

2025 -- S 0246 SUBSTITUTE A

LC001189/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

Introduced By: Senators DiMario, DiPalma, Mack, Sosnowski, Britto, Vargas, Acosta,
Valverde, Zurier, and Euer
Date Introduced: February 13, 2025
Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-6.2-3.1 of the General Laws in Chapter 42-6.2 entitled "2021 Act
2 on Climate" is hereby amended to read as follows:

3 **42-6.2-3.1. Funding for the council.**

4 There is hereby established a restricted receipt account in the general fund of the state and
5 housed in the budget of the department of administration entitled "RGGI-executive climate change
6 coordinating council projects." The express purpose of this account is to record receipts and
7 expenditures allocated pursuant to ~~§§§ 23-82-6(a)(7), and (a)(8)~~ 23-82-6(a)(8), 46-12.9-11(a), 46-
8 12.9-11(b) and 46-12.7-4.1. The state budget officer is hereby authorized to create restricted receipt
9 sub-accounts in any department of state government that receives such funding as directed by the
10 executive climate change coordinating council.

11 The Rhode Island executive climate change coordinating council shall report annually to
12 the governor and general assembly within one hundred twenty (120) days of the end of each
13 calendar year how the funds were used to achieve the statutory objectives of the 2021 Act on
14 Climate.

15 SECTION 2. Sections 46-12.7-4.1 and 46-12.7-13 of the General Laws in Chapter 46-12.7
16 entitled "Oil Spill Prevention, Administration and Response Fund" are hereby amended to read as
17 follows:

18 **46-12.7-4.1. Uniform oil response and prevention fee.**

19 (a) A uniform oil spill response and prevention fee in an amount not exceeding ~~five cents~~

1 ~~(\$0.05)~~ ten cents (\$0.10) for each barrel of petroleum products, as set by the director pursuant to
2 subsection (d) of this section, shall be imposed upon every person owning petroleum products at
3 the time the petroleum products are received at a marine terminal within this state by means of a
4 vessel from a point of origin outside this state. The fee shall be remitted to the division of taxation
5 on the 30th day of each month based upon the number of barrels of petroleum products received
6 during the preceding month.

7 (b) Every owner of petroleum products shall be liable for the fee until it has been paid to
8 the state, except that payment to a marine terminal operator registered under this chapter is
9 sufficient to relieve the owner from further liability for the fee; provided, however, that the fee for
10 asphalt products and asphalt derivatives shall be one cent (\$.01) per barrel of asphalt products or
11 derivatives.

12 (c) Whenever the director, in consultation with the department and the division of taxation,
13 estimates that the amount in the fund will reach the amount specified in subsection (e) of this
14 section, and the money in the fund is not required for the purposes specified in § 46-12.7-5.1, the
15 director shall instruct the division of taxation to cease collecting the fee.

16 (d) The director shall set the amount of the oil spill prevention and response fees. The
17 administrator, except for the fee set out in subsection (b), shall not set the amount of the fee at less
18 than ~~five cents (\$0.05)~~ ten cents (\$0.10) for each barrel of petroleum products or crude oil, unless
19 the director finds that the assessment of a lesser fee will cause the fund to reach the designated
20 amount within six (6) months.

21 (e) For the purposes of this chapter, “*designated amount*” means an amount equal to ten
22 million dollars (\$10,000,000), adjusted for inflation after January 1, 1998, according to an index
23 which the director may reasonably choose.

24 (f) All fees collected pursuant to this section shall be deposited in the oil spill prevention,
25 administration, and response fund, and shall be disbursed according to the purposes expressed in §
26 46-12.7-5.1.

27 (g) Notwithstanding the provisions of subsection (f) of this section, each July 1st, two
28 hundred and fifty thousand dollars (\$250,000) of the fees collected under this section shall be
29 deposited into the coastal and estuarine habitat restoration trust fund (the “trust”).

30 **46-12.7-13. Preventative uses of the fund.**

31 (a) Recognizing the importance of the development of readiness and response programs,
32 the legislature may allocate not more than two hundred fifty thousand dollars (\$250,000) per annum
33 of the amount then currently in the fund to be devoted to research and development in the causes,
34 effects and removal of pollution caused by oil, petroleum products and their by-products on the

1 marine environment and the monitoring of baseline environmental and economic conditions.

2 (b) The two hundred fifty thousand dollars (\$250,000) per annum allocated for research,
3 development, and monitoring shall be allocated to the Department of Environmental Management
4 and expended consistent with the purposes of § 46-23.2-3 entitled “The Comprehensive Watershed
5 and Marine Monitoring Act of 2004.”

