate court of the district in which the body is interred or entombed. A copy of the complaint shall be filed with the clerk of the ~~town where~~ municipality in

which the body is interred or entombed and shall be mailed to the applicant for the removal permit.

(b) The probate court shall, after hearing, issue its order authorizing removal of the body unless the removal is one or more of the following:

(1) ~~removal would be contrary~~ Contrary to the expressed intent of the deceased;~~or,~~

(2) ~~removal is objected~~ Objected to by the surviving spouse of the deceased;~~or,~~

(3) ~~removal is objected~~ Objected to by an adult son or daughter of the deceased and there is no surviving spouse of the deceased;~~,~~

(4) ~~removal is objected~~ Objected to by a parent of the deceased and there is no surviving spouse or son or daughter of the deceased;~~or,~~

(5) ~~removal is objected~~ Objected to by an adult sibling of the deceased and there is no surviving spouse, son or daughter, or parent of the deceased.

(6) Objected to by a descendant of the deceased and there is no surviving spouse, son or daughter, parent, or adult sibling of the deceased.

(7) Objected to by the cemetery association or other municipal cemetery authority responsible for cemeteries in the municipality in which the remains are interred or entombed, and there is no surviving spouse, son or daughter, parent, adult sibling, or known descendant of the deceased.

Sec. 3. 18 V.S.A. § 5217 is added to read:

§ 5217. REMOVAL OF HISTORIC REMAINS

(a) As used in this section:

(1) “Historic remains” means remains of a human being who has been deceased for 100 years or more and the remains are located in a publicly known or marked burial ground or cemetery.

(2) “Public good” means actions that provide for the greatest benefit of the people of the state of Vermont.

(3) “Remains” means cremated human remains that are in a container or the bodily remains of a human being.

(4) “Removal” means to transport human remains from one location to another location.

(b) A person may apply for a removal permit to disinter or remove historic remains by filing an application with the clerk for the municipality in which

the historic remains are located. The application shall include all the following:

(1) Identification of the specific location and marking of the remains performed by a qualified professional archeologist using standard archeological procedures.

(2) Identification of the specific location in which the remains will be reburied.

(3) The purpose for the removal of the remains, including a statement of the public good that will result from the removal.

(c) An applicant for a removal permit to disinter or remove historic remains shall publish notice of the applicant's intent to remove the remains for two successive weeks in a newspaper of general circulation in the municipality in which the historic remains are located. The applicant shall also send notice by first-class mail to all the following:

(1) The cemetery commissioner or other municipal authority responsible for cemeteries in the municipality in which the historic remains are located.

(2) All historical societies located within the municipality in which the historic remains are located.

(3) The district environmental commission for the district in which the historic remains are located.

(4) The state archeologist.

(5) The Vermont Old Cemetery Association.

(6) The Vermont Cemetery Association.

(d) An objection to the proposed removal of historic remains shall be filed with the probate court for the district in which the historic remains are located and the clerk for the municipality in which the historic remains are located within 60 days after the date the notice was last published as required by subsection (c) of this section. An objection may be filed only by the following:

(1) A descendant of the deceased.

(2) The cemetery commissioner or other municipal authority responsible for cemeteries in the municipality in which the historic remains are located.

(3) An historical society located within the municipality in which the historic remains are located.

(4) The Vermont Historical Society.

(5) The Vermont Old Cemetery Association.

(6) The Vermont Cemetery Association.

(7) The state archeologist.

(8) Any veterans' organizations operating within the county in which the historic remains are located.

(e) If no objection is received within 60 days after the date the notice was last published as required by subsection (c) of this section, the municipal clerk shall issue a removal permit.

(f) If the probate court receives an objection within the 60-day period, the court shall notify the clerk for the municipality in which the historic remains are located and schedule a hearing on whether to allow removal as described in the application.

(g) The probate court, after hearing, shall order the municipal clerk to grant or deny a permit for removal of the historic remains. The court shall consider the impact of the removal on the public good.

(h) The permit shall require that all remains, markers, and relevant funeral-related materials associated with the burial site be removed and that the removal shall be conducted by a qualified professional archeologist in compliance with standard archeological process. All costs associated with the removal shall be paid by the applicant.

