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

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Report Summary

The merger of the Fish and Boat Commission with the Game Commission to form a single fish and wildlife management agency has received periodic consideration for over 60 years. As noted in our 2003 report, *An Update of the Feasibility of a Combined Fish and Wildlife Commission for Pennsylvania*,

As early as 1947, a special fish and game committee of the Joint State Government Commission reported that “it was the consensus of those appearing before the Committee that the Pennsylvania Fish Commission and the Pennsylvania Game Commission should not be merged.”

Later studies related to the Fish Commission and the Game Commission cited possible advantages of a consolidation of the two agencies into a single administrative organization. In 1962...[a] Wildlife Management Institute report recommended consolidation stating the belief that “over the years a consolidated fish and game organization will produce better results for both resources.”

Ten years later, the 1972 Governor’s Review of Government Management, a study group comprised of private sector management specialists which examined state government operations, also recommended combining the Fish Commission and the Game Commission. In 1987, the Senate Majority Policy Development and Research Office completed a study which essentially cautioned against merger and indicated that “a merger of Pennsylvania’s game and fish commissions may not yield any tangible benefits.”

This is the Legislative Budget and Finance Committee’s third examination of the merger question. The Committee’s first study, issued in 1989, dealt with the financial feasibility and potential impacts of a merger and outlined the associated advantages and disadvantages for legislative consideration. The second study, mandated by House Resolution 2003-15, was intended to assist the House Game and Fisheries Committee in its consideration of a broad range of options for structuring Pennsylvania’s fish and wildlife agencies to best manage the Commonwealth’s wildlife resources.

Our current study, directed by House Resolution 2013-129, uses our 2003 study as a model in looking at the potential cost savings of such a merger. See Appendix A for a copy of House Resolution 2013-129. As at the time of our 2003 study, Pennsylvania is the only state that has separate and organizationally independent agencies managing its fish and wildlife resources. At the state level, fish and wildlife functions are carried out either within a stand-alone department or commission

(20 states) or within an organizational unit of a larger state agency such as a “Department of Natural Resources” (29 states).

As shown by the other states’ organizations and the U.S. Fish and Wildlife Service, the management of these resources by a single entity is certainly feasible. However, compared to other states’ expenditures per license we reviewed, the PFBC and PGC combined expenditure per license is lower than average, suggesting that significant savings in a merger may be limited. We were asked to update our 2003 report and, therefore, we focused our analysis on the merger of the two commissions into a single stand-alone commission and did not analyze other structures, such as within an organizational unit of a larger state agency.

Financial Condition of the Commissions

Both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission use special revenue funds to account for their revenues and expenditures. The PGC has the Game Fund, while the PFBC has both the Fish Fund and the Boat Fund. Revenues for all funds have increased since FY 2003-04 despite a decrease in license sales. In FY 2010-11 Game Fund revenues from the sale of securities by Treasury, the sale of wood products, and oil and gas rentals and royalties increased dramatically. Expenditures for each fund have increased over the past nine years, primarily a result of increased personnel costs. Each fund experienced budget deficits; the Boat Fund each year since FY 2006-07, the Fish Fund each year since FY 2008-09, and the Game Fund in FY 2011-12. The PFBC has adopted a policy of expending only an amount equal to revenues received and is projecting no operating deficits (or surpluses) for the next five years. The PGC, on the other hand, is projecting operating deficits for these same years.

Recent alternative funding sources for the Commissions include the oil and gas lease programs (particularly for the PGC due to its land holdings) and the \$1 million from the Unconventional Gas Well Fee to the PFBC to fund costs relating to the review of permits for wells, and the increase in liquid fuels tax funding.

A Proposed Organizational Structure

We used the organizational structure presented in our 2003 report and adjusted it as necessary to address the current configurations of the two commissions. This is only a suggested framework for a merged agency and not a detailed blueprint. Similarly, our staffing analysis is only an estimate, and we assume any new Commission would be given considerable flexibility to make adjustments as necessary between the bureaus. In 2003, the PGC had a complement of 732 salaried positions, and the PFBC had a complement of 436 salaried positions. The PGC’s salaried complement has declined to 708 positions, and the PFBC’s salaried complement has since declined to 432 positions. To some extent, these reductions also reduce the potential savings to be achieved by merging the two organizations.

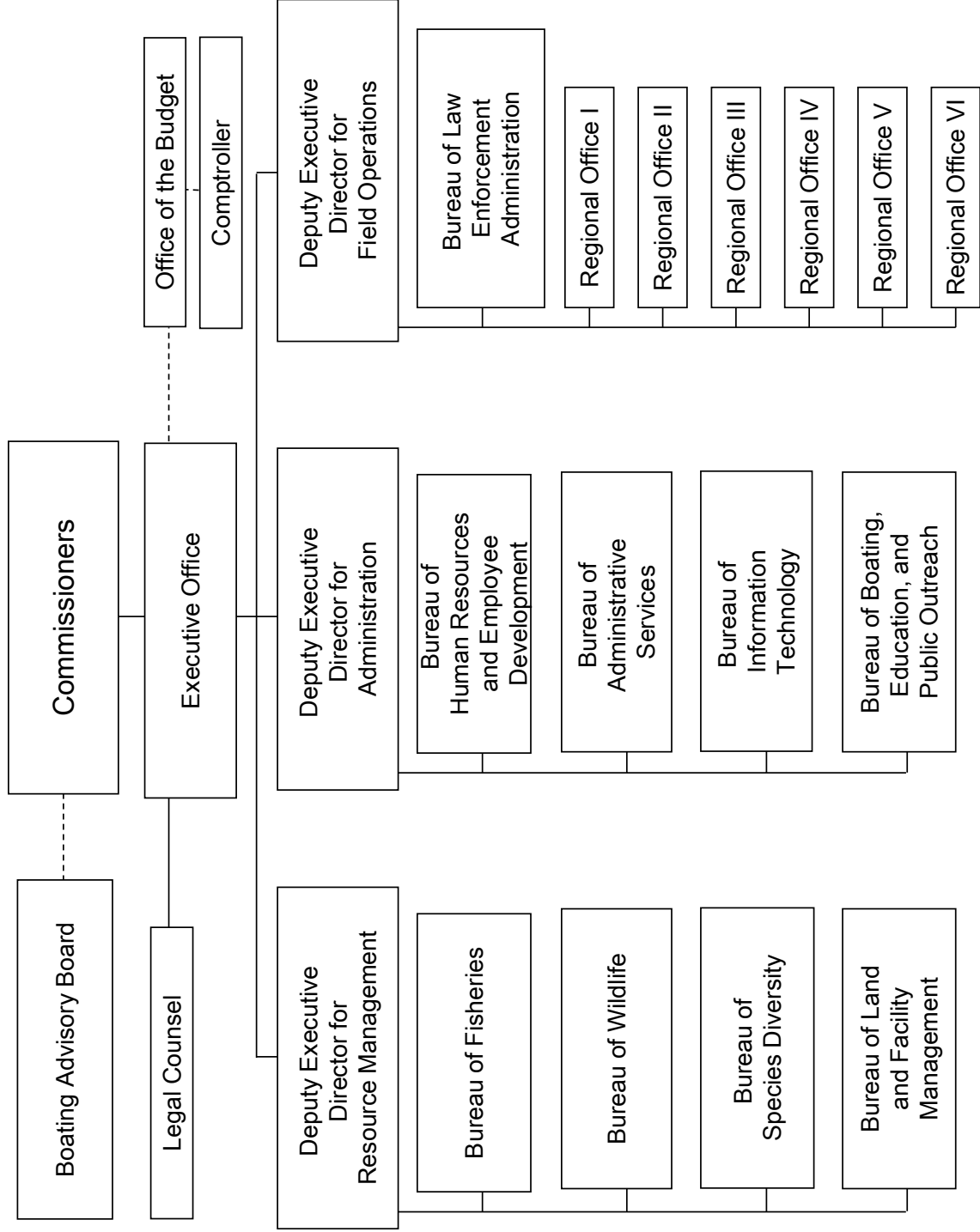
As with our 2003 study, we did not eliminate any functional areas within the two agencies: the proposed structure retains all the responsibilities, programs and assets of the two Commissions including the ownership of existing State Game Lands, continuation of the game farms and hatcheries, and retaining responsibility for boat titling and registrations.

The proposed organizational chart for the combined Fish, Boat and Wildlife Commission is shown on the next page. Significant features of the proposed structure include:

- Eliminating several redundant upper-level positions (not all of which are currently filled) such as an Executive Director, Press Secretary, Legislative Liaison, and Regional Office Managers.
- Combining and elevating to bureau status the Wildlife Diversity Section, and the Environmental Planning and Habitat Protection Division of the PGC with the Division of Environmental Services of the PFBC into a new Bureau of Species Diversity.
- Providing for a dedicated law enforcement function for the Resource Conservation Officers.
- Maintaining current staffing levels for the PGC's Bureau of Wildlife Habitat Management and PFBC's Bureau of Engineering.
- Increasing the current staffing level for the PGC's Bureau of Wildlife Management and maintaining the staffing level for the PFBC's Bureau of Fisheries and Bureau of Hatcheries. We anticipate no changes in the programs managing the wildlife and fish resources.
- Retaining both headquarters buildings.

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. The table below summarizes these positions and potential personnel savings. Our analysis does not include the effect of retirements or “bumping rights” that may affect the actual savings due to personnel reductions, 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.

Proposed Organization Chart for a Combined "Pennsylvania Fish, Boat, and Wildlife Commission"



Position Reductions and Estimated Personnel Savings in a Merged Commission		
	Positions Added (+) Eliminated (-)	Estimated Salary & Benefit Savings (-) Costs (+)
Executive Office.....	-7	-\$694,424
Bureau Positions		
Directors	-7	-\$877,271
Support Staff.....	-4	-\$307,490
Law Enforcement:		
WCOs	-18	-\$1,396,566
Other.....	-3	-\$277,763
Regional Managers	-6	-\$763,305
Other Regional Office Positions ...	-20	-\$1,548,093
Wildlife Management.....	+12	+\$900,541
Assistant Director	+1	+\$121,792
Net Positions Eliminated/Salary		
Benefit Savings.....	-52	-\$4,842,580

In our 2003 report, the single greatest savings was due to a 36 person reduction in the Wildlife Conservation Officer and Waterways Conservation Officer force. This was achieved by calculating the percentage of time spent on law enforcement activities with the thought being that the other non-law enforcement activities could be accomplished by other staff. In doing that same analysis for this study, we project an 18 person reduction in the WCO force. This lower figure is due primarily to the increase in the percentage of time WCOs report spending on law enforcement activities. The reduction of 18 WCOs could result in \$1.4 million in savings annually. These savings are partially offset, however, by an increase in 12 non-WCO positions to accomplish certain non-law enforcement work previously conducted by WCOs. We recommend the addition of several staff to assist in the non-law enforcement activities.

In addition to the personnel reductions, we examined other activities of the Commissions for potential savings and potential costs associated with a merger. Estimates for the savings or costs are included when they were available. These include:

Physical Facilities: Because the Commissions own rather than lease their buildings, there is little potential savings from combining the facilities. In addition, due to staffing and space needs, neither headquarters building is large enough to hold all headquarters staff, so both buildings would remain in use. These buildings are located less than one mile apart, so operating out of both, although not ideal, would not be particularly difficult.

Although the two Commissions divide the state into slightly different regions, the regions are similar enough and the facilities are close enough to allow for the use of both as needed. We recommend that due to size and condition, the regional activities would be located in the current PGC regional offices with the PFBC facilities being used for storage (as needed) or seasonal staff. There may be renovation

and relocation costs associated with the offices which we did not attempt to estimate.

Vehicles: As a result of the personnel reductions, and the reduced need for permanently assigned vehicles, the merged agency could save approximately \$38,800 in reduced annual vehicle expenses, including maintenance costs. There would also be \$13,698 in one-time savings achieved through the sale of excess vehicles. Since the other vehicles owned by the agency are more function-specific, and would need to be retained for those functions, we did not identify any savings associated with them.

Purchasing: Both agencies currently follow Department of General Services' purchasing guidelines and policies. We therefore anticipate no significant new commodity savings in the merged agency due to greater volume purchasing, although we do believe purchasing staff could be reduced by one position.

Training: Cross-training of all staff would be necessary. Due to their similar functions, and the fact that the law enforcement staff currently receives some cross-training, we think this can be done using existing agency resources. In the short term it would be necessary to prioritize the law enforcement staff cross-training. Officials for both agencies indicated that there would be significant costs associated with cross-training the law enforcement staff, including costs for travel, housing and subsistence.

Information and Technology: Both agencies are moving to an SQL-server based platform for their IT which will mitigate some of the issues merging the two systems would encounter. It is likely that the creation of a merged architecture and the administration of a transition to the new combined infrastructure will necessitate specialized expertise. The expected costs to the agencies of this expertise cannot be easily identified without a formal RFP. We would expect, however, that current staffing would remain in place to both maintain existing systems as well as participate in the merger.

Publications: In a merged agency we would assume the publication of one monthly magazine that would include topics related to wildlife, hunting, fishing and boating. The continued subscriber base and the reduction in free copies by the merged agency would be the two biggest impacts on the cost-savings generated by combining the magazines.

Equipment and Supplies: The new merged agency would require a new logo, website, vehicle identification and uniforms for law enforcement and certain other staff. Although some of this could be phased-in over several years, perhaps using temporary decals on vehicles until the vehicles are replaced, the identification of the law enforcement force as being representative of the new agency may require a

shorter phase-in period. In the interim, patches on the uniforms identifying the wearer as a representative of the new agency could be used. The Department of General Services estimated a one-time “signage” cost of \$2 million, but did not provide estimates for a phased-in approach.

Transition Planning: As in our 2003 report, we recommend that in the case of a merger, it would be in the best interests of the Commonwealth to hire an outside consultant to guide the transition.

Implementation Issues

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

- **Governing body for the new agency:** In other states, the Commissioners do not represent specific interests, rather they represent all the agency’s constituents. Generally, they do represent specific areas of the states.
- **Combination of the Fish and Boat Code and the Game and Wildlife Code:** This would also require delineating all law enforcement officers for the merged agency as covered by Act 111 or Act 195. This has a significant impact due to the binding arbitration provisions of Act 111.
- **Retirement for law enforcement officers:** All law enforcement officers would need to have the same retirement provisions. This would have a significant impact on future costs if, like the PFBC, all law enforcement officers in the merged agency are included in the definition of “enforcement officer” in the State Employees Retirement Code.
- **Combination of the regulations of the two Commissions.**
- **Fund Structure:** The two agencies currently operate out of three special funds. Most states use only one fund. Combining funds would be more efficient, but also require the new 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 with the “dilution” of the focus of the agencies’ mission and expertise if the two were merged. To a significant extent, that concern could be addressed by the interests and approach of the governing body.

Merger of the Law Enforcement Function With the Department of Conservation and Natural Resources

We were also asked to include in our review an analysis of the cost effectiveness of merging solely the law enforcement functions of the PFBC and the PGC with

the Department of Conservation and Natural Resources (DCNR). Maryland recently combined their Natural Resources Police Unit and the State Forest and Park Service Unit, both law enforcement units in the Department of Natural Resources, but officials were unable to provide us with estimates of the costs or savings associated with the consolidation.

We were told that, more so than the law enforcement officers at the PFBC and the PGC, the focus of DCNR park and forest rangers is on providing a safe and enjoyable experience for the visiting public rather than law enforcement. Therefore, a merger of the functions of the PFBC WCOs and PGC WCOs with the DCNR rangers would require a determination of the type of function the new officer force would adopt. Those officers assigned to fishing, boating and game activities could continue to enforce laws and regulations, while those assigned to the parks and forests could continue to serve the public visitors. If that dichotomy was seen as untenable, DCNR could choose either the enforcement or compliance approach across all properties. This may require that other DCNR staff assume responsibility for visitor services.

The other issues identified above regarding the merger of the PFBC and the PGC similarly apply to the merger of the law enforcement functions: 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. In addition to these issues, this merger would incur costs for logos, uniforms, and equipment similar to that of the PFBC and PGC merger. Initial costs would also include creating a law enforcement bureau and reporting system that does not currently exist in DCNR (rangers report within the bureaus of parks and forests).

In our 2004 report, *Transferring Enforcement of Fish, Boat, and Game Laws to a Single Executive Branch Agency*, we estimated first year costs to be \$33.8 million, or about \$5.8 million more than under the existing structure. Costs were higher due in part because we considered it unlikely that the Commissions' deputy programs would be continued in a new DCNR bureau. Since the structures and functions of the law enforcement and ranger staff were similar at that time to what they are today, we adjusted that estimate for inflation and therefore estimate that such a merger of law enforcement functions into DCNR would have first year costs of approximately \$40.6 million (using 2012 data), including the cost for additional law enforcement officers to compensate for the likely loss of Deputy WCOs. Not included in this estimate is the increase in pension costs. Although DCNR officials declined to provide a specific cost figure, they noted that it would be costly to create and operate such a bureau.

I. Introduction

House Resolution 2013-129 directs the Legislative Budget and Finance Committee to investigate the financial feasibility, impact, costs and savings potential of eliminating duplicated duties and services by combining the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission to create a new independent agency responsible for managing the fish and wildlife resources of this Commonwealth. In 1989, we conducted a similar study, and in 2003 updated that study.

Scope and Objectives Statement

1. To develop baseline information on all aspects of the organizational structure, operations, and finances of the Pennsylvania Game Commission (PGC) and the Pennsylvania Fish and Boat Commission (PFBC).
2. To examine baseline information pertaining to both agencies in order to identify any duplication of personnel, services, and program and administrative functions that currently exist.
3. To assess possible savings of time and resources that could be gained by a merger of the law enforcement branches of both Commissions with park rangers and forest patrol officers of the Department of Conservation and Natural Resources.
4. To examine the current organizational structures and operations of the PGC and PFBC in the context of the structures and operations used in other states that combine the management of fish and wildlife resources in a single agency and to examine similar recent merger actions, if any, in other states.
5. To identify one or more potential organizational structures for a combined commission in Pennsylvania, along with the costs and benefits that might be realized under such a structure.

Methodology

This study focused on an update of the question of structuring a single combined fish and wildlife agency for Pennsylvania. We used our 2003 report, *An Update on the Feasibility of a Combined Fish and Wildlife Commission for Pennsylvania*, as a model for our work. The PFBC and the PGC provided the financial and personnel information on the Commission's current organizational structures. We obtained additional information through meetings and interviews with officials and staff of both organizations at both the headquarters and regional levels. We visited two Regional Offices for each of the agencies.

We used the organizational structure developed in our 2003 report as guidance for a structure for this report, amending it as needed to address the changes in the commissions since 2003. We examined the current staffing configurations and met with bureau directors, as needed, to discuss the impact of a merger on their function.

With regard to law enforcement, we examined the “time and activity” reports for the Wildlife Conservation Officers and the Waterways Conservation Officers for the three most recent years. We classified the officers’ time into six primary activity areas, and analyzed the distribution of the officers’ time throughout the typical year. We supplemented this data with interviews with the law enforcement supervisors and several officers, as well as other agency staff.

We also analyzed the use of deputy law enforcement officer staff. We reviewed the size of this staff at each agency as well as their workloads, training and equipment requirements. We discussed the role of the deputy staff with the law enforcement supervisors at both agencies.

In addition, since we were also asked to look at the consolidation of solely the law enforcement function of the PFBC and the PGC with the Department of Conservation and Natural Resources (DCNR) Park and Forest Ranger staff, we met with staff at DCNR to discuss the effects of such a merger. We reviewed information provided by DCNR on the number of rangers, their responsibilities, training and equipment costs. We discussed such a consolidation of law enforcement staff with officials and staff of all three agencies.

We obtained information on fish and wildlife agency organizational structures and funding mechanisms in other states from information on their websites, an email survey we sent to the 20 independent states, and through a review of their statutes. We made follow-up telephone calls, in some cases, to clarify the information provided to us.

In determining the projected cost savings associated with a merger of the two commissions, we assumed the continuation of programs and maintenance of facilities and infrastructure. Therefore, we did not analyze the capital and infrastructure improvements needed by each agency as they would continue to exist in a merged agency.

Our analysis of potential cost savings through staff reductions in a merged agency used the average salary of the current employees in a position and the average benefit cost of the two agencies. It may be conservative in that we did not analyze each position in detail, and we also assume that the merged agency would have a high degree of discretion as to where and how those reductions would be made. We did not analyze the potential effect of retirements or “bumping rights” on the

cost savings. We used the Office of Administration's listing of Commonwealth personnel to identify current salaries. We also identified costs that may be associated with a merger that may offset any savings in the short term. In addition, we included a list of issues that would need to be addressed if a merger were to occur.

Acknowledgements

We acknowledge the excellent cooperation and assistance provided by the PA Fish and Boat Commission and PA Game Commission and their staffs, and the staff of the Department of Conservation and Natural Resources. Special appreciation for their cooperation and support is extended to: PFBC Executive Director John Arway; Steve Kralik, our PFBC liaison; PFBC Director of the Bureau of Law Enforcement Corey Britcher; PFBC Director of the Bureau of Administration Bernard Matscavage; PGC Executive Director Carl Roe; Steve Smith, our PGC liaison; PGC Director of the Bureau of Wildlife Protection Richard R. Palmer; and PGC Director of the Bureau of Administrative Services Dorothy Derr. We also recognize and acknowledge the extensive assistance provided by the many other commission officials, bureau directors, regional staff and other staff of both the PFBC and the PGC. We also thank DCNR Acting Secretary Ferretti, her staff, and Joe Graci, our liaison at DCNR, for their assistance with this report.

Important Note

This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as indicating that the Committee's members endorse all the report's findings and recommendations.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.

II. Legal and Other Background Information on Pennsylvania's Fish and Boat and Game Commissions

This section provides background information on the Pennsylvania Fish and Boat Commission (PFBC) and the Pennsylvania Game Commission (PGC).

Administration and Operations

Key Statutory Provisions

Fish and Boat Commission. The Fish and Boat Commission traces its origins in state government back to Act 1866-336, which created the position of Commissioner of Fisheries of the Commonwealth of Pennsylvania. Act 1925-263 established the Board of Fish Commissioners. Act 1949-180, which repealed Act 263, changed the name of the Commission to the PA Fish Commission and described its powers and duties. Act 1980-175 codified the laws into the Fish and Boat Code. Act 1984-16 changed the name of “waterways patrolman” to “waterways conservation officer” and “deputy waterways patrolman” to “deputy waterways conservation officer” and made other editorial changes to the language of the act. The 1984 amendment also gave waterways patrolmen the authority to arrange for chemical testing to determine alcohol or controlled substance use by someone in control of or operating a boat. Act 1991-39 changed the name of the Commission to the current Pennsylvania Fish and Boat Commission, increased boat registration fees, and made other minor language adjustments to the Fish and Boat Code. See Exhibit 1 for a list of recent amendments to the Fish and Boat Code.

Game Commission. The Pennsylvania Game Commission was originally established by Act 1895-187. This act created the Board of Game Commissioners to “protect and preserve the game, song and insectivorous birds and mammals of the state . . .” and to “enforce the laws of this Commonwealth relating to the same.” Act 1897-103 set forth the actions prohibited by law and the penalties for such actions. Act 1937-316 consolidated the game laws and changed the name of the Board of Game Commissioners to the PA Game Commission. Act 1986-93, which became effective on July 1, 1987, codified the game laws into the Game and Wildlife Code. See Exhibit 2 for a list of recent amendments to the Game and Wildlife Code.

Powers and Duties

Fish and Boat Commission. The 10-member Commission must have an office in the Harrisburg area and hold meetings in January and July and at such other times and places as the Commission may designate. At the July meeting each year the Commission elects one of its members as president and one as vice president for a one-year term. Six members constitute a quorum. The Commission

Recent Statutory Changes to the Fish and Boat Code

The General Assembly amended the Fish and Boat Code several times since our last audit. A brief summary of each of the amendments follows. In addition to the amendments included below, Act 2012-13 also affects the PFBC. Act 13 provides that \$1 million shall be distributed to the Pennsylvania Fish and Boat Commission for costs relating to the review of applications for permits to drill unconventional gas wells. These funds are to come from fees imposed upon drillers of unconventional gas wells.

Act 2011-16: allowed appointed members of the Board of Commissioners of the Fish and Boat Commission to continue to serve past their eight-year commitment on the board until a replacement is put forth by the governor and approved by the Senate.

Act 2011-33: increased the grading for the offense of homicide-by-watercraft while operating under the influence of alcohol or drugs to a felony of the second degree, which in turn increased the maximum penalty to a fine of not less than \$5,000 nor more than \$25,000, or imprisonment not exceeding ten years, or both. This law required that a consecutive three-year term of imprisonment be imposed for each victim whose death is a result of a violation of boating under the influence. This law also allowed the use of prior Vehicle Code DUI convictions in the adjudication of boating under the influence (BUI).

Act 2012-28: addressed the qualifying time of overseas deployment for Pennsylvania residents serving in the National Guard or reserve component of the armed forces to receive a reduced fee fishing license. Specifically, this legislation lowered the 180-day requirement to a 60-day limit.

Act 2012-66: permitted the Fish and Boat Commission to create new group, promotional, and multi-year licenses to promote fishing in Pennsylvania.

Act 2012-150: increased the penalty for assaulting a waterways conservation officer or deputy waterways conservation officer by adding those officials (and others) to the list of other similar law enforcement personnel covered under §2702 and §2702.1 in the Crimes Code (aggravated assault). Assaulting and causing bodily injury became a felony 2; assaulting and causing serious bodily injury became a felony 1, and discharging a firearm during an assault became a felony 1. These penalties are now the same for offenses against police officers, firefighters, officers of the courts, elected officials, teachers, and psychiatric aides.

