

# SENATE . . . . . No. 442

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Mark C. Montigny***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to oil spills.

PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

# SENATE . . . . . No. 442

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 442) of Mark C. Montigny for legislation to establish the Fire Services Oil Spill Mitigation Trust Fund. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 376 OF 2013-2014.]

## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to oil spills.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Chapter 29 of the General Laws, as appearing in the 2012 Official Edition,  
2   is hereby amended by adding the following section after section 2EEEE:

3           Section 2FFFF. Department of Fire Services Oil Spill Mitigation Trust Fund

4           There shall be established and set up on the books of the commonwealth, a separate fund  
5   to be known as the Department of Fire Services Oil Spill Mitigation Trust Fund, consisting of  
6   any monies appropriated to the fund by the general court, any monies recovered pursuant to  
7   chapter 21K of the General Laws, any monies received from fees imposed pursuant to section 10  
8   of chapter 21K, any monies received from fines and any income derived from the investment of

monies transferred, appropriated or recovered by the fund, not to exceed \$250,000 in any fiscal year.

Amounts credited to the fund shall be available for expenditure, without prior appropriation, by the state fire marshal, as head of the department of fire services, who shall act as trustee, solely for the mitigation of oil spill emergency response incidents throughout the commonwealth and the reimbursement of all other reasonable related costs to oil spill emergency response member departments, cities, and towns responding to said incidents.

The department of fire services may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipts. Monies deposited in the trust fund that are unexpended at the end of the fiscal year, provided that said monies do not exceed \$250,000, shall not revert to the General Fund, any funds in excess of \$250,000 shall revert to the General Fund and be made available for appropriation. No expenditures from said fund shall be authorized that would cause said fund to be deficient at the end of any fiscal year.

SECTION 2: Section 1 of Chapter 21K of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following text after the period on line 71:

“Oil spill emergency response”, an emergency mitigation response relating to oil spills from land vessels delivering oil to residential or commercial customers within the commonwealth.

SECTION 3: Section 5 of Chapter 21K of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking subsection (l) and inserting in place thereof the following subsection:

(1) Notwithstanding the provisions of any general or special law to the contrary, all monies collected by the commonwealth under this chapter, relating to oil spill emergency responses, by reimbursement, settlement, judgment or otherwise shall be deposited into the Department of Fire Services Oil Spill Mitigation Trust Fund. All other monies collected by the commonwealth under this chapter by reimbursement, settlement, judgment or otherwise shall be deposited into the Department of Fire Services Hazardous Materials Emergency Mitigation Response Recovery Trust Fund.

SECTION 4: Chapter 21K of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following section after section 9:

Section 10. Oil Spill Response and Prevention Fee.

(1) A uniform oil spill response and prevention fee in an amount not exceeding 5 cents for each barrel of petroleum product delivered to a residential or commercial property within the commonwealth shall be imposed upon the person making the final delivery. The fee shall be remitted to the department of revenue on the thirtieth day of each month based upon the number of barrels of petroleum products received during the preceding month.

(2) All fees collected pursuant to this section shall be deposited in the Department of Fire Services Oil Spill Mitigation Trust Fund. The state treasurer shall not deposit or transfer revenues generated pursuant to subsection (1) to the General Fund or any other fund other than the Department of Fire Services Oil Spill Mitigation Trust Fund.