Sec. 4. 18 V.S.A. chapter 121, subchapter 7 is added to read:

Subchapter 7. Unmarked Burial Sites

§ 5601. DEFINITIONS

In this subchapter:

(1) "Treatment plan" means a plan or outline of a process for providing appropriate and respectful treatment of a burial site while considering the rights of the landowner and appropriate stakeholders, including affected Native American tribes or bands and veterans' organizations. Each treatment plan shall include, as appropriate, the following:

(A) Methods for determining the presence of an unmarked burial site, including archeological surveys and assessments and other nonintrusive techniques.

(B) Methods for handling development and excavation on property on which there is a known burial site or there is likely to be one.

(C) Options for owners of property on which human remains are discovered or determined to be located.

(D) Procedures for protecting, preserving, and moving the burial site and human remains.

(E) Time frames for implementation of the plan.

(F) Procedures for resolving disputes among stakeholders.

(2) “Unmarked burial site” means the location of any interment of human remains or evidence of human remains, including the presence of red ochre, associated funerary objects, or a documented concentration of burial sites. “Unmarked burial site” does not include a cemetery, mausoleum, or columbarium or any other site that is clearly marked as containing human remains.

§ 5602. DISTURBANCE OF AN UNMARKED BURIAL SITE

(a) When an unmarked burial site is first discovered, excavation or disruption of that site shall stop immediately. The discovery shall be reported immediately to a designated law enforcement officer or the state medical examiner. A person who, after discovering an unmarked burial site, proceeds to excavate, disinter, disturb, destroy, or remove any human remains or associated funerary objects from the unmarked burial site or aids in those activities may be subject to the penalties of 13 V.S.A. § 3761 unless the person is operating under a treatment plan approved by the commissioner of economic, housing and community development. This subsection does not apply to a medical examiner or state’s attorney acting under section 5205 of this title.

(b) If, after an investigation pursuant to section 5205 of this title, a medical examiner determines that the burial site does not fall under the purview of the medical examiner’s office, the medical examiner shall immediately notify the state archeologist who shall consult with stakeholders, including the municipality, the land owner, state or federally recognized Native American tribes, and any other appropriate interested organizations, to formulate a treatment plan. The state archeologist shall also make a reasonable effort to discover and consult with the closest likely descendants to formulate a treatment plan.

§ 5603. UNMARKED BURIAL SITES SPECIAL FUND

(a) The unmarked burial sites special fund is established in the state treasury for the purpose of protecting, preserving, moving, or reinterring human remains discovered in unmarked burial sites.

(b) The fund shall be composed of any monies appropriated to the fund by the general assembly or received from any other source, private or public. Interest earned on the fund and any balance remaining in the fund at the end of a fiscal year shall be

retained in the fund. This fund shall be maintained by the state treasurer and shall be managed in accordance with subchapter 5 of chapter 7 of Title 32.

(c) The commissioner of economic, housing and community development may authorize disbursements from the fund for use in any municipality in which human remains are discovered in unmarked burial sites, provided that the commissioner has approved a treatment plan for the site that has been developed pursuant to subsection 5602(b) of this title.

(d) The funds shall be used for the following purposes relating to unmarked burial sites:

(1) To implement a treatment plan approved by the commissioner of economic, housing and community development.

(2) To monitor excavations.

(3) To perform archeological assessments and archeological site or field investigations, including radar scanning and any other nonintrusive technology or technique designed to determine the presence of human remains.

(4) To provide mediation and other appropriate dispute resolution services.

(5) To acquire property or development rights, provided the commissioner of economic, housing and community development determines that disbursements for this purpose will not unduly burden the fund and further provided the commissioner shall expend funds for this purpose only with the concurrence of the secretary of commerce and community development and after consultation with the legislative bodies of any affected municipality or municipalities.

(6) Any other appropriate purpose determined by the commissioner of economic, housing and community development to be consistent with the purposes of this fund.

(e) The commissioner may adopt rules to carry out the intent and purpose of this section.