Act 2012-167: increased the fines for a summary offense of the first degree to \$250, up from \$200; increased the fine for a summary offense of the second degree to \$150, up from \$100; and increased the fine for a summary offense of the third degree to \$75, up from \$50. Section 923(b) was amended to change the flat \$20 additional fine that may be imposed for each fish taken, caught, killed, possessed, or sold in violation of the code to a fine of not less than \$20 or more than \$50. This amendment added an additional penalty for serious "unlawful take" incidents in that a person convicted of or acknowledging guilt shall be assessed the costs incurred by the Commission for the replacement of the species involved in the violation in an amount as determined by the PFBC. The additional fine may be imposed for each illegal device used by an angler while in the act of fishing. Revocation of boating licenses due to boating under the influence or for homicide by watercraft was addressed by adding language that keeps the license suspension from starting until the violator is released from incarceration. A new provision was added relating to "serious unlawful take incidents," under which it is now unlawful to take, catch, kill, or possess three or more times the daily limit of fish or fish having a replacement cost in excess of \$500 during a closed season. Any person violating this provision commits a misdemeanor of the second degree and is subject to a fine of not less than \$500 or more than \$5,000, or imprisonment of up to two years, or both. Another new provision was added to provide that it is unlawful to take, catch, kill, or possess fish by illegal methods, which have been defined in regulation as seines or gill nets, explosives, chemicals, spears, gigs, pitch forks, bats, or other devices not normally used for fishing. A multi-tiered grading for violations of

Exhibit 1 (Continued)

this new provision stated that a violation relating to a single fish is a summary offense of the second degree; a violation related to two or more fish, up to and including the legal daily limit, is a summary offense of the first degree; a violation relating to more than the legal daily limit of fish or a second or subsequent violation is a misdemeanor of the second degree. Finally, the amendment also eliminated the sunset provision on the restricted fund created by the sale of the Lake Erie permit.

Act 2012-211: allowed the Executive Director to approve equivalent training requirements for deputy waterways conservation officers; provided that it is unlawful to intentionally or recklessly destroy Commission property and provided proportional degrees of penalties to the amount of damage caused, for example, a person who causes \$5,000 in damage commits a felony of the third degree, over \$1,000 in damages commits a misdemeanor of the second degree, and over \$500 in damages commits a misdemeanor of the third degree. The current fine was \$50 regardless of the amount of damage caused. The amendment also provided that it is unlawful to use a computer to create a fraudulent fishing license, boat registration, or other Commission-issued license, permit or privilege; clarified that all fishing and boating privileges granted by the code are suspended if a person fails to respond to a citation or summons or pay penalties after a conviction or guilty plea; increased the penalty for littering, commensurate with the amount of litter thrown or discarded in that the additional penalty increased from \$10 to a sliding scale of not less than \$20 but not more than \$50 for each piece of litter; established a lower annual \$25 fee for a temporary fishing pond operated on behalf of a nonprofit sportsmen's, conservation, or charitable organization; and changed the fine for a conviction of unsafe operation of boats, in violation of regulations, from a flat fine of \$20 to a possible fine of not less than \$20 but no more than \$50 for each piece of safety equipment missing, not worn, or unserviceable. The amendment added a new provision that provides for the offense of unauthorized operation of boats in that the taking of a boat without the consent of the owner would be a summary of the first degree; established the duties of watercraft operators involved in boating accidents to include the duty to provide information, render aid, and remain at or near the scene, and it established penalties for those who do not fulfill those specified duties.

Exhibit 2

Recent Statutory Changes to the Game and Wildlife Code

Act 2010-54: Substantially amended the fines and penalties provisions of the code by increasing penalty amounts, lengthened the time period in which offenses can be counted as a second violation and increased fines and penalties for offenses against threatened and endangered species; increases the time a person can be imprisoned for willful non-payment of fines and costs from four months to six months; added language to provide a more formal and explicit mechanism for the assessment of costs of prosecution in cases that result in a conviction; and permits violators to enter into an ARD program in certain circumstances.

Act 2010-64: Defined and clarified when, where, and for what purpose wildlife conservation officers may stop, search, and inspect persons, vehicles and property in the performance of their duties; amendments were made in response to precedents from the United States Supreme Court and Pennsylvania appellate courts.

Act 2011-9: Allowed the PGC to set regulations that would permit the transfer of permits from a licensed mentor hunter to a youth hunter who is being introduced to the sport. Specifically, a hunter with an antlerless deer permit is now allowed to give it to the mentored youth for filling. Additionally, falconry permits fees were changed from \$25 per bird to a flat \$50 and lowered the age for a license from 16 years old to 12.

Act 2011-64: Allowed all license vendors to sell the \$1 special, reduced-fee hunting licenses to resident active service members of the military.

Act 2011-107: Removed the requirement that hunters display their hunting licenses; allows hunters to carry wallet-sized licenses.

Act 2012-64: Lowered the 180 day requirement of overseas deployment for Pennsylvania residents serving in the National Guard or reserve component of the armed forces to qualify for a reduced fee hunting license to a 60 day requirement.

Act 2012-150: Increased the penalty for assaulting a wildlife conservation officer so that assaulting them and causing bodily injury becomes a felony of the second degree; assaulting them and causing serious bodily injury becomes a felony of the first degree; and, the discharging of a firearm during an assault of them is a felony of the first degree. These penalties are now the same as offenses against police officers, firefighters, officers of the courts, elected officials, teachers, and psychiatric aides.

Act 2013-7: Expanded the mentored hunting program by removing all age limits, thereby opening the program to all Pennsylvanians over the age of 12, including adults, and limited the number of years that a person over the age of 17 can be mentored to three licensing years.

Act 2013-29: Allows a properly permitted nuisance wildlife control operator to use electronic means to check traps.

administers and enforces laws relating to the encouragement, promotion, and development of fishery interests; the protection, propagation, and distribution of fish; the management and operation of boats; and the encouragement, promotion, and development of recreational boating. The Commission has the authority to promulgate rules and regulations concerning the protection, preservation, and management of fish, and the management and operation of boats.

Game Commission. The eight-member Commission must have offices in or near Harrisburg and hold meetings in January and June or July. It may also hold hearings at various locations throughout the state. At the January meeting, the Commission elects a president, vice-president, and a secretary for a term of one year. Six members in attendance at a meeting constitute a quorum. The Commission is charged to protect, propagate, manage, and preserve the game or wildlife in the Commonwealth and to enforce the related laws of the Commonwealth. To this end, the Commission fixes seasons, bag limits, and hunting hours; limits the number of hunters; defines the types of devices which may be used to take game or wildlife; governs the use of recorded calls or sounds; and changes classifications of animals. The Commission is further directed to serve the interest of sportsmen by preserving and promoting the heritage of recreational hunting and furtaking by providing adequate opportunity to hunt and trap the wildlife resources of the Commonwealth.

Size and Composition

Fish and Boat Commission. The Fish and Boat Commission is comprised of ten competent citizens appointed by the Governor with the advice and consent of a majority of the Senate. Two members must be experienced in boating and water safety education and be registered boat owners. The remaining eight members must be persons well informed about conservation, restoration, fish and fishing, and boats and boating and represent various geographic districts. All members serve eight-year terms and until their successors are appointed and qualified. The Commissioners receive no compensation but may be reimbursed for travel expenses. See Exhibit 3 for a list of the PA Fish and Boat Commission membership.

A statutorily created Boating Advisory Board advises the Commission on boating issues and makes recommendations regarding any proposed rules or regulations affecting a boat's equipment or its operation. This Board consists of eight members including the Secretary of Conservation and Natural Resources, or his designee; the Commission's Executive Director; and the Assistant Executive Director in charge of watercraft safety, all of whom serve as ex-officio members. The Governor appoints the five remaining volunteer members who serve five-year terms. These volunteer members are required to be experienced boaters and be members of boating organizations. One volunteer member is selected to serve as Chairperson, and the Director of the Bureau of Boating and Outreach serves as the Secretary.

Exhibit 3

PA Fish and Boat Commission Membership

<u>Commissioner</u>	<u>Residence</u>	<u>Term Expires^a</u>
Edward P. Mascharka, III	Erie	June 2018
Rocco S. Ali.....	North Apollo	October 2020
William J. Sabatose.....	Brockport	July 2011
Leonard L. Lichvar	Stoystown	December 2017
William R. Worobec.....	Williamsport	June 2014
Robert A. Bachman.....	Denver	April 2015
Norman R. Gavlick.....	Kingston	September 2018
Glade E. Squires	Downingtown	September 2018
G. Warren Elliott.....	Chambersburg	June 2017
Steven M. Ketterer	Harrisburg	April 2015

^aThe Fish and Boat Code provides that members serve 8-year terms and until their successors are appointed and qualified.

Source: PA Fish and Boat Commission.

Game Commission. The Pennsylvania Game Commission consists of eight competent citizens of the Commonwealth informed in wildlife conservation and restoration. Each member is appointed by the Governor by and with the advice and consent of two-thirds of the Senate. The Commission members represent various districts of the Commonwealth. All members serve eight-year terms and may continue to hold office for up to six months or until a successor is appointed and qualified. A member appointed to fill a vacancy for four years or less may be appointed to serve a full 8-year term. Members who serve a full 8-year term or fill a vacancy for more than 4 years are not eligible for reappointment until a period of 8 years has expired. The Commissioners receive no compensation but may be reimbursed for travel expenses. Exhibit 4 lists the current membership of the PA Game Commission.

Exhibit 4

PA Game Commission Membership

<u>Commissioner</u>	<u>Residence</u>	<u>Term Expires</u>
Robert W. Schlemmer.....	Export	May 2017
David J. Putnam.....	Centre Hall	May 2017
Brian H. Hoover	Glenolden	June 2020
Ralph A. Martone	New Castle	October 2014
Timothy S. Layton.....	Windber	June 2021
Charles E. Fox	Troy	October 2020
Ronald A. Weaner.....	Biglerville	June 2016
Jay Delaney, Jr.	Wilkes-Barre	April 2015

Source: PA Game Commission.

Agency Missions and Objectives

Fish and Boat Commission. The PFBC's vision, values, and mission statements are contained in the agency's strategic plan. As stated in the plan, the Pennsylvania Fish and Boat Commission's mission is *to protect, conserve, and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities*. See Exhibit 5. See Exhibit 6 for the goals associated with the Strategic Plan.

Exhibit 5

PFBC's Vision, Values, and Mission Statements *Strategic Plan July 2010 – June 2015*

VISION: By 2015, the Pennsylvania Fish and Boat Commission will continue to expand its knowledge and expertise, protect and improve the quality of the Commonwealth's aquatic resources, expand and enhance fishing and safe boating opportunities, and improve recruitment and retention of individuals, families, and children as anglers, boaters, and stewards of our resource.

VALUES: The Commission's values are our guiding principles. These statements outline the behaviors that are expected of all employees, Commissioners, Boating Advisory Board members, and our volunteers. Evident in our daily decision-making, our values impact every aspect of our organization.

- Be stewards of our aquatic resources.
- Provide high quality public service.
- Ensure the safety of our staff, anglers, and boaters.
- Strive for excellence.
- Measure and deliver results.
- Demonstrate teamwork.
- Communicate openly and effectively.
- Demonstrate integrity.
- Be truthful, courteous, tolerant, fair, and ethical.
- Treat others with respect.
- Empower and develop employees.
- Embrace positive change.

MISSION: The Pennsylvania Fish and Boat Commission's mission is *to protect, conserve, and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities*. The mission reflects our statutory responsibilities in §321 of the Fish and Boat Code, 30 Pa.C.S. §321, relating to:

- The encouragement, promotion and development of fishery interests.
- The protection, propagation and distribution of fish.
- The management of boating and operation of boats.
- The encouragement, promotion and development of recreational boating.

Source: Pennsylvania Fish and Boat Commission, Strategic Plan July 2010 – June 2015.

Exhibit 6

PFBC Strategic Plan Goals

Goal 1: Actively pursue innovative, as well as traditional, funding sources, compensation for services provided to all Pennsylvanians, and funding for the completion of priority infrastructure projects.

Goal 2: Improve protection, conservation, and enhancement of aquatic resources and habitats.

Goal 3: Improve the Commission's knowledge of its users in order to better direct Commission programs and services.

Goal 4: Retain and add new access to fishing and boating opportunities.

Goal 5: Optimize agency operations through integrated information systems management.

Goal 6: Optimize agency efficiency and ensure continuity of operations through infrastructure planning and employee development.

Goal 7: Improve internal and external communications systems to develop an informed and engaged workforce and increase the public's access to and use of Commission information.

Source: Pennsylvania Fish and Boat Commission, Strategic Plan July 2010 – June 2015.

Game Commission. The PGC's Strategic Plan is predicated upon recently established "Vision, Values, and Mission Statements" for the agency. In this document, the PGC's mission is stated as follows: *To manage all wild birds, mammals, and their habitats for current and future generations.* The Commission's statements are shown on Exhibit 7. The PGC's goals are listed on Exhibit 8.

Exhibit 7

PGC Vision, Values, and Mission Statements

VISION: A be the leader among wildlife agencies, and champion of all wildlife resources and Pennsylvania's hunting and trapping heritage.

VALUES:

- Place wildlife first in all decision-making.
- Respect the views of our various stakeholders.
- Be open, honest, and forthright in all matters.
- Provide quality service both internally and externally.
- Carry out our responsibilities in a polite, professional, and considerate manner.
- Be ethical in the performance of all duties.
- Encourage the professional development of all employees.
- Have pride in our wildlife management heritage.
- Reflect on our success and lead for the future.

MISSION: To manage Pennsylvania's wild birds, wild mammals, and their habitats for current and future generations.

Source: Pennsylvania Game Commission.

PGC Strategic Plan Goals

Goal 1: Conserve, protect and restore wildlife populations for their many public values.

Goal 2: Improve the public's appreciation of wildlife, and their awareness and understanding of wildlife resource management.

Goal 3: Promote and perpetuate our hunting and trapping heritage.

Goal 4: Manage and protect a network of public and private lands and waters to provide habitat for wildlife.

Goal 5: Enhance the public's understanding of the Pennsylvania Game Commission's mission and its responsibilities.

Goal 6: Develop sustainable funding sources that support the agency's mission and identity.

Goal 7: Promote a diverse, professional and efficient organization.

Source: PGC Strategic Plan 2009-2014.

Agency Direction

Fish and Boat Commission. With the approval of the Governor, the PFBC appoints and fixes the compensation of its Executive Director to serve at its pleasure. The Executive Director serves as the Chief Waterways Conservation Officer and is responsible for all work and activities of the Commission. Additionally, the Executive Director has the authority to have printed bulletins, literature, posters, and the magazine known as the *Pennsylvania Angler and Boater*. Further, the Executive Director has the authority to appoint two assistant executive directors, one responsible for watercraft safety and the other responsible for the fisheries and engineering.

Game Commission. The PGC is headed by a Director who is selected by and who serves at the pleasure of the Commission. No member of the Commission may be appointed Director within one year after service on the Commission. The Director is the Chief Administrative Officer and Chief Game Commission Officer and is responsible for all work and activities of the Commission. His/her duties include selecting Game Commission officers, supervising all Commission employees, certifying Commission actions, and producing publications. Additionally, he/she represents the Commission in the execution of all land purchase contracts and other similar agreements.

Staffing

Fish and Boat Commission. As of June 30, 2013, the PFBC had an authorized complement of 432 salaried positions, 381 of which were filled (88 percent). The Fish and Boat Commission must receive approval from the Governor's Office of Administration to change its authorized complement level.

Game Commission. As of June 30, 2013, the PGC had an authorized complement of 708 salaried positions. At that time, 99 percent, or a total of 700 positions were filled. The Game Commission must receive approval from the Governor's Office of Administration to change its authorized complement level.

Law Enforcement

Fish and Boat Commission – Powers and Duties of Waterways Conservation Officers. Waterways Conservation Officers (WCOs) have the power and duty to enforce all the provisions of the Fish and Boat Code as well as the provisions of the Crimes Code,¹ and other misdemeanor and felony offenses (which include drug and DUI offenses). WCOs may arrest with or without a warrant any person who violates those laws. Other powers and duties include: executing all warrants; serving subpoenas; carrying firearms or weapons; stopping vehicles or boats to search or inspect, with probable cause; seizing any and all fish taken and/or equipment used in violation of laws; entering upon any land or water; demanding and securing assistance in an emergency; purchasing fish for purposes of securing evidence.

Additionally, WCOs may arrange for chemical testing to determine the use of alcohol or controlled substances. WCOs have the authority to operate a Commonwealth-owned and marked vehicle that is equipped with a flashing or rotating light or lights, or with audible devices, or both, when on work duty. Except for not being authorized to make arrests under the Crimes Code, Deputy WCOs have the same powers and duties as WCOs.

Game Commission – Powers and Duties of Wildlife Conservation Officers. Wildlife Conservation Officers (WCOs) have the power and duty to enforce all the provisions of the Game and Wildlife Code as well as the provisions of the Crimes Code.² WCOs are authorized to enter any land, water, buildings and property; serve subpoenas, carry firearms or other weapons; purchase and resell game or wildlife for evidence, and stop, inspect or search any means of transportation, person, or property. WCOs may also seize evidence or contraband; seize all game or wildlife taken in violation of the Code; seize all firearms and hunting equipment used in violation of laws; administer oaths and question persons under oath relative to the taking, ownership or possession of game or wildlife; and operate any vehicle approved by the Commission.

Additionally, WCOs have the authority to demand and secure assistance in an emergency; demand and secure identification from anyone; and enforce laws relating to fish, boating, parks, environmental matters, and forestry under the supervision of the responsible agency. WCOs have the power and duty to operate any Commonwealth vehicle equipped with rotating or flashing color lights and/or audible sounds when on duty. Deputy WCOs generally have the same powers

¹ Crimes Code enforcement may occur when in performance of WCO-related duties.

² Ibid.

and duties as WCOs except they are not authorized to (1) issue citations or field acknowledgements of guilt; (2) operate Commonwealth vehicles equipped with flashing or rotating lights; and (3) to arrest individuals suspected of violating the Crimes Code.

Special Funds

The commissions each operate using a special fund or funds for their revenues.

Fish and Boat Commission.

Fish Fund. All fees, royalties, fines, penalties, and other monies collected under the provisions of the Fish and Boat Code (unless otherwise provided in the code) are placed in a separate fund known as the Fish Fund.

Boat Fund. All monies collected under 30 Pa.C.S.A. §747 (relating to sales and grants), Part III of the Fish and Boat Code, (relating to boats and boating), and Section 17 of the Liquid Fuels Tax Act are placed in the Boat Fund.

Game Commission.

Game Fund. The Game Fund consists of all fines paid, fees, royalties, and other monies received under the provisions of the Game and Wildlife Code.

See Chapter IV for information on PFBC and PGC budgetary and financial condition.

Prior Merger Studies

In 1989 and 2003, the LB&FC conducted prior studies of the potential merger of PFBC with PGC. The 2003 study set forth a possible organizational structure for a merged agency using a review of fish and wildlife agencies in other states as the basis for the proposed organizational structure. We projected that a merged agency, structured as proposed in the 2003 report, would save approximately \$5 million annually in personnel (salary and benefit) costs. In addition to personnel reductions, we examined several other areas for possible cost savings, such as reduced vehicle expenses and producing only one monthly magazine rather than two. The report also recognized that several legal, regulatory, and administrative matters would need to be addressed in establishing a merged agency.

III. The Current Organizational Structures and Staffing of the Two Commissions

Organizational Structure of the Pennsylvania Fish and Boat Commission

As shown on the PFBC organizational chart in Exhibit 9, the Commission's staff structure consists of an Executive Office, seven bureaus and six regional offices.

Executive Office

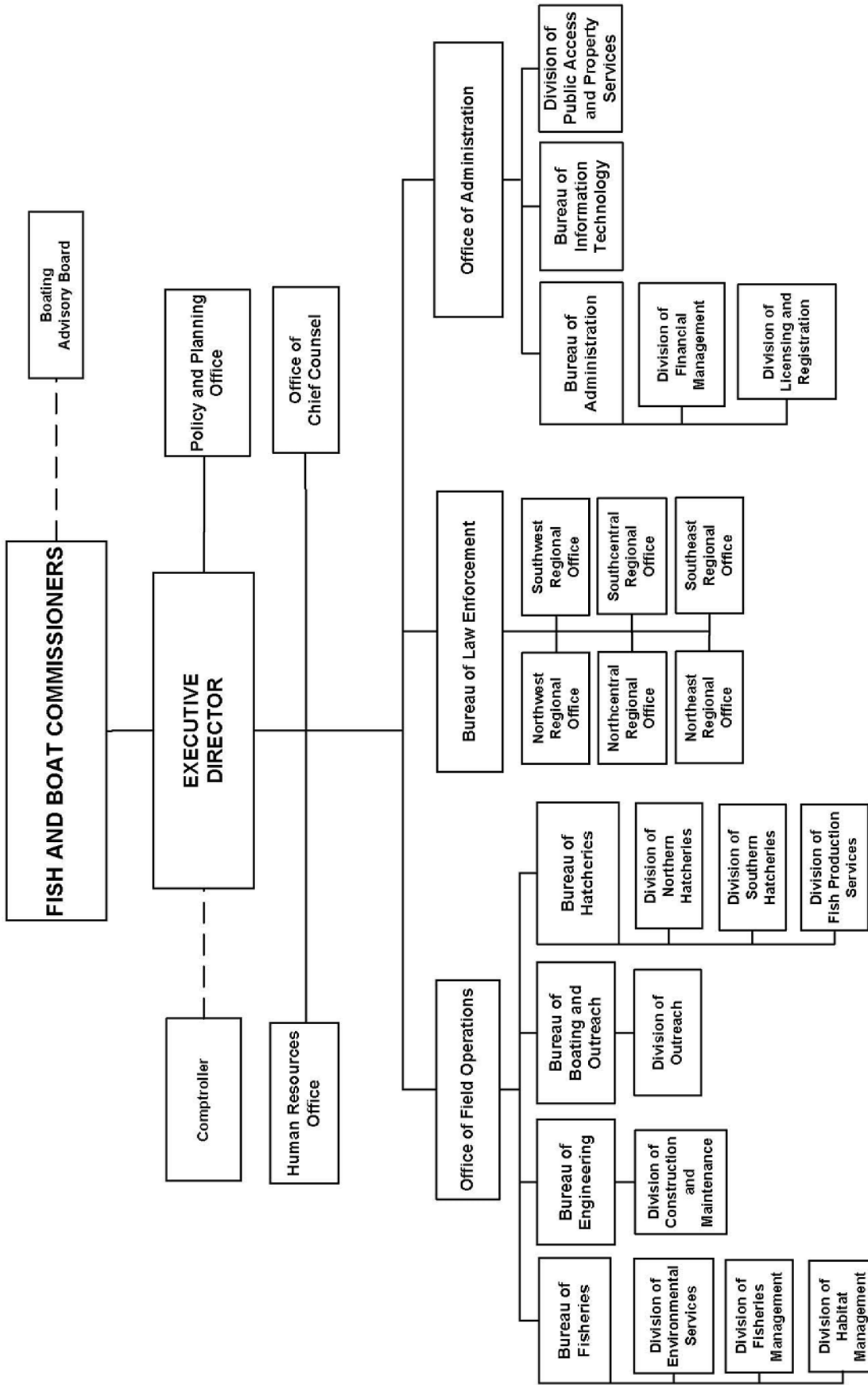
Executive Director: Performs the duties and responsibilities vested in and imposed upon the agency by the Fish and Boat Code, 30 Pa.C.S. §101 *et seq.*; administers the operations and activities of the entire organization; serves as the Chief Waterways Conservation Officer; and serves as an *ex officio* member on several boards and other entities.¹

Office of Chief Counsel: Provides legal services to and represents the PFBC in all civil matters including state and federal administrative proceedings before other agencies including, e.g., the State Civil Service Commission; drafts proposed legislation, regulations, contracts, etc.; coordinates the legal aspects of land acquisition and disposition; coordinates with other state agencies on a wide variety of matters, e.g., contracts; coordinates agency actions where a PFBC employee or officer is sued or charged with a crime; assists in the conduct of administrative hearings and functions as a hearing officer when appropriate; and attends PFBC and Boating Advisory Board meetings and other proceedings that pertain to the agency's operations.

Human Resources Office: Coordinates the recruitment and placement of PFBC employees; coordinates the time and attendance, financial disclosure, workers compensation, safety, performance management, and unemployment compensation programs; advises staff about human resource policy and procedures; administers employee training programs; oversees the equal opportunity, disability services, commercial driver's license drug testing, and employee assistance programs; negotiates collective bargaining agreements; assists in unfair labor practices and arbitrations, resolving grievances and employee complaint issues; and recommends appropriate levels of disciplinary action when necessary.

¹ For example, the Atlantic States Marine Fisheries Commission, the Environmental Quality Board, the Mid-Atlantic Fisheries Management Council, and the Boating Advisory Board.

Fish and Boat Commission Organization Chart



Source: Pennsylvania Fish and Boat Commission.

Policy and Planning Office: Develops policy recommendations consistent with the PFBC's goals and to be responsive to the needs of the fishing and boating public; ensures that initiatives are consistent with broader policy objectives and the PFBC's strategic vision; develops short range goals and objectives and long range strategic plans consistent with the agency's priorities; develops and implements the agency's legislative agenda and serves as liaison to the legislature and monitors and analyzes relevant legislation; prepares position statements on plans, initiatives, regulations and legislative actions proposed by federal and state agencies; annually develops and updates the PFBC's comprehensive planning documents; coordinates agency marketing initiatives; develops public relations initiatives; responds to inquiries from the media about PFBC issues and current events; prepares and distributes news releases, public reports, and other written materials; and participates in and coordinates news conferences and facilitates media appearances by the Executive Director and agency staffs.

Office of Field Operations:

The Office of Field Operations manages, develops, and coordinates the PFBC's engineering, fisheries, hatcheries, and boating and outreach programs.

Bureau of Fisheries: Directs the research, management, conservation, and protection of fish, fisheries, reptiles, amphibians, and other aquatic organisms including threatened and endangered species; and represents the Executive Director on various agencies and committees.² This Bureau includes the Division of Environmental Services, the Division of Fisheries Management, and the Division of Habitat Management.

Bureau of Hatcheries: Directs the production and stocking of fish in Pennsylvania waters, including Lake Erie; manages hatchery effluents within NPDES³ permit limits; provides oversight of the infrastructure and renovations to state fish hatcheries; directs all interstate exchanges or trades of fish and eggs; and represents the agency on various interstate and intrastate aquaculture related committees and organizations. This Bureau includes the Division of Northern Hatcheries,⁴ the Division of Southern Hatcheries,⁵ and the Division of Fish Production Services.

² This includes the Mid-Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, the Great Lakes Fishery Commission, the Council of Great Lakes Fisheries Agencies, the Mississippi Interstate Cooperative Resource Association, the Northeast Association of Fisheries Agency Administrators, various committees within the American Fisheries Society and the Association of Fish and Wildlife Agencies, and other organizations and interagency committees as necessary.

³ National Pollutant Discharge Elimination System.

⁴ State hatcheries include Corry, Union City, Fairview, Linesville, Oswayo, Pleasant Mount, and Tionesta.

⁵ State hatcheries include Bellefonte, Benner Spring, Huntsdale, Pleasant Gap, Tylersville, and Reynoldsdale.