6 (c) The remaining moneys in the fund which the legislature may allocate to research,
7 development, and monitoring shall be used for purposes approved by the director. Such purpose
8 may include, but shall not be limited to:

9 (1) Sensitive area data management and mapping;

10 (2) Scientific research and monitoring which is directly relevant to state legislation; ~~and~~

11 (3) Development of more effective removal and containment technologies, appropriate for
12 the cleanup and containment of refined fuel oils; ~~and~~ and

13 (4) Supporting the executive climate change coordinating council (EC4) efforts to reduce
14 climate emissions and meet the act on climate goals.

15 SECTION 3. Section 46-12.9-5 of the General Laws in Chapter 46-12.9 entitled "Rhode
16 Island Underground Storage Tank Financial Responsibility Act" is hereby amended to read as
17 follows:

18 **46-12.9-5. ~~Purpose of fund.~~ Purposes of fund.**

19 (a) The ~~purpose~~ purposes of the fund shall be to:

20 (1) ~~facilitate~~ Facilitate the clean-up of releases from leaking underground storage tanks,
21 underground storage tank systems, including those located on sites in order to protect the
22 environment, including drinking water supplies and public health; ~~and~~ and

23 (2) Support projects and initiatives to reduce emissions and meet the act on climate goals
24 as directed by the executive climate change coordinating council (EC4).

25 (b) The fund shall provide reimbursement to responsible parties for the eligible costs
26 incurred by them as a result of releases of certain petroleum from underground storage tanks or
27 underground storage tank systems as provided herein. Monies in the fund shall be dispensed only
28 upon the order of the department for the following purposes:

29 (1) The fund shall pay not more than one million dollars (\$1,000,000) per incident, and up
30 to two million dollars (\$2,000,000) in the aggregate, for damages of eligible costs, as defined in
31 regulations promulgated hereunder and, as further defined in § 46-12.9-3, excluding legal costs and
32 expenses, incurred by a responsible party as a result of a release of petroleum from an underground
33 storage tank or underground storage tank system; provided, however, that a responsible party may
34 be responsible for the first twenty thousand dollars (\$20,000) of said eligible costs;

1 (2) Reimbursement for any third-party claim including, but not limited to, claims for bodily
2 injury, property damage, and damage to natural resources that are asserted against a responsible
3 party and that have arisen as a result of a release of petroleum from an underground storage tank
4 or underground storage tank system, in an amount not to exceed one million dollars (\$1,000,000)
5 for each release as set forth in subsection (b)(1); provided, that such claims are found by the
6 department to be justified, reasonable, related to the release of petroleum, and not excessive or
7 spurious in nature;

8 (3) Costs incurred by the department in carrying out the investigative, remedial, and
9 corrective action activities at sites of a petroleum release associated with an underground storage
10 tank or underground storage tank system where the responsible party fails to comply with an order
11 of the department to undertake such activities. In the event of such failure or documented inability
12 to comply, the department may access the fund to perform the ordered work and may proceed to
13 recover from the responsible party, on behalf of the fund, any amount expended from the fund by
14 the department;

15 (4) Nothing contained in this chapter shall be construed to prevent subrogation by the state
16 of Rhode Island against any responsible party, other than the owner and/or operator, for all sums
17 of money that the fund shall be obligated to pay hereunder, plus reasonable attorney's fees and
18 costs of litigation and such right of subrogation is hereby created; and

19 (5) Eligible costs incurred by the department to support the fund, including, but not limited
20 to, all personnel support to process and review claims in order to formulate recommendations for
21 reimbursement for consideration; provided, however, that no more than five hundred and fifty
22 thousand dollars (\$550,000) shall be dispensed from the fund for administrative purposes during
23 any fiscal year. The department shall directly access the fund, pursuant to the limits set forth in
24 subsection (b)(1) of this section, to pay for such expenses-; [and](#)

25 (6) [Deleted by P.L. 2016, ch. 148, § 1 and P.L. 2016, ch. 160, § 1].

26 [\(7\) Projects and initiatives that have been approved by the executive climate change](#)
27 [coordinating council, and have been determined to reduce emissions and support the act on climate.](#)

28 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- 2021 ACT ON CLIMATE

1 This act would raise the minimum fee per barrel of petroleum products or crude oil from
2 five cents (\$0.05) to ten cents (\$0.10) per barrel as part of the uniform oil spill response and
3 prevention fee. Use of the fund would be expanded to support projects and initiatives to reduce
4 emissions and meet the act on climate goals as directed by the executive climate change
5 coordinating council (EC4).

6 This act would take effect upon passage.

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