§ 5604. UNMARKED BURIAL SITE TREATMENT PLAN COMMITTEE

(a) The unmarked burial site treatment plan committee is created to develop procedures for addressing issues related to known or discovered unmarked burial sites including treatment plans to be used when an unmarked burial site is discovered on private property. The committee is composed of the following nine members:

(1) The commissioner of housing and community affairs, or designee.

(2) The state archeologist, or designee.

(3) A representative from the Vermont League of Cities and Towns, Inc.

(4) A representative from a Native American tribe based in Vermont who has experience handling unmarked burial sites, appointed by the commissioner of housing and community affairs.

(5) A federal archeologist from the Natural Resources Conservation Service of the U.S.D.A.

(6) The U.S. Forest Service, Green Mountain National Forests archeologist.

(7) The director of the University of Vermont consulting archeology program.

(8) A representative from the Vermont Bankers Association, Inc.

(9) A representative from the home Builders and Remodelers Association of Vermont.

(b) The committee shall:

(1) Develop procedures for responding to reports of a discovery of an unmarked burial site as defined in 18 V.S.A. § 5601(2).

(2) When notified of the discovery of an unmarked burial site on private property and after consultation with appropriate stakeholders, including affected Native American tribes or bands and veterans organizations, develop a treatment plan for the burial site.

(3) The committee shall issue an annual report describing the number and issues surrounding unmarked burial sites for which treatment plans were developed, including an outline of the procedures and treatment plans that have been implemented and the outcomes or resolutions of the implemented treatment plans. The report shall be posted on the website of the department of housing and community affairs.

Sec. 4. REPEAL

18 V.S.A. § 5212b, relating to a burial sites special fund, is repealed.

Sec. 5. EFFECTIVE DATE

This act shall take effect on September 1, 2010.

(Committee Vote: 8-0-0)

H. 408

An act relating to improving nutrition programs

Rep. Mrowicki of Putney, for the Committee on **Human Services**, recommends the bill be amended as follows:

Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION PROGRAM

(a)(1) It is the intent of the general assembly that the department for children and families will implement the federal options described in this subsection by July 1, 2012.

(2) The department for children and families may implement federal options in 3SquaresVT or seek federal waivers in the supplemental nutrition program to:

(A) expand participation in 3SquaresVT by individuals applying for and receiving Supplemental Security Income (SSI), such as through the combined application project (CAP), through direct communication with potentially eligible individuals known to the department, or through other methods designed to simplify the application process or facilitate access to the program; and

(B) increase participation in 3SquaresVT by individuals age 60 or older through a simplified application process.

(b) Annually, by March 1, the department for children and families shall provide a progress report through testimony to the house committee on human services and the senate committee on health and welfare on implementation of any federal options or waivers that would simplify the administration of 3SquaresVT, simplify the application or recertification process, or increase enrollment in the program. The department's progress report shall include an explanation of any legislative, administrative, or technical challenges encountered that may affect timely implementation.

Sec. 2. AFTER-SCHOOL SNACK PROGRAM

(a) By October 1, 2010, the department of education shall require that every after-school program funded in whole or in part by a grant under the 21st Century Community Learning Center program create an after-school snack program using federal funds from the national school lunch after-school snack program or the child and adult care food program.

(b) By October 1, 2010, the department of education shall require that one or more schools in districts with organizations receiving a grant under the 21st Century Community Learning Center program for an after-school snack program provide fiscal sponsorship of the national school lunch

after-school snack program for these organizations. The department shall only require the school to provide fiscal sponsorship if requested by the organization in the district providing an after-school snack program.

(c) The school board or the after-school program may apply to the department of education for a waiver of the requirements in this section. The commissioner shall grant the requested waiver if he or she finds that it is

unduly difficult for the school district or after-school program to provide a snack, and if he or she finds that the school district or after-school program has exercised due diligence in its efforts to avoid the situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed a school year.

Sec. 3. AFTER-SCHOOL SNACK PROGRAM; WORKGROUP

(a) By July 1, 2010, the interagency council on hunger established by Executive Order No. 11-09 shall convene a meeting including interested parties in order to maximize the availability of after-school snack programs using federal funds from the national school lunch after-school snack program or the child and adult care food program. The council shall focus its efforts to expand after-school snack programs on areas where at least 50 percent of the students in a school were eligible for free or reduced-price meals under 16 V.S.A. § 1264 for at least one month in the preceding academic year.