Bureau of Boating and Outreach: The Bureau Director serves as ex officio member and secretary to the Boating Advisory Board; is the Commonwealth's boating law administrator; directs boating safety and water rescue programs, and public information, communications, marketing, and education efforts; and directs the development of comprehensive boating laws and regulations that enhance the safety and recreational enjoyment of boaters. This Bureau includes the Boating Safety Section, the Division of Outreach, the Media Productions Section, and the Education Section.

Bureau of Engineering: Directs the planning, engineering, design, construction, and maintenance of two Lake Erie Marinas, 331 fishing and boating access areas, 14 state fish hatcheries, 6 regional offices, the Harrisburg Headquarters, and other PFBC properties. In addition, staff perform all maintenance, permitting and ensure regulatory compliance for 55 Commission controlled dams most of which are high hazard and/or unsafe. This Bureau includes the Division of Construction and Maintenance, the Construction Section, the Maintenance Section, and the Engineering Division.

Office of Administration:

The Office of Administration manages, develops, and coordinates the PFBC's administrative, information technology, public access, and real estate programs.

Bureau of Administration: Provides administrative support services, e.g., procures, monitors maintenance, operating expenses and repairs, and disposes of vehicles; administers the surplus property program; oversees the maintenance and operation of the PFBC's headquarters building; administers the PFBC's Right-To-Know Law program and the records management program; administers and coordinates all federal grants; develops proposals to receive and expend federal funds; records and analyzes the expenditure of federal funds; coordinates federal projects with the PFBC, other state agencies and the federal government; and provides mail, messenger, and related services. This Bureau includes the Divisions of Financial Management and Licensing and Registration.

Bureau of Information Technology: Provides overall direction for and manages all aspects of the PFBC's information technology infrastructure, including network architecture, Inter/Intranet application web development, Geographical Information Systems (GIS), and telecommunications; manages information technology network and data store to sustain the business requirements of the PFBC; provides technology solutions to enhance system interoperability, security, and cost effectiveness for the PFBC, as well as supports both internal and external customer needs; operates and maintains all distributed computing platforms and systems used within the PFBC; coordinates customer service activities; and ensures compliance with Commonwealth policies and standards, where appropriate.

Division of Public Access & Property Services: Administers the Lake Erie Access Improvement Program and the comprehensive statewide public access and lands conservation program; applies for and administers grants and other non-traditional funding sources to support public access programs and initiatives; administers the Clean Vessel Act, the Boating Infrastructure and Facilities Development Grant, and the statewide Boating Facility Grant; provides technical assistance on the design of fishing and boating access facilities; provides support to the PA Water Trails Partnership; manages the statewide real estate operations; administers and coordinates statewide land acquisition and disposition and land use programs, including leasing agreements; evaluates and reconciles property encroachment, title, and property ownership and control issues; maintains agreements and in-lieu-of-tax payments obligations; researches, evaluates, and responds to property related inquiries from PFBC staff, other agencies, legislators, and the public; assists PFBC staff with the evaluation and implementation of gas and water land use agreements for PFBC property; and provides the land and property surveying services for PFBC projects and facilities.

Bureau of Law Enforcement

The Bureau of Law Enforcement directs the enforcement of Commonwealth fishing and boating laws and regulations and certain water pollution/disturbance laws, as well as enforcement of Title 18, the Crimes Code. Its corps of waterways conservation officers (WCOs) also provides education programs for boating, fishing, and conservation; reviews permits for mine drainage and stream encroachments; administers the PFBC's special activities permits; and participates in fish stocking operations. WCOs are also called upon to engage in rescue and recovery operations associated with infrastructure failures or natural disasters (such as floods).

The Bureau administers the agency's aids-to-navigation activities, the certification of passenger-for-hire boat operations, and the operation of the North East and Walnut Creek marinas. The Bureau is also responsible for the PFBC's deputy waterways conservation officers. The Bureau operates out of headquarters in Harrisburg as well as six regional offices located in Meadville, Somerset, Pleasant Gap, Newville, Sweet Valley, and Elm.

Staff Complement

On June 30, 2013, the PFBC's staff complement totaled 432 salaried positions. As shown on Table 1, 381 of the salaried positions were filled and 51 were vacant. Approximately half of the filled positions are in the Bureau of Law Enforcement and the Bureau of Hatcheries. The PFBC also had 310 wage positions at the end of June 2013, with 176 of the wage positions filled and 134 vacant.

Table 1

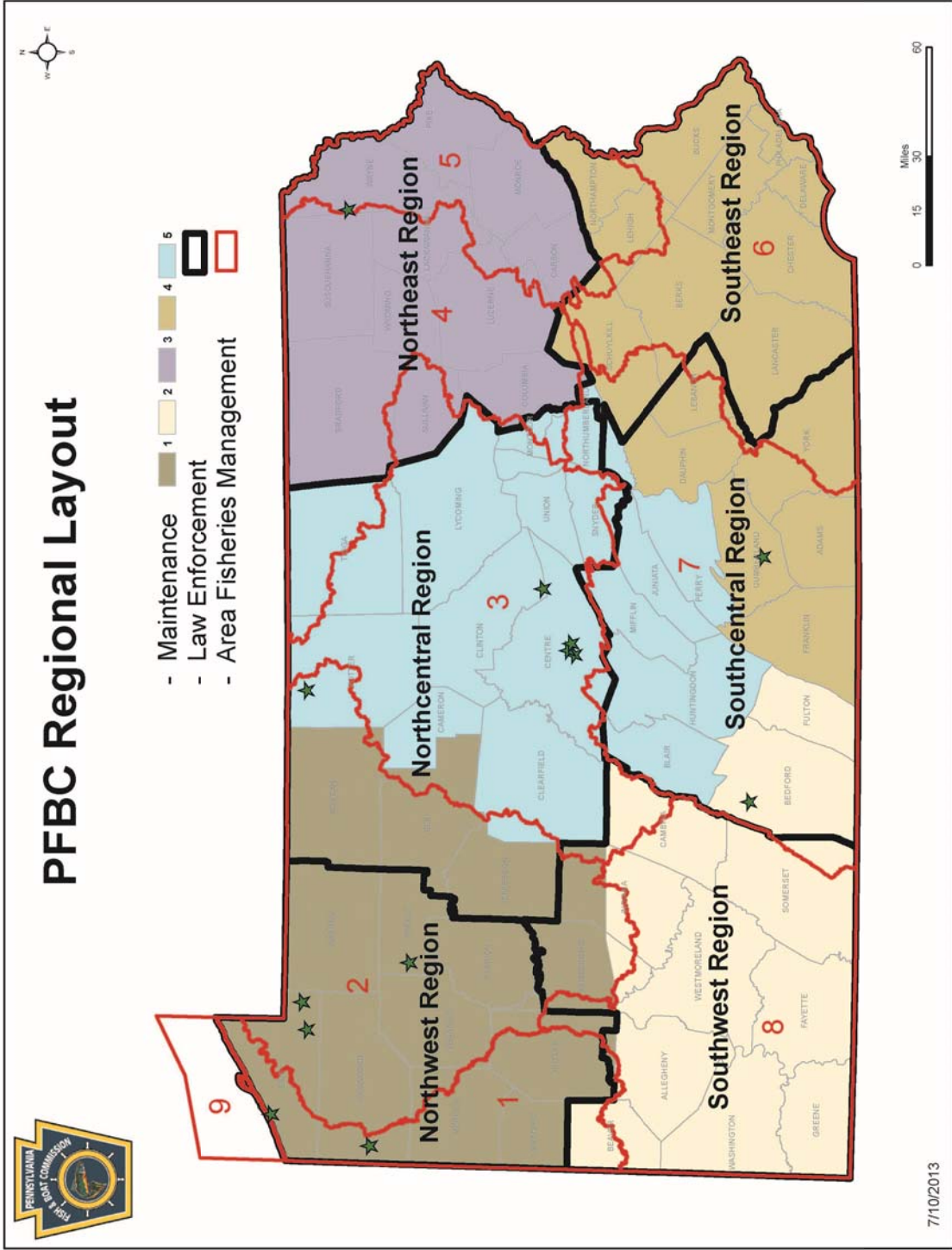
PFBC Salaried Staff Complement, by Organizational Unit
(As of June 30, 2013)

	<u>Filled</u>	<u>Vacant</u>	<u>Total</u>
Executive Office.....	14	0	14
Office of Administration	6	4	10
Office of Field Operations.....	1	0	1
Bureau of Law Enforcement.....	94	13	107
Bureau of Administration	30	2	32
Bureau of Information Technology	11	1	12
Bureau of Fisheries	58	4	62
Bureau of Engineering.....	46	6	52
Bureau of Boating and Outreach.....	14	5	19
Bureau of Hatcheries.....	<u>107</u>	<u>16</u>	<u>123</u>
Total.....	381	51	432

Source: PFBC Personnel Complement Report, June 30, 2013.

The PFBC has divided the state into six regions for purposes of maintenance, law enforcement, and area fisheries management. See Exhibit 10 for a map of the Commission's regions.

Fish and Boat Commission Regions



Source: Pennsylvania Fish and Boat Commission.

Organizational Structure of the Pennsylvania Game Commission

As shown on the PGC organizational chart in Exhibit 11, the Commission's staff structure includes an Executive Office, six bureaus, and six regional offices.

Executive Office

The Executive Office is responsible for planning, directing, executing, and coordinating all of the PGC wildlife management programs in order to fulfill the agency's statutory and constitutional mandates. The functions of the Executive Office include developing and recommending a budget for consideration by the Commission and for presentation to the Governor as well as developing legislation to present to the General Assembly. Additionally, the Executive Office oversees the operation of the Ross Leffler School of Conservation, evaluates existing policies, and develops new PGC policies. The Executive Office also establishes and maintains working relationships with other state, federal, and private agencies and sportsmen's groups.

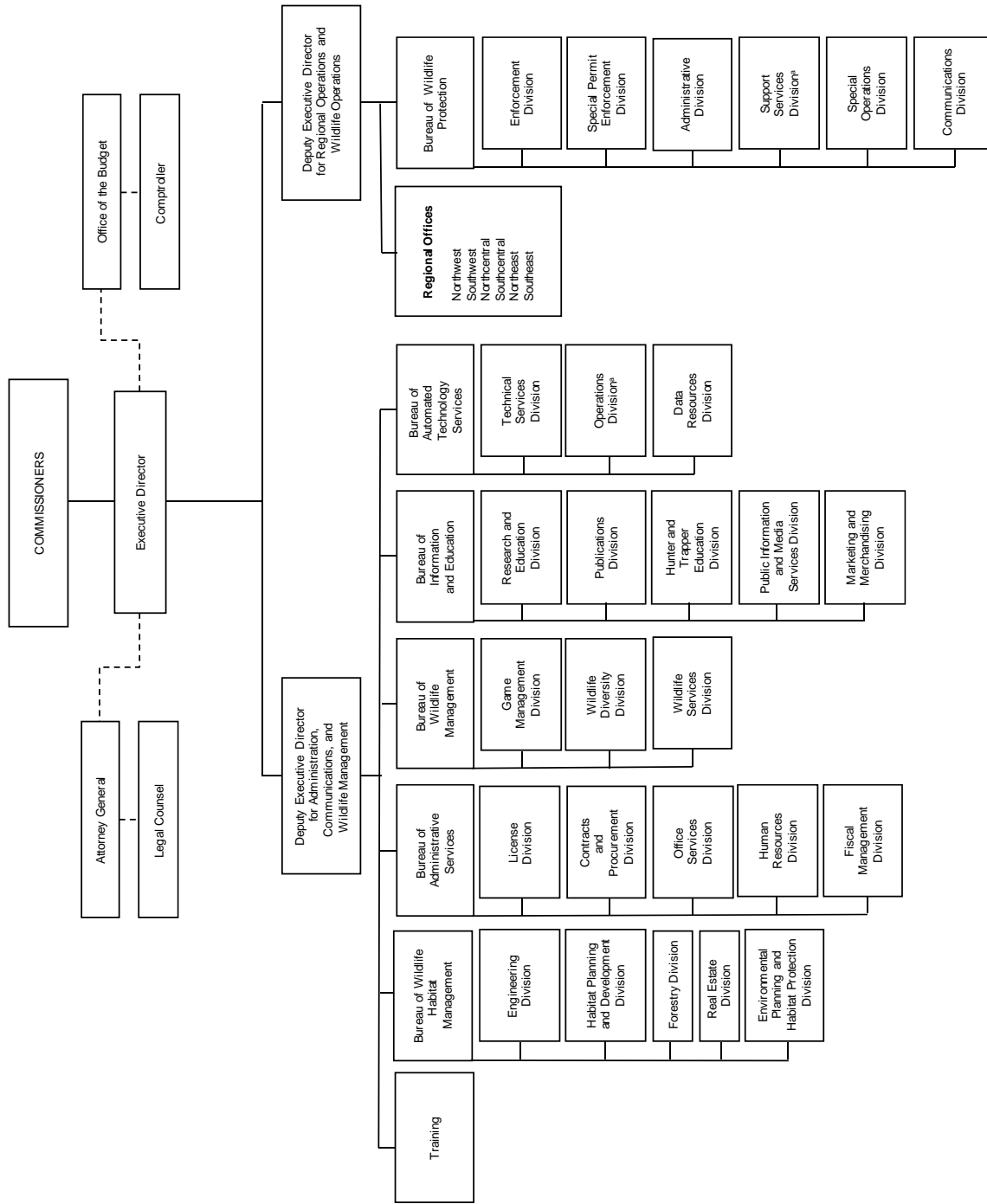
Training. Under the direction of the Executive Office, Training staff direct and manage the overall training function, with emphasis on the Ross Leffler School of Conservation. Mandatory in-service law enforcement training for wildlife conservation officers (approximately 200) and deputy wildlife conservation officers (approximately 350), management training, safety training, out-service training, Right-to-Know act compliance, Hazardous Material training, and other agency training is provided as required.

Deputy Executive Director for Regional Operations and Wildlife Protection

This Deputy Executive Director oversees all operations and activities for PGC regional offices as well as for the Bureau of Wildlife Protection.

Regional Offices. Game Commission field operations are administered through its six regional offices in Franklin, Ligonier, Jersey Shore, Huntingdon, Dallas, and Reading. The Regional Offices are responsible for planning, organizing, and directing the implementation of all agency programs within a specific geographical area. Each region is responsible for the administration of agency programs including: Wildlife Protection, Information and Education, Habitat Management, and Wildlife Management. To accomplish these tasks, regional office staff provides administrative services by utilizing management information systems. See Exhibit 12 for a map of the regions.

Pennsylvania Game Commission Organization Chart



Source: Pennsylvania Game Commission.

Pennsylvania Game Commission Regions



Source: Pennsylvania Game Commission.

Bureau of Wildlife Protection

The Bureau of Wildlife Protection is responsible for administering and coordinating the agency's wildlife law enforcement program. Five divisions operate within this bureau including the Enforcement, Special Permit Enforcement, Administrative, Special Operations, and Communications divisions.

Enforcement Division. The Enforcement Division supervises the operations of the agency quartermaster and acts as the primary firearms and ammunition custodian. Additionally, the division administers the Deputy Program, reviews law enforcement reports, handles all fencing agreements and bear claims, maintains security at Harrisburg Headquarters, conducts investigations, and performs selective enforcement operations.

Special Permit Enforcement Division. The Special Permit Enforcement Division manages and provides final approval to applications, required reports, and renewals of special use permits as provided for in the Game and Wildlife Code. Additionally, this division provides direction and guidance to all Wildlife Conservation Officers in the administration of the special permits program.

Administrative Division. The Administrative Division manages all records related to criminal prosecutions for violations of the Game and Wildlife Code. This includes maintaining an agency database of prosecutions; ensuring fair and equitable revocation of hunting and furtaking privileges; and providing prosecution data and trends for agency use as well as for external parties such as the legislature and the media.

Special Operations Division. The Special Operations Division comprises the special investigation unit and conservation K-9 units. This division is the PGC's lead liaison with the Pennsylvania Emergency Management Agency, the CLEAN/JNET systems, and homeland security.

Communications Division. The Communications Division manages the maintenance contract used to maintain radio communications between regional dispatchers and regional staff and their field employees. Communication devices include phone lines, fiber, base stations, and public and private microwave and tower networks. In addition, the division manages the mobile units in PGC vehicles and acts as a liaison between the PGC and the Administrations' Office of Public Radios Systems.

Deputy Executive Director for Administration, Communications, and Wildlife Management

This Deputy Executive Director⁶ oversees the operations and activities for human resources, contracts and procurement, communications, technology, and training. Additionally, this director oversees the management, protection, propagation, and preservation of Pennsylvania's wildlife resources and habitats.

Bureau of Automated Technology Services

The Bureau of Automated Technology Services is responsible for the Commission's information technology needs. The Bureau supplies information services and manages automated technology resources for the entire agency. This includes desktop computer support, systems analysis and design, computer programming, data resource management, data analysis, data reduction, office automation, local and wide area networking, data communication management, central computer operations, and central computer support. These functions are carried out by two divisions within the bureau, the Technical Services Division and the Data Resources Division.

Technical Services Division. The Technical Services Division supports the desktop computing needs of the agency, GIS initiatives, services to PGC constituents, and the agency's presence on the World Wide Web. Several sections operate within this division: Webmaster, Networking Administration, PC Applications, and PC Support/Procurement.

Data Resources Division. The Data Resources Division exists to support the agency's data resources, provide data entry services, perform database administration, support and maintain the mainframe applications, provide mainframe user

⁶ This position has been vacant for approximately eight to ten years.

support across the agency, and manage the technology initiatives assigned to this division.

Bureau of Administrative Services

The Bureau of Administrative Services manages the operations and activities for human resources, the PGC budget, contracts, procurement, office services, and issues hunting licenses. This Bureau is also responsible for the procurement, maintenance, and management/disposal of the Commission's automotive fleet. Five divisions operate within this Bureau including the Human Resources, Fiscal Management, Contracts and Procurement, License, and Office Services.

Bureau of Wildlife Habitat Management

The Bureau of Wildlife Habitat Management is responsible for managing PGC lands acquired through purchase and lands secured through cooperative lease arrangements. The Bureau additionally provides for public access to these lands for recreational pursuits, and it reviews wildlife impact assessments statewide on private and public lands. The development of comprehensive plans and the development of these lands for wildlife habitats by timber harvests and removal of oil, gas and/or minerals is another major task assigned to this bureau. The bureau is charged with direct management of about 1.4 million acres of State Game Lands and assist with another 3 million acres of private land enrolled in the agency's Public Access Program. The bureau is comprised of five divisions including the Real Estate, Engineering, Environmental Planning and Habitat Protection, Habitat Planning and Development, and Forestry.

Real Estate Division. The Real Estate Division is responsible for acquiring land, water, building, rights-of-way, easements, oil, gas, and minerals for purposes authorized by the Game and Wildlife Code. The Real Estate Division includes a legal section that provides legal advice, counseling, and technical services concerning all aspects of land acquisition, protection, litigation, and management.

Engineering Division. The Engineering Division manages infrastructure (bridges, building, dams, and roads) on State Game Lands. The division designs and constructs projects using the PCC and Growing Greener programs; conducts inspections of existing facilities; and coordinates disaster relief projects and funding. This division also includes a maintenance section that maintains the PGC headquarters building and Haldeman Island facilities.

Environmental Planning & Habitat Protection Division. The Environmental Planning and Habitat Protection Division oversees program management on oil, gas, and mineral recovery operations on approximately 1.4 million acres of existing

State Game Lands as well as overseeing all environmental permit reviews and authorizations.

Habitat Planning & Development Division. The Habitat Planning and Development Division plans, develops, and implements wildlife management activities on State Game Lands and certain other public and private lands. The division also manages and implements the following: programs for Federal and state habitat grants; GIS planning and development; public access for enhanced hunting and trapping opportunities; public and private lands habitat planning and development; and the cooperative use agreements on State Game Lands. The division coordinates State Wildlife Grants, Landowner Incentive Program Grants, and Section 6 Threatened and Endangered Species Protection Grants with the Bureau of Wildlife Management.

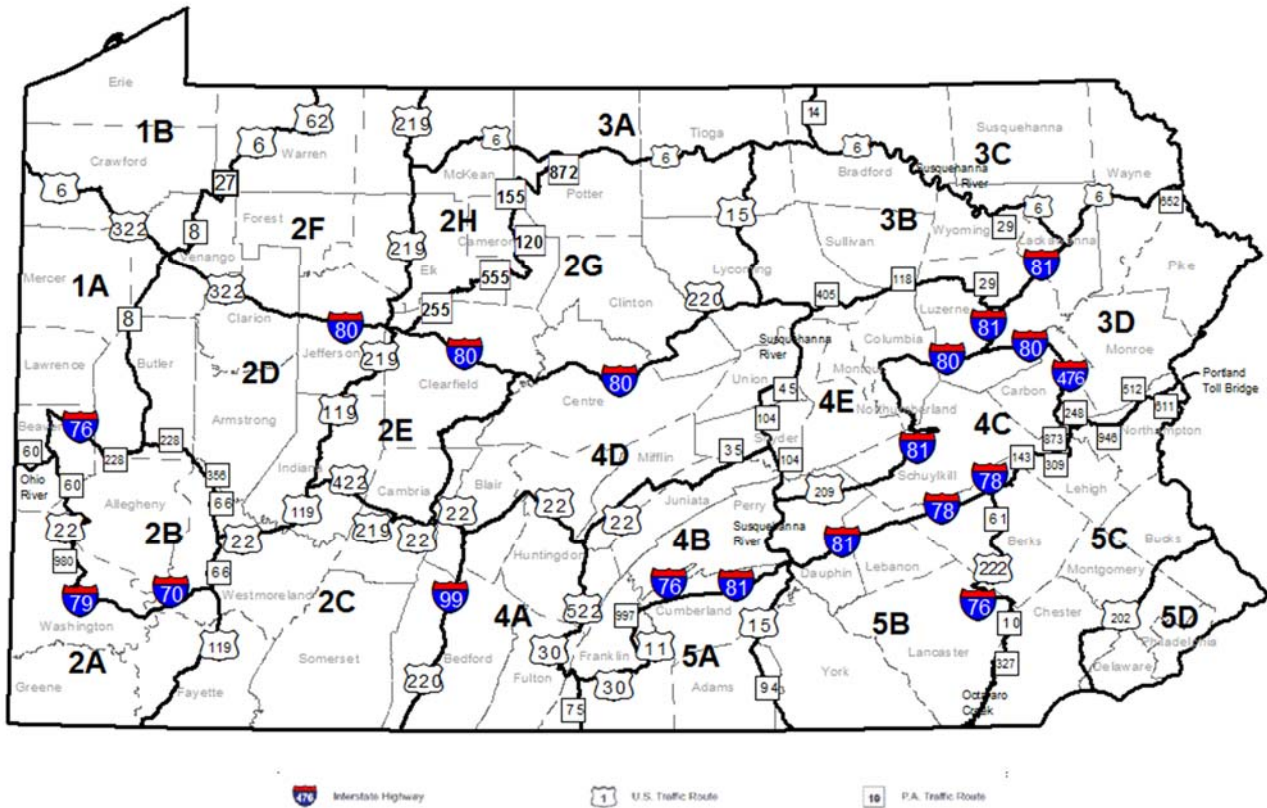
Forestry Division. The Forestry Division oversees management of the forestry program on Game Lands. This includes all aspects of planning and development for commercial timber sales, timber management relating to wildlife habitat goals and objectives, GIS planning for forest cover types, and timber forestry inventory analysis on all State Game Lands. This division also tracks all expenditures to inventory, plan, develop, implement, and manage for sustainable and healthy timber regeneration and future commercial sale values.

Bureau of Wildlife Management

The Bureau of Wildlife Management directs the Game Commission's statewide wildlife conservation and management programs. Programs include comprehensive wildlife species conservation planning; wildlife investigations and research; wildlife population and harvest monitoring; wildlife harvest management; endangered and threatened species recovery projects and reintroductions; technical assistance in wildlife management; wildlife use permitting; wildlife habitat management; wildlife health monitoring and disease response; statistical, experimental design and data analysis and interpretation; and the propagation and release of pheasants for hunting recreation. This bureau is comprised of three divisions including the Game Management Division, the Wildlife Diversity Division, and the Wildlife Services Division. See Exhibit 13 for a map of PGC's wildlife management units.

Game Management Division. The Game Management Division designs and coordinates statewide and regional game and furbearer population monitoring and harvest management programs. The division also provides technical assistance on game management issues.

Pennsylvania Game Commission Wildlife Management Units



Source: Pennsylvania Game Commission.

Wildlife Diversity Division. The Wildlife Diversity Division designs and coordinates statewide and regional endangered, threatened, and non-hunted species' population monitoring and restoration programs. It develops, reviews, and revises the Pennsylvania state Wildlife Action Plan (WAP); prioritizes objectives and strategies within the state WAP; and facilitates agency implementation of these priority actions. Additionally, the division administers State Wildlife Grant and Landowner Incentive Grant programs.

Wildlife Services Division. The Wildlife Services Division provides coordination and support services for game management, wildlife diversity, and regional operations on wildlife health issues. These services include providing GIS support to wildlife management bureau staff; providing technical support on wildlife research reports; producing quarterly bureau activities reports; propagating and releasing ring-necked pheasants; providing technical support to clubs, schools, and individuals in pheasant rearing; and selling pheasant eggs and chicks to the public. The division also provides oversight and training in wildlife pharmaceutical use; pathology and forensics; and safe wildlife capture.

Bureau of Information and Education

The primary responsibility of the Bureau of Information and Education is the planning and development of statewide and regional education, communications, and marketing strategies to promote hunting, trapping, and the responsible use of the Commonwealth's wildlife resources and the Commission's programs and services. This bureau administers its programs through five separate operating divisions: Research and Education, Publications, Hunter-Trapper Education, Marketing and Merchandising, and Public Information and Media Services.

Research and Education Division. The Research and Education Division coordinates the PGC's conservation education and outreach activities within the Game Commission. The division makes certain that the PGC's programming addresses state educational standards, develops statewide conservation education incorporating interpretive and outreach programming, and it provides educational materials.

Publications Division. The Publications Division produces the *Pennsylvania Game News*, the agency's flagship publication, and a wide variety of other publications to inform and educate the agency's many stakeholders about hunting, trapping, and wildlife conservation.

Hunter-Trapper Education Division. The Hunter-Trapper Education Division develops, directs, and manages all statewide hunter education programs. Current programs are comprised of the basic Hunter-Trapper Education course (which is required of all first-time hunters, regardless of age); the cable restraint trapping course; the voluntary bowhunter education course; and the remedial hunter education course. The division oversees nearly 3,000 instructors and 175 trainers who certify nearly 40,000 students annually.

