It is enacted by the General Assembly as follows:

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

42-6.2-3.1. Funding for the council.

There is hereby established a restricted receipt account in the general fund of the state and housed in the budget of the department of administration entitled "RGGI-executive climate change coordinating council projects." The express purpose of this account is to record receipts and expenditures allocated pursuant to §§ 23-82-6(a)(7), 23-82-6(a)(8), 46-12.9-11(a), and 46-12.9-11(b).

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

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

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

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

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

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

(1) Sensitive area data management and mapping;
(2) Scientific research and monitoring which is directly relevant to state legislation; and
(3) Development of more effective removal and containment technologies, appropriate for the cleanup and containment of refined fuel oils; and
(4) Supporting the executive climate change coordinating council (EC4) efforts to reduce climate emissions and meet the act on climate goals.

SECTION 3. Sections 46-12.9-5 and 46-12.9-11 of the General Laws in Chapter 46-12.9 entitled “Rhode Island Underground Storage Tank Financial Responsibility Act” are hereby amended to read as follows:


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

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

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

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

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

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

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

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

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


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


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

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

(2) Commencing in fiscal year 2025, revenues generated by the environmental protection
regulatory fee, up to a maximum equivalent of two million dollars ($2,000,000), shall be allocated
to the executive climate change coordinating council (EC4) and in subsequent fiscal years, up to a
maximum of one million dollars ($1,000,000) shall be allocated.

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

(d) Upon the determination by the department that the fund has reached a balance sufficient
to satisfy all pending or future claims, the department shall recommend to the general assembly the
discontinuation of the imposition of the fee created in this section.
SECTION 4. This act shall take effect upon passage.
This act would provide that the funds allocated to the Rhode Island Underground Storage Tank Financial Responsibility Act be used to support the Executive Climate Change Coordinating Council (EC4) efforts to reduce climate emissions and meet the Act on Climate goals and allocate, in fiscal year 2025, the sum of two million dollars ($2,000,000) to the Executive Climate Change Coordinating Council (EC4) and up to one million dollars ($1,000,000) per fiscal year thereafter for that purpose. This act would also authorize the use of funds from the oil spill prevention, administration and response fund to support the efforts of the EC4.

This act would take effect upon passage.