(b) A representative of the council shall report to the house committee on human services and the senate committee on health and welfare on January 15, 2011, on its progress in expanding availability of after-school snack programs.

Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board ~~actually~~ operating a public school shall cause to operate within the school district a food program ~~which that~~ makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week or offered for at least two consecutive weeks.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of ~~this daily operating requirement~~ the requirements in subsection (a) of this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to ~~serve~~ provide a school lunch ~~or~~, breakfast, or ~~both~~ summer meals program, or any combination of the three, and if he or she finds that the school district has exercised due diligence in its efforts to avoid the emergency situation ~~which~~ that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

~~(b)~~(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT as eligible for school breakfast, lunch, and summer meals programs.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(**Committee Vote: 10-0-1**)

H. 562

An act relating to the regulation of professions and occupations

Rep. Evans of Essex, for the Committee on **Government Operations**, recommends the bill be amended as follows:

First: By striking Sec. 6 in its entirety

Second: In Sec. 45, 26 V.S.A. § 3320a(e), by striking the second instance of the word “a”

Third: By striking Sec. 53 in its entirety and inserting in lieu thereof a new Sec. 53 to read:

Sec. 53. REPEAL

26 V.S.A. §§ 1187 (secretary of state as agent for process for professional engineers); 1723 (use of diagnostic pharmaceutical agents by optometrists); 1724a (annual update of formulary for optometrists by the director of the office of professional regulation); and 3178b (reinstatement of private investigator or

security guard license) are repealed.

(**Committee Vote: 10-0-1**)

Rep. Sharpe of Bristol, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Government Operations**.

(**Committee Vote: 11-0-0**)

S. 117

An act relating to the date of the primary election

Rep. Martin of Wolcott, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2351 is amended to read:

§ 2351. PRIMARY ELECTION

A primary election shall be held on the ~~second~~ fourth Tuesday ~~of September~~ in August in each even numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for president and vice-president of the United States, their electors, and justices of the peace.

Sec. 2. 17 V.S.A. § 2352 is amended to read:

§ 2352. NOMINATION OF CANDIDATES PRIOR TO SPECIAL ELECTION

When the governor or any court, pursuant to law, orders a special election to be held for any of the offices covered by section 2351 of this title, a special primary election shall be held on the Tuesday which falls not less than ~~40~~ 60 days nor more than ~~46~~ 66 days prior to the date set for the special election. The nomination of candidates prior to a special election, including nomination both by primary and by other means, shall be governed by the rules applicable to nomination of candidates prior to the general election, except as may be specifically provided in this chapter. The term "general election", as used in this chapter, shall be deemed to include a special election, unless the context requires a different interpretation.

Sec. 3. 17 V.S.A. § 2353(a) is amended to read:

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for any office indicated, if petitions containing the requisite number of signatures made by legal voters, in substantially the following form, are filed with the proper official, together

with the person's written consent to having his or her name printed on the ballot:

I join in a petition to place on the primary ballot of the party the name of, whose residence is in the (city), (town) of in the county of, for the office of to be voted for on Tuesday, the day of ~~September~~ August, 20; and I certify that I am at the present time a registered voter and am qualified to vote for a candidate for this office.

Sec. 4. 17 V.S.A. § 2356 is amended to read:

§ 2356. TIME FOR FILING PETITIONS

Primary petitions shall be filed no sooner than the ~~first Monday in June~~ second Monday in May and not later than 5:00 p.m. on the ~~third Monday of July~~ second Thursday after the first Monday in June preceding the primary election prescribed by section 2351 of this title, and not later than 5:00 p.m. of the ~~42nd~~ 62nd day prior to the day of a special primary election.

Sec. 5. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

Persons who receive a plurality of all the votes cast by a party in a primary shall be candidates of that party for the office designated on the ballot. If two or more candidates of the same party are tied for the same office, the choice among those tied shall be determined:

(1) Upon five days' notice and not later than 10 days following the primary election, by the state committee of a party, for a state or congressional office; the senatorial district committee for state senate; the county committee for county office; or the representative district committee for a representative to the general assembly shall meet to nominate a candidate from among the tied candidates.