Marketing and Merchandising Division. The Marketing and Merchandising Division designs and coordinates activities that address the agency's customers' needs and wants, including the wildlife art program, Pennsylvania's duck stamp contest, and other wildlife education and promotional products.

Public Information and Media Services Division. The Public Information and Media Services Division develops, coordinates, and approves all Game Commission news releases, responses to all news media outlets, and information for the PGC website. Also provided by this division are video and photographic services for news media and agency personnel.

Staff Complement

As of June 30, 2013, the PGC had an authorized complement of 708 salaried positions. At that time, a total of 700 positions were filled, and 8 were vacant. Additionally, the PGC has 34 positions that are classified as "Recruitment Reserve." In late January 2013, the PGC submitted a request to both OA/HR and OA/Budget

to release these 34 positions back into its active complement. This action was verbally approved and was included in the Commission's FY 2013-14 budget. Table 2 shows the distribution of the staff complement among the central office, six regional offices, and four game farms. As of September 2013, the PGC had 135 wage employees.

Table 2

Staff Complement of the PA Game Commission			
(Filled and Vacant Salaried Positions ^a as of June 30, 2013)			
	<u>Filled</u>	<u>Vacant</u>	<u>Total</u>
Central Office:			
Executive Office ^b	27	0	27
Bureau of Administrative Services	25	0	25
Bureau of Information and Education	25	0	25
Bureau of Wildlife Management	23	0	23
Bureau of Wildlife Habitat Management	42	0	42
Bureau of Wildlife Protection	13	0	13
Bureau of Automated Technology Services .	<u>17</u>	<u>0</u>	<u>17</u>
Subtotal - Central Office ^c	172	0	172
Regional Offices:			
Northwest (Franklin)	92	0	92
Southwest (Ligonier)	82	2	84
Northcentral (Jersey Shore)	82	2	84
Southcentral (Huntingdon)	75	1	76
Northeast (Dallas)	82	3	85
Southeast (Reading)	<u>79</u>	<u>0</u>	<u>79</u>
Subtotal - Regional Offices	492	8	500
Game Farms:^d			
Western	10	0	10
Loyalsock	10	0	10
Northcentral	8	0	8
Southwest	<u>8</u>	<u>0</u>	<u>8</u>
Subtotal - Game Farms	<u>36</u>	<u>0</u>	<u>36</u>
Commission Total	700	8 ^e	708 ^e

^a Includes salaried positions only. Does not include wage positions and Deputy Wildlife Conservation Officers.

^b Includes Executive Director, Deputy Executive Directors, Executive Secretaries, Chief Counsel, Legislative Liaison, Training Division, and Policy Analyst.

^c This figure includes positions that are assigned to the central office but work out of field locations.

^d Although broken out separately on this table, the Game Farms and the positions assigned to them are part of the Wildlife Management Bureau.

^e The PGC's total authorized complement is 708 positions. As of June 30, 2013, a total of 8 positions were vacant.

Source: Pennsylvania Game Commission.

IV. An Assessment of the Budgetary and Financial Conditions of the Two Commissions

This section provides information on fund revenues and expenditures and assesses the current and projected financial conditions of the Commissions' funds. Revenues for all funds have increased since FY 2003-04 despite a decrease in license sales. Beginning in FY 2010-11, Game Fund revenues from a securities sale by Treasury, the sale of coal, wood products, gas and oil rentals and royalties increased dramatically. Expenditures for each fund have increased over the past nine years primarily a result of increased personnel costs. Each fund experienced budget deficits; the Boat Fund since FY 2006-07, the Fish Fund since FY 2008-09, and the Game Fund in FY 2011-12. The PFBC has adopted a policy of expending only an amount equal to revenues received and is projecting no operating deficits (or surpluses) for the next five years. The PGC, on the other hand, projects operating deficits for these same years.

Revenues

Both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission use special revenue funds to account for their revenues and expenditures. The PGC accounts for all of its fiscal transactions in the Game Fund, while the PFBC accounts for its fiscal transactions in both the Fish Fund and the Boat Fund.

Game Fund

The Game fund consists of all fines paid, fees, royalties, and other monies received under the provisions of the Game and Wildlife Code and is to be used solely for expenses incurred in carrying out the work of the Commission, including but not limited to land purchases and promotion of the public interest in recreational hunting and furtaking, nongame species, endangered or threatened species, and all other game or wildlife. Table 3 presents the dollar amount and percent contribution of selected revenue sources for the Game Fund during FY 2012-13.

In FY 2012-13, revenues from all licenses and fees totaled \$32.9 million and remains the major source of revenue for the Game Fund (35.9 percent), with resident hunting licenses alone contributing 13.4 percent. Miscellaneous Revenues is the other major source of revenue for the Game Fund, contributing 33.1 percent to the total, with rentals and royalties from oil and gas leases the majority of this category and 19.2 percent of total revenues. The \$17.6 million from gas and oil leases provided about two-and-a-half times the income generated from the sale of wood products. Federal reimbursements, primarily Pittman-Robertson funds, totaled \$17.2 million and was 18.8 percent of the \$91.7 million total revenues for the Game Fund. Total revenues to the Game Fund were up 9.5 percent from FY 2011-12.

Table 3

**Game Fund Revenue Summary, by Source
FY 2012-13**

	<u>Amount</u>	<u>Percent of Total</u>
Gas and Oil Leases - Rentals/Royalties	\$17,640,103	19.2%
Federal Reimbursements	17,215,229	18.8
Resident Hunter	12,321,886	13.4
Sale of Wood Products	6,988,358	7.6
Non-Resident Hunter	4,656,388	5.1
Archery.....	4,468,400	4.9
Antlerless Deer	4,279,217	4.7
Resident Bear	2,263,695	2.5
Sale of Coal	1,747,546	1.9
Muzzleloading	1,689,389	1.8
Game Law Fines.....	1,266,703	1.4
Interest Revenue.....	941,260	1.0
All Other Revenue Sources	<u>16,231,343</u>	17.7
Total Revenue.....	\$91,709,517	

Source: Developed by LB&FC staff from information provided by PGC.

Fish Fund

All fees, royalties, fines, penalties, and other monies collected under the provision of the Fish and Boat Code, unless otherwise provided in the Code, are placed in a separate fund known as the Fish Fund. Monies in the fund may be used solely for: the payment of expenses incurred in processing, issuing, or supervising the issuance of fishing licenses, special licenses, and permits; salaries and/or wages of the Executive Director and other employees; travel expenses; furniture; supplies; insurance; propagation, protection, and management of fish; repair of fish cultural stations; purchase of land and water; and refund of fees unjustly paid into the fund. The Commission may also expend monies from the fund to enter into cooperative agreements with federal, state, and local governments for managing and operating waters for public fishing. Table 4 presents the dollar amount and percent contribution of selected revenue sources for the Fish Fund during FY 2012-13.

Table 4

Fish Fund Revenue Summary, by Source

FY 2012-13

	<u>Amount</u>	<u>Percent of Total</u>
Resident Fishing Licenses - Regular	\$15,116,174	42.7%
Sport Fish Restoration Act Program	6,013,441	17.0
Trout-Salmon Permit	4,604,841	13.0
Non-Resident Fishing Licenses	1,941,073	5.5
State Wildlife Act Grant Program	1,043,114	2.9
Lifetime Fishing Licenses - Senior Residents	829,820	2.3
Interest on Securities and Deposits	824,836	2.3
Tourist Fishing Licenses - 3 Days	570,052	1.6
Income From Sand and Gravel Dredging	526,031	1.5
Fines and Penalties	378,263	1.1
All Other Revenue Sources.....	<u>3,554,152</u>	10.0
Total Revenue	\$35,401,798	

Source: Developed by LB&FC staff from information provided by PFBC.

As shown in Table 4, Resident Fishing Licenses and Trout/Salmon Permits generate the majority (55.7 percent) of revenues for the Fish Fund. Federal funds, especially Dingell-Johnson/Wallop Breaux funds, was another significant (17 percent) source of revenue for the Fish Fund in FY 2012-13. Other notable sources of income include Non-Resident Fishing Licenses (5.5 percent), State Wildlife Grant Program (2.9 percent), and Senior Lifetime Fishing Licenses and Interest on Securities and Deposits, both contributing 2.3 percent of the total. The Fish Fund total revenue of \$35,401,798 was 8.7 percent less than revenues for FY 2011-12.

Boat Fund

All monies collected under 30 Pa.C.S.A. §747 (relating to sales and grants), Part III of the Fish and Boat Code (relating to boats and boating), and Section 17 of the Liquid Fuels Tax Act are deposited in the Boat Fund. Use of the monies in the Boat Fund are generally restricted to carrying out Commission functions that relate to boats and boating. Funds may be used solely for expenses incurred in processing boat registrations, special licenses and permits; salaries and wages of the Executive Director and other employees; travel expenses of the Boating Advisory Board and other Commission officers and employees; furniture; office supplies; improvements and repairs to boating access areas and buildings; promotion of recreational boating activities; purchase of lands and waters for Commission use; refunds of fees unjustly paid into the fund; development and implementation of a boating safety education program; and lease of land for Commission use. Monies in the Boat Fund may also be expended to enter into cooperative agreements with federal, state, and

local governments for managing and operating waters for public boating. Table 5 presents the dollar amount and percent contribution of selected revenue sources for the Boat Fund during FY 2012-13.

Table 5

**Boat Fund Revenue Summary, by Source
FY 2012-13**

	<u>Amount</u>	<u>Percent of Total</u>
Motorboat Registration Fees	\$ 6,364,826	48.0%
U.S. Coast Guard Grant for Recreational Boating Safety	2,302,909	17.4
Reimbursement from Motor License & Liquid Fuels Tax Funds..	1,607,366	12.1
Sport Fish Restoration Act Program	1,438,130	10.8
Boat Titling Fees	478,909	3.6
Interest on Securities and Deposits	455,943	3.4
Fines and Penalties	187,995	1.4
All Other Revenue Sources	<u>422,918</u>	3.2
Total Revenue.....	\$13,258,996	

Source: Developed by LB&FC staff from information provided by PFBC.

Table 5 shows that revenues from motorboat registration and boat titling fees are the major source of revenue for the Boat Fund (51.6 percent). Reimbursement from the Motor License and Liquid Fuels Tax funds contribute 12.1 percent of the total. Federal funds from the U.S. Coast Guard Grant for Recreational Boating Safety (17.4 percent) and the Sport Fish Restoration Act Program (10.8 percent) provided a combined 28.2 percent of revenues. Other sources of income included interest on securities and deposits (3.4 percent) and fines and penalties (1.4 percent). The Boat Fund's total revenue of \$13,258,996 in FY 2012-13 was down 18.1 percent from FY 2011-12.

Game, Fish, and Boat Fund Revenue Trends

Table 6 shows the pattern of total revenues deposited into the Game, Fish, and Boat Funds from FY 2003-04 through FY 2011-12. Overall, the revenue trend for all three funds over these years has been positive with the Game Fund seeing a 25 percent increase, and the Fish and Boat Funds increasing 23 and 51 percent respectively.

The Game Fund experienced significant revenue increases in FY 2004-05 (primarily from a \$7.3 million increase in the sale of wood products), and in FY 2010-11 (the result of a securities sale by the Treasury, as well as increases to the sale of coal, wood products, and gas and oil rentals and royalties).

Table 6

PGC and PFBC Revenue* Trends
(\$000)

<u>Year</u>	<u>Game Fund</u>	<u>% Change</u>	<u>Fish Fund</u>	<u>% Change</u>	<u>Boat Fund</u>	<u>% Change</u>
2003-04	\$67,143		\$31,529		\$10,739	
2004-05	77,613	15.6%	34,472	9.3%	11,148	3.8%
2005-06	78,226	0.8	34,879	1.2	13,684	22.7
2006-07	80,515	2.9	35,734	2.5	13,866	1.3
2007-08	73,957	-8.1	41,118	15.1	13,448	-3.0
2008-09	75,795	2.5	36,662	-10.8	13,127	-2.4
2009-10	77,191	1.8	38,626	5.4	12,361	-5.8
2010-11	95,679	24.0	40,852	5.8	13,662	10.5
2011-12	83,782	-12.4	38,765	-5.1	16,196	18.5
2012-13	91,710	9.5	35,402	-8.7	13,259	-18.1

*Revenues include both state and federal funds.

Source: Developed by LB&FC staff from information in the Governor's Executive Budgets and PFBC staff.

The Fish Fund experienced a rise in revenues in FY 2004-05 as a result of the fee increases from Act 2004-159. Another spike in revenues occurred in FY 2007-08 that was due, in part, to the timing of funding received from the federal Sport Fish Restoration Act Program and State Wildlife Grant Program and the receipt of \$500,000 from the PA Department of Transportation for habitat assessments. Returning to normal levels in the following year, the Fish Fund experienced an 11 percent decline.

In January 2005, a fee increase took effect, helping to boost Boat Fund revenue by 22.7 percent in FY 2005-06. Proceeds from the FY 2010-11 Treasury sale of securities had a greater impact on Boat Fund revenue than that of the Fish Fund. The increase in revenue in FY 2011-12 was, in part, due to the receipt of a delayed Liquid Fuels Tax payment.

The sale of hunting and fishing licenses, as discussed earlier, remains the most significant factor affecting Game and Fish Fund revenues and, ultimately, the overall financial condition of the funds. Hunting and fishing license sales, as well as boat registrations, have all declined over the ten years shown in Table 7. Adult resident hunting license sales have declined 13.3 percent, resident fishing license sales have declined 5.2 percent, and boat registrations are down 5.5 percent. These declines are not unique to Pennsylvania, but rather mirror the national trend.

Table 7

**Trends in Adult Resident Hunting and Fishing
License Sales and Boat Registrations**

	Resident Adult <u>Hunting</u>	Resident <u>Fishing</u>	Boat <u>Registrations</u>
2003	744,856	777,089	352,130
2004	735,158	785,091	350,927
2005	695,118	719,125	346,330
2006	681,880	729,738	341,045
2007	665,719	739,314	338,841
2008	670,659	719,544	334,690
2009	663,336	753,492	334,591
2010	647,242	727,907	334,879
2011	644,004	698,738	328,551
2012	645,885	736,867	332,699
Percentage Change 2003 - 2012	-13.3%	-5.2%	-5.5%

Source: Developed by LB&FC staff from information provided by PGC and PFBC.

Given this historical decrease in sales, which extends beyond the years shown, the PGC and PFBC may have outgrown the capacity of their primary revenue bases to meet their needs (PGC revenues have been bolstered by oil and gas lease revenues). As a result, annual operating deficits (see Table 16) threaten to progressively reduce the balance available in the Game, Fish, and Boat Funds. While future fee increases may provide temporary relief, other revenue enhancements and alternative revenue sources need to be identified for these funds. Further reductions to expenditures by the commissions would appear to be difficult because of the cuts that have already taken place.

Expenditures

Game Fund

As can be seen in Table 8, the combined total of expenditures for all of the PGC's regional offices is 51 percent of the Commission's overall total. This is not surprising as 70 percent of the agency's filled positions are located in these offices. Table 9 shows that the greatest expenditure for the PGC is personnel costs.

Table 8

PGC Expenditures by Bureau/Office
FY 2012-13

<u>Bureau/Office</u>	<u>Game Fund</u>	<u>Percent of Total</u>
Executive Offices.....	\$ 5,083,199	5.6%
Administrative Services	6,893,659	7.6
Information & Education	3,145,790	3.5
Wildlife Management.....	8,775,519	9.7
Automated Technology Services.....	3,323,825	3.7
Wildlife Protection.....	3,576,359	3.9
Wildlife Habitat.....	13,332,400	14.7
Regional Offices Total	<u>46,415,911</u>	51.3
Total.....	\$90,546,662	

^aThe expenditures shown for the Game Fund are as of August 31, 2013. Final expenditures will be calculated October 31 when open commitments are closed out.

Source: Developed by LB&FC staff from information provided by the PGC.

Table 9

PGC Expenditures by Major Object
FY 2012-13

<u>Category</u>	<u>Expenditures</u>	<u>Percent of Total</u>
Personnel.....	\$59,202,874	65.4%
Operating	25,863,600	28.6
Fixed Assets	3,362,477	3.7
Grants	1,901,328	2.1
Inter-Agency Transfers	<u>216,382</u>	0.2
Total.....	\$90,546,662	

^aThe expenditures shown for the Game Fund are as of August 31, 2013. Final expenditures will be calculated October 31 when open commitments are closed out.

Source: Developed by LB&FC staff from information provided by the PGC.

PFBC

The Bureau of Hatcheries receives no funding from the Boat Fund and yet is 26 percent of the combined expenditure total for the PFBC. See Table 10 below. Expenditures for the Bureau of Law Enforcement are 20 percent of the combined funds total respectively. Table 11 shows that personnel costs are the largest expenditure for the Fish Fund, the Boat Fund, and for the two funds combined.

Table 10

PFBC Expenditures by Bureau/Office and Fund
FY 2012-13

<u>Bureau/Office</u>	<u>Fish Fund</u>	<u>Boat Fund</u>	<u>Total</u>	<u>% of Total</u>
Executive Offices	\$ 913,294	\$ 603,931	\$1,517,225	3.2%
Bureau of Law Enforcement.....	5,718,262	3,929,714	9,647,975	20.4
Office of Field Operations	94,516	61,033	155,549	0.3
Bureau of Fisheries	6,412,002		6,412,002	13.6
Bureau of Engineering	2,386,291	2,645,974	5,032,265	10.7
Bureau of Boating and Outreach	1,142,636	1,065,760	2,208,396	4.7
Bureau of Hatcheries	12,052,097		12,052,097	25.5
Office of Administration	357,156	402,275	759,430	1.6
Bureau of Administration.....	2,170,633	2,010,475	4,181,107	8.9
Bureau of Information Technology.....	<u>799,954</u>	<u>529,753</u>	<u>1,329,707</u>	2.8
Bureau/Office Subtotal	\$32,046,840	\$11,248,914	\$43,295,754	91.7%
Special Projects & Programs	<u>2,436,046</u>	<u>1,491,879</u>	<u>3,927,926</u>	8.3
Total PFBC Expenditures ^a	\$34,482,887	\$12,740,793	\$47,223,680	100.0%

^a The expenditures shown for the Fish Fund and the Boat Fund are as of June 30, 2013. Final expenditures will be calculated October 31 when open commitments are closed out.

Source: Developed by LB&FC staff from information provided by the PFBC.

Table 11

PFBC Expenditures by Major Object
FY 2012-13

<u>Category</u>	<u>Fish Fund</u>		<u>Boat Fund</u>		<u>Fish Fund and Boat Fund Combined</u>	
		<u>Percent of Total</u>		<u>Percent of Total</u>		<u>Percent of Total</u>
Personnel	\$23,121,463	67.1%	\$8,612,265	67.6%	\$31,733,728	67.2%
Operating	9,348,098	27.1	3,440,686	27.0	12,788,784	27.1
Fixed Assets	1,154,353	3.3	670,950	5.3	1,825,303	3.9
Grants	822,612	2.4	3,307	0.0	825,918	1.7
Interfund Transfers	<u>36,361</u>	0.1	<u>13,586</u>	0.1	<u>49,947</u>	0.1
Fund Total ^a	\$34,482,887		\$12,740,793		\$47,223,680	

^a The expenditures shown for the Fish Fund and the Boat Fund are as of June 30, 2013. Final expenditures will be calculated October 31 when open commitments are closed out.

Source: Developed by LB&FC staff from information provided by the PFBC.

Game, Fish, and Boat Fund Budgeted Expenditure Trends

Table 12 shows the budgeted expenditures by fund over the past nine years. Over these years, the Game Fund budgeted expenditures have grown 35 percent, the Fish Fund 39 percent and the Boat Fund 67 percent.

Table 12

PGC and PFBC Budgeted Expenditure* Trends						
(\$000)						
<u>Year</u>	<u>Game Fund</u>	<u>% Change</u>	<u>Fish Fund</u>	<u>% Change</u>	<u>Boat Fund</u>	<u>% Change</u>
2003-04.....	\$62,725		\$30,922		\$10,672	
2004-05.....	60,132	-4.1%	31,964	3.4%	10,458	-2.0%
2005-06.....	60,967	1.4	32,297	1.0	13,316	27.3
2006-07.....	66,434	9.0	34,909	8.1	16,060	20.6
2007-08.....	70,344	5.9	40,481	16.0	17,907	11.5
2008-09.....	74,129	5.4	40,265	-0.5	17,445	-2.6
2009-10.....	75,350	1.6	43,681	8.5	16,963	-2.8
2010-11.....	81,749	8.5	44,216	1.2	17,400	2.6
2011-12.....	84,484	3.3	43,009	-2.7	17,807	2.3

*Expenditures include state and federal funds.

Source: Developed by LB&FC staff from information in the Governor's Executive Budgets.

Financial Condition of the Funds

Game Fund Balance, August 31, 2013

Table 13 summarizes the financial activity for the Game Fund in FY 2012-13. The fund balance declined 40 percent from July 1, 2012, to June 30, 2013, due to an operating deficit of \$15.3 million.

Fish Fund Balance, June 30, 2013

The financial statement on Table 14 summarizes the financial activity for the Fish Fund in FY 2012-13. The Fish Fund had an operating deficit of \$1.5 million and this resulted in a 4 percent decrease in the fund balance.

Boat Fund Balance, June 30, 2013

The financial statement on Table 15 summarizes the financial activity for the Boat Fund in FY 2012-13. Operating revenues equaled operating expenditures for no change in the Boat Fund balance.

Table 13

Game Fund Financial Statement
(\$000)

	FY 2012-13
BEGINNING BALANCE	\$ 38,359
Revenue:	
Licenses and Fees	\$ 32,882
Fines and Penalties	1,267
Misc. Revenues	30,326
Augmentations.....	0
Interest Revenue	941
Restricted Accts.....	7,500
Federal Funds	17,215
Prior Year Lapse.....	<u>275</u>
Total Receipts.....	\$ 90,406 ^a
FUNDS AVAILABLE	\$128,765
Expenditures:	
General Operations	\$ 82,221
Land Acquisition	150
Treasury Checks	0
Federal Funds	16,007
Other Funds.....	0
Nat. Prop. Of Wildlife	<u>7,400</u>
Total Expenditures.....	\$105,778
ENDING BALANCE	\$ 22,987

^a Revenue does not include \$1.6 million in federal funds collected in advance.

Source: Developed by LB&FC staff from information as of August 31, 2013, provided by PGC.

Table 14

Fish Fund Financial Statement
(\$000)

	FY 2012-13
BEGINNING BALANCE	\$38,961
Revenues:	
Licenses and Fees	\$25,069
Fines and Penalties.....	378
Miscellaneous Revenues	1,964
Misc. - Federal Revenue	0
Augmentations -State.....	464
Augmentations - Federal	<u>7,527</u>
Total Revenues	\$35,402
FUNDS AVAILABLE	\$74,363
Expenditures:	
Current Year Expenditures	\$34,483
Prior Year Expenditures	<u>2,394</u>
Total Expenditures	\$36,877
ENDING BALANCE	\$37,486

Source: Developed by LB&FC staff from information as June 30, 2013, provided by PFBC.

Table 15

Boat Fund Financial Statement
(\$000)

	FY 2012-13
BEGINNING BALANCE	\$20,053
Revenues:	
Licenses and Fees	\$ 7,141
Fines and Penalties	188
Motor License and Liquid Fuels	1,607
Miscellaneous Revenues	558
Misc. - Federal Revenue	0
Augmentations -State	24
Augmentations - Federal	<u>3,741</u>
Total Revenues	\$13,259
FUNDS AVAILABLE	\$33,312
Expenditures:	
Current Year Expenditures	\$12,741
Prior Year Expenditures	<u>518</u>
Total Expenditures	\$13,259
ENDING BALANCE	\$20,053

Source: Developed by LB&FC staff from information as of June 30, 2013, provided by PFBC.

Game, Fish, and Boat Fund Budget Surplus/Deficit Trends

Each year the PGC and the PFBC must submit budget requests to the Governor's Office of the Budget for the Game Fund, the Fish Fund, and the Boat Fund. The Office of the Budget then grants spending authority to the Commissions through the Executive Authorization process.

Historically, when there has been a declining ending balance in one of the special funds, it has been the practice of the Office of the Budget to limit the expenditure level of the agencies to no more than a few million dollars above the revenue level.

While this practice tends to limit operating deficits and postpone fund depletion, it does not allow expenditures to grow at the rate needed for the Commissions to operate at full capacity. As revenue collections flatten, expenditure authorization levels also remain flat. At the same time, however, personnel costs generally increase each year under terms of negotiated personnel contracts. As personnel costs rise, program expenditures must be reduced to stay within the executive authorization amounts.

Table 16 shows that the Fish and the Boat Funds have been experiencing budget deficits for the last four and six years respectively. The Game Fund maintained operating surpluses until FY 2011-12. The Game Fund and Fish Fund appear to have operating deficits in FY 2012-13 based on the financial statements shown in Tables 13, and 14.

Table 16

**Pattern of Game, Fish, and Boat Fund
Budget Surpluses/Deficits
(\$000)**

Year	Revenues*			Expenditures*			Operating Surplus/ (Deficit)		
	Game	Fish	Boat	Game	Fish	Boat	Game	Fish	Boat
2003-04..	\$31,529	\$27,793	\$10,739	\$62,725	\$30,922	\$10,672	\$ 4,418	\$ 607	\$ 67
2004-05..	34,472	32,118	11,148	60,132	31,964	10,458	17,481	2,508	690
2005-06..	34,879	35,249	13,684	60,967	32,297	13,316	17,259	2,582	368
2006-07..	80,515	35,734	13,866	66,434	34,909	16,060	14,081	825	(2,194)
2007-08..	73,957	41,118	13,448	70,344	40,481	17,907	3,613	637	(4,459)
2008-09..	75,795	36,662	13,127	74,129	40,265	17,445	1,666	(3,603)	(4,318)
2009-10..	77,191	38,626	12,361	75,350	43,681	16,963	1,841	(5,055)	(4,602)
2010-11..	95,679	40,852	13,662	81,749	44,216	17,400	13,930	(3,364)	(3,738)
2011-12..	83,782	38,765	16,196	84,484	43,009	17,807	(702)	(4,244)	(1,611)

*Includes state and federal funds.

Source: Developed by LB&FC staff from information in the Governor's Executive Budgets and from PFBC staff.

Projected Fund Balances

Table 17 displays the projected fund balance for the Game Fund over the next five years. PGC projects operating deficits in four of the five years and as a result, a declining fund balance.

