

2023 -- H 5618

LC001404

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Introduced By: Representatives O'Brien, McEntee, Dawson, Shanley, Costantino,
Corvese, Baginski, Phillips, Craven, and Caldwell

Date Introduced: February 15, 2023

Referred To: House Finance

(Rhode Island Public Transit Authority)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-36-20 of the General Laws in Chapter 31-36 entitled "Motor Fuel
2 Tax" is hereby amended to read as follows:

3 **31-36-20. Disposition of proceeds.**

4 (a) Notwithstanding any other provision of law to the contrary, all moneys paid into the
5 general treasury under the provisions of this chapter or chapter 37 of this title, and title 46 shall be
6 applied to and held in a separate fund and be deposited in any depositories that may be selected by
7 the general treasurer to the credit of the fund, which fund shall be known as the Intermodal Surface
8 Transportation Fund; provided, that in fiscal year 2004 for the months of July through April six and
9 eighty-five hundredth cents (\$0.0685) per gallon of the tax imposed and accruing for the liability
10 under the provisions of § 31-36-7, less refunds and credits, shall be transferred to the Rhode Island
11 public transit authority as provided under § 39-18-21. For the months of May and June in fiscal
12 year 2004, the allocation shall be five and five hundredth cents (\$0.0505). Thereafter, until fiscal
13 year 2006, the allocation shall be six and twenty-five hundredth cents (\$0.0625). For fiscal years
14 2006 through FY 2008, the allocation shall be seven and twenty-five hundredth cents (\$0.0725);
15 provided, that expenditures shall include the costs of a market survey of non-transit users and a
16 management study of the agency to include the feasibility of moving the Authority into the
17 Department of Transportation, both to be conducted under the auspices of the state budget officer.
18 The state budget officer shall hire necessary consultants to perform the studies, and shall direct
19 payment by the Authority. Both studies shall be transmitted by the Budget Officer to the 2006

1 session of the General Assembly, with comments from the Authority. For fiscal year 2009, the
2 allocation shall be seven and seventy-five hundredth cents (\$0.0775), of which one-half cent
3 (\$0.005) shall be derived from the one cent (\$0.01) per gallon environmental protection fee
4 pursuant to § 46-12.9-11. For fiscal years 2010 and thereafter, the allocation shall be nine and
5 seventy-five hundredth cents (\$0.0975), of which of one-half cent (\$0.005) shall be derived from
6 the one cent (\$0.01) per gallon environmental protection fee pursuant to § 46-12.9-11. ~~One~~ Twenty-
7 one percent (21%) of one cent ~~(\$0.01)~~ (\$0.0021) per gallon shall be transferred to the
8 Elderly/Disabled Transportation Program of the department of human services, and ~~the~~ seventy-
9 nine percent (79%) of one cent (\$0.0079) shall be directly transferred to the Rhode Island public
10 transit authority for the elderly/disabled transportation program. The remaining cents per gallon
11 shall be available for general revenue as determined by the following schedule:

12 (i) For the fiscal year 2000, three and one-fourth cents (\$0.0325) shall be available for
13 general revenue.

14 (ii) For the fiscal year 2001, one and three-fourth cents (\$0.0175) shall be available for
15 general revenue.

16 (iii) For the fiscal year 2002, one-fourth cent (\$0.0025) shall be available for general
17 revenue.

18 (iv) For the fiscal year 2003, two and one-fourth cent (\$0.0225) shall be available for
19 general revenue.

20 (v) For the months of July through April in fiscal year 2004, one and four-tenths cents
21 (\$0.014) shall be available for general revenue. For the months of May through June in fiscal year
22 2004, three and two-tenths cents (\$0.032) shall be available for general revenue, and thereafter,
23 until fiscal year 2006, two cents (\$0.02) shall be available for general revenue. For fiscal year 2006
24 through fiscal year 2009 one cent (\$0.01) shall be available for general revenue.

25 (2) All deposits and transfers of funds made by the tax administrator under this section,
26 including those to the Rhode Island public transit authority, the department of human services, the
27 Rhode Island turnpike and bridge authority, and the general fund, shall be made within twenty-four
28 (24) hours of receipt or previous deposit of the funds in question.

29 (3) Commencing in fiscal year 2004, the Director of the Rhode Island Department of
30 Transportation is authorized to remit, on a monthly or less frequent basis as shall be determined by
31 the Director of the Rhode Island Department of Transportation, or his or her designee, or at the
32 election of the Director of the Rhode Island Department of Transportation, with the approval of the
33 Director of the Department of Administration, to an indenture trustee, administrator, or other third
34 party fiduciary, in an amount not to exceed two cents (\$0.02) per gallon of the gas tax imposed, in

1 order to satisfy debt service payments on aggregate bonds issued pursuant to a Joint Resolution and
2 Enactment Approving the Financing of Various Department of Transportation Projects adopted
3 during the 2003 session of the General Assembly, and approved by the Governor.

4 (4) Commencing in fiscal year 2015, three and one-half cents (\$0.035) shall be transferred
5 to the Rhode Island Turnpike and Bridge Authority to be used for maintenance, operations, capital
6 expenditures and debt service on any of its projects as defined in chapter 12 of title 24 in lieu of a
7 toll on the Sakonnet River Bridge. The Rhode Island turnpike and bridge authority is authorized to
8 remit to an indenture trustee, administrator, or other third-party fiduciary any or all of the foregoing
9 transfers in order to satisfy and/or secure its revenue bonds and notes and/or debt service payments
10 thereon, including, but not limited to, the bonds and notes issued pursuant to the Joint Resolution
11 set forth in Section 3 of Article 6 of Chapter 23 of the Public Laws of 2010. Notwithstanding any
12 other provision of said Joint Resolution, the Rhode Island turnpike and bridge authority is expressly
13 authorized to issue bonds and notes previously authorized under said Joint Resolution for the
14 purpose of financing all expenses incurred by it for the formerly authorized tolling of the Sakonnet
15 River Bridge and the termination thereof.

16 (b) Notwithstanding any other provision of law to the contrary, all other funds in the fund
17 shall be dedicated to the department of transportation, subject to annual appropriation by the general
18 assembly. The director of transportation shall submit to the general assembly, budget office and
19 office of the governor annually an accounting of all amounts deposited in and credited to the fund
20 together with a budget for proposed expenditures for the succeeding fiscal year in compliance with
21 §§ 35-3-1 and 35-3-4. On order of the director of transportation, the state controller is authorized
22 and directed to draw his or her orders upon the general treasurer for the payments of any sum or
23 portion of the sum that may be required from time to time upon receipt of properly authenticated
24 vouchers.

25 (c) At any time the amount of the fund is insufficient to fund the expenditures of the
26 department of transportation, not to exceed the amount authorized by the general assembly, the
27 general treasurer is authorized, with the approval of the governor and the director of administration,
28 in anticipation of the receipts of monies enumerated in this section to advance sums to the fund, for
29 the purposes specified in this section, any funds of the state not specifically held for any particular
30 purpose. However, all the advances made to the fund shall be returned to the general fund
31 immediately upon the receipt by the fund of proceeds resulting from the receipt of monies to the
32 extent of the advances.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

1 This act would provide that seventy-nine percent (79%) of one cent (\$0.0079) of the gas
2 tax be directly transferred to the Rhode Island Public Transit Authority for the Elderly/Disabled
3 Transportation Program.

4 This act would take effect upon passage.

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