



General Assembly

January Session, 2003

**Amendment**

LCO No. 7329

\*HB0672107329HD0\*

Offered by:

REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. MUSHINSKY, 85<sup>th</sup> Dist.  
REP. FONTANA, 87<sup>th</sup> Dist.  
REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. CARDIN, 53<sup>rd</sup> Dist.

REP. CARUSO, 126<sup>th</sup> Dist.  
REP. BERNHARD, 136<sup>th</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
REP. MEGNA, 97<sup>th</sup> Dist.  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.  
REP. MANTILLA, 4<sup>th</sup> Dist.

To: House Bill No. 6721

File No.

Cal. No. 609

**"AN ACT CONCERNING EXPENDITURES AND REVENUE FOR  
THE BIENNIUM ENDING JUNE 30, 2005."**

1 Strike subsection (c) of section 46 and insert the following in lieu  
2 thereof:

3 "(c) Notwithstanding any provision of the general statutes, for the  
4 fiscal year ending June 30, 2004, the sum of \$10,000,000 shall be  
5 transferred from the resources of the Clean Energy Fund and credited  
6 to the resources of the General Fund, and for the fiscal year ending  
7 June 30, 2005, the sum of \$5,000,000 shall be transferred from the  
8 resources of the Clean Energy Fund and credited to the resources of  
9 the General Fund."

10 After the last section, add the following and renumber sections and

11 internal references accordingly:

12 "Sec. 501. Section 22a-243 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective July 1, 2003*):

14 For purposes of sections 22a-243 to 22a-245, inclusive, and section  
15 502 of this act:

16 (1) "Beverage" means beer or other malt beverages and mineral  
17 waters, soda water and similar carbonated soft drinks in liquid form  
18 and intended for human consumption;

19 (2) "Beverage container" means the individual, separate, sealed  
20 glass, metal or plastic bottle, can, jar or carton containing a beverage;

21 (3) "Consumer" means every person who purchases a beverage in a  
22 beverage container for use or consumption;

23 (4) "Dealer" means every person who engages in the sale of  
24 beverages in beverage containers to a consumer;

25 (5) "Distributor" means every person who engages in the sale of  
26 beverages in beverage containers to a dealer in this state including any  
27 manufacturer who engages in such sale and includes a dealer who  
28 engages in the sale of beverages in beverage containers on which no  
29 deposit has been collected prior to retail sale;

30 (6) "Manufacturer" means every person bottling, canning or  
31 otherwise filling beverage containers for sale to distributors or dealers;

32 (7) "Place of business of a dealer" means the location at which a  
33 dealer sells or offers for sale beverages in beverage containers to  
34 consumers;

35 (8) "Redemption center" means any facility established to redeem  
36 empty beverage containers from consumers or to collect and sort  
37 empty beverage containers from dealers and to prepare such  
38 containers for redemption by the appropriate distributors;

39 (9) "Use or consumption" includes the exercise of any right or power  
40 over a beverage incident to the ownership thereof, other than the sale  
41 or the keeping or retention of a beverage for the purposes of sale;

42 (10) "Nonrefillable beverage container" means a beverage container  
43 which is not designed to be refilled and reused in its original shape;

44 (11) "Deposit initiator" means the first distributor who is not a  
45 manufacturer to sell a beverage container in this state or a  
46 manufacturer who sells a beverage container to a person who sells a  
47 beverage container.

48 Sec. 502. (NEW) (*Effective from passage and applicable to sales made on*  
49 *or after July 1, 2003*) (a) Each deposit initiator shall open a special  
50 interest-bearing account with a national bank, state bank and trust  
51 company or federally chartered savings bank or state or federally  
52 chartered savings and loan association to the credit of the deposit  
53 initiator. Each deposit initiator shall invest in such account an amount  
54 equal to the refund value established pursuant to subsection (a) of  
55 section 22a-244 of the general statutes for each beverage container sold  
56 by such deposit initiator. Such investment shall be made not more than  
57 three days after the date such beverage container was sold. All interest,  
58 dividends and returns earned on the special account shall be paid  
59 directly into such account. Such moneys shall be kept separate and  
60 apart from all other moneys in the possession of the deposit initiator.

61 (b) Any reimbursement of the refund value for a redeemed  
62 beverage container shall be paid from the deposit initiator's special  
63 account in the manner prescribed in the accounting system established  
64 by the Commissioner of Revenue Services.

65 (c) Each deposit initiator shall submit a report on July 31, 2003, for  
66 the immediately preceding calendar quarter and one month after the  
67 close of each calendar quarter thereafter, to the commissioner, on a  
68 form prescribed by the commissioner and with such information the  
69 commissioner deems necessary, including, but not limited to: (1) The  
70 balance in the special account at the beginning of the quarter for which

71 the report is prepared; (2) a list of all deposits credited to such account  
72 during such quarter, including all refund values paid to the deposit  
73 initiator and all interest, dividends or returns received on the account;  
74 (3) a list of all withdrawals from such account during such quarter, all  
75 service charges and overdraft charges on the account and all payments  
76 made pursuant to subsection (d) of this section; and (4) the balance in  
77 the account at the close of the quarter for which the report is prepared.

78 (d) The balance outstanding in the special account shall be paid by  
79 the deposit initiator one month after the close of the calendar quarter  
80 to the commissioner for deposit in the General Fund. If the amount of  
81 the required payment pursuant to this subsection is not paid within  
82 seven days after it is due, a penalty of ten per cent of the amount due  
83 shall be added to the amount due and an additional five per cent  
84 penalty shall be added for each day thereafter that such payment is not  
85 submitted. Such penalties shall not be paid from funds maintained in  
86 the special account. For the fiscal year ending June 30, 2004, and each  
87 fiscal year thereafter, the commissioner may use up to five hundred  
88 thousand dollars of the amount paid to the commissioner under this  
89 section for costs of administering this section.

90 (e) If moneys deposited in the special account are insufficient to pay  
91 for withdrawals authorized pursuant to subsection (b) of this section,  
92 such deficiency shall be added, with interest, to the succeeding  
93 payment due pursuant to subsection (d) of this section.

94 (f) The Treasurer may, independently or upon request of the  
95 commissioner, examine the accounts and records of any deposit  
96 initiator referring to accounts and records maintained under sections  
97 22a-243 to 22a-245, inclusive, of the general statutes, as amended by  
98 this act, including receipts, disbursements and such other items as the  
99 Treasurer deems appropriate. The Treasurer may assess a surcharge in  
100 the amount of ten per cent per annum for any audit adjustments to  
101 accounts or records maintained under said sections 22a-243 to 22a-245,  
102 inclusive, and this section, during any fiscal year, and ten per cent per  
103 annum, together with interest, for any underpayment of the payment

104 established by subsection (d) of this section. Such penalties shall not be  
105 paid from funds maintained in the special account.

106 (g) The Attorney General may, independently or upon complaint of  
107 the commissioner, institute any appropriate action or proceeding to  
108 enforce any provision of this section or any regulation adopted  
109 pursuant to section 22a-245 of the general statutes to implement the  
110 provisions of this section.

111 Sec. 503. Section 22a-246 of the general statutes is repealed and the  
112 following is substituted in lieu thereof (*Effective July 1, 2003*):

113 Any person who violates any provision of section 22a-244 or 22a-245  
114 or section 502 of this act, shall be fined not less than fifty dollars nor  
115 more than one hundred dollars, and for a second offense shall be fined  
116 not less than one hundred dollars nor more than two hundred dollars  
117 and for a third offense shall be fined not less than two hundred fifty  
118 dollars nor more than five hundred dollars."