Table 17

**Projected Year-end Game Fund Balances
(\$000)**

	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>
BEGINNING BALANCE	\$ 22,987	\$22,912	\$ 20,935	\$ 18,958	\$ 16,981
Revenue:					
Licenses and Fees.....	33,080	33,080	33,080	33,080	33,080
Fines and Penalties	1,215	1,215	1,215	1,215	1,215
Misc. Revenues	32,625	35,087	35,087	35,087	35,087
Augmentations.....	0	0	0	0	0
Interest Revenue.....	3,001	3,001	3,001	3,001	3,001
Restricted Accts.	7,000	7,000	7,000	7,000	7,000
Federal Funds.....	19,000	19,000	16,000	15,757	15,757
Prior Year Lapse.....	<u>13,199</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Receipts	\$109,120	\$ 98,383	\$ 95,383	\$ 95,140	\$ 95,140
FUNDS AVAILABLE	\$132,107	\$121,295	\$116,318	\$114,098	\$112,121
Expenditures:					
General Operations.....	\$ 83,045	\$ 74,210	\$ 74,210	\$ 74,210	\$ 74,210
Land Acquisition.....	150	150	150	150	150
Treasury Checks.....	0	0			
Federal Funds.....	19,000	19,000	16,000	15,757	15,757
Other Funds.....	0	0	0	0	0
Nat. Prop. Of Wildlife	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
Total Expenditures	\$109,195	\$100,360	\$ 97,360	\$ 97,117	\$ 97,117
ENDING BALANCE	\$ 22,912	\$ 20,935	\$ 18,958	\$ 16,981	\$ 15,004

Source: Developed by LB&FC staff from information provided by PGC.

Table 18 and Table 19 show the projected fund balances for the Fish Fund and the Boat Fund respectively. In both tables, expenditures equal revenues, thus the PFBC is projecting no change in the fund balances over the next five years.

Table 18

Projected Year-end Fish Fund Balances					
(\$000)					
	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>
BEGINNING BALANCE	\$37,486	\$37,486	\$37,486	\$37,486	\$37,486
Revenues:					
Licenses and Fees.....	\$26,158	\$26,158	\$26,158	\$26,158	\$26,158
Fines and Penalties	400	400	400	400	400
Miscellaneous Revenues	2,373	2,110	2,110	2,110	2,110
Misc. - Federal Revenue.....	8,880	8,784	8,784	8,784	8,784
Augmentations -State	0	0	0	0	0
Augmentations - Federal	0	0	0	0	0
Total Revenues.....	\$37,810	\$37,451	\$37,451	\$37,451	\$37,451
FUNDS AVAILABLE	\$75,296	\$74,937	\$74,937	\$74,937	\$74,937
Expenditures:					
Current Year Expenditures ...	\$37,810	\$37,451	\$37,451	\$37,451	\$37,451
Total Expenditures.....	\$37,810	\$37,451	\$37,451	\$37,451	\$37,451
ENDING BALANCE	\$37,486	\$37,486	\$37,486	\$37,486	\$37,486

Source: Developed by LB&FC staff from information provided by PFBC.

Table 19

Projected Year-end Boat Fund Balances					
(\$000)					
	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>
BEGINNING BALANCE	\$20,053	\$20,053	\$20,053	\$20,053	\$20,053
Revenues:					
Licenses and Fees	\$ 6,996	\$ 6,996	\$ 6,996	\$ 6,996	\$ 6,996
Fines and Penalties.....	200	200	200	200	200
Motor License and Liquid Fuels.....	1,670	1,670	1,670	1,670	1,670
Miscellaneous Revenues	476	481	481	481	481
Misc. - Federal Revenue	7,621	5,916	5,916	5,916	5,916
Augmentations -State.....	0	0	0	0	0
Augmentations - Federal.....	0	0	0	0	0
Total Revenues	\$16,963	\$15,263	\$15,263	\$15,263	\$15,263
FUNDS AVAILABLE	\$37,017	\$35,316	\$35,316	\$35,316	\$35,316
Expenditures:					
Current Year Expenditures	\$16,963	\$15,263	\$15,263	\$15,263	\$15,263
Total Expenditures	\$16,963	\$15,263	\$15,263	\$15,263	\$15,263
ENDING BALANCE	\$20,053	\$20,053	\$20,053	\$20,053	\$20,053

Source: Developed by LB&FC staff from information provided by PFBC.

V. A Review of Other States' Fish and Wildlife Agencies' Organizational Structures and Funding

Organizational Structure and Functions

Organizational Types

The diversity and complexity of organizational arrangements among state fish and wildlife agencies makes categorizing them difficult. However, in reviewing the organizational structures of the various state agencies, it is possible to distinguish between states whose fish and game functions are carried out by a stand-alone department or commission and those in which these functions are the responsibility of an organizational unit or units within a larger state agency, such as a department of natural resources. A third category separate and organizationally independent fish/boat and game commissions is found only in Pennsylvania.

To document the various organizational structures found among the states to manage fish and wildlife resources, we visited all the states' websites. Additionally, we sent a survey questionnaire to the 20 stand-alone departments/commissions to obtain information relating to their organizational structures, numbers of licenses/permits issued, including boat registrations, annual revenues and expenditures, and fund information.

We found that, as of August 2013, in 20 states, wildlife and fisheries functions were administered by independent, stand-alone fish and game commissions or departments. In 29 states, fish and wildlife functions were organizationally located within a larger state agency, such as a department of natural resources or conservation. For these 29 states, 20 have their fish and wildlife functions housed within one division or office; in nine of the states, the fish and wildlife functions are administered by two separate divisions or offices within the larger agency. See Exhibit 14.

All 20 of the independent fish and wildlife agencies have a governing board or commission that provides policy guidance to the agency. For example, the Arizona Department of Game and Fish has five members on its commission as does California's commission, both of which have the fewest number of members of all 20 states. The boards or commissions in eight of the states have seven members, and North Carolina has the largest commission with 19 members. See Exhibit 15. In Alaska, the Department of Fish and Game has two separate boards—the Board of Fisheries, and the Board of Game. Each board has seven members.

Exhibit 14

State Fish and Wildlife Organization Structures and Agency Titles

<u>Fish and wildlife functions are carried out:</u>	<u># of States</u>
I. Within an Independent Department or Commission	20
II. Within an Organizational Unit(s) of a Larger State Agency	29
III. Separate, Independent Commissions	1

I. Fish and Game Functions Within an Independent Department or Commission (Total 20)

<i>Alaska</i>	Department of Fish & Game
<i>Arizona</i>	Department of Game and Fish
<i>Arkansas</i>	Game and Fish Commission
<i>California</i>	Department of Fish and Wildlife
<i>Florida</i>	Fish & Wildlife Conservation Commission
<i>Idaho</i>	Department of Fish & Game
<i>Kentucky</i>	Department of Fish and Wildlife Resources
<i>Louisiana</i>	Department of Wildlife & Fisheries
<i>Maine</i>	Department of Inland Fisheries and Wildlife
<i>Nevada</i>	Department of Wildlife
<i>New Hampshire</i>	Department of Fish & Game
<i>New Mexico</i>	Department of Game & Fish
<i>North Carolina</i>	Wildlife Resources Commission
<i>North Dakota</i>	Game & Fish Department
<i>Oklahoma</i>	Department of Wildlife Conservation
<i>Oregon</i>	Department of Fish & Wildlife
<i>Tennessee</i>	Wildlife Resources Agency
<i>Virginia</i>	Department of Game & Inland Fisheries
<i>Washington</i>	Department of Fish and Wildlife
<i>Wyoming</i>	Game and Fish Department

II. Fish and Game Functions Within a Larger State Agency (Total 29)

<i>Alabama</i>	<u>Wildlife & Freshwater Fisheries Division</u> within the Department of Conservation & Natural Resources
<i>Colorado</i>	<u>Division of Parks and Wildlife</u> within the Department of Natural Resources
<i>Connecticut</i>	<u>Bureau of Natural Resources</u> within the Department of Energy and Environmental Protection
<i>Delaware</i>	<u>Division of Fish & Wildlife</u> within the Department of Natural Resources and Environmental Control
<i>Georgia</i>	<u>Wildlife Resources Division</u> within the Department of Natural Resources
<i>Hawaii</i>	<u>Division of Aquatic Resources</u> and <u>Division of Forestry and Wildlife</u> within the Department of Land and Natural Resources
<i>Illinois</i>	<u>Office of Resource Conservation</u> within the Department of Natural Resources
<i>Indiana</i>	<u>Division of Fish and Wildlife</u> within the Department of Natural Resources

Exhibit 14 (Continued)

II. Fish and Game Functions Within a Larger State Agency (Total 29) (Continued)

<i>Iowa</i>	<u>Division of Conservation and Recreation</u> within the Department of Natural Resources
<i>Kansas</i>	<u>Fisheries and Wildlife Division</u> within the Department of Wildlife, Parks, and Tourism
<i>Maryland</i>	<u>Wildlife and Heritage Service</u> and <u>Fisheries Service</u> within the Department of Natural Resources
<i>Michigan</i>	<u>Fisheries Division</u> and <u>Wildlife Division</u> within the Department of Natural Resources
<i>Massachusetts</i>	<u>Department of Fish and Game</u> within the Executive Department of Energy and Environmental Affairs
<i>Minnesota</i>	<u>Division of Fish and Wildlife</u> within the Department of Natural Resources
<i>Mississippi</i>	<u>Bureau of Wildlife</u> and <u>Bureau of Freshwater Fisheries</u> within the Department of Wildlife, Fisheries, and Parks
<i>Missouri</i>	<u>Division of Fisheries</u> and <u>Division of Wildlife</u> within the Department of Conservation
<i>Montana</i>	<u>Fish and Wildlife Division</u> within the Department of Fish, Wildlife and Parks
<i>Nebraska</i>	<u>Wildlife Division</u> and <u>Fisheries Division</u> within the Game & Parks Commission
<i>New Jersey</i>	<u>Division of Fish and Wildlife</u> within the Department of Environmental Protection
<i>New York</i>	<u>Division of Fish, Wildlife and Marine Resources</u> within the Department of Environmental Conservation
<i>Ohio</i>	<u>Division of Wildlife</u> within the Department of Natural Resources
<i>Rhode Island</i>	<u>Division of Fish and Wildlife</u> within the Department of Environmental Management
<i>South Carolina</i>	<u>Division of Wildlife and Freshwater Fisheries</u> within the Department of Natural Resources
<i>South Dakota</i>	<u>Division of Wildlife</u> within the Department of Game, Fish, and Parks
<i>Texas</i>	<u>Wildlife Division</u> and <u>Inland Fisheries Division</u> within the Parks & Wildlife Department
<i>Utah</i>	<u>Division of Wildlife Resources</u> within the Department of Natural Resources
<i>Vermont</i>	<u>Department of Fish & Wildlife</u> within the Agency of Natural Resources
<i>West Virginia</i>	<u>Division of Natural Resources</u> within the Department of Commerce
<i>Wisconsin</i>	<u>Bureau of Wildlife Management</u> and <u>Bureau of Fisheries Management</u> within the Department of Natural Resources

III. Fish and Wildlife Functions Within Two Separate Commissions (Total 1)

<i>Pennsylvania</i>	Game Commission; Fish and Boat Commission
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Source: Developed by LB&FC staff from an examination of organizational, program, and legal materials obtained from the various states.

Single Agency Board/Commission Structure

States and Advisory Board/Commission	Number of Members on Board or Commission	Members Represent Regions	Special Qualifications of Board/Commission Members
Alaska Board of Fisheries & Board of Game	Each board has 7 members	The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.	Members must have an interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, diversity of interest and differing points of view.
Arizona Department of Game and Fish	5 members	No more than 2 may be from the same county. No more than 3 may be from the same political party.	Members must be well informed about wildlife and its conservation.
Arkansas Game and Fish Commission	7 voting members plus the Chair of Univ. of Arkansas's Dept. of Zoology (non-voting)	Each congressional district must be represented on the Commission.	Commissioners shall have knowledge of and interest in wildlife conservation.
California Fish and Game Commission	5 members	None established in statute.	Members are to represent the diversity of background and geographic representation of the Commission; demonstrated interest and background in wildlife and natural resources management; experience in public policy decision-making; exposure to and experience with the basic science underpinning the management of living natural resources; and knowledge of natural resource issues and related scientific disciplines, including, but not limited to, outdoor recreation.
Florida Fish & Wildlife Conservation Commission	7 members	None established in statute.	None established in statute.
Idaho Department of Fish & Game	7 members	Each member represents a specific district	Each member must be a resident of the region from which he/she is appointed and be well informed and interested in wildlife conservation and restoration.
Kentucky Department of Fish and Wildlife Resources Commission	9 members	No more than 5 may be from the same political party. Each member represents one wildlife district.	Members are nominated by Kentucky sportsmen and sportswomen and appointed by the governor.
Louisiana Wildlife and Fisheries Commission	7 members	Three members shall be electors of the coastal parishes and four members shall be from the state at large.	Three members are to represent the commercial fishing and fur industries. The remaining four members shall be other than representatives of the commercial fishing and fur industries.
Maine Inland Fisheries and Wildlife Advisory Council	10 members	Each member represents a specific area/county of the state.	None established in statute.
Nevada Board of Wildlife Commissioners	9 members	No more than 3 may be from same county with population over 700,000; no more than 2 from same county with population between 100,000 -700,000, and not more than 1 from same county with population less than 100,000.	1 member must be actively engaged in and possess experience and expertise in advocating conservation issues; 1 member must be engaged in farming; 1 member must be engaged in ranching; 5 must be resident hunters/fishers; 1 member represents the public-at-large.

Exhibit 15 (Continued)

States and Advisory Board/Commission	Number of Members on Board or Commission	Members Represent Regions	Special Qualifications of Board/Commission Members
New Hampshire Fish & Game Commission	11 members	One from each county in the state, plus one representing the coastal area.	Members must be well informed on the subject of fish and wildlife; no more than six commissioners may be members of the same political party.
New Mexico State Game Commission	7 members	One member from each of 5 designated districts and two at-large members.	Not more than 4 may be members of the same political party.
North Carolina Wildlife Resources Commission	19 members	Nine wildlife districts are established in statute. The governor appoints one member from each district and two at-large members. The General Assembly appoints eight members. Each member represents a specific district.	Experienced hunters, fisherman, farmers, or biologists, who shall be generally informed on wildlife conservation and restoration problems.
North Dakota Game and Fish Advisory Board	8 members	Each member represents a specific district.	4 members must be landowners and 4 members must be hunters/anglers.
Oklahoma Wildlife Conservation Commission	8 members	Each member represents a specific district.	None established in statute.
Oregon State Fish and Wildlife Commission	7 members	One commissioner must be from each congressional district, one represents all districts east of the Cascades and one represents all districts west of the Cascades.	All members must have a general knowledge of fish and wildlife issue and an understanding of the operation and functions of public policy boards and commissions. Members should possess natural resource backgrounds such as backgrounds in commercial fishing, recreational fishing, hunting, agriculture, forestry, and conservation.
Tennessee Fish and Wildlife Commission	13 private citizens appointed by the governor (9), the speaker of the house of representatives (2), and the speaker of the senate (2).	Members each represent a grand division.	At least one member is to be age 60 or older, at least one member is to represent a racial minority, and at least two members are to be female. At least one member shall be a qualified farmer or nurseryman.
Virginia Board of Game & Inland Fisheries	11 members	One representing each congressional district in the state.	None established in statute.
Washington Fish and Wildlife Commission	9 members	Three members must reside east of the summit of the Cascade mountains, three must reside west of the summit, and three may reside anywhere in the state. No two Commissioners may reside in the same county.	Members must have general knowledge of the habits and distribution of fish and wildlife and may not hold another state, county, or municipal elective or appointive office. The Governor must seek to maintain a balance reflecting all aspects of fish and wildlife, including representation recommended by organized groups of sportfishers, commercial fishers, hunters, private landowners, and environmentalists when making appointments.
Wyoming Game and Fish Department	7 members	Each represents a specific region of the state.	Not more than four members shall be of the same party.

Source: Developed by LB&FC staff from a review of state statutes and the states' websites.

Several of the independent agencies have another advisory entity in addition to the governing board or commission. For example, in North Carolina the Nongame Wildlife Advisory Committee is the 18-member advisory body of knowledgeable and representative citizens established by resolution of the Wildlife Resources Commission and charged to consider matters relating to nongame wildlife conservation and to advise the Commission in such matters. Maine's Department of Inland Fisheries and Wildlife has several advisory bodies, including, for example, the Disabled Hunter, Trapper, and Angler Advisory Committee; the Advisory Board for the Licensing of Guides; the Advisory Board for the Licensing of Taxidermists; the Advisory Board for the Licensing of Whitewater Guides; and the Landowners and Sportsmen Relations Advisory Board.

In Louisiana, in addition to the Wildlife and Fisheries Commission, there are 17 advisory boards, councils, and task forces under the direct advisory control of the Department of Wildlife and Fisheries. These bodies include, for example, the Alligator Advisory Council, the Artificial Reef Development Council, the Crab Task Force, the Hunting and Fishing Advisory Education Council, the Fur Advisory Council, the Recreational Freshwater Fishing Task Force, and the Recreational Saltwater Fishing Task Force. All 17 of these bodies are established in statute.

In addition to the Fish and Game Commission, California's Department of Fish and Wildlife has several advisory boards and commissions. These include, for example, the Aquaculture Disease Committee, the Big Game Advisory Committee, the Advisory Committee on Salmon and Steelhead Trout, the Dungeness Crab Task Force, and the Upland Game Advisory Committee.

Core Functions

Fish and wildlife agencies across the nation appear to have similar core functions and responsibilities. These functions include, for example, fish and wildlife management, law enforcement, boat titling and registration and safety education, among others.

As can be seen in Exhibit 16, all state fish and wildlife agencies issue licenses for hunting and fishing. In all but two states, the law enforcement function is administered by the agency responsible for issuing hunting and fishing licenses. In Alaska and Oregon, the state police agency is responsible for enforcing the hunting/fishing laws. Not all state fish and game agencies administer the boating registration and boating safety programs for their state. For example, we found that in 30 states (including Pennsylvania), the boat registration function was administered by the agency responsible for fish and game functions. These 30 include 10 independent departments/commissions and 19 states where the fish and game functions are housed in a larger agency, and Pennsylvania, wherein the PFBC administers boat registrations. In eight states, a department of motor vehicles administers the

Exhibit 16

Game/Fish Agency Function Responsibilities

States	Licenses		Boating		Law Enforcement	Game Farms	Hatcheries
	Fish	Hunt	Registration	Safety			
Alabama	X	X	X	X	X		X
Alaska	X	X	a	b	c		X
Arizona	X	X	X	X	X		X
Arkansas	X	X	d	X	X		X
California	X	X	e	f	X		X
Colorado	X	X	X	X	X		X
Connecticut	X	X	g	X	X		X
Delaware	X	X	X	X	X		h
Florida	X	X	i	X	X		X
Georgia	X	X	X	X	X		X
Hawaii	X	X	X	X	X		h
Idaho	X	X	j	j	X		X
Illinois	X	X	X	X	X	X	X
Indiana	X	X	k	X	X		X
Iowa	X	X	X	X	X		X
Kansas	X	X	X	X	X		X
Kentucky	X	X	X	X	X		X
Louisiana	X	X	X	X	X		X
Maine	X	X	X	X	X		X
Maryland	X	X	X	X	X		X
Massachusetts	X	X	X	X	X		X
Michigan	X	X	l	X	X		X
Minnesota	X	X	X	X	X		X
Mississippi	X	X	X	X	X		X
Missouri	X	X	m	n	X		X
Montana	X	X	X	X	X		X
Nebraska	X	X	X	X	X		X
Nevada	X	X	X	X	X		X
New Hampshire	X	X	o	p	X		X
New Jersey	X	X	q	r	X	X	X
New Mexico	X	X	s	s	X		X
New York	X	X	t	u	X	X	X
North Carolina	X	X	X	X	X		X
North Dakota	X	X	X	X	X		v
Ohio	X	X	X	X	X		X
Oklahoma	X	X	w	x	X		X
Oregon	X	X	y	y	z		X
Pennsylvania	X	X	X	X	X	X	X
Rhode Island	X	X	X	X	X		X
South Carolina	X	X	X	X	X		X
South Dakota	X	X	aa	X	X	X	X

Exhibit 16 (Continued)

States	Licenses		Boating		Law Enforcement	Game Farms	Hatcheries
	Fish	Hunt	Registration	Safety			
Tennessee	X	X	X	X	X		X
Texas	X	X	X	X	X		X
Utah	X	X	bb	X	X		X
Vermont	X	X	cc	cc	X		X
Virginia	X	X	X	X	X		X
Washington	X	X	dd	ee	X	X	X
West Virginia	X	X	ff	X	X		X
Wisconsin	X	X	X	X	X	X	X
Wyoming	X	X	X	X	X	X	X

^a Alaska Department of Administration, Division of Motor Vehicles.

^b Alaska Department of Natural Resources, Office of Boating Safety.

^c Alaska Department of Public Safety.

^d Arkansas Department of Finance and Administration, Office of Motor Vehicles.

^e California Department of Motor Vehicles.

^f California Department of Boating and Waterways.

^g Connecticut Department of Motor Vehicles.

^h Fish are purchased from commercial hatcheries.

ⁱ Florida Department of Highway Safety and Motor Vehicles.

^j Idaho Department of Parks and Recreation.

^k Indiana Bureau of Motor Vehicles.

^l Michigan Department of State.

^m Missouri Department of Revenue.

ⁿ Missouri State Highway Patrol.

^o New Hampshire Department of Safety, Division of Motor Vehicles.

^p New Hampshire Department of Safety, Division of State Police.

^q New Jersey Motor Vehicle Commission.

^r New Jersey State Police.

^s New Mexico Energy, Minerals, and Natural Resources Department, State Parks Division.

^t New York Department of Motor Vehicles.

^u New York Office of Parks, Recreation and Historic Preservation.

^v There are two fish hatcheries in North Dakota; both are operated by the U.S. Fish and Wildlife service. Biologists from the North Dakota Game and Fish Department assist in their operation.

^w Oklahoma Tax Commission.

^x Oklahoma Department of Public Safety.

^y Oregon State Marine Board.

^z Oregon State Police.

^{aa} South Dakota Department of Revenue.

^{bb} Utah State Tax Commission; Motor Vehicle Division.

^{cc} Vermont Agency of Transportation, Department of Motor Vehicles.

^{dd} Washington Department of Licensing.

^{ee} Washington State Parks and Recreation Commission.

^{ff} West Virginia Department of Transportation, Division of Motor Vehicles.

Source: Developed by LB&FC staff from a review of states' websites and statutes.

registration function. In five states, a department of revenue or tax agency is responsible for administering the program, and in the remaining seven states, various types of agencies administer boat registration. See Exhibit 17.

Fish hatcheries are operated by the state's fish and game agencies in 47 states. In two states, Delaware and Hawaii, fish are purchased by the state agency from commercial hatcheries. In North Dakota, there are two fish hatcheries, both of which are operated by the U.S. Fish and Wildlife Service. Biologists from the North Dakota Game and Fish Department assist in their operation.

Exhibit 17

Boat Registration Function*

Fish/Game Licensing Agency		
Alabama	Louisiana	North Dakota
Arizona	Maine	Ohio
Colorado	Maryland	Pennsylvania
Delaware	Massachusetts	Rhode Island
Georgia	Minnesota	South Carolina
Hawaii	Mississippi	Tennessee
Illinois	Montana	Texas
Iowa	Nebraska	Virginia
Kansas	Nevada	Wisconsin
Kentucky	North Carolina	Wyoming

Motor Vehicle Department	Revenue/Tax Department	Other
California	Arkansas	Alaska
Connecticut	Missouri	Idaho
Florida	Oklahoma	Michigan
Indiana	South Dakota	New Hampshire
New Jersey	Utah	New Mexico
New York		Oregon
Vermont		Washington
West Virginia		

* Shading indicates independent, combined agency.

Source: Developed by LB&FC staff from a review of other states' websites.

As can be seen from Table 20, of the seven independent state fish and game agencies (including Pennsylvania) that administer boat registrations, Pennsylvania issues the most registrations and receives the most revenue from the registration fees. North Carolina, which issues the second highest number of registrations, issues slightly less than half of the volume that Pennsylvania issues.

Table 20

Boat Registrations and Fee Revenue

<u>State^a</u>	<u># of Boat Registrations</u>	<u>Fee Revenue</u>
Arizona	125,643	\$4,200,000
Arkansas	N/A	1,041,686
Louisiana	188,762	4,438,955
Nevada	51,606	1,918,032
North Carolina	142,476	5,150,285
North Dakota	12,760	222,272
Pennsylvania	332,699	6,364,826
Tennessee	65,000	5,485,512
Virginia	87,555	3,110,000
Wyoming	28,620	450,000

^a Alaska, California, Florida, Idaho, New Hampshire, New Mexico, Oklahoma, Oregon, and Washington fish and game agencies do not administer boat registration. Additionally, Kentucky and Maine did not return our survey questionnaire.

N/A = not available.

Source: Developed by LB&FC staff from responses to survey questionnaires.

In 38 states (including Pennsylvania) the boating safety function was administered by the agency responsible for fish and game functions. These 38 include 12 independent departments/commissions, 25 where the fish and game functions are housed in a larger agency, and Pennsylvania, wherein the PFBC administers the boat safety program. In 4 states, boating safety is administered by the state police department; in 2 states boating safety is administered by a marine/boating related agency; in 5 states this function is administered by a parks and recreation agency, and in one state, boating safety is administered by the transportation agency. See Exhibit 18.

Funding Mechanisms

State fish and wildlife agencies are responsible for managing a vast array of game, nongame, and endangered and threatened species. As wildlife management and conservation demands grow, state agencies face an increasing challenge to expand their revenue bases to meet these needs.

Traditionally, state fish and wildlife agencies have relied primarily on hunting and fishing license fees along with funding from federal excise taxes on hunting and fishing equipment. Several also receive general fund monies. For example: the Washington Department of Fish and Wildlife received approximately \$1.9 million; the Wyoming Game and Fish Commission received \$3.9 million; the North Carolina Wild Resources Commission received \$18.4 million; the California Fish

Exhibit 18

Boat Safety Function

Fish/Game Licensing Agency			
Alabama	Indiana	Mississippi	South Dakota
Arizona	Iowa	Montana	Tennessee
Arkansas	Kansas	Nebraska	Texas
Colorado	Kentucky	Nevada	Utah
Connecticut	Louisiana	North Carolina	Virginia
Delaware	Maine	North Dakota	West Virginia
Florida	Maryland	Ohio	Wisconsin
Georgia	Massachusetts	Pennsylvania	Wyoming
Hawaii	Michigan	Rhode Island	
Illinois	Minnesota	South Carolina	

State Police Agency	Marine/Boating Agency	Parks/Recreation/ Natural Resources Agency	Motor Vehicles Agency
Missouri	California	Alaska	Vermont
New Hampshire	Oregon	Idaho	
New Jersey		New Mexico	
Oklahoma		New York	
		Washington	

Shading indicates independent, combined agency.

