



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #520

Warden Overtime Funding (DNR -- Fish, Wildlife, and Recreation)

[LFB 2005-07 Budget Summary: Page 359, #11]

CURRENT LAW

The Department of Natural Resources' responsibilities include the investigation and enforcement of laws relating to fish and wildlife, recreational vehicles, environmental protection, and water regulation and zoning. These activities are performed primarily by conservation wardens whose enforcement authority varies depending on the type, location and severity of the violation. Conservation wardens share responsibilities with park superintendents and forest rangers for public conduct on state lands. When requested, wardens assist local police and are authorized to respond when any crime is committed in their presence.

GOVERNOR

Provide \$400,000 in 2005-06 and \$450,000 in 2006-07 split funded from the recycling fund, the environmental fund, and from the fish and wildlife account, ATV account, water resources account, and boat account of the conservation fund for anticipated conservation warden overtime costs.

DISCUSSION POINTS

1. Under the bill, the Governor recommends providing \$400,000 in 2005-06 and \$450,000 in 2006-07 for warden overtime costs. DNR indicates that the additional overtime funding support would aid conservation wardens in their investigation of accidents, instruction of safety education courses, and public safety and resource protection efforts. Under their current contracts, DNR wardens are provided with up to 420 hours of overtime annually. Under standard budget adjustments, over \$1.4 million annually is provided to support approximately 300 hours of overtime

salary per warden. DNR indicates that as the overtime was determined to be a Department priority and for this reason negotiated as part of the wardens' contracts, any funding not provided under the bill for this purpose will likely be reallocated to the budget for conservation warden overtime from station operating budgets, LTE support, and supplies funding. From the perspective that additional overtime hours increase the availability of conservation wardens to engage in safety patrols, field investigations, and to initiate public contacts, it may be appropriate to increase funding for this effort.

2. The Department currently has 205 credentialed law enforcement positions authorized, including supervisors, regional wardens, recreational safety wardens, and investigators. Of the 205 authorized positions, 180 are filled with active wardens, and an additional 11 warden recruits are currently in training.

3. The Department indicates that warden vacancies have been maintained for several reasons. Fish and wildlife account expenditure reductions recommended by the Governor, and implemented in the 2003-05 biennial budget, reduced funding available for law enforcement activities by over \$1 million and six positions in 2003-04 and by \$250,000 in 2004-05. As a result of the reduced resources, DNR delayed hiring a recruit class for the last two years, holding positions vacated by retiring wardens open and reallocating operations funding to cover shortfalls in overtime funding. The law enforcement bureau budget for overtime in 2003-04 totaled \$1.4 million. Warden salary costs for overtime exceeded \$1.7 million in 2002-03 and \$1.6 million in 2003-04. Under the bill, salaries for overtime would be budgeted at \$1,779,800 in 2005-06 and \$1,820,800 in 2006-07.

4. The expenditure authority recommended by the Governor under the bill would be provided as follows:

	<u>2005-06</u>	<u>2006-07</u>
Conservation Fund		
Fish and Wildlife Account	\$305,900	\$344,200
ATV Account	20,500	23,100
Water Resources Account	5,000	5,600
Boat Account	44,500	50,000
Environmental Fund	18,600	20,900
Recycling Fund	<u>5,500</u>	<u>6,200</u>
Total	\$400,000	\$450,000

5. Issues have been raised in previous papers over the condition of the fish and wildlife account of the conservation fund. An alternative to increasing revenues to the account is to reduce expenditures in order to maintain a positive balance. In addition to concerns over the available funding from the fish and wildlife account, it should be noted that commitments under the water resources account are expected to exceed available revenues under the bill, and the boat account could have a structural imbalance in 2007-09.

6. The Department has indicated that the support of warden overtime costs is of high priority for the law enforcement program. As such, it is likely that some funding will continue to be reallocated for this purpose even if the provision is not fully funded under the bill. The availability of other funds for reallocation for overtime costs would likely be determined by what revenue and expenditure changes to segregated funds (such as the conservation fund, the recycling fund, and the environmental fund) were eventually included in the bill. Further, it is likely that the law enforcement program would continue to carry a higher rate of vacancies, if necessary, in order to meet anticipated overtime costs.

7. Alternatively, it may be argued that the state should be aware of its available budget authority and allocation for overtime, and could take these limitations into account when negotiating contracts with employee unions. Historically, the state has negotiated for more overtime hours than DNR law enforcement has had the expenditure authority to support, and attempted to make up the difference through budget requests or held positions vacant in order to use unspent salary line funding to fully fund negotiated overtime allotments.

ALTERNATIVES

1. Adopt the Governor's recommendation to provide \$400,000 in 2005-06 and \$450,000 in 2006-07 split funded from the recycling fund, the environmental fund, and from the fish and wildlife account, ATV account, water resources account, and boat account of the conservation fund for anticipated conservation warden overtime costs.

2. Adopt the Governor's recommendation. However, provide no funding from the boat or water resources accounts of the conservation fund. The provision would be funded at \$350,500 in 2005-06 and \$394,400 in 2006-07 from the recycling, environmental, and conservation funds (fish and wildlife and ATV accounts only).

Alternative 2	SEG
2005-07 FUNDING (Change to Bill)	- \$105,100

3. Maintain current law.

Alternative 3	SEG
2005-07 FUNDING (Change to Bill)	- \$850,000

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