

2014 -- S 2489

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LC004235  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Introduced By: Senators Goldin, and Pichardo

Date Introduced: February 27, 2014

Referred To: Senate Finance

(RIPTA)

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  
2 Fuel Tax" is hereby amended to read as follows:  
3           **31-36-20. Disposition of proceeds.** -- (a) Notwithstanding any other provision of law to  
4 the contrary, all moneys paid into the general treasury under the provisions of this chapter or  
5 chapter 37 of this title, and title 46 shall be applied to and held in a separate fund and be  
6 deposited in any depositories that may be selected by the general treasurer to the credit of the  
7 fund, which fund shall be known as the Intermodal Surface Transportation Fund; provided, that in  
8 fiscal year 2004 for the months of July through April six and eighty-five hundredth cents  
9 (\$0.0685) per gallon of the tax imposed and accruing for the liability under the provisions of  
10 section 31-36-7, less refunds and credits, shall be transferred to the Rhode Island public transit  
11 authority as provided under section 39-18-21. For the months of May and June in fiscal year  
12 2004, the allocation shall be five and five hundredth cents (\$0.0505). Thereafter, until fiscal year  
13 2006, the allocation shall be six and twenty-five hundredth cents (\$0.0625). For fiscal years 2006  
14 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 section 46-12.9-11. For fiscal years 2010 and thereafter, the allocation shall be nine  
5 and seventy-five hundredth cents (\$0.0975), of which of one-half cent (\$0.005) shall be derived  
6 from the one cent (\$0.01) per gallon environmental protection fee pursuant to section 46-12.9-11.  
7 Twenty-one percent (21%) of ~~One one cent (\$0.01)~~ (\$0.0021) per gallon shall be transferred to  
8 the Elderly/Disabled Transportation Program of the department of human services, and 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 and the remaining cents per  
11 gallon 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  
24 2006 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 and  
27 the general fund, shall be made within twenty-four (24) hours of receipt or previous deposit of the  
28 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  
31 by 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  
33 the Director of the Department of Administration, to an indenture trustee, administrator, or other  
34 third party fiduciary, in an amount not to exceed two cents (\$0.02) per gallon of the gas tax

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

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

14 (c) At any time the amount of the fund is insufficient to fund the expenditures of the  
15 department of transportation, not to exceed the amount authorized by the general assembly, the  
16 general treasurer is authorized, with the approval of the governor and the director of  
17 administration, in anticipation of the receipts of monies enumerated in section 31-36-20 to  
18 advance sums to the fund, for the purposes specified in section 31-36-20, any funds of the state  
19 not specifically held for any particular purpose. However, all the advances made to the fund shall  
20 be returned to the general fund immediately upon the receipt by the fund of proceeds resulting  
21 from the receipt of monies to the extent of the advances.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would change the rate of allocations to the elderly/disabled transportation  
2 program from one cent (\$0.01) per gallon to twenty-one percent of one cent (\$0.0021) per gallon  
3 and would allocate seventy-nine percent (79%) of one cent (\$0.0079) per gallon directly to the  
4 Rhode Island public transit authority for the elderly/disabled transportation program.

5           This act would take effect upon passage.

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