



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #562

### **GPR-Supported Conservation Wardens (DNR -- Water Quality)**

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#### **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 conservation wardens. DNR wardens have general law enforcement authority on state-owned lands and property under the Department's supervision, management, and control. DNR is currently provided 19.37 conservation wardens and other law enforcement-related staff funded from GPR.

#### **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.

2. 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.

3. 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.

4. 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). The 2.0 positions transferred to the snowmobile account were subsequently transferred to tribal gaming revenues under 2001 Act 71. 2001 Act 109 transferred the remaining 13 of the 17 positions authorized in 1997 from GPR to fish and wildlife account SEG.

5. In 2001-02, DNR conservation wardens recorded 63,100 hours for safety and enforcement work related to water resources or recreational boating. Boating activities include boat safety instruction, accident investigation, and general enforcement of boating regulations. Other water resource related activities include public and private water supply and polluted water runoff enforcement. In 2000-01, approximately 5,000 citations were issued for violations related to recreational boat use or water issues (such as illegal dredging, littering or pollution in a waterway, changing the course of a navigable stream, or obstruction of navigable water). For comparison, during the same year 562,800 boats were registered for use in the state.

6. 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 1.0 FTE per year to purposes associated with the account that provides the funding.

7. Two conservation fund accounts provide the primary support for water-based activities. The water resources account, which is funded by an annual transfer of motorboat fuel tax revenue into the account, typically supports the development of recreational boating facilities, lake and river management activities and grant programs, dam inspections, and the operation and management of the Fox River. The boat registration account is primarily funded by revenues generated by the registration fee collected on all motorized boats and sailboats over twelve feet in length operated on state waters, and is used to fund state costs of boating law enforcement by DNR conservation wardens, the administration of boating safety programs, and aids to municipalities for up to 75% of the costs of local boating law enforcement and safety programs. Article IX of the Wisconsin Constitution specifies that the state's navigable waters "shall be common highways and forever free" to Wisconsin and U.S. citizens "without any tax, impost, or duty therefore." As a

result, the use of revenue from boat registration fees has been limited to boating safety and law enforcement purposes by court interpretation of this constitutional provision.

8. Currently, the boat registration account supports all of the segregated-fund supported enforcement costs related to recreational boat use. The water resources account is supported by motorboat fuel tax revenues. It may be argued that the other water-related enforcement costs could be supported by this account.

9. Department financial records and law enforcement task timesheets indicate that for fiscal year 2001-02, at least 4,585 hours of GPR-supported law enforcement efforts (the equivalent of approximately 2.2 FTE) were devoted to water resource protection efforts (water supply and run-off issues). Funding of \$132,700 GPR annually is provided for the salary, fringe benefits, and supplies for the 2.2 wardens.

10. The water resources account of the conservation fund is estimated to have a balance of \$1.8 million on June 30, 2005, and could support additional conservation wardens in the 2003-05 biennium. Transferring 2.2 conservation wardens annually from GPR to water resources account SEG would result in an estimated June 30, 2005, balance of \$1.53 million. It should be noted that the account has a potential structural imbalance of \$200,000 in 2002-03 (revenues of \$12.94 million and authorized expenditures of \$13.13 million). If funding for enforcement efforts associated with water resource activities were provided, the level of funding may need to be adjusted in future biennia, should revenues remain below appropriated expenditure levels. However, motorboat fuel tax and registration numbers would also be expected to increase in the next biennium.

11. An additional alternative would be to transfer GPR-supported enforcement positions to recycling fund SEG. In 2001-02, 2,910 hours of GPR-supported law enforcement efforts (the equivalent of approximately 1.4 FTE) were devoted to litter and recycling enforcement activities. The Committee could consider transferring 1.4 wardens and \$84,400 from GPR to recycling fund SEG, increasing the total number of wardens supported by the recycling fund to 2.4 positions.

## ALTERNATIVES

1. Transfer \$132,700 and 2.2 conservation warden positions annually from GPR to water resources account SEG.

<u>Alternative 1</u>	<u>GPR</u>	<u>SEG</u>	<u>TOTAL</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$265,400	\$265,400	\$0
<b>2004-05 POSITIONS</b> (Change to Bill)	- 2.20	2.20	0.00

2. Transfer \$60,300 and 1.0 conservation warden position annually from GPR to water resources account SEG.

<u>Alternative 2</u>	<u>GPR</u>	<u>SEG</u>	<u>TOTAL</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$120,600	\$120,600	\$0
<b>2004-05 POSITIONS</b> (Change to Bill)	- 1.00	1.00	0.00

3. In addition to, or in lieu of, Alternative 1 or 2, transfer \$84,400 and 1.4 conservation warden positions annually from GPR to recycling fund SEG.

<u>Alternative 3</u>	<u>GPR</u>	<u>SEG</u>	<u>TOTAL</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$168,800	\$168,800	\$0
<b>2004-05 POSITIONS</b> (Change to Bill)	- 1.40	1.40	0.00

4. Maintain current law.

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