Source: Developed by LB&FC staff from a review of other states' websites.

and Game Commission received \$61 million; the Nevada Department of Wildlife received \$494,765; and the Arkansas Game and Fish Commission received \$27.6 million.

Several states have also been using other non-traditional funding mechanisms for their programs. For example, the Arizona Game and Fish Department receives 30 percent of annual collections from the Motor Vehicle Fuel Tax transfer to the State Parks Board, which is equivalent to 0.55 percent of the total taxes on motor vehicle fuel. These monies are placed into the Off-Highway Vehicle Recreation Fund; this source provided \$1.5 million to the Department in FY 2012. Additionally, collections from local governments for the Urban Fishing Program, transfers from the state Risk Management Fund, proceeds from the charitable auction of big-horn sheep tags, and private donations netted \$2.6 million in FY 2012 for the Department's programs. Arizona's Wildlife Conservation Fund received \$6 million in FY 2012 from monies received from tribal gaming; and the Game and Fish Heritage Fund received \$10 million from the state's Lottery Fund.

North Carolina's Wildlife Resources Commission receives monies from the sales of a special license plate. In FY 2012, the Commission received \$19,700 from this source. Additionally, there is a non-game check-off provided on tax forms. The Commission received \$355,415 in FY 2012 from this source. The Commission also

receives monies from a portion of the gas tax, which accounted for \$2,136,851 in FY 2012.

The states differ in whether they maintain all revenues in a single fund or maintain them in special funds. In some of the independent agency states, revenues received from license sales, federal funding, and other revenues are placed into a single fund from which the agency operations are funded. In other states, however, there are several funds from which agency operations are funded. The various funds have different revenue sources, and the monies in the funds are designated for specific purposes. For example, according to statute, the Virginia Department of Game and Inland Fisheries administers a Game Protection Fund, which shall only be used for “salaries, allowance, wages, and expenses incident to carrying the provisions of the hunting, trapping, and inland fish laws.” Virginia also has a Motorboat and Water Safety (Boat) Fund, which may only be used for educational activities relating to boating safety and for other activities and purposes of direct benefit to the boating public. Additionally, Virginia has a Lifetime Hunting and Fishing Endowment Fund into which the fees paid for the lifetime licenses are deposited and only used to support the wildlife conservation programs of the Department, and has a restricted Fish Passage Fund, which is used solely to support the fish passage program to remove dams.

Revenues/Expenditures Per License as a Measure of Efficiency

We attempted to determine if a merged fish and wildlife agency is more efficient than two separate, independent agencies. To do this, we calculated the revenues received and/or expenditures made per license issued. See Table 21. This table shows that Alaska has the highest revenue per license at \$238. North Dakota has the highest expenditure per license at \$110. Florida has the lowest revenue per license at \$17, and of the states for which we have expenditure information, Pennsylvania’s PFBC has the lowest expenditures per license at \$26.48. When added to the expenditure per license by the PGC of \$34.01, the total, \$60.49, is lower than average compared to the other states’ agencies reporting expenditures which suggests that savings in a combined agency may be limited. Pennsylvania’s PFBC has the second-lowest revenues received per license sold at \$27.28. The PGC’s revenues per license is only slightly higher at \$34.45. Added together to reflect a single agency, the revenue per license at \$61.73 is less than the average of \$74.55.

Table 21

Revenues/Expenditures Per License as a Measure of Efficiency

(FY 7/1/2012 to 6/30/2013)

<u>State^a</u>	<u>Total Revenues</u>	<u>Total Expenditures</u>	<u>Total Number of Licenses Sold</u>	<u>Revenues Per License</u>	<u>Expenditures Per License</u>
Alaska Department of Fish & Game.....	\$181,311,700	N/A ^b	760,407	\$238.44	N/A
Arizona Department of Game and Fish.....	85,000,000	\$ 84,323,332	797,299	106.61	\$105.76
Arkansas Game and Fish Commission.....	70,345,527	73,741,486	1,264,461	55.63	58.32
California Department of Fish and Wildlife.....	213,610,696	N/A	3,257,328	65.58	N/A
Florida Fish & Wildlife Conservation Commission.....	33,661,723	N/A	1,987,982	16.93	N/A
Idaho Department of Fish & Game ^c	87,365,600	N/A	1,672,960	52.22	N/A
Louisiana Department of Wildlife & Fisheries.....	165,904,723	N/A	1,657,540	100.09	N/A
Nevada Department of Wildlife.....	29,842,940	N/A	369,438	80.77	N/A
New Mexico Wildlife Resources Commission.....	36,783,593	N/A	478,452	76.88	N/A
North Carolina Game & Fish Department ^d	69,846,937	66,750,966	955,885	73.07	69.83
North Dakota Department of Wildlife Conservation ...	29,544,434	61,440,811	561,018	52.66	109.52
Oklahoma Department Wildlife Conservation.....	47,260,000	44,733,556	1,435,432	32.92	31.16
Pennsylvania Fish and Boat Commission.....	48,660,794^e	47,223,680^f	1,783,244^g	27.28	26.48
Pennsylvania Game Commission.....	91,709,517	90,546,662^h	2,661,674ⁱ	34.45	34.01
Tennessee Wildlife Resources Agency.....	73,181,614	60,331,795	1,190,070 ^j	61.49	50.70
Virginia Department of Fish and Wildlife.....	49,714,000	N/A	1,224,906	40.59	N/A
Washington Game and Fish Department.....	144,478,326	176,826,074	1,965,647	73.50	89.96
Wyoming Game and Fish Department.....	68,270,000	70,924,085	871,434	78.34	81.38

^a There are 20 states with combined, independent agencies. Kentucky, Maine, New Hampshire, and Oregon did not return our survey questionnaire.

^b Information not available.

^c Excludes lifetime certificate fees.

^d A total of 30,355 hunting/fishing combination licenses were sold for an additional \$2,578,235 in revenue. This revenue is deposited into an endowment fund, from which only the interest may be spent.

^e This includes Fish fund revenues of \$35,401,798 and Boat Fund revenues of \$13,258,996. (Does not include \$1,225,586 in restricted revenues.)

^f This includes Fish fund expenditures of \$34,482,887 and Boat Fund expenditures of \$12,740,793. (Actual expenditures as of June 30, 2013. Does not reflect open commitments.)

^g Boat registrations (332,699) and licenses and permits (1,450,545).

^h Actual expenditures as of August 31, 2013. Does not reflect open commitments.

ⁱ All licenses and permits.

^j A total of 7,896 lifetime licenses were sold, which resulted in \$2,415,865 in revenue. This revenue is deposited into a lifetime license endowment fund.

Source: LB&FC staff questionnaire and annual reports.

VI. Law Enforcement Function in Merger Scenarios

The law enforcement of the PGC and the PFBC in a merged agency would require addressing the jurisdiction of the WCOs, their training, their function and the reduction in their number. This section provides information and analysis of the use of the WCOs in a merged agency. Additionally, we were asked to discuss these same issues in the event that the law enforcement function of the PGC and PFBC alone was merged into the Department of Conservation and Natural Resources, therefore, we also analyzed the issues associated with that type of merger.

Authority of Pennsylvania Game Commission WCOs

The Game and Wildlife Code empowers the PGC to take all actions necessary to enforce the state game and wildlife laws, including appointing enforcement officers and deputies. PGC officers may specifically:¹

- Arrest a violator while in pursuit immediately following a violation.
- When acting within the scope of employment,
 - Stop and inspect or search any means of transportation.
 - Inspect and examine or search any person, any bag, clothing or container.
 - Inspect and examine or search any camp, tent, cabin, or trailer.
 - Go upon any land or water outside of buildings, posted or otherwise.
- Secure and execute all warrants for Game and Wildlife Code violations.
- Conduct consensual searches.
- Take possession of game or wildlife taken, caught, killed, had or held in possession, and seize all firearms, shooting or hunting paraphernalia, vehicles, boats, conveyances, traps, dogs, decoys, automotive equipment, records, papers, permits, licenses, and all contraband or any unlawful device, implement or other appliance used in violation of game and wildlife laws.
- Purchase and resell game or wildlife for securing evidence.
- Enforce all the laws of the Commonwealth and regulations promulgated thereunder relating to fish, boats, parks and forestry and other environmental matters, under the direction of those agencies charged with the administration of these laws.

¹ PGC officers may also do the following in support of their specific law enforcement powers:

- Serve Game and Wildlife Code related subpoenas.
- Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.
- Administer any oaths required by the Game and Wildlife Code.
- Operate or move any vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device or both.
- Demand and secure assistance when the officer deems necessary.
- Demand and secure identification from any person.

There are no DUI-specific powers given to PGC officers; however, an officer may pursue, apprehend, or arrest under authority of the Pennsylvania Crimes Code (Title 18)² when acting within the scope of employment. Reciprocal duties are given, however, pursuant to the state Administrative Code, at 71 P.S. §766, which requires Game officers “to enforce all the laws relating to fish, game, and forestry under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted.”

As of July 2013, the PGC Bureau of Law Enforcement had a staff complement of 155, including 136 district Wildlife Conservation Officers (WCOs). WCOs, while assigned to one of the six PGC regional offices, work out of their homes. Table 22 provides a breakdown of the law enforcement staff of PGC at the time of this study. Not all WCOs within the PGC are within the Bureau of Wildlife Protection. There are a total of 209 badged WCOs, 155 of whom devote most of their time to law enforcement. Other badged officers who may operate outside the bureau include the training director (within the executive office), a management position within the Bureau of Wildlife Habitat, and the assistant director of the PGC. Additionally, many, but not all, of the land managers in each PGC region, are badged WCOs. These roles include little law enforcement.

The Commission supplements its WCO resources with volunteer deputy law enforcement officers. Deputies have essentially the same powers and duties as Wildlife Conservation Officers. PGC deputies, however, do not have authority to issue citations. In addition to law enforcement duties, deputies carry out public relations and other functions. These include, but are not limited to, collecting and preserving evidence, testifying in court, stocking game, dead animal removal, land-owner contacts, public speaking engagements, and safety programs. At the time of this study, the PGC had 341 deputy Wildlife Conservation Officers (DWCOs).

During FY 2011-12, the PGC’s Bureau of Law Enforcement expended a total of \$16.9 million, about 18 percent of the PGC’s total budget.

² Or any other offense classified as a misdemeanor or felony.

Table 22

PGC Bureau of Wildlife Protection Staffing
(As of July 2013)

<u>Office</u>	<u>Number of Employees</u>
Bureau of Law Enforcement:	
Bureau Director's Office	3
Special Operations Division	4
Enforcement Division	2
Administration Division.....	3
Special Permits Division.....	2
Communications Division.....	<u>2</u>
Total Bureau of Law Enforcement	16
Field Staff:	
Northeast Region:	
WCO	23
WCO Supervisor	1
Southeast Region:	
WCO	20
WCO Supervisor	1
Northcentral Region:	
WCO	22
WCO Supervisor	1
Southcentral Region:	
WCO	20
WCO Supervisor	1
Northwest Region:	
WCO	24
WCO Supervisor	1
Southwest Region:	
WCO	24
WCO Supervisor	<u>1</u>
Total Field Staff	<u>139</u>
Total Law Enforcement Staff at PGC.....	155

Source: Developed by LB&FC staff using information obtained from PGC personnel complement reports.

Authority of Pennsylvania Fish and Boat Commission WCOs

The Fish and Boat Code similarly gives PFBC authority to enforce the Fish and Boat Code and other laws relating to fish, fishery interests, boats, and boating.

PFBC may appoint enforcement officers and deputies with enforcement powers subject to limitations of the Executive Director.³ PFBC officers may specifically,⁴

- Arrest with or without warrant for a Fish and Boat Code violation.
- Stop vehicles or boats and search or inspect, where probable cause exists for a Fish and Boat Code violation.⁵
- Stop and board any boat subject to this title for the purpose of inspection for compliance with Part III (relating to boats and boating) and its rules and regulations.
- Go upon any land or water in the performance of their duties.
- Take possession of any and all fish which may have been caught, taken, or killed at any time, in any manner or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of the Commonwealth.
- Seize all rods, reels, nets or other fishing devices, fishing or boating paraphernalia, bait, boats, or any unlawful device, implement, or appliance used in violation of the Fish and Boat Code.
- Execute warrants and search warrants for Fish and Boat Code violations.
- Purchase fish for securing evidence.
- When in the performance of their duties, take fish and operate watercraft or vehicles in manners necessary to carry out enforcement duties, subject to such limitations as the executive director may prescribe.

PFBC officers have authority to arrange administration of chemical tests for BUI/DUI (watercraft) purposes and may administer the tests if qualified and also designated by the Executive Director. An officer may enforce the Pennsylvania Crimes Code (Title 18), or any other offense classified as a misdemeanor or felony, including drug and DUI offenses, when acting within the scope of employment. Reciprocal duties are also given, whereby PFBC officers must “enforce all the laws relating to game, fish, and forestry under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted.”

³ The PFBC may authorize deputy officers to exercise the same duties and powers as regular officers except they cannot be given the Title 18 power (regarding enforcement of the Crimes Code).

⁴ PFBC officers may also do the following in support of their specific law enforcement powers:

- Serve Fish and Boat Code subpoenas.
- Carry firearms or other weapons.
- Operate any vehicle owned or leased by the Commonwealth and used for law enforcement purposes, equipped with flashing or rotating lights of such color and combination and audible devices as authorized in the definition of "emergency vehicle" in 75 Pa.C.S. §102 (relating to definitions) upon any street or highway within this Commonwealth in the performance of their duties.
- Demand and secure proper assistance in case of emergency.
- Demand and secure identification from any person.

⁵ A search or inspection may be of any boat, basket, conveyance, vehicle, fish-box, bag, coat, boot, or other receptacle.

As of July 2013, the PFBC's Bureau of Law Enforcement had a staff complement of 99, including 77 WCOs, with 13 vacancies. WCOs are assigned to one of six PFBC regional offices but work out of their homes.

The PFBC also supplements its WCO resources with volunteer deputy law enforcement officers. Deputies have essentially the same powers and duties as Waterways Conservation Officers, except they cannot issue citations under the Pennsylvania Crimes Code. However, they may issue citations for summary violations. At the time of this study, the PFBC had a total of 105 deputy Waterways Conservation Officers.

During FY 2011-12, the PFBC's Bureau of Law Enforcement expended a total of \$9.6 million, or about 20.4 percent of the PFBC's total budget. Table 23 provides a breakdown of the law enforcement staff of PFBC at the time of this study.

Analysis of PGC and PFBC Legal Authority

Statutory provisions give the PGC and PFBC some similar legal enforcement authority; however, there are certain differences that would need to be analyzed and taken into consideration upon a potential merger. Statutory provisions for each commission are compared on Table 24.

While the enforcement authority for both the PGC and the PFBC appears similar, differences occur in the areas of the commissions' general grant of enforcement authority, the powers of deputy officers, arrest authority, search authority, requesting identification, and undertaking blood-alcohol testing. The differences would need to be resolved. The PGC's general grant of enforcement authority is written more broadly in that PGC is given the power and duty "to take all actions necessary" for the enforcement of the Game and Wildlife Code while PFBC is merely authorized "to enforce." This difference may be of little practical effect but should still be addressed to ensure clarity.

Both commissions are authorized to hire deputy officers, but the PGC deputies are expressly prohibited from issuing citations. PFBC deputies have the authority to issue summary citations. PFBC officers appear to have a broader arrest power in that they are not limited to arrests while "in pursuit of a person immediately following a violation" as PGC's power is. PFBC's enforcement authority likewise does not specifically address the ability to conduct a search of a person; PGC officers are expressly allowed to "inspect and examine or search, at any time or place, any person...." PGC's authority also allows for its officers to undertake a consensual search of property or vehicles (not persons) while PFBC's statute addresses searches, allowing for probable cause-based searches of vehicles, boats, baskets, fish-boxes, and other receptacles, but does not have the same language regarding conducting searches "with proper consent" although PFBC officials assure that

Table 23

PFBC Law Enforcement Staffing

(As of July 2013)

	<u>Number of Employees</u>
Bureau of Law Enforcement:	
Bureau Director.....	1
LE Program Operations Manager.....	2
Waterways Conservation Officer Manager.....	1
Waterways Conservation Officer Investigator.....	<u>1</u>
Total Bureau of Law Enforcement	5
Field Staff:	
Northeast Region:	
WCO	12
WCO Assistant Supervisor	2
WCO Supervisor	1
Southeast Region:	
WCO	16
WCO Assistant Supervisor	2
WCO Supervisor	1
Northcentral Region:	
WCO	11
WCO Assistant Supervisor	1
WCO Supervisor	1
Southcentral Region:	
WCO	11
WCO Assistant Supervisor	2
WCO Supervisor	1
Northwest Region:	
WCO	13
WCO Assistant Supervisor	2
WCO Supervisor	1
Southwest Region:	
WCO	14
WCO Assistant Supervisor	2
WCO Supervisor	<u>1</u>
Total Field Staff.....	<u>94</u>
Total Law Enforcement Staff at PFBC.....	99

Source: Developed by LB&FC staff using information obtained from PFBC personnel complement reports.

PFBC officers may undertake consensual searches. PGC officers are allowed to request identification from any person while PFBC is limited to asking for identification from apprehended violators as well as a license and identification from all licensed anglers. Again, the practical import of these differences cannot necessarily be determined in this report but would need to be discussed and analyzed if a merger is pursued. Finally, PFBC officers have authority regarding blood-alcohol testing that PGC officers do not. A PFBC officer is allowed both to arrange for testing or, if trained and approved, to conduct the testing. PGC officers currently have no blood-alcohol testing authority.

Table 24

Law Enforcement Powers and Duties Comparison

	PA Game Commission	PA Fish & Boat Commission
General	Game or wildlife	Fish, fisheries, and boats
All Actions Necessary	Yes	No
Deputies	Yes, same authority as full officers	Yes, subject to executive director limitations and no Title 18
Arrests	Yes, while in immediate pursuit	Yes
Searches	With badge or official ID and statement of purpose-- <ul style="list-style-type: none"> • Any means of transportation or its attachment (uniformed officer) • Person • Vehicle occupants • Bag, clothing, or container • Camp, tent, cabin, trailer 	With badge or official ID and statement of purpose-- <ul style="list-style-type: none"> • Vehicles or boats (probable cause) including boat, basket, conveyance, vehicle, fish-box, bag, coat, boot or other receptacle • Stop and board any boat for purpose of inspection for compliance with boating regulations (berthed boats need consent)
Execute Warrants and Subpoenae	Yes	Yes
Conduct Searches	Yes (statutory language is not identical to PFBC statute)	Yes (statutory language is not identical to PGC statute)
Seizure	Yes	Yes
Enter Property	Yes	Yes
Carry Firearms	Yes	Yes
Oaths	Yes	No
Official Vehicles	Yes	Yes
Demand Assistance	Yes	Yes
Demand ID	Yes, from anyone.	Yes, from apprehended violators (licensed anglers must provide license and ID upon request)
Blood-Alcohol Tests	No	Yes, arrange for or conduct if approved.
Transact With Wildlife for Evidence	Yes	Yes.
Take Fish and Operate Watercraft	NA	Yes
Reciprocal Duties- 71 P.S. §766	Yes	Yes
Title 18 Power (Crimes Code)	Yes. Administrative limitations allowed.	Yes. Administrative limitations allowed.

Source: Developed by LB&FC staff based on an analysis of the Game and Wildlife and Fish and Boat Codes.

Issues to Be Addressed Concerning Law Enforcement in the Event of a Merger of the PGC and PFBC

Several issues need to be addressed in the merger of the law enforcement function. These include cross training of WCOs and DWCOs, as well as their retention rates, time savings, officer authority, labor issues, and statutory issues, among others. These are discussed below.

Cross Training for Law Enforcement Staff. Cross training among law enforcement staff would be necessary in a merged agency, as current conservation officers would need to become fully familiar with applicable laws from both the Fish and Boat Code and the Game and Wildlife Code in order to adequately enforce the respective laws. Presently, each Commission administers its own training program for law enforcement staff. While there are some differences between the training programs, both groups of law enforcement officers are trained in many similar topics, including self-defense, laws and regulations, and law enforcement techniques and procedures. Furthermore, the Wildlife Conservation Officers receive training on the Fish and Boat Code, and the Waterways Conservation Officers receive training on the Game and Wildlife Code. Each agency's current law enforcement training is discussed below.

Fish and Boat Commission. The Waterways Conservation Officers undergo a 52-week training program. This training program consists of three distinct portions.

The first segment of the training program is a 20-week session conducted at the Pennsylvania State Police Hershey Academy. This session meets the standards of Act 120, the Municipal Police Education and Training Law, and covers the following topics:

- Introduction to the Law,
- Physical and Emotional Readiness,
- Law and Procedures,
- Defensive Tactics,
- Motor Vehicle Law Enforcement and Accident Investigations,
- Motor Vehicle Collision Investigation,
- Patrol Procedures and Operations,
- Principles of Criminal Investigations,
- Human Relations,
- Crisis Management,
- Families in Crisis,
- Basic Firearms,
- Operation of a Patrol Vehicle,
- Report Writing,

- Case Presentation,
- First Aid and CPR, and
- Handling Arrested Persons.

The second portion of the Waterways Conservation Officer training program is conducted at the Fish and Boat Commission's H. R. Stackhouse School of Fish Conservation and Watercraft Safety in Centre County. This is also a 20-week session, and the following courses are taught:

- Boat Operation and Boat Law Enforcement,
- Environmental Law Enforcement,
- Communications Skills,
- Officer Safety Skills,
- Conservation Officer Skills, and
- Conservation Law Enforcement.

The final phase of Waterways Conservation Officer training is a 12-week supervised field training session. Each trainee is assigned to a field training officer and works closely with this officer on law enforcement duties and responsibilities. Six weeks of field work occur during the spring and concentrates on issues involving trout season and environmental protection. An additional six weeks of field work occurs during warmer weather and focuses on enforcement of boating safety issues. All field training is evaluated on-the-job training.

Game Commission. Wildlife conservation officer trainees undergo a 50-week training program, consisting of two sessions.

The first segment of this training program is a 40-week session conducted at the Game Commission's Ross Leffler School of Conservation in Harrisburg. Training is provided along the lines of bureau operations and includes the following topics:

- Training Division/Executive Office,
- Bureau of Automated Technology Services,
- Bureau of Information and Education,
- Bureau of Wildlife Management,
- Bureau of Wildlife Protection,
- Bureau of Wildlife Habitat Management, and
- Bureau of Administration.

The second segment of the Wildlife Conservation Officer training program is 10 weeks of supervised field assignments. During this session, the trainee works under the close supervision of at least three experienced officers who are specially

selected WCOs who are trained to coach and evaluate cadets. During this time, cadets also work with land managers on State Game Lands projects.

Cross Training. The law enforcement functions of the Wildlife and Waterways Conservation Officers would be combined in a merged agency. These officers would become Resource Conservation Officers (RCOs) and would focus primarily on law enforcement responsibilities. Given this change in the law enforcement job function, a staffing level of 195 RCOs was calculated for the merged agency. See discussion beginning on page 69.

These changes in the law enforcement job duties and responsibilities would need to be taken into consideration when considering cross-training of the merged law enforcement staff.

Suggested Procedure for Cross-Training Law Enforcement Officers. Since cross-training all law enforcement officers at one time would reduce the coverage of staff in the field and overburden training facilities and staff, we assumed that during the transition period, officers would be trained on a rotating basis.

Both the Ross Leffler School of Conservation and the H. R. Stackhouse School could be used for law enforcement cross-training to expedite the training process. Given that both the Game Commission and the Fish and Boat Commission already have law enforcement training instructors on staff, existing training staff can be used for this cross-training.

Both Commissions anticipate significant costs associated with cross-training of their officers. The PGC stated that the number of officers who would require training; the volume and disparity of training; and the relatively few trainers available would all contribute to increased cost. The PFBC noted the additional costs for housing, travel, and subsistence. Additionally, WCOs instructors are usually paid a higher rate for instruction, and WCOs would need to replace them in the field during training.

Content of Cross-Training Program for Law Enforcement Officers. In a merged agency the newly named Resource Conservation Officers will be dedicated to law enforcement duties, and, therefore, the officers will not need to be cross-trained in every aspect of the sister agency's present training program. Only those topics specifically related to dedicated law enforcement activities would need to be covered in the initial cross-training sessions. Dedicated law enforcement duties would include enforcement of the Game and Wildlife Code, the Fish and Boat Code, and environmental and pollution laws, as well as activities related to wildlife damage complaints, wildlife permits, and land management programs as they pertain to hunting opportunities. It is in these areas that it will be necessary to cross-train the Resource Conservation Officers.

A review of the training curriculum shows that to become a Resource Conservation Officer, the WCOs from the Game Commission would need cross-training in the areas outlined in Table 25.

Table 25

Cross-Training Needed by Current Wildlife Conservation Officers

<u>Area of Study</u>	<u>Hours</u>
Boat Operation and Boat Law Enforcement	126
Environmental Law Enforcement	76
Fish and Boat Code and Regulations	66
Amphibians and Reptiles	36
Fisheries Management.....	36
Aquatic Ecology	20
Fishing Skills and Education	<u>8</u>
Total Hours.....	368

Source: Developed by LB&FC staff.

In the areas of Boat Operation and Boat Law Enforcement, a Waterways Conservation Officer attends 152 hours of instruction. However, only 126 hours of cross-training in this area should be needed because the Wildlife Conservation Officer already receives 26 hours of this training while attending the Ross Leffler School of Conservation.

As for Environmental Law Enforcement training, a Waterways Conservation Officer receives a total of 76 hours of training in this area. Wildlife Conservation Officers receive no training on this subject area and would therefore need the full allotment of training hours.

Finally, in the topic area of the “Fish and Boat Code,” a Waterways Conservation Officer receives a total of 78 hours of training. However, only 66 hours of cross-training in this area will be needed because Wildlife Conservation Officer training already includes 12 hours of training on the Fish and Boat Code.

A Wildlife Conservation Officer would need 368 total hours of cross-training to become a Resource Conservation Officer dedicated solely to law enforcement. Using the standard 40-hour work week for law enforcement officers, 368 hours of cross-training converts to 9.2 weeks of training for these officers.

