



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #1201

GPR-Supported Conservation Wardens (DNR)

CURRENT LAW

The Department of Natural Resources is charged with securing the enforcement of all laws that it is required to administer and bring, or cause to be brought, actions and proceedings in the name of the state for that purpose. The persons appointed by DNR to exercise and perform the powers and duties conferred upon DNR are known as conservation wardens. DNR wardens have general law enforcement authority on state-owned lands and property under the Department's supervision, management, and control.

As a condition of receiving federal aid under the Sport Fish Restoration Act and the Wildlife Restoration Act, federal law requires that revenues received from hunting and fishing licenses not be diverted to purposes other than the administration of the state fish and wildlife agency (in Wisconsin, the Department of Natural Resources).

GOVERNOR

No provision.

DISCUSSION POINTS

1. The 1995-97 biennial budget made various funding changes related to the warden force, including: (a) shifting 4.0 SEG positions annually from the fish and wildlife account of the conservation fund to the environmental fund to reflect the increased workload for environmental enforcement activities; (b) shifting 2.0 SEG positions annually from the fish and wildlife account to the boat registration account of the conservation fund to reflect the efforts of wardens on water safety and enforcement activities; (c) deleting 2.0 GPR conservation warden positions (one related

to underwater archaeology and one as part of the overall GPR funding reductions in the act); and (d) providing \$136,000 SEG annually (split funded from the conservation and environmental funds) to support conservation warden activities, including travel, training, and data entry costs.

Under the 1997-99 biennial budget, further changes relating to warden funding were made, including: (a) shifting 5.0 SEG enforcement positions (4.5 wardens and 0.5 program assistant) annually from the snowmobile account of the conservation fund to GPR as part of an overall shift to provide additional funding for local snowmobile trail aids; and (b) providing 1.0 SEG conservation warden position from the all-terrain vehicle account to reflect the workload for ATV enforcement. The 1997-99 budget adjustment bill, (1997 Act 237), provided 18.0 conservation warden positions. Of these, 17.0 were funded with GPR and 1.0 was funded with snowmobile account SEG.

The 1999-01 biennial budget, (1999 Act 9), transferred 6.0 snowmobile enforcement positions (5.0 GPR and 1.0 snowmobile SEG) to tribal gaming program revenue allocations and authorized a seventh PR position for mandatory snowmobile education.

Under the 2001-03 biennial budget (2001 Act 16), 4.0 GPR funded warden positions were transferred to SEG funding sources (2.0 each to the snowmobile and ATV accounts of the conservation fund). Therefore, 13 of the 17 positions authorized in 1997 Act 237 are currently GPR funded.

2. In 2000-01, DNR conservation wardens recorded 372,600 hours for safety and enforcement work related to fish and game. These activities include enforcement of hunting and fishing regulations, hunter education programs, commercial fish and game activities, treaty enforcement issues, and car-killed deer contracts. In 2000-01, 9,300 citations were issued for violations related to hunting, fishing, and trapping laws. For comparison, during the same year DNR sold 1,215,100 fishing licenses, 1,134,200 hunting licenses, and 168,800 combination licenses.

3. Traditionally, programs for hunters, fishers and recreational vehicle users have primarily been funded from the appropriate segregated fund account. This has been the practice to reflect the sentiment that those who benefit from the recreational activity should pay for the associated costs. Wardens funded with GPR may serve a variety of enforcement needs. Positions funded with conservation fund SEG have the effect of allocating 1 FTE per year to purposes associated with the account that provides the funding.

4. Department financial records and law enforcement task timesheets indicate that for fiscal year 2000-01, at least 13 GPR-supported FTE were devoted to fish and wildlife enforcement efforts. Funding of \$910,700 GPR annually is provided for the salary, fringe benefits, and supplies for the 13 wardens.

5. The following table shows the condition of the fish and wildlife account of the conservation fund. The account is estimated to have a balance of \$11.1 million on June 30, 2003, and could support additional conservation wardens in the 2001-03 biennium. Transferring 13 conservation wardens annually from GPR to fish and wildlife account SEG would result in an

estimated June 30, 2003 balance of \$9.3 million. However, it should be noted that the account has a potential structural imbalance of \$2.5 million in 2002-03 (revenues of \$65.7 million and authorized expenditures of \$68.2 million). If additional funding for enforcement efforts associated with fish and wildlife activities were provided, the level of funding may need to be adjusted in future biennia, should revenues remain below appropriated expenditure levels.

Fish and Wildlife Account Condition Statement
(\$ in Millions)

	<u>2001-02</u>	<u>2002-03</u>
Opening Balance	\$21.0*	\$16.3
Total Revenue	<u>\$65.0</u>	<u>\$65.7</u>
Total Available	\$86.0	\$82.0
Expenditures	\$69.1	\$68.2
Reserves/Lapses**	<u>\$0.6</u>	<u>\$2.7</u>
Total Expenditures	\$69.7	\$70.9
Closing Balance	\$16.3	\$11.1

*July 1, 2001 cash balance of \$35.7 million less \$2.3 million in encumbrances, less \$12.4 million in the unencumbered balance of continuing appropriations.

**Includes continuing balances from assigned revenue appropriations (such as wildlife damage and trout, waterfowl or wild turkey stamp programs), payplan reserves, and anticipated lapses due to the hiring freeze.

ALTERNATIVES TO BILL

1. Transfer from GPR to SEG funding any of the following number of warden positions.

	<u>Number of</u> <u>Positions</u>	<u>2001-03 Funding</u>	
		<u>GPR</u>	<u>SEG</u>
a.	13	-\$1,821,400	\$1,821,400
b.	12	-1,662,600	1,662,600
c.	10	-1,349,200	1,349,200
d.	8	-1,039,800	1,039,800
e.	6	-763,400	763,400
f.	4	-503,600	503,600
g.	2	-251,800	251,800

2. Maintain current law.

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