

Legislative Budget and Finance Committee

**An Update of the Feasibility of a Combined Fish and Wildlife
Commission for Pennsylvania**

Report Presentation by Patricia Berger, March 19, 2014, Meeting

Good morning. House Resolution 2013-129 directed us to study the feasibility of a combined Fish and Wildlife Commission for Pennsylvania. As part of this study, we were also asked to include an analysis of the cost of combining solely the law enforcement functions of the PA Fish and Boat Commission (PFBC) and the PA Game Commission (PGC) with the Department of Conservation and Natural Resources (DCNR).

This is the third study we have conducted regarding a merger of the PFBC and the PGC. Pennsylvania remains the only state with separate and organizationally independent agencies managing its fish and wildlife resources. In 20 states these functions are managed by a stand-alone department or commission, and in 29 states they are managed within an organizational unit of a larger state agency such as a Department of Natural Resources. Since we were asked to update our 2003 report, we used the organizational structure from that report and adjusted it as necessary to address the current circumstances of the two commissions.

The organizational chart we developed is only a suggested framework for a merged agency, and our staffing analysis is only an estimate. We did not eliminate any functional areas within the two agencies, and we assume any new Commission

would be given considerable flexibility to make adjustments as necessary within the new structure.

The proposed new Fish, Boat, and Wildlife Commission would include three deputy executive directors, one each for resource management, administration, and field operations. We retained the regional office structure, using the PGC's regional offices as primary locations, with the PFBC's regional offices being repurposed for storage or seasonal staff. Our organizational structure also:

- Eliminates several redundant upper-level positions, such as an Executive Director, Press Secretary, Legislative Liaison, and several Regional Office Managers.
- Creates a Bureau of Species Diversity by combining the Wildlife Diversity Section and the Environmental Planning and Habitat Protection Division of the PGC together with the Fish and Boat Commission's Division of Environmental Services.
- Provides for a dedicated law enforcement function for the renamed Resource Conservation Officers.
- Retains both headquarters buildings.

The proposed organizational structure eliminates 52 positions. As the complements of both agencies have declined since our last study, the reduction in staff

and savings to be achieved were also reduced to some extent. This includes an 18 person reduction in law enforcement officers compared to a 36 person reduction in our 2003 analysis. This lower figure is due primarily to the increase in the percentage of time WCOs report spending on law enforcement activities.

We project that a merged agency—using the structure proposed in this report—would save approximately \$4.8 million annually in personnel costs. This includes approximately \$1.75 million in savings at the headquarters level and \$3.08 million in reductions at the regional level. Our analysis, however, does not include the effect of retirements or “bumping rights” that may affect actual savings, or certain other costs (or savings), such as building renovation, cross-training, and IT migration costs that were beyond the scope of this study to estimate.

We also identified several statutory, regulatory, and administrative matters that would need to be addressed in establishing a merged agency. These include:

- Size and composition of the governing body for the new agency.
- Combining the Fish and Boat Code and the Game and Wildlife Code into one unified and consistent Code.
- Establishing uniform employment and retirement provisions for the new Commission’s law enforcement officers. For example, currently Game

Commission officers are covered under the binding arbitration provisions of Act 111, whereas Fish and Boat officers are covered under Act 195.

- Combining the regulations of the two Commissions.
- Determining the fund structure of the new Commission. We note that combining the Fish, Boat, and Game Funds into one Fund would be more efficient, but it would also require the Commission's various constituencies to grant the new agency greater flexibility in how the funds are used.

In addition to these issues, many of the staff of the two agencies we spoke with expressed concern over the possible "dilution" of the focus of their agencies' mission and expertise if the two were merged.

The resolution also asks us to look at new funding options for the two commissions. Both Commissions rely heavily on license and registration fees for a significant portion of their funding. Although sales of licenses have decreased over the last decade, total revenues for all three funds have increased, with the Game Fund, in particular, having benefited over the past three years from increased oil and gas rentals and royalties. The Fish and Boat Commission has also received \$1 million from the Unconventional Gas Well Fee to fund costs relating to the review of permits for wells, as well as receiving a portion of the recent increase in liquid fuels tax funding. However, expenditures from each fund have also increased, primarily a result of increased personnel costs.

In regard to new funding options, we note that many states supplement license fees with other funding sources, such as general fund monies, certain sales taxes, and lottery funds.

Our review also includes an analysis of the cost effectiveness of merging only the law enforcement functions of the PFBC and the PGC with the Department of Conservation and Natural Resources. We found that only in two states, Alaska and Oregon, are these law enforcement functions carried out by an agency that does not have responsibility for the administration of the fish and wildlife programs.

Also, DCNR reported that the focus of their park and forest rangers is on providing a safe and enjoyable experience for the visiting public, rather than on law enforcement. Therefore, combining this function may require a reorientation of the agency's approach to law enforcement, possibly with nonlaw enforcement staff assuming responsibility for visitor services.

The issues I already mentioned regarding the merger of the PFBC and the PGC would similarly apply to the merger of the law enforcement function with DCNR: the jurisdiction of the merged law enforcement officers would need to be consistent; union and Act 111 and Act 195 applicability would need to be addressed; and funding for the combined enforcement staff would need to be addressed in a way that would not jeopardize PFBC and PGC federal funding. Initial costs may

also include creating a new law enforcement bureau and reporting system that does not currently exist in DCNR (rangers report within the bureaus of parks and forests).

Primarily because we did not consider it feasible to continue the Commissions' volunteer deputy programs in a new DCNR bureau, we estimated the cost of combining Fish and Boat, Game, and DCNR law enforcement to be about \$5.8 million more than under the existing structures. A combined approach should, however, improve enforcement coverage, as currently officers typically only issue citations for violations relating to their own agencies.

Before closing we would like to thank Carl Roe, the former Executive Director of the PGC, Matt Hough, Executive Director of the PGC, John Arway, Executive Director of the PFBC, and Ellen Ferretti, Secretary of DCNR, and their respective staffs for the excellent cooperation they provided during this study. Thank you.