As for the WCOs of the Fish and Boat Commission, a review of the training curriculum shows that to become a Resource Conservation Officer, these officers would need cross-training in the areas outlined in Table 26.

Table 26

Cross-Training Needed by Current Waterways Conservation Officers

<u>Area of Study</u>	<u>Hours</u>
ATV/4x4/Trailing	8
Game and Wildlife Code and Regulations	75
Wildlife Damage Control ^a	6
Hunting and Trapping Methods	6
Principles of Wildlife Management	40
Mammal Ecology and Identification	15
Bird Ecology and Identification	22
Wildlife Diseases	17
Total Hours	189

^a Also includes Deer/Bear deterrent fencing/Bear damage.

Source: Developed by LB&FC staff.

With regard to training in the area of the Game and Wildlife Code and regulations, a Wildlife Conservation Officer attends 91 hours of such training. However, only 75 hours of cross-training in this area should be needed because the Waterways Conservation Officer already receives 16 hours of such training while attending the H. R. Stackhouse School.

In other training, Waterways Conservation Officers would need training in such areas as wildlife damage control, principles of wildlife management, and both mammal and bird ecology and identification, all areas that are not part of their current training.

A Waterways Conservation Officer would need 189 total hours of cross-training to become a Resource Conservation Officer dedicated solely to law enforcement. Using the standard 40-hour work week for law enforcement officers, 189 hours of cross-training converts to 4.7 weeks of additional training for these officers. In addition, a Game Commission official stated that current Fish and Boat Commission WCOs would need training in hunting and shooting investigations and that both agencies would need training in each other's natural history and species identification.

Firearms Cross-Training. Presently, the Waterways Conservation Officers and the Wildlife Conservation Officers receive about the same firearms training, 80 hours and 78 hours, respectively; however, they use different firearm models in the performance of their job duties.

In a merger, immediate cross-training in the area of firearms would not be necessary. Each officer could retain his or her current firearm and, as firearms need to be replaced, the same model could be purchased so that eventually all Resource Conservation Officers would use the same firearm.

Training of Future Resource Conservation Officer Classes. As new classes of Resource Conservation Officers are needed, a new training curricula will need to be developed. Although many components of the current curricula would continue to be relevant, the new curriculum would need to be modified to focus on the mission of the merged agency and to take into consideration that RCOs would be dedicated law enforcement officers. This means that several aspects of the present training curricula could be reduced or eliminated, most notably in the areas of wildlife research surveys and information and education functions.

Analysis of Time and Activity Reports

Time and Activity Analysis. Time and activity reports are used in both agencies as a means of collecting data on WCO activities. WCOs complete these reports every two weeks beginning with the first pay period of each fiscal year.

We recreated the analysis used in our 2003 report by analyzing the time and activity reports for FYs 2010-11, 2011-12, and 2012-13 for both the Wildlife Conservation Officers and the Waterways Conservation Officers. For purposes of this analysis we classified the officers' time and activities into six categories: Law Enforcement, Information and Education, Functional Support, Leave, Assisting Sister Agency, and Other. Each of these categories is described below.

- ***Law Enforcement.*** This includes fish, boat, game, and wildlife law enforcement, which is all general and specific patrols via vehicle, boat, aircraft, or foot to detect and/or enforce all laws and regulations relating to fish, fishing, boats, boating, game, wildlife, and hunting. It also includes investigating accidents and/or search and rescue operations, as well as posting of water areas. For the PGC, this also includes responding to animal damage complaints, crop damage wildlife removal, accidentally killed wildlife disposal, and special permits management. For the PFBC, this category also includes the investigation of all types of water pollution and waterways disturbances, as well as the time spent negotiating settlements. Office work related to law enforcement activities is also included in this activity category as is law enforcement training. Office work includes, but is not limited to, telephone calls, processing reports, such as field acknowledgements, citations, settlement agreements, criminal complaints, and warrant transmittals. Court time is also captured in this category. This includes all time spent in federal, state, county, or local courts as a prosecutor, witness, or other role. It also includes time spent on the delivery

and picking up of citations, complaints, and warrants. Assistance of other agencies is also included since the majority of that activity involves the law enforcement function.

- *Information and Education.* Includes all public relations and educational programs, such as government meetings, fairs, sport shows, schools, media appearances, and speaking engagements.
- *Functional Support.* In the PFBC, these activities include fisheries surveys, cooperative nurseries, stocking and fish salvage operations, land-owner contacts, and monitoring of stream and road conditions. At the PGC, these activities include primarily wildlife research statistical survey support, but also include game farm operations, such as pheasant stocking and propagation activities.
- *Leave.* This includes all days off, including holidays, annual leave, sick leave, compensatory leave, administrative leave, civil leave, military leave, and work-related disability leave.
- *Assist Sister Agency.* For the PFBC this includes all time spent assisting the Game Commission, and for the PGC, this includes all time spent assisting the Fish and Boat Commission.
- *Other.* Time spent on equipment maintenance is recorded in this category. It includes all time spent on care and maintenance of equipment, including vehicles, boats, and radios. Time spent on training not related to law enforcement is recorded in this category. For the PGC, this category also includes land management activities, primarily contact with participants in public access programs, but also includes game lands construction and maintenance and shooting range construction and maintenance.

LB&FC staff analyzed the hours of both Waterways Conservation Officers and Wildlife Conservation Officers recorded in each of these six categories for each year in the three-year time period. We then combined the three years of data to arrive at an annualized figure for each respective category for both agencies. We found no major inconsistencies across either the activity categories or the three fiscal years, suggesting that the data is a valid portrayal of agency operations during these years.

Table 27 shows the percentage of time used for each category's activities in each pay period by WCOs at both the PGC and the PFBC. This data is presented as

Table 27

An Analysis of Time Spent by PFBC Waterways and PGC Wildlife Conservation Officers on Law Enforcement and Non-Law Enforcement Activities* (By Pay Period)

Time Period	Pay Period	Law Enforcement ^a		Leave		Other ^b		Information and Education		Functional Support ^c		Sister Agency Assistance ^d	
		PGC	PFBC	PGC	PFBC	PGC	PFBC	PGC	PFBC	PGC	PFBC	PGC	PFBC
July 4th	1	58.9%	88.6%	28.6%	7.3%	2.0%	2.5%	8.0%	1.4%	2.3%	0.2%	0.2%	0.1%
	2	70.8	83.0	19.6	11.9	1.9	2.7	5.7	2.3	1.7	0.0	0.3	0.1
	3	70.5	81.4	18.4	13.0	2.0	3.3	7.2	2.0	1.8	0.1	0.1	0.1
Labor Day	4	61.6	81.5	24.3	13.1	2.1	3.2	9.3	2.1	2.6	0.0	0.1	0.1
	5	66.7	89.5	18.6	6.2	2.9	3.0	8.7	1.1	2.9	0.0	0.1	0.1
	6	69.1	79.2	19.8	12.5	2.5	4.5	6.2	3.5	2.3	0.0	0.1	0.2
Fall Stocking	7	76.2	76.1	11.1	10.9	2.2	5.0	8.1	4.2	2.2	3.0	0.1	0.7
	8	72.0	67.1	15.8	17.4	2.0	10.9	8.6	2.5	1.5	1.0	0.1	1.1
	9	79.7	75.2	10.5	14.5	1.5	6.0	6.2	1.9	2.0	0.1	0.1	2.2
Antlered Deer Season	10	77.7	68.1	14.0	18.5	1.5	9.4	4.9	1.8	1.9	0.3	0.0	1.9
	11	78.2	49.7	15.2	30.5	1.7	12.6	3.8	0.8	1.1	0.0	0.0	6.3
	12	89.3	77.4	6.1	12.0	1.9	3.7	1.8	2.1	0.8	0.3	0.0	4.5
Winter Stocking	13	82.6	55.0	15.4	35.9	0.8	7.4	0.6	0.9	0.5	0.0	0.0	0.7
	14	67.5	72.4	30.2	14.4	0.8	8.1	1.1	4.1	0.3	0.1	0.0	0.8
	15	73.0	76.6	21.2	11.4	1.2	7.4	3.5	4.2	1.0	0.1	0.0	0.3
Trout Season	16	74.6	80.4	15.7	7.4	1.5	3.2	5.1	7.9	3.1	0.8	0.1	0.4
	17	69.2	70.8	13.8	11.6	2.4	7.7	9.1	8.6	5.5	1.1	0.0	0.3
	18	65.0	75.3	20.4	5.5	1.7	3.2	7.8	6.9	4.9	8.9	0.1	0.1
Memorial Day	19	68.9	74.7	14.7	4.4	3.2	2.6	9.7	4.2	3.3	14.0	0.2	0.1
	20	69.7	77.3	12.9	4.1	3.0	2.3	10.6	2.8	3.3	13.2	0.5	0.1
	21	67.4	78.3	16.2	3.3	2.7	2.3	10.8	2.4	2.2	13.7	0.7	0.0
Overall	22	74.9	75.0	11.4	4.7	2.6	2.9	8.6	3.9	1.9	13.3	0.6	0.2
	23	70.4	75.7	11.9	5.3	3.1	3.7	11.1	4.6	2.6	10.6	0.9	0.1
	24	72.4	87.0	13.0	4.3	2.2	4.4	10.0	2.5	2.2	1.6	0.3	0.1
Overall	25	67.5	88.6	21.8	5.1	1.8	2.6	6.7	3.2	2.1	0.4	0.2	0.1
	26	68.3	86.9	18.8	7.6	2.6	3.0	7.5	2.3	2.6	0.2	0.3	0.1
		71.6%	76.9%	17.1%	11.1%	2.1%	4.8%	6.9%	3.2%	2.2%	3.2%	0.2%	0.8%

* Data is based on FY 10-11, FY 11-12, and FY 12-13. Shaded areas represent times that exceed the overall average for respective category. Such periods would be considered "busy times" for the respective agency. ^a PGC law enforcement includes game law enforcement, court time, assisting other agencies (non PFBC), law enforcement training, and office work. PFBC law enforcement includes fish law enforcement, boat law enforcement, pollution investigation, court time, assistance to other agencies (non PGC), law enforcement training and office work. ^b PGC "Other" includes non-law enforcement training, equipment maintenance, and land management activities. PFBC "Other" includes non-law enforcement training and equipment maintenance. ^c This category covers time spent in direct support of respective agency programs. For PGC this includes game farm operations, and wildlife research and management. For PFBC this includes trout stocking, warm water stocking, anadromous stocking and fisheries environmental services. ^d This category represents time spent assisting each other's activities.

Source: Developed by LB&FC staff from an examination of PFBC and PGC "Time and Activity Reports."

a percentage of total time worked by the collective WCO workforce over the annualized three-year period. Analysis of this data for the dedicated law enforcement activity category shows that each agency experiences a “down time” when law enforcement activity requires less time than the average. For the PGC, this down time occurs from July through October, and then again from February through April. For the PFBC, down time occurs from October through March (except for two pay periods). Thus there would be opportunities upon merging law enforcement functions to level out these cyclical down times by shifting officers’ focus more toward fish and boat issues or more toward game issues during the respective busier seasons.

Resource Conservation Officers in a Merged Agency

As discussed earlier in this section, the combined agency model provides for a change in the name of the law enforcement officer position from Waterways Conservation Officers and Wildlife Conservation Officers to Resource Conservation Officers (RCOs). Along with the name change would come a change in the nature and focus of the position. In a merged agency, RCOs would serve as full-time law enforcement officers. This means that their primary focus would be law enforcement activities, including the court time and administrative paperwork associated with citations and arrests. They would no longer be expected to routinely perform information and education tasks or wildlife or fisheries activities.⁶

WCO (both PGC and PFBC) salaries and benefits range between \$63,132 and \$100,340 (average \$77,588) a year, and as such, it is costly for WCOs to perform work that could be done at a lower rate by another staff person, or one that does not require law enforcement training.

As of July 2013, the PFBC and PGC had a total combined complement (filled positions) of 213 WCOs. We calculate that, in a merged agency, the size of the law enforcement force could be reduced by 18 positions (to 195) while still maintaining the current levels of law enforcement coverage. This assessment is based on the six time and activity classifications and associated data shown earlier on Table 27.

Three of these categories, “law enforcement,” “leave,” and “other” can be classified as “dedicated law enforcement activities.” Leave is included because it impacts the availability of officers for law enforcement duties. Similarly, “other” is included because it includes general training and equipment maintenance.

⁶ According to PFBC WCO staff, due to the large number of vehicles and people at a stocking, the issue of individual’s safety becomes a significant concern. Prior to the beginning of all stocking operations, the WCO provides a short safety briefing, explaining the safety procedures to be used by those assisting or observing the stocking. Where possible, and when enough help is available to carry fish, the WCO will be primarily involved in traffic control operations. Section 3102 of the Vehicle Code (75 Pa. C.S. §3102) provides statutory authority for uniformed police officers to direct traffic. They plan for safe locations to park stocking trucks at each stocking point. They also address public access with private landowners in advance of any stocking plans. Due to restrictions on who is authorized to direct traffic on a state road, RCOs may need to continue this function. WCOs are also responsible for coordinating local stocking volunteers and monitoring and identifying conditions and potential problems with stocking waters such as flood conditions and high water temperatures.

As shown on Table 28, when these three categories are combined, we found that PGC WCOs spent 90.8 percent of their time on dedicated law enforcement activities, while the PFBC's WCOs spent 92.8 percent of their time on dedicated law enforcement.

Table 28

Summary Breakdown of Time Spent by WCOs on Law Enforcement and Non-Law Enforcement Activities		
<u>Activity Type</u>	<u>% of WCOs Total Work Time</u>	
	<u>PGC</u>	<u>PFBC</u>
Dedicated Law Enforcement:		
Law Enforcement	71.6%	76.9%
Leave.....	17.1	11.1
Other	<u>2.1</u>	<u>4.8</u>
Subtotal	90.8%	92.8%
Non-law Enforcement:		
Information & Education.....	6.9%	3.2%
Functional Support	2.2	3.2
Assist Sister Agency	<u>0.2</u>	<u>0.8</u>
Subtotal	9.3%	7.2%
Total	100% ^a	100%

^a Does not add due to rounding.

Source: Developed by LB&FC staff.

Because RCOs would be assigned exclusively to law enforcement activities, it is expected that 100 percent of their time would be recorded in the three law enforcement categories cited above (i.e., law enforcement, leave, and other). We then made a full-time equivalent (FTE) calculation to arrive at the number of officers needed. Table 29 shows the FTE calculations used to arrive at the 195 RCO complement level.

Table 29

Calculation of Law Enforcement Force Size in a Merged Agency					
	<u>Current Number of Officers</u>		<u>Time Spent on Dedicated Law Enforcement^a</u>		<u>Number of Employees Needed If 100% of Time on Dedicated Law Enforcement</u>
PGC.....	136	X	90.8%	=	123.5
PFBC.....	77	X	92.8%	=	<u>71.5</u>
Merged Agency					195.0
<u>Merged Agency Staffing Level = 195 Fish & Wildlife Officers</u>					

^a Includes leave and "other" activities.

Source: Developed by LB&FC staff.

At the time of the study, there were 213 filled field officer positions between the PGC Wildlife Conservation Officers and the PFBC Waterways Conservation Officers. Therefore, 18 positions could be eliminated to arrive at the staffing level of 195 filled positions.⁷ Because there are more WCOs on the PGC complement than on the PFBC complement, we calculated a proportional reduction between the two agencies. On this basis, 7 WCO positions would come from PFBC staff, while 11 WCO positions would come from PGC staff. It is important to note that we are suggesting a filled complement level of 195 RCOs. An authorized complement level of 214 should be considered since at any given time, vacancies can range from 10 to 30 percent due to retirements, resignations, and times during which an incoming class is still in training.

The change in the nature of the work of the RCO and the elimination of 18 positions would impact public outreach, wildlife research surveys, and pheasant and fish stocking activities. Actions to compensate for the loss of RCO assistance in these areas, including hiring additional Wildlife Biologists, are discussed in Chapter VII.

The Deputy Law Enforcement Program

Both the PGC and the PFBC utilize deputy law enforcement officers. Both Commissions recognize the deputy force involvement in fish, boat, and game law enforcement as an important element of the law enforcement program of the two Commissions.

As of July 2013, the PFBC had 105 Deputy Waterways Conservation Officers, and the PGC had 341 Deputy Wildlife Conservation Officers. Both agencies have experienced significant reductions in DWCOs, citing additional training requirements as one of the causes. These deputies, who receive only minimal compensation, play a significant role in supporting the efforts of PGC Wildlife and PFBC Waterways Conservation Officers in carrying out the agencies' respective law enforcement programs.

Current Deputy Training Program.

Both Commissions have extensive requirements and training for deputy conservation officers. Many requirements are the same, such as being a Pennsylvania resident, at least 21 years of age, possessing a valid Pennsylvania driver's license, and undergoing both initial interviews/evaluations and background checks. As Exhibit 19 shows, there are also some differences in training and requirements. For example, the PFBC requires that applicants be qualified in Act 1974-235, a

⁷ We added 12 Wildlife Biologist positions to the Bureau of Wildlife to compensate for the loss of WCOs to perform certain functions.

Exhibit 19

PFBC and PGC DWCO Requirements and Training

	PFBC	PGC
Eligible Age	21	21
High School Diploma or Equivalent	No	Yes
Pennsylvania Resident	Yes	Yes
Valid Driver's License	Yes	Yes
Possesses Act 235 Qualification	Yes	No
Initial Interview/Evaluation	Yes	Yes
Background Check	Yes	Yes
Formal Training Program	174 hours over four phases	16 hours in region plus seven day, in-residence program
Additional Study	Home Study Assignments	Test with accompanying workbook
On-the-job Training	150 hours with a WCO	One year, 40 hours with a WCO
Additional Training/Qualification	CPR, First Aid, Firearms Qualification, re-certification in Skills Evaluation, HAZMAT,	District Training Sessions, firearms qualification, defensive tactics, legal updates, verbal communication
Other Requirements	Attend regional and district continuing training	
Re-commissioned	Annually	Once

Source: Developed by LB&FC Staff.

Lethal Weapons Course, prior to being accepted as candidates into the Deputy Waterways Conservation Officer Basic Training School. The PGC does not have this requirement.

The PGC, however, requires that applicants for DWCO positions complete four ride-along orientation sessions totaling at least 20 hours over four different sessions with an experienced WCO. In these sessions, the applicant accompanies the WCO to learn the nature of the job and to gauge his/her interest and commitment in becoming a deputy. The PFBC does not require these types of ride-alongs.

The training program for Deputy Waterways Conservation Officers consists of 174 hours of formal school curriculum presented in four phases over the course of approximately three months at the H. R. Stackhouse School of Fisheries Conservation and Watercraft Safety. Alternatively, training for Deputy Wildlife Conservation Officers includes a 16-hours of Game and Wildlife Code training and pre-firearms training at a PGC regional office. The applicants must then attend a seven day in-residence training program at the Ross Leffler School of Conservation.

Candidates for both Commissions must also complete home study assignments. After completion of these requirements, PGC DWCO candidates are commissioned. They must then complete a one year on-the-job training program, with a minimum of 40 hours under the direct supervision of an experienced WCO and must have a total of 80 hours on-the-job training. PFBC DWCO candidates must complete 150 hours of on-the-job training under a WCO before commissioning. The PGC commissions DWCOs one time; the PFBC commissions DWCOs on an annual basis. Both Commissions require annual training and requalification in firearms.

Duties and Workload of Deputy Officers. Deputy law enforcement officers have essentially the same powers and duties as Wildlife and Waterways Conservation Officers. The deputies have authority to enforce the Game and Wildlife Code, the Fish and Boat Code, and state park and forestry laws throughout the Commonwealth pursuant to administrative regulations. Deputy law enforcement officers in both Commissions do not, however, have authority to enforce the Pennsylvania Crimes Code.

Another difference between the deputies in the two Commissions is that Deputy Waterways Conservation Officers are authorized to issue summary citations for Fish and Boat Code violations while Deputy Wildlife Conservation Officers are not similarly authorized to issue citations for Game and Wildlife Code violations.

In addition to law enforcement duties, deputies carry out public relations and other functions. These include, but are not limited to: collecting and preserving evidence; testifying in court; stocking fish and game; dead animal removal; landowner contacts; public speaking engagements; and safety programs.

Table 30 provides information on the number of hours served by the deputies in each Commission. Both Commissions record the amount of work performed by deputies on an hourly basis, but the deputy time and activity hours reporting system is not automated. Deputy workloads can vary from just a few hours on any given shift to up to 16 hours a day during Saturdays and opening season days for hunting and fishing.

Table 30

Hours of Service Performed by Deputy WCOs		
	<u>Game Commission^a</u> <u>Avg. of Three FYs</u>	<u>Fish & Boat Commission</u> <u>CY 2012</u>
Total Hours	85,000	25,161
Number of Deputies.....	350	105
Average Annual Hours Worked Per Deputy	243	240

^a PGC figures in this table are based on an average of three fiscal years.

Source: Developed by LB&FC staff.

Costs of Deputy Officers. While the deputies are considered to be voluntary positions, they do receive a stipend for their services in an effort to help them offset expenses. The PGC provides deputies with ‘basic issue,’ which includes uniforms, pepper spray and associated holster, and magnetic decals for the deputy’s vehicle. Deputies must purchase their own firearm and leather gear. The PFBC issues uniforms, badges, ID, and pepper spray with accompanying holster. In both commissions, DWCOs are responsible for personal firearms.

Currently, the PGC pays a stipend of \$80 a day and the PFBC pays \$65. In spite of this allowed stipend, in CY 2012, 18 percent of deputy waterways conservation officers hours worked was not compensated. The PGC stated that, for an average of the last three fiscal years, approximately 18 percent of the work of their deputies went uncompensated.

Table 31 shows the expenses incurred for the deputy program by each Commission. Assuming a PGC⁸ deputy force of 350, the per-deputy cost was \$1,143. In FY 2012-13, for the PFBC, the average per deputy cost for 105 deputies was \$1,819.

Table 31

Estimated Expenditures for Deputy Officers		
<u>Item</u>	<u>Game Commission^a Avg. of Three Fiscal Years</u>	<u>Fish & Boat Commission FY 2012-13</u>
Wages/Stipend	\$150,000	\$164,880
Other Costs	<u>250,000</u>	<u>26,134</u>
Total Costs	\$400,000	\$191,014
Number of Deputies.....	350	105
Average Cost Per Deputy..	\$ 1,143	\$ 1,819

^a PGC figures in this table are based on an average of three fiscal years.

Source: Developed by LB&FC staff.

The Deputy Force Under a Merged Agency

There are indications that at least some Deputy Wildlife and Waterways Conservation Officers may not serve in a merged agency. A PGC official estimated that the agency would lose up to 50 percent of DWCOs in the event of a merger, citing general change and loyalty to fellow DWCOs. Officials at the PFBC did not give a percentage, but believe that many of their DWCOs would leave the program as well. A factor they believe would be instrumental, is whether or not the deputies would retain the authority to issue citations. Both agencies believe that the additional training and workload demands would be the primary reason for leaving service.

⁸ PGC figures in this sentence are based on an average of three fiscal years.

Deputies with whom we spoke on our field visits, however, indicated that they would be interested in remaining with the merged agency.

Additionally, officials told us that many deputies feel a sense of loyalty to the law enforcement officer they are assigned to and believe that if the full-time law enforcement officer were to remain with the agency under a merger, most likely the deputy would also remain.

According to the PGC, a loss of 50 percent of DWCOs would result in a loss of \$1.9 million in service and a need to replace that service with about 21 additional full-time WCO positions. PFBC officials declined to estimate this potential cost.

As discussed earlier, under the proposed merger, 18 law enforcement positions would be eliminated to arrive at a staffing level of 195 Resource Conservation Officers. This decrease (from 213 to 195 officers) computes to a law enforcement staff reduction of 8.4 percent.

Using this staff reduction of 8.4 percent, we estimated that approximately 29 Deputy Wildlife Conservation Officers and 9 Deputy Waterways Conservation Officers might resign in the event of a merger. This would take the deputy force down from 448 (341 at PGC and 105 at PFBC) to 410. As indicated from the comments from agency officials, this may be a low estimate.

Regardless of the exact number of deputy resignations that would occur under a merger, all parties agree that the exodus of deputies would affect the law enforcement function. The presence of deputy officers essentially expands field coverage capabilities of the full-time law enforcement officers, and the agencies believe that a loss in deputy numbers will create a void in their public service capability and effectiveness. To some extent, however, the possible reduction in the deputy complement would be offset by the expanded role given to those deputies who remain (i.e., to enforce game, fish, and boat laws and regulations). Given these uncertainties, we did not consider the deputy officer force to result in either a net loss or net savings in a merged agency.

For those deputies that remain with the merged agency, cross-training will be needed. A review of the training curriculum shows that a person who is a Deputy Wildlife Conservation Officer would need 43 hours of cross-training in the following areas:

- Fish and Boat Code (24 hours);
- Basic Boating Course (8 hours);
- Water Rescue, Boat Operation, trailering, launching, and retrieving boats (8 hours); and
- Fish Identification (3 hours).

Deputy Waterways Conservation Officers would need 21 hours cross-training in the following areas:

- Game and Wildlife Code (16 hours);
- Field Checks and Public Interaction (2 hours); and
- Bureaus of Wildlife Management and Wildlife Protection Overviews (3 hours).

Another consideration for those persons who remain deputy officers in the merged agency will be that of issuing citations, which presently differs between the PGC and PFBC deputies as is discussed earlier. Statutory changes may therefore be necessary so that all deputies will have the same powers.

Other Issues That Need to Be Addressed

In addition to making statutory changes to provide all law enforcement officers of the merged agency with the same authority, two significant issues would need to be addressed:

Retirement.

Retirement ages and definitions differ between the conservation officers in the PGC and the PFBC. Under the State Employee's Retirement Code, the superannuation age—or the age at which an annuity can first be payable—differs between the two officers. Generally, superannuation occurs upon accrual of 35 eligibility points or age 60, with certain exceptions. Exceptions include members of the General Assembly, the State Police, correction officers, psychiatric security aides, and “enforcement officers” whose superannuation age is reduced to age 50 with 20 year of service. An “enforcement officer” is defined to include WCOs employed by the PFBC (not deputies). Wildlife Conservation Officers are not addressed by the definition and so the retirement ages for the two types of officers differ and would need to be addressed upon a merger. In fact, HB 2013-1037 seeks to amend the Retirement Code to redefine “enforcement officer” to embrace PGC's WCOs as well.

Union Issues.

