



General Assembly

January Session, 2023

Raised Bill No. 1236

LCO No. 5877



Referred to Committee on FINANCE, REVENUE AND BONDING

Introduced by:
(FIN)

AN ACT CONCERNING THE AMOUNTS OF UNCLAIMED BEVERAGE CONTAINER DEPOSITS TO BE PAID FOR DEPOSIT IN THE GENERAL FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-245a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each deposit initiator shall open a special interest-bearing account
4 at a Connecticut branch of a financial institution, as defined in section
5 45a-557a, to the credit of the deposit initiator. Each deposit initiator shall
6 deposit in such account an amount equal to the refund value established
7 pursuant to subsection (a) of section 22a-244, for each beverage
8 container sold by such deposit initiator. Such deposit shall be made not
9 more than one month after the date such beverage container is sold,
10 provided for any beverage container sold during the period from
11 December 1, 2008, to December 31, 2008, inclusive, such deposit shall be
12 made not later than January 5, 2009. All interest, dividends and returns
13 earned on the special account shall be paid directly into such account.
14 Such moneys shall be kept separate and apart from all other moneys in

15 the possession of the deposit initiator. The amount required to be
16 deposited pursuant to this section, when deposited, shall be held to be
17 a special fund in trust for the state.

18 (b) (1) Any reimbursement of the refund value for a redeemed
19 beverage container shall be paid from the deposit initiator's special
20 account, with such payment to be computed, subject to the provisions
21 of subdivision (2) of this subsection, under the cash receipts and
22 disbursements method of accounting, as described in Section 446(c)(1)
23 of the Internal Revenue Code of 1986, or any subsequent corresponding
24 Internal Revenue Code of the United States, as amended from time to
25 time.

26 (2) A deposit initiator may petition the Commissioner of Revenue
27 Services for an alternate method of accounting by filing with such
28 deposit initiator's return a statement of objections and other proposed
29 alternate method of accounting, as such deposit initiator believes proper
30 and equitable under the circumstances, that is accompanied by
31 supporting details and proof. The Commissioner of Revenue Services
32 shall promptly notify such deposit initiator whether the proposed
33 alternate method is accepted as reasonable and equitable and, if so
34 accepted, shall adjust such deposit initiator's return and payment of
35 reimbursement accordingly.

36 (c) (1) Each deposit initiator shall submit a report on March 15, 2009,
37 for the period from December 1, 2008, to February 28, 2009, inclusive.
38 Each deposit initiator shall submit a report on July 31, 2009, for the
39 period from March 1, 2009, to June 30, 2009, inclusive, and thereafter
40 shall submit a quarterly report for the immediately preceding calendar
41 quarter one month after the close of such quarter. Each such report shall
42 be submitted to the Commissioner of Energy and Environmental
43 Protection, on a form prescribed by the commissioner and with such
44 information as the commissioner deems necessary, including, but not
45 limited to: (A) The balance in the special account at the beginning of the
46 quarter for which the report is prepared; (B) a list of all deposits credited
47 to such account during such quarter, including all refund values paid to

48 the deposit initiator and all interest, dividends or returns received on
49 the account; (C) a list of all withdrawals from such account during such
50 quarter, all service charges and overdraft charges on the account and all
51 payments made pursuant to subsection (d) of this section; and (D) the
52 balance in the account at the close of the quarter for which the report is
53 prepared.

54 (2) Each deposit initiator shall submit a report on October 31, 2010,
55 for the calendar quarter beginning July 1, 2010. Subsequently, each
56 deposit initiator shall submit a quarterly report for the immediately
57 preceding calendar quarter, on or before the last day of the month next
58 succeeding the close of such quarter. Each such report shall be
59 submitted to the Commissioner of Revenue Services, on a form
60 prescribed by the Commissioner of Revenue Services, and with such
61 information as the Commissioner of Revenue Services deems necessary,
62 including, but not limited to, the following information: (A) The balance
63 in the special account at the beginning of the quarter for which the
64 report is prepared, (B) all deposits credited to such account during such
65 quarter, including all refund values paid to the deposit initiator and all
66 interest, dividends or returns received on such account, (C) all
67 withdrawals from such account during such quarter, including all
68 service charges and overdraft charges on such account and all payments
69 made pursuant to subsection (d) of this section, and (D) the balance in
70 such account at the close of the quarter for which the report is prepared.
71 Such quarterly report shall be filed electronically with the
72 Commissioner of Revenue Services, in the manner provided by chapter
73 228g.

74 (d) (1) On or before April 30, 2009, each deposit initiator shall pay the
75 balance outstanding in the special account that is attributable to the
76 period from December 1, 2008, to March 31, 2009, inclusive, to the
77 Commissioner of Energy and Environmental Protection for deposit in
78 the General Fund. Thereafter, the balance outstanding in the special
79 account that is attributable to the immediately preceding calendar
80 quarter shall be paid by the deposit initiator one month after the close
81 of such quarter to the Commissioner of Energy and Environmental

82 Protection for deposit in the General Fund. If the amount of the required
83 payment pursuant to this subdivision is not paid by the date seven days
84 after the due date, a penalty of ten per cent of the amount due shall be
85 added to the amount due. The amount due shall bear interest at the rate
86 of one and one-half per cent per month or fraction thereof, from the due
87 date. Any such penalty or interest shall not be paid from funds
88 maintained in the special account.

