



General Assembly

**Amendment**

November 24 Special Session, 2008

LCO No. 7076

\*HB0760107076SRO\*

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

To: House Bill No. 7601

File No.

Cal. No.

**"AN ACT CONCERNING DEFICIT MITIGATION."**

1 In line T4, strike "150,000" and substitute "[150,000] 75,000" in lieu  
2 thereof

3 In line T7, strike "\$550,000" and substitute "[550,000] 475,000"

4 In line T55, strike "8,000,000" and substitute "6,000,000" in lieu  
5 thereof

6 Strike line T56 in its entirety and substitute the following in lieu  
7 thereof:

8 "[Griswold Recreation Fields 50,000]"

9 In line T58, strike "8,100,000" and substitute "6,050,000" in lieu  
10 thereof

11 In line T70, strike "4,650,000" and substitute "2,600,000" in lieu  
12 thereof

13 In line T74, strike "18,650,000" and substitute "16,600,000" in lieu  
14 thereof

15 In line T187, strike "\$599,190,416" and substitute "\$595,015,416" in  
16 lieu thereof

17 In line T214, strike "233,879" and substitute "383,879" in lieu thereof

18 In line T347, strike "339,936" and substitute "689,936" in lieu thereof

19 In line T348, strike "340,886" and substitute "690,886" in lieu thereof

20 In line T353, strike "100,000" and substitute "700,000" in lieu thereof

21 In line T354, strike "200,000" and substitute "950,000" in lieu thereof

22 In line T356, strike "350,950" and substitute "1,700,950" in lieu  
23 thereof

24 After line T381, add the following:

25 "Other Expenses 1,175,000"

26 In line T384, strike "1,737,000" and substitute "2,912,000" in lieu  
27 thereof

28 In line T426, strike "\$9,071,137" and substitute "\$12,096,137" in lieu  
29 thereof

30 In line 15, insert an opening bracket before the semicolon

31 In line 16, insert a closing bracket after "2009"

32 In line 38, strike "\$3,000,000" and substitute "\$1,000,000" in lieu  
33 thereof

34 In line 126, strike "\$3,650,000" and substitute "\$2,100,000" in lieu  
35 thereof

36 In line 127, strike "\$1,000,000" and substitute "\$500,000" in lieu

37 thereof

38 Strike section 11 in its entirety, and insert the following in lieu  
39 thereof:

40 "Sec. 11. (NEW) (*Effective from passage*) (a) Each deposit initiator shall  
41 open a special interest-bearing account at a Connecticut branch of a  
42 financial institution, as defined in section 45a-557a of the general  
43 statutes, to the credit of the deposit initiator. Each deposit initiator  
44 shall invest in such account an amount equal to the refund value  
45 established pursuant to subsection (a) of section 22a-244 of the general  
46 statutes, for each beverage container sold by such deposit initiator.  
47 Such investment shall be made not more than three business days after  
48 the date such beverage container is sold. All interest, dividends and  
49 returns earned on the special account shall be paid directly into such  
50 account. Such moneys shall be kept separate and apart from all other  
51 moneys in the possession of the deposit initiator.

52 (b) Any reimbursement of the refund value for a redeemed  
53 beverage container shall be paid from the deposit initiator's special  
54 account in the manner prescribed in the accounting system established  
55 by the Commissioner of Environmental Protection under section 22a-  
56 245 of the general statutes, as amended by this act.

57 (c) Each deposit initiator shall submit a report on April 30, 2009, for  
58 the period from December 1, 2008, to March 31, 2009, inclusive, and  
59 thereafter shall submit a quarterly report for the immediately  
60 preceding calendar quarter one month after the close of such quarter to  
61 the Commissioner of Environmental Protection, on a form prescribed  
62 by the commissioner and with such information the commissioner  
63 deems necessary, including, but not limited to: (1) The balance in the  
64 special account at the beginning of the quarter for which the report is  
65 prepared; (2) a list of all deposits credited to such account during such  
66 quarter, including all refund values paid to the deposit initiator and all  
67 interest, dividends or returns received on the account; (3) a list of all  
68 withdrawals from such account during such quarter, all service

69 charges and overdraft charges on the account and all payments made  
70 pursuant to subsection (d) of this section; and (4) the balance in the  
71 account at the close of the quarter for which the report is prepared.

72 (d) On or before April 30, 2009, each deposit initiator shall pay the  
73 balance outstanding in the special account that is attributable to the  
74 period from December 1, 2008, to March 31, 2009, inclusive, to the  
75 Commissioner of Environmental Protection for deposit in the General  
76 Fund. Thereafter the balance outstanding in the special account that is  
77 attributable to the immediately preceding calendar quarter shall be  
78 paid by the deposit initiator one month after the close of such quarter  
79 to the Commissioner of Environmental Protection for deposit in the  
80 General Fund. If the amount of the required payment pursuant to this  
81 subsection is not paid by the date seven days after the due date, a  
82 penalty of ten per cent of the amount due shall be added to the amount  
83 due and an additional five per cent penalty shall be added for each day  
84 thereafter that such payment is not submitted. Any such penalty shall  
85 not be paid from funds maintained in the special account.

86 (e) If moneys deposited in the special account are insufficient to pay  
87 for withdrawals authorized pursuant to subsection (b) of this section,  
88 the amount of such deficiency shall be subtracted from the succeeding  
89 payment due pursuant to subsection (d) of this section.

90 (f) The State Treasurer may, independently or upon request of the  
91 commissioner, examine the accounts and records of any deposit  
92 initiator referring to accounts and records maintained under sections  
93 22a-243 to 22a-245, inclusive, of the general statutes, as amended by  
94 this act, including receipts, disbursements and such other items as the  
95 State Treasurer deems appropriate. (1) The State Treasurer may assess  
96 a surcharge in the amount of ten per cent per annum of the cost of any  
97 audit resulting in adjustments to accounts or records maintained under  
98 sections 22a-243 to 22a-245, inclusive, of the general statutes, as  
99 amended by this act, and this section, during any fiscal year. (2) The  
100 State Treasurer may assess a surcharge in the amount of ten per cent  
101 per annum, together with interest, on any underpayment of the

102 payment established by subsection (d) of this section. Such interest  
103 shall be computed at the rate of one per cent per month or fraction  
104 thereof from the date such payment was originally due. (3) Any  
105 surcharges assessed under subdivisions (1) and (2) of this section shall  
106 not be paid from funds maintained in the special account.

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

112 After the last section, add the following and renumber sections and  
113 internal references accordingly:

114 "Sec. 501. (*Effective from passage*) At the end of each fiscal year  
115 commencing with the fiscal year ending June 30, 2009, the Comptroller  
116 may record as revenue for such fiscal year the amount of outstanding  
117 balances required to be paid to the Commissioner of Environmental  
118 Protection under section 11 of this act that are received by said  
119 commissioner not later than five business days after the last day of July  
120 immediately following the end of such fiscal year."