

House Calendar

Tuesday, February 26, 2013

49th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Favorable with Amendment

S. 2

An act relating to sentence calculations

Rep. Wizowaty of Burlington, for the Committee on Judiciary, recommends that the bill ought to pass in concurrence.

(Committee vote: 11-0-0)

Rep. Myers of Essex, for the Committee on **Corrections and Institutions**, recommends the House propose to the Senate to amend the bill as follows:

In Sec. 3 (Effective Date), by striking “on July 1, 2013” and inserting in lieu thereof “upon passage”

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Favorable with Amendment

H. 71

An act relating to tobacco products

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

First: by striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read:

Sec. 7. 7 V.S.A. § 1010 is amended to read:

§ 1010. INTERNET SALES

(a) As used in this section:

* * *

(2) “~~Distributor~~” ~~has the same definition as that found at 32 V.S.A. § 7702(4).~~

* * *

(b) No person shall cause cigarettes, roll-your-own tobacco, little cigars, or snuff, ordered or purchased by mail or through a computer network, telephonic

network, or other electronic network, to be shipped to anyone other than a licensed wholesale dealer, ~~distributor~~, or retail dealer in this ~~state~~ State.

* * *

Second: by striking out Sec. 17 in its entirety and inserting in lieu thereof a new Sec. 17 to read:

Sec. 17. 32 V.S.A. § 7777 is amended to read:

§ 7777. RECORDS REQUIRED; INSPECTION AND EXAMINATION;
ASSESSMENT OF TAX DEFICIENCY

(a) Each licensed wholesale dealer and each retail dealer shall keep complete and accurate records of all cigarettes, little cigars, and roll-your-own tobacco manufactured, produced, purchased, transferred, and sold by the dealer. ~~Such~~ The records shall be of such kind and in such form as the ~~commissioner~~ Commissioner may prescribe and shall be safely preserved for six years in such manner as to insure permanency and accessibility for inspection by the commissioner and authorized agents. The ~~commissioner~~ Commissioner or authorized agents of the Commissioner may enter in or upon any premises where the ~~commissioner~~ Commissioner or they have reason to believe that cigarettes, little cigars, or roll-your-own tobacco are possessed, stored, or sold, for the purpose of determining whether the provisions of this chapter or 33 V.S.A. chapter 19, subchapter 1A or 1B ~~of chapter 19 of Title 33~~ are being obeyed and may examine and copy the books, papers, records, and ~~cigarette~~ the stock of any licensed wholesale dealer or retail dealer, for the purpose of determining whether the tax imposed by this chapter has been fully paid.

(b) If the ~~commissioner~~ Commissioner determines that a licensed wholesale dealer has not purchased sufficient stamps to cover sales of cigarettes and little cigars, or that a retail dealer has made sales of unstamped cigarettes or little cigars or untaxed roll-your-own tobacco, the ~~commissioner~~ Commissioner shall thereupon assess the deficiency in tax plus interest and penalties as provided in section 3202 of this title.

(c) In any case ~~where in which~~ a licensed wholesale dealer cannot produce evidence of sufficient stamp purchases to cover the dealer's receipts and sales or other disposition of cigarettes or little cigars, it shall be presumed that ~~such~~ the cigarettes or little cigars were sold without having the proper stamps affixed. In any case in which a licensed wholesale dealer cannot produce proper evidence of payment of the tax on roll-your-own tobacco to cover the dealer's receipts and sales or other disposition of roll-your-own tobacco, it shall be presumed that the roll-your-own tobacco was sold without the proper tax having been paid.

(d) If a ~~wholesale~~ licensed wholesale dealer or retail dealer has failed to timely pay for stamps obtained for payment within 10 days or to pay the tax imposed on roll-your-own tobacco, the dealer shall be subject to assessment, collection, and enforcement in the same manner as provided under subchapter 4 of this chapter.

* * *

Third: by striking out Sec. 20 in its entirety and inserting in lieu thereof a new Sec. 20 to read:

Sec. 20. 32 V.S.A. § 7815 is amended to read:

§ 7815. ~~DISTRIBUTORS~~ LICENSED WHOLESALE DEALERS

All resident licensed wholesale dealers within the ~~state who are also distributors within the meaning of this chapter~~ are authorized to act as such and State are required to pay the tax on tobacco products for which they may be liable. A person without this ~~state~~ State who ships or transports tobacco products to retailers in this ~~state~~ State, to be sold by those retailers, may make application for license as a nonresident ~~distributor~~ licensed wholesale dealer, be granted such license by the ~~commissioner~~ Commissioner, and thereafter be subject to all the provisions of this chapter so far as the same pertain to tobacco products, and be entitled to act as a ~~distributor~~ licensed wholesale dealer, provided he or she files proof with his or her application that he or she has appointed the ~~secretary of state~~ Secretary of State as his or her agent for service of process relating to any matter or issue arising under this chapter. Such nonresident person shall also agree to submit his or her books, accounts, and records to examination during reasonable business hours by the ~~commissioner~~ Commissioner or his or her duly authorized agent.

Fourth: In Sec. 22, 33 V.S.A. § 1918(f), by striking the word “reasonably” in the first sentence and by adding a sentence before subdivision (1) to read: “Proof of the bond shall be submitted with the certification on a form approved by the Attorney General.”

Fifth: In Sec. 22, 33 V.S.A. § 1918(f)(4), by striking the word “may” and inserting in lieu thereof the word “shall”

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

Public Hearings

February 26, 2013 - Room 11 - 7:00-8:30 PM - Judicial Retention, Retention of Judges

Public Hearing on the Governor’s proposed Fiscal Year 2014 state budget

For Advocates
House Committee on Appropriations

Tuesday, February 26, 2013, 3:00 - 4:00 p.m. or Wednesday, February 27, 2013, 9:30 – 10:30 a.m. – The House Committee on Appropriations will hold a public hearing for advocates in room 11 of the State House on the Governor’s proposed FY2014 state budget. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or tutton@leg.state.vt.us or room 40.

The Governor’s budget proposal can be viewed at the Department of Finance & Management’s website:
http://finance.vermont.gov/state_budget/rec.

Individual department budgets that have been made available can be viewed at the Joint Fiscal Office’s website:
http://www.leg.state.vt.us/jfo/dept_budgets.aspx

February 27, 2013 - Room 11, 6:00-8:00 PM - S. 52 - Childcare Provider Unions - Senate Economic Development

Information Notice

CROSSOVER DEADLINES

The following bill reporting deadlines are established for the 2013 session:

(1) From the standing committee of last reference, excluding the Committees on Appropriations and Ways and Means, all House bills must be reported out of committee on or before March 15, 2013.

(2) House bills referred pursuant to House Rule 35a, must be reported out of the Committees on Appropriations and Ways and Means on or before March 22, 2013.

All bills to be introduced, with the exception of short form bills and committee bills, need to be signed out for printing with the Legislative Council office by February 28, 2013.