

2024 -- H 7685

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LC004979
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO WATERS AND NAVIGATION -- OIL SPILL PREVENTION,
ADMINISTRATION AND RESPONSE FUND

Introduced By: Representatives Cortvriend, McEntee, Carson, Kislak, and McGaw

Date Introduced: February 15, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-12.7-13 of the General Laws in Chapter 46-12.7 entitled "Oil Spill
2 Prevention, Administration and Response Fund" is hereby amended to read as follows:

3 **46-12.7-13. Preventative uses of the fund.**

4 (a) Recognizing the importance of the development of readiness and response programs,
5 the legislature may allocate not more than two hundred fifty thousand dollars (\$250,000) per annum
6 of the amount then currently in the fund to be devoted to research and development in the causes,
7 effects and removal of pollution caused by oil, petroleum products and their by-products on the
8 marine environment and the monitoring of baseline environmental and economic conditions.

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

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

16 (1) Sensitive area data management and mapping;

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

18 (3) Development of more effective removal and containment technologies, appropriate for

1 the cleanup and containment of refined fuel oils: and

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

4 SECTION 2. Section 46-12.9-11 of the General Laws in Chapter 46-12.9 entitled "Rhode
5 Island Underground Storage Tank Financial Responsibility Act" is hereby amended to read as
6 follows:

7 **46-12.9-11. Fundings.**

8 (a) There is hereby imposed an environmental protection regulatory fee of one cent (\$0.01)
9 per gallon payable of motor fuel, to be collected by distributors of motor fuel when the product is
10 sold to owners and/or operators of underground storage tanks. Each distributor shall be responsible
11 to the tax administrator for the collection of the regulatory fee, and if the distributor is unable to
12 recover the fee from the person who ordered the product, the distributor shall nonetheless remit to
13 the tax administrator the regulatory fee associated with the delivery. In accordance with the
14 regulations to be promulgated hereunder, the fee shall be collected, reported, and paid to the Rhode
15 Island division of taxation as a separate, line-item entry, on a quarterly tax report by those persons
16 charged with the collection, reporting, and payment of motor fuels taxes. This fee shall be
17 administered and collected by the division of taxation. Notwithstanding the provisions of this
18 section, the fee shall not be applicable to purchases by the United States government.

19 (b)(1) Of the one-cent-per-gallon (\$0.01) environmental protection regulatory fee collected
20 by distributors of motor fuel and paid to the Rhode Island division of taxation, one-half cent
21 (\$0.005) shall be deposited in the intermodal surface transportation fund to be distributed pursuant
22 to § 31-36-20 and one-half cent (\$0.005) shall be paid to the fund. All environmental protection
23 regulatory fees paid to the department shall be received by the department, which shall keep such
24 money in a distinct, interest-bearing, restricted-receipt account to the credit of, and for the exclusive
25 use of, the fund provided that for the period January 1, 2008, through June 30, 2008, all revenues
26 generated by the environmental protection regulatory fee, up to a maximum of two million dollars
27 (\$2,000,000), shall be deposited into the general fund. In fiscal year 2009, all revenues generated
28 by the environmental protection regulatory fee, up to a maximum equivalent to two million two
29 hundred thirty-seven thousand five hundred dollars (\$2,237,500), shall be deposited into the
30 intermodal surface transportation fund. All fees collected may be invested as provided by law and
31 all interest received on such investment shall be credited to the fund.

32 (2) Commencing in fiscal year 2025, revenues generated by the environmental protection
33 regulatory fee, up to a maximum equivalent of three million dollars (\$3,000,000), shall be allocated
34 to the executive climate coordinating council (EC4) and in subsequent fiscal years, up to a

1 [maximum of one million dollars \(\\$1,000,000\) shall be allocated.](#)

2 (c) When the fund reaches the sum of eight million dollars (\$8,000,000), the imposition of
3 the fee set forth in this chapter shall be suspended, and the division of taxation shall notify all
4 persons responsible for the collection, reporting, and payments of the fee of the suspension. In the
5 event that the account balance of the fund subsequently is reduced to a sum less than five million
6 dollars (\$5,000,000) as a result of fund activity, the fee shall be reinstated by the division of
7 taxation, following proper notice thereof, and once reinstated, the collection, reporting, and
8 payment of the fee shall continue until the account balance again reaches the sum of eight million
9 dollars (\$8,000,000).

10 (d) Upon the determination by the department that the fund has reached a balance sufficient
11 to satisfy all pending or future claims, the department shall recommend to the general assembly the
12 discontinuation of the imposition of the fee created in this section.

13 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO WATERS AND NAVIGATION -- OIL SPILL PREVENTION,
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1 This act would provide that the funds allocated to the Rhode Island Underground Storage
2 Tank Financial Responsibility Act be used to support the Executive Climate Change Coordinating
3 Council (EC4) efforts to reduce climate emissions and meet the Act on Climate goals and allocate,
4 in fiscal year 2025, the sum of three million dollars (\$3,000,000) to the Executive Climate Change
5 Coordinating Council (EC4) and up to one million dollars (\$1,000,000) per fiscal year thereafter
6 for that purpose.

7 This act would take effect upon passage.

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