(2) ~~By run-off election for a county office, for a state senator, or for a representative to the general assembly. The run-off election shall be held on the fourth Tuesday of September and shall be conducted in the same manner as the primary election. The committee chair shall certify the candidate nomination for the general election to the secretary of state within 48 hours of the nomination.~~

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the primary, shall be filed not ~~more~~

~~than 60 days~~ earlier than the second Thursday after the first Monday in June before the day of the general election and not later than 5:00 p.m. on the ~~third day~~ Tuesday following the primary election.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the withdrawal to nominate a candidate. In no event, shall a statement be filed later than ~~40~~ 60 days prior to the election.

Sec. 7. 17 V.S.A. § 2402(d) is amended to read:

(d) A statement of nomination and a completed and signed consent form shall be filed not sooner than the ~~first Monday in June~~ second Thursday after the first Monday in June and not later than the third day after the primary election. No public official receiving nominations shall accept a petition unless a completed and signed consent form is filed at the same time.

Sec. 8. 17 V.S.A. § 2413(a) is amended to read:

(a) The party members in each town, on or before the ~~first Tuesday of September~~ fourth Tuesday of August in each even numbered year, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace. The committee shall give notice of the caucus as provided in subsection (d) of this section and the chairman and secretary shall file the statements required in sections 2385 through 2387 of this title.

Sec. 9. 17 V.S.A. § 2479 is amended to read:

§ 2479. MANNER OF DISTRIBUTION

Not later than ~~30~~ 45 days before the election, the secretary of state shall furnish the prepared ballots to the clerk of each town. Ballots shall be sent in securely fastened packages by mail or in some other safe manner, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed. The town clerk shall store the ballots, except for ballots used as early or absentee voter or sample ballots, in a secure place until the day of the election, at which time the town clerk shall deliver them in sufficient quantities to the presiding officer in each polling place, together with any ballots prepared by the town clerk.

Sec. 10. 17 V.S.A. § 2811 is amended to read:

§ 2811. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, POLITICAL COMMITTEES, AND POLITICAL PARTIES

(a) Each candidate for state office, each candidate for the general assembly who has made expenditures or received contributions of \$500.00 or more, and

each political committee and each political party required to register under section 2831 of this title shall file with the secretary of state campaign finance reports ~~40 days before the primary election and on the 25th~~ on July 15th and on the 15th of each month thereafter and continuing to the general election and 10 days after the general election until and including December 15th.

(b) At any time, but not later than ~~40 days~~ December 15th following the general election, a candidate for state office and each candidate for the general assembly who has made expenditures or received contributions of \$500.00 or more shall file with the secretary of state a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his or her campaign activities.

* * *

(**Committee Vote: 11-0-0**)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of 2/12/2010.

H.C.R. 238

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4708

H.C.R. 239

House concurrent resolution recognizing the important role of nonprofit organizations in Vermont

H.C.R. 240

House concurrent resolution congratulating the Leland & Gray Union High School 2009 Division III championship baseball team

H.C.R. 241

House concurrent resolution congratulating WCAX television news and reporter Kristin Carlson on receipt of a 2010 Alfred I. duPont-Columbia University Award

H.C.R. 242

House concurrent resolution congratulating GospelFest on its 20th anniversary

H.C.R. 243

House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2009

H.C.R. 244

House concurrent resolution commemorating the Boy Scouts of America's centennial anniversary and the establishment of Boy Scouting in Vermont

Public Hearings

Tuesday, February 16, 2010 – Room 11 – 2:45 – 4:00 P.M. - House Committee on Appropriations – Governor's Proposed FY 2011 State Budget

Wednesday, February 17, 2010-Room 11 - 9:30 – 10:45 A.M. – House Committee on Appropriations – Governor's Proposed 2011 State Budget

Wednesday, February 24, 2010 – Room 11 – 5:00 – 8:00 P.M. –House and Senate Education Committees – S. 252 Consolidation – School Districts

Joint Assembly

February 18, 2010 - 10:30 A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 11, 2010 , by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.