89 (2) (A) On or before October 31, 2010, each deposit initiator shall pay
90 the balance outstanding in the special account that is attributable to the
91 period from July 1, 2010, to September 30, 2010, inclusive, to the
92 Commissioner of Revenue Services for deposit in the General Fund.

93 (B) Subsequently; [, for]

94 (i) For the fiscal year ending June 30, 2023, ninety-five per cent of the
95 balance outstanding in the special account that is attributable to the
96 immediately preceding calendar quarter shall be paid by the deposit
97 initiator on or before the last day of the month next succeeding the close
98 of such quarter to the Commissioner of Revenue Services for deposit in
99 the General Fund; [, for]

100 (ii) For the fiscal year ending June 30, 2024, sixty-five per cent of the
101 balance outstanding in the special account that is attributable to the
102 immediately preceding calendar quarter shall be paid by the deposit
103 initiator on or before the last day of the month next succeeding the close
104 of such quarter to the Commissioner of Revenue Services for deposit in
105 the General Fund, except that for the calendar quarters ending
106 September 30, 2023, and December 31, 2023, the balances outstanding in
107 the special account that are attributable to said calendar quarters shall
108 be retained in the special account by the deposit initiator for the purpose
109 of reimbursement of the refund value in effect on January 1, 2024, for a
110 redeemed beverage container in accordance with the provisions of
111 subsection (b) of this section and section 22a-244;

112 (iii) For the fiscal year ending June 30, 2025, [fifty-five] fifty per cent
113 of the balance outstanding in the special account that is attributable to

114 the immediately preceding calendar quarter shall be paid by the deposit
115 initiator on or before the last day of the month next succeeding the close
116 of such quarter to the Commissioner of Revenue Services for deposit in
117 the General Fund; and [for]

118 (iv) For the fiscal year ending June 30, 2026, [and each subsequent
119 fiscal year thereafter, forty-five] twenty-five per cent of the balance
120 outstanding in the special account that is attributable to the immediately
121 preceding calendar quarter shall be paid by the deposit initiator on or
122 before the last day of the month next succeeding the close of such
123 quarter to the Commissioner of Revenue Services for deposit in the
124 General Fund. (C) If the amount of the required payment pursuant to
125 this subdivision is not paid on or before the due date, a penalty of ten
126 per cent of the amount due and unpaid, or fifty dollars, whichever is
127 greater, shall be imposed. The amount due and unpaid shall bear
128 interest at the rate of one per cent per month or fraction thereof, from
129 the due date. Any such penalty or interest shall not be paid from funds
130 maintained in such special account. Such required payment shall be
131 made by electronic funds transfer to the Commissioner of Revenue
132 Services, in the manner provided by chapter 228g.

133 (e) If moneys deposited in the special account are insufficient to pay
134 for withdrawals authorized pursuant to subsection (b) of this section,
135 the amount of such deficiency shall be subtracted from the next
136 succeeding payment or payments due pursuant to subsection (d) of this
137 section until the amount of the deficiency has been subtracted in full.

138 (f) The Commissioner of Revenue Services may examine the accounts
139 and records of any deposit initiator maintained under this section or
140 sections 22a-243 to 22a-245, inclusive, and any related accounts and
141 records, including receipts, disbursements and such other items as the
142 Commissioner of Revenue Services deems appropriate.

143 (g) The Attorney General may, independently or upon complaint of
144 the Commissioner of Energy and Environmental Protection or the
145 Commissioner of Revenue Services, institute any appropriate action or

146 proceeding to enforce any provision of this section or any regulation
147 adopted pursuant to section 22a-245 to implement the provisions of this
148 section.

149 (h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and
150 12-555a shall be deemed to apply to the provisions of this section, except
151 any provision of sections 12-548, 12-550 to 12-554, inclusive, and 12-555a
152 that is inconsistent with the provision in this section.

153 (i) Any payment required pursuant to this section shall be treated as
154 a tax for purposes of sections 12-30b, 12-33a, 12-35a, 12-39g and 12-39h.

155 (j) Not later than July 1, 2010, the Department of Energy and
156 Environmental Protection or successor agency shall establish a
157 procedure that allows each such deposit initiator to take a credit against
158 any payment made pursuant to subsection (d) of this section in the
159 amount of the deposits refunded on beverage containers which such
160 deposit initiator donated for any charitable purpose.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-245a

Statement of Purpose:

To (1) allow the retention of certain balances outstanding in the special account for the purpose of reimbursement of the ten-cent refund value for redeemed beverage containers that commences January 1, 2024, and (2) reduce the percentages of the unclaimed beverage container deposits that are required to be paid by deposit initiators for deposit in the General Fund.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]