

Chairman Shanley, members of the Committee,

This bill is straightforward in both its origin and its intent. The legislature created the Freshwater Lake Management Program fund 2 years ago because we recognized the growing threat of invasive aquatic species and the need to protect our lakes. But in true RI fashion, we never funded it. So today, that program exists on paper, but not in practice. This proposal was brought to me by members of our sporting community - hunters, fishermen, and recreationists who spend real time on our waters - who are seeing these devastating impacts firsthand and asked for a responsible, user-based way to begin seeding that fund. These are not individuals looking for government expansion. They are asking for stewardship. And I don't think they're asking for too much.

Before addressing the substance, I do want to say that I wish DEM had raised their concerns directly with me when I first sought feedback back in February, or at any point prior to today. I would have welcomed that conversation. Instead, the Committee received a letter just hours before this hearing. That is not the most productive or respectful way to work through technical issues, particularly when those issues are easily solvable.

Turning to the substance, I take seriously any suggestion that federal law could be implicated. After reviewing both the Department's letter and the bill itself more carefully, I understand the basis of their concern. The bill places this additional fee directly within the existing registration statute, alongside the other registration fees. Because of that structure, it can be read as part of the registration fee framework itself, rather than as a separate state-imposed fee that is simply collected at the same time. That is a fair drafting concern to raise.

That said, I believe the Department's conclusion still reflects a very narrow interpretation of federal law, and importantly, one that has not been fully explained to this Committee.

The relevant federal framework comes from 46 U.S.C. § 12301 and the sections that follow, along with 33 C.F.R. Parts 173 and 174. These govern what is referred to as a vessel "numbering system," which is what we commonly call boat registration. The number is the registration number displayed on the vessel, and the certificate of number is the registration itself. Federal law regulates how that system operates so that it remains uniform and compliant. It does not impose a blanket prohibition on states adopting reasonable fees related to boating or environmental stewardship. The concern, as understood from Coast Guard guidance, is narrower - that a state cannot structure its laws in a way that conditions or interferes with the issuance of a certificate of number.

H 7915 does not alter Rhode Island's numbering system. It does not change how vessels are registered or how certificates are issued. It creates a modest, user-based fee

dedicated to lake management and invasive species control. The issue, if there is one, is not the policy. It is the structure of collecting the fee.

Other states have already addressed this issue successfully. Maine, Vermont, Minnesota, Wisconsin, Michigan, and New York all fund aquatic invasive species or lake management programs through boating-related fees. They have done so in a way that preserves federal compliance by clearly structuring those fees as separate from the act of issuing a registration, even if they are collected at the same time for administrative convenience. Those programs continue to operate without loss of federal funding.

That is the path forward here. If there is concern about how H 7915 is currently drafted, the appropriate response is to refine the structure so that the freshwater lake management fee is clearly established as a separate state fee, administered by DEM, and not a condition of the issuance or renewal of a certificate of number. That is a fixable issue that does not require abandoning the bill.

In light of the Department's letter submitted just hours ago, I am hopeful they will testify or can provide further clarity to this Committee. The letter does not state whether DEM supports the underlying intent of the bill, which is to address the growing problem of invasive aquatic species impacting our freshwater bodies with the Lakes Management Program funded in a restricted receipt account – a simple yes or no as to their support, on the record would be appreciated and would help facilitate a more collaborative process on this important issue. I would also ask that they identify the specific states they reference as having been found non-compliant by the Coast Guard, and provide the statutory or regulatory basis for those determinations, so that we can examine those examples and ensure our approach is informed by actual precedent rather than general concern.

At the end of the day, we already agreed this is a problem when we created the program. When this bill was heard last year in House Environment Committee – the committee indicated 100% support of the intent. The question now is whether we are willing to take the next step and fund it responsibly, in a way that aligns with federal law and follows models that other states are already using successfully, or if we will continue to let our freshwater bodies be completely taken over by weeds. I am confident that we can fund this program and start to make an impact on our dying lakes, and I hope DEM is too.

Thank you, Mr. Chairman. I'm happy to answer any questions.