Overall, according to the Governor's Office of Administration, the combination of conservation officers would require the approval of the union as well as the Civil Service Commission. While law enforcement officers for the PGC and the PFBC are represented by the same union, they remain, however, covered by different bargaining acts, providing for differences in handling labor disputes. PGC officers fall under the provisions of Act 1968-111, known as the Policemen and Firemen Collective Bargaining Act, 43 P.S. §217.1, et seq., while PFBC officers are covered

by Act 195, the Public Employees Relations Act. This difference creates significant differences that would need to be addressed upon a merger.

Act 111 prohibits PGC officers from being able to strike but instead allows them the ability to have any labor impasse in contract negotiations settled by mandatory arbitration. PFBC officers, under Act 195, have the right to strike in certain circumstances but there is no mandatory arbitration of contract disputes. It would be necessary to resolve the status of the law enforcement officers as either Act 195 or Act 111 employees and would best be clarified in the merger legislation. If not, subsequent to the merger, clarification would need to be sought from the PA Labor Relations Board regarding bargaining unit status of the merged agency's law enforcement officers.

Salary Schedules. PGC and PFBC law enforcement officers, although each are under different labor agreements, have similar pay schedules. Both pay scales are established and administered by the Governor's Office of Administration (OA).

Both PGC and PFBC officers follow the same pay schedule: 40 Hour Game Conservation Officer Pay Schedule, Pay Scale Type GO, and 40 Hour Fish and Boat Officers Pay Schedule, Pay Scale Type FB. For the year starting July 1, 2013, the minimum annual salary for both officer classifications for an 80-hour pay period was \$39,579. However, the maximum salary step for a Waterways Conservation Officer for an 80-hour pay period was \$60,130 compared to a maximum \$62,905 for a Wildlife Conservation Officer.

Compensation to the officers also differs in the area of overtime due to differences in labor agreements. For example, Waterways Conservation Officers must work in excess of 40 hours per week before receiving overtime pay, whereas Wildlife Conservation Officers are paid overtime compensation for any time worked over eight hours in one day or in excess of 40 hours in one week.

Merger of Law Enforcement Function of PGC, PFBC, and DCNR Into DCNR

The assignment of responsibility for enforcing fish, wildlife, and waterways laws and regulations to a DCNR-type agency is common among other states. However, as discussed in Chapter V, in all but two states, Alaska and Oregon, the law enforcement function is administered by the agency with overall program responsibility. DCNR law enforcement functions are currently performed by DCNR Rangers working out of the Department's Bureau of State Parks and Bureau of Forestry. DCNR Rangers, however, have not had a strong law enforcement orientation but are primarily focused on visitor services. State Park officers include both park rangers as well as park managers who share in the exercise of law enforcement authority. State forest officers are Rangers, District Forest Supervisors, Assistant

DFS's, Foresters, Forest Maintenance Supervisors, Forest Technicians, and Fire Wardens, all of whom have a certain level of enforcement authority. In addition to enforcing laws, rules, and regulations pertaining to State Parks and State Forests, DCNR Rangers have reciprocal authority to enforce provisions of the Game and Wildlife and Fish and Boat Codes, but as can be seen below, rarely do.

The DCNR enabling law generally speaks separately about state parks and state forests and sets forth powers and duties specifically and separately regarding each. Specifically, the Department has the authority "To supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth [and] . . . [t]o protect state forests and timber lands." The law envisions the employment of forest rangers as well as the appointment and commissioning of state park rangers.⁹ While there is no specific reference to the appointment of deputy personnel, such appears implicit in the Department's power to appoint and commission enforcement personnel.

Specifically, DCNR Rangers have authority to preserve order in the state parks as well as in state forests and lands adjacent thereto and they are specifically authorized "[t]o have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class" and of state constables. They have certain warrantless arrest power within the parks and forests if they witness violations or for trespass where there is reasonable suspicion a law violation has or is being committed.¹⁰ They may also serve and execute properly issued warrants and take offenders before a magistrate having jurisdiction, for due process hearings. Similar to PGC and PFBC officers, DCNR Rangers have reciprocal powers to enforce "all the laws relating to forestry, fish, and game . . . under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted."¹¹

There is no Bureau of Law Enforcement within the DCNR. Rather, law enforcement activities are the responsibility of the Division of Park Operations and Maintenance in the Bureau of State Parks and the Division of Operations and Recreation in the Bureau of Forestry. At the time of this study, DCNR had a complement of 190 DCNR Rangers, Ranger Supervisors, and DCNR Ranger Trainees in state parks. In state forests, there are 37 DCNR Rangers and DCNR Ranger Supervisors. Parks had 39 vacancies and Forests had one. Table 32 shows the complement of rangers in state parks and forests. DCNR uses both wage and salaried law enforcement personnel; out of the total complement, there were 137 wage personnel, as of July 2013, making up 60 percent of the workforce. All wage employees are

⁹While the pertinent laws speak separately of Forest Rangers and Park Rangers, in 1999 DCNR took action to combine these positions into one job classification called "DCNR Ranger."

¹⁰ However, in cases of offenses for violation of any of the provisions of 75 Pa.C.S. (relating to vehicles), the power to make arrests without warrant is limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person.

¹¹ DCNR Rangers may also do the following in support of their specific law enforcement powers: to serve subpoenas issued for any examination, investigation or trial under any law of the Commonwealth.

seasonal employees, the season averaging six to seven months. Additionally, many DCNR Rangers are also seasonal employees.

Table 32

DCNR Law Enforcement Staff			
(As of July 1, 2013)			
	<u>Total Staff</u>	<u>Salaried Staff</u>	<u>Wage Staff</u>
DCNR Headquarters:			
DCNR Ranger Operations Specialist	1	1	0
State Parks:			
North Region:			
DCNR Rangers	14	5	9
DCNR Ranger Supervisors	1	1	0
DCNR Ranger Trainees	5	0	5
South Region:			
DCNR Rangers	34	9	25
DCNR Ranger Supervisors	2	2	0
DCNR Ranger Trainees	14	0	14
East Region:			
DCNR Rangers	43	11	32
DCNR Ranger Supervisors	7	7	0
DCNR Ranger Trainees	16	0	16
West Region:			
DCNR Rangers	43	15	28
DCNR Ranger Supervisors	7	7	0
DCNR Ranger Trainees	<u>4</u>	<u>0</u>	<u>4</u>
Total State Parks	191	58	133
State Forest Districts:			
DCNR Rangers	35	31	4
DCNR Ranger Supervisors	<u>2</u>	<u>2</u>	<u>0</u>
Total State Forests	<u>37</u>	<u>33</u>	<u>4</u>
Total Law Enforcement Staff	228	91	137

Source: Developed by LB&FC staff.

The reporting structure in parks and forests for the law enforcement function can vary. All parks have Park Managers, who have some law enforcement authority. They take a modified Act 120¹² (Municipal Police Education and Training) training course and may only enforce rules and regulations, summary offenses, and Vehicle Code violations. In the Bureau of State Parks, the Bureau considers the following in determining if a DCNR Ranger Supervisor is needed at a specific park or

¹² 53 Pa.C.S. §2161-2171.

complex: county crime ranking, nature of incidents, size of staff, number of direct reports to a manager, park classification including size and scope, types of facilities including overtime accommodations, length of season including public usage, attrition rate, budgetary concerns, attendance by the public, capacity of the manager and staff, local dynamics including interaction with other law enforcement or courts and staffing options.

In the Bureau of Forestry, each district has a District Forester/Supervisor, who, like a Park Manager, also takes the modified Act 120 training course and has the same limited enforcement powers. To determine if a DCNR Ranger Supervisor is necessary, the Department bases its decision on land area and number of visitors as well as the local district needs and the amount of complement available balanced with other operational needs, such as the need for maintenance staff.

Ranger Qualifications. To qualify as a DCNR Ranger, a candidate must be at least 21 years of age at the time of employment and possess a valid PA driver's license, with certain positions requiring a valid Class M operator's license. Additionally, Rangers must possess a valid certification, or its equivalent in first aid and adult, child and infant CPR as approved by the PA Department of Health.

Other requirements include successful completion of the DCNR Ranger Trainee Program or completion of 15 credits in natural or environmental sciences, natural resource management, park management, outdoor recreation, forestry, environmental education, ecology, wildlife management or related natural resource or recreation courses. A candidate must also complete a department recognized police training program, such as the complete Act 120 training or completion of an equivalent law enforcement officer training or certification program. DCNR Rangers have full law enforcement powers.

Duties of rangers include a variety of responsibilities, primary of which is ensuring that visitors' experiences are enjoyable. Duties include public safety functions and promoting recreation in state parks and forests. Work includes: answering questions concerning facilities, environmental features and history; explaining rules and regulations; checking grounds, buildings and waterways for vandalism, safety hazards, and cleanliness; and administering first aid or CPR. Rangers may also prepare and deliver presentations to schools, civil groups, and associations. They also enforce the Commonwealth's Crimes Code and Vehicle Code; investigate complaints, accidents, and suspected crimes; coordinate activities with local and State Police, Game Commission and the Fish and Boat Commission; issue citations, file complaints and present cases before District Justices.

Although we received samples of DCNR Rangers' time sheets, we were unable to do the same time and activity report analysis with DCNR Rangers as we performed with WCOs from both PGC and PFBC. We reviewed the sample sheets and

found that duties are not broken down by law enforcement and non-law enforcement activities.

Rangers are a part of the Department's Bureau of State Parks and Bureau of Forestry, and not all expenditures are made at the bureau level, therefore, it is not possible to cite a specific law enforcement expenditure figure for DCNR. However, the Department expended about \$10.2 million in DCNR Ranger salaries during FY 2012-13. The costs to completely outfit a new park or forest DCNR Ranger are over \$1,600 in uniform costs and over \$40,000 (includes the cost of a vehicle) in equipment costs. Rangers also receive a uniform allowance of \$225 per year.

Issues Associated With Merger of Law Enforcement Functions

When asked about the impact of a merger of the law enforcement functions of DCNR, the Fish and Boat Commission, and the Game Commission, DCNR officials commented that they do not support such a merger. They cited the uniqueness of public safety and services that DCNR Rangers provide to visitors to State Parks and State Forests as the basis for this opinion. We note, however, that Maryland consolidated its Natural Resources Police and State Forest and Park Service, the two law enforcement units in its Department of Natural Resources. The combined unit is responsible for the public's safety as well as enforcing boating, game, and resource protection laws. We contacted Maryland officials, but they could not provide estimates of cost savings resulting from the consolidation.

While DCNR Rangers have enforcement powers equal to officers in a first class city, the department's philosophy is to use enforcement capability only when voluntary compliance and education are not successful or the situation warrants a higher level of corrective action. The services provided by Rangers are geared to enhance visitors' experiences, are focused in a confined geographical area, and need to be housed in a specific location to provide those services, which includes information about local recreation and amenities.

It is the Department's view that the PGC and PFBC focus their efforts more towards enforcement. The Department opines that the merger would therefore negatively impact services provided to the visitors of Pennsylvania's State Parks and Forests.

An additional impediment to a merger between the three agencies is the incompatibility of their radio systems. Although all three agencies' law enforcement personnel have relationships with each other, there is an inability to communicate through radio communications due to the differences in their equipment. DCNR is in the process of changing their radio system over to the 800MHz system. Completion of the system is expected in early 2014. According to DCNR officials, the new system will cost \$20 million to start up and about \$500,000 annually to operate.

The PFBC is working with a Kenwood low/high frequency radio system, however, the Commission is testing 800 MHz radios in several areas of the Commonwealth. The PGC uses a low band radio system with both Kenwood and Motorola base stations, linked by phone line and phone line to a regional dispatch office.

Officer Authority in a Law Enforcement Consolidation in DCNR

Consolidating law enforcement functions of PGC and PFBC with DCNR requires, most significantly, bringing together the authority and functions of the different officers under the creation of a new single officer position. PGC, PFBC, and DCNR officers have jurisdiction that somewhat overlaps within the field under the existing three agency conservation law enforcement structure. (See, pages 57-63 above for descriptions of the PGC and PFBC legal enforcement authority.) While PGC has authority over game and wildlife and PFBC oversees fish, fisheries, and boating, DCNR Rangers are empowered “to supervise, maintain, improve, regulate, police, and preserve all parks belonging to the Commonwealth” and “to protect state forests and timber lands.”

Similar to both PGC and PFBC, the state’s Administrative Code requires DCNR rangers to reciprocally enforce all laws under each other’s direction. Although these reciprocal enforcement powers and duties exist, by tradition and out of “professional courtesy,” the officers typically do not issue citations for violations outside their immediate areas of statutory authority (i.e., for violations not relating to their agency). Upon consolidation, general power and authority to primarily enforce the laws of all three agencies would need to be clarified.

Title 18 Powers

In considering consolidating law enforcement functions, the legislature would need to address Title 18 powers of the officers. As they currently exist in the three commissions, officers are not equally empowered in their ability to enforce the state Crimes Code. Both WCOs currently have Title 18 powers, meaning they are empowered to pursue, apprehend, or arrest any individual suspected of violation of any provision of the Crimes Code or any other offense classified as a misdemeanor or felony, when acting within the scope of their employment. DCNR Rangers have Title 18 authority pursuant to their powers and duties as police officers in first class cities but other DCNR officers, who are not also rangers, have limited or no Title 18 authority.¹³ These differences in Title 18 power and authority would need to be resolved in bringing the three groups of officers together.

¹³ For example, the broad category of State Forest Officer or State Park Officer has minimal law enforcement authority to enforce things such as DCNR rules and regulations as well as vehicle code violations and summary offenses under the state Crimes Code (Title 18). That means park managers, foresters, district forest supervisors, among others, have this minimal law enforcement authority as DCNR officers. Only Rangers, which is another subcategory of DCNR officers, possess the full Title 18 enforcement authority.

Information and Education

Consolidating law enforcement functions would also raise questions regarding how officers' time would be spent. WCOs currently routinely perform information and education tasks or wildlife and fisheries activities, such as surveys and stocking and animal damage complaints. DCNR Rangers who currently work in State Parks reportedly spend relatively little time actively engaged in law enforcement activities because their primary role is to ensure park visitors have a safe and enjoyable experience while in the park and to interact with the public to answer questions regarding park facilities, recreational schedules, and park history. It would need to be resolved to what extent these ranger functions would remain with DCNR Rangers or transferred to other personnel and to what extent the WCO functions would remain with the PGC and PFBC and be assigned to non-law enforcement personnel, or be transferred to the newly created DCNR law enforcement officers.

Statutory, Regulatory, and Administrative Issues With a Merger

As we discussed earlier in this Chapter regarding the potential merger of PGC and PFBC, similar statutory and regulatory changes would be required in moving the law enforcement function out of PGC and PFBC and into DCNR. While reciprocal authority currently exists, primary statutory authority to enforce the Game and Wildlife Code and the Fish and Boat Code is presently vested in the PGC and PFBC, respectively, and would need to be expressly transferred to DCNR. This could be by reference, with language in the transfer legislation allowing that "The law enforcement functions of the Game Commission set forth at 34 Pa.C.S.A. §§322 and 901, and of the Fish and Boat Commission set forth at 30 Pa.C.S.A. §§321 and 901 are transferred to the Department of Conservation and Natural Resources."

The transfer legislation could additionally include an express grant of authority to DCNR to enforce the laws of the Commonwealth relating to game, wildlife, fish, and boats and then a transfer of the specific enforcement provisions of Sections 901 of the two Codes. Conversely, a new law completely consolidating law enforcement provisions of all three agencies could be adopted that would allow for enforcement provisions to be in one statutory location. This would require the repeal of the current laws along with a decision as to where to place the new code. Similar to the

PGC and PFBC merger legislation, consolidation legislation would need to include administrative transfer provisions as well.¹⁴

Legislation also would need to specifically give DCNR the power to issue regulations relating to law enforcement functions that would be needed in implementing the statutory authority transferred. This may be within DCNR's general regulatory authority, but it would be clearer for legislation to state this. Existing PGC and PFBC regulations relating to law enforcement should be expressly continued in effect under the authority of DCNR.¹⁵

Diversion Under Federal Funding Statutes

Combining law enforcement functions of the PGC and PFBC within DCNR may create a diversion issue under the applicable federal funding statutes that significantly help to fund PGC and PFBC activities. Both Pittman-Robertson and Dingell-Johnson/Wallop Breaux prohibit the diversion of state license fees for fishing, hunting, and boating from being used for activities not under the control of the state's fishing, hunting, and boating agency. As a representative of the U.S. Fish and Wildlife Service indicated there have been diversion issues in other states where fish and wildlife agencies were merged within other state agencies, such as West Virginia and Massachusetts. This could restrict the use of PFBC and PGC funds to pay for the merged law enforcement officers.

Union Issues

Union issues in the context of combining law enforcement under DCNR focus primarily around the difference in Act 111 and Act 195 coverage discussed earlier as a general issue between the PGC and PFBC. PGC officers and DCNR Rangers are covered under Act 111 while PFBC officers are not, being covered under Act 195. Act 111 prohibits officers from having any right to strike but instead allows the right to have any impasse in contract negotiations settled by mandatory arbitration. Act 195 have the right to strike in certain circumstances but there is no mandatory arbitration. This distinction would need to be resolved and would likely impact cost of a merger, since Act 111 coverage is typically more costly due to the arbitration provisions.

¹⁴ Such as:

- The transfer to DCNR of all bureaus, organizations, and divisions in the PGC and the PFBC responsible for the conservation law enforcement function.
- The transfer to DCNR of all personnel, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed, or expended by the PGC and PFBC in connection with the conservation law enforcement function in the first instance and as if these contracts, agreements, and obligations had been incurred or entered into by the DCNR.
- That the transfers made do not affect the civil service status of employees of either the PGC or PFBC.

¹⁵ Boilerplate provisions should provide that all other acts and parts of acts are repealed insofar as they are inconsistent with the transfer legislation. Also, references to PGC and PFBC officers appear in other statutes. Transfer legislation should conforming other references to the newly created DCNR law enforcement officers.

Salary Schedules

The PGC and PFBC law enforcement officers have similar pay schedules although under different labor agreements. DCNR Rangers are under a different labor agreement and different pay schedules. Additionally, DCNR Rangers are paid overtime compensation (as are Wildlife Conservation Officers) for any time worked in excess of eight hours in one day or 40 hours in one week. Waterways Conservation Officers must work in excess of 40 hours in one week before receiving overtime compensation. These differences would need to be addressed.

Coverage

As we noted in our 2004 report, conservation law enforcement in which three separate groups of officers are on patrol is inefficient. Typically, officers only issue citations for violations relating to their own agencies. However, a merged agency would produce RCOs that are all trained in the same manner and who all possess the same enforcement authority and would be enforcing the gamut of resource conservation law. This, in conjunction with the new focus on performing only law enforcement duties, thus freeing them from the other tasks with which they have traditionally assisted, frees officers to be on patrol more often and allows more law enforcement coverage of Pennsylvania's state parks, forests, game lands and waterways. We would expect, in a merger of all three law enforcement entities, that coverage throughout the state would be improved.

Retirement

Similar to the issue discussed for PGC and PFBC earlier in this chapter, retirement ages differ among PGC officers, PFBC officers, and DCNR Rangers. DCNR Rangers have the same retirement provisions as the PFBC. The PGC retirement is different. These differences would need to be addressed upon a decision to fold PGC and PFBC enforcement functions into DCNR.

Future Role of Deputy Forces.

Our 2004 report *Transferring Enforcement of Fish, Boat, and Game Laws to a Single Executive Agency*, envisioned the merged law enforcement function without a deputy workforce. The report proposed a new role for deputies in that they could be used to assist other personnel who may need to be hired to carry out non-law enforcement work previously done by WCOs, such as information and education tasks as well as wildlife management tasks, including wildlife surveys, animal nuisance complaints, and fish and pheasant stocking. The report also noted that without the deputy workforce, over a hundred new law enforcement officers would need to be hired, incurring overall law enforcement costs for the combined bureau from \$28.0 million to \$33.8 million.

Officials in both the PGC and the PFBC noted that they would expect significant numbers of their deputies to leave service in the event of a merger between the agencies and an even greater number departing if a merger were to occur between the two commissions and DCNR. Deputies with whom we spoke in regional offices, however, indicated their willingness to remain in the event of a merger. To be conservative, we maintained the assumption that the deputy force, if continued, would not have law enforcement responsibilities.

New Bureau in DCNR and Associated Costs

In addition to the issues discussed above, the merger of the PGC and PFBC law enforcement function into DCNR would require the creation of a reporting structure in the DCNR. Initial costs would include creating a law enforcement bureau and reporting system that does not currently exist in DCNR (rangers report within the bureaus of parks and forests). In our 2004 report, *Transferring Enforcement of Fish, Boat and Game Laws to a Single Executive Branch Agency*, we estimated first year costs to be \$33.8 million, or about \$5.8 million more than under the existing structure. Costs were higher because, as noted above, we considered it likely that the Commissions' deputy programs would not be continued in a new DCNR bureau. This included the costs of the law enforcement staff as well as the costs of the new bureau. Since the structures, functions of the law enforcement and ranger staff, and salaried law enforcement positions were similar at that time to what they are today, we adjusted that estimate for inflation and, therefore, estimate that a merger of law enforcement functions into DCNR would have first year costs of approximately \$40.6 million (using 2012 data).¹⁶ Although DCNR officials declined to provide a specific cost figure, they noted that it would be costly to create and operate such a bureau.

The merger would also incur costs for logos, uniforms, and equipment similar to that of the PFBC and PGC merger. A new logo would involve purchasing new patches, signs, stationery, logos on vehicles and other supplies bearing the new bureau's name and logo. Although WCOs in each Commission use different firearms, this could be standardized over time.

¹⁶ These estimates may be low, however, due to increased pension costs. Pension costs were less than 1 percent of salary in the early 2000s and 15 percent in 2013-14.

VII. A Framework for a Combined Pennsylvania Fish, Boat, and Wildlife Commission

The U.S. Fish and Wildlife Service and 49 other states manage fish and wildlife resources in a single agency structure, indicating that a merger of the PGC and PFBC, and the combined management of Pennsylvania fish and wildlife resources, is certainly feasible. In this section, we describe a possible organizational structure for such a merged agency. The structure presented below should be considered as a suggested framework rather than a detailed blueprint, and although often presented as exact numbers, our staffing calculations are only estimates. We assume any new Commission would be given significant flexibility to make adjustments as it sees fit within and between bureaus.

Also, given the wording of House Resolution 129—to investigate the financial feasibility, impact, cost, and savings potential of eliminating duplicated duties and services by merging the Game Commission and the Fish and Boat Commission—we did not explore the possibility of other administrative structures, such as a stand-alone Executive Branch agency or a consolidation of fish and wildlife functions in the Department of Conservation and Natural Resources.¹ Although these options are used in other states, an analysis of the costs and benefits of these alternative organizational structures was not within the scope of this project.

A. A Proposed Organizational Structure

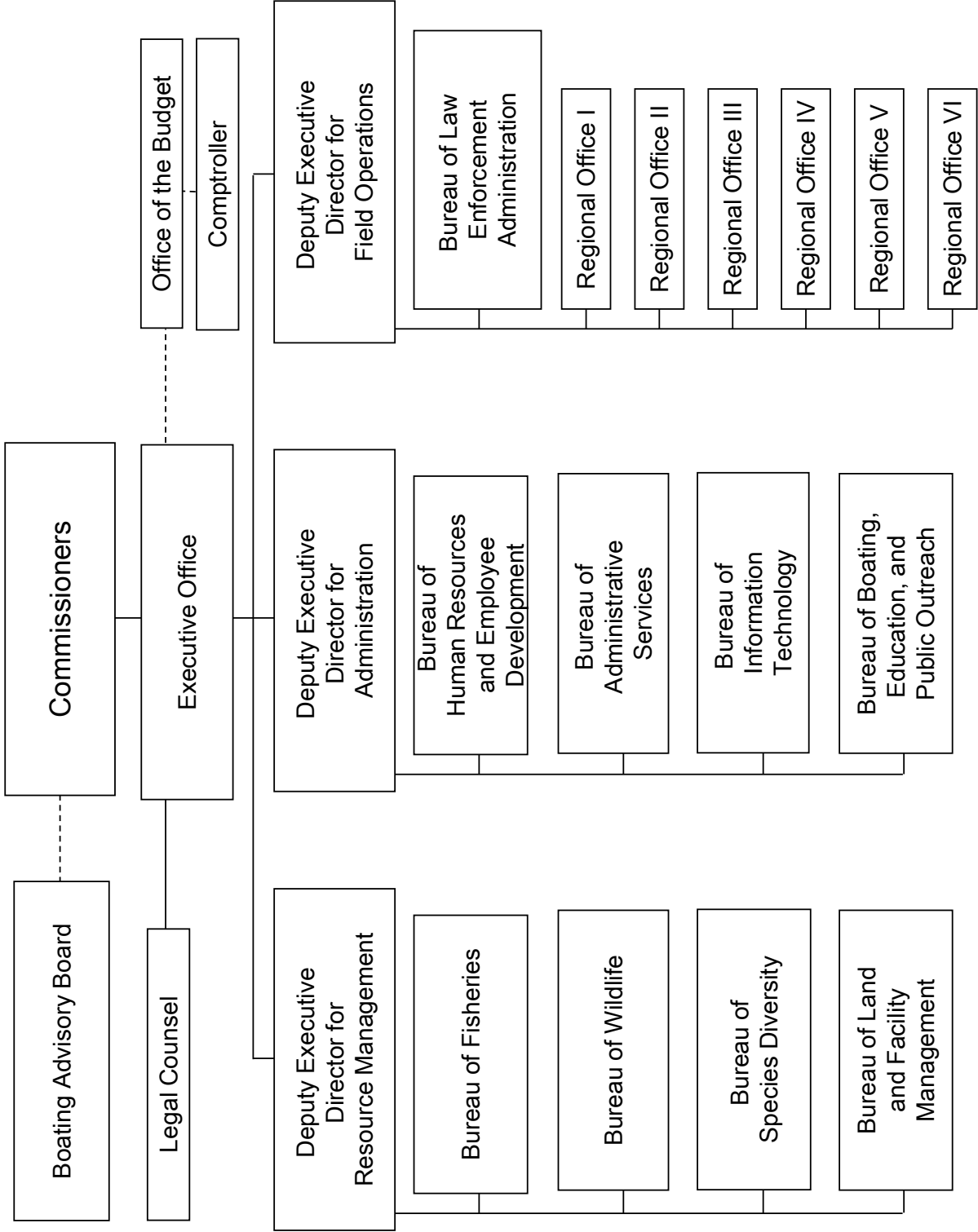
Beginning with the assumption that a merger is feasible, we updated our earlier work on the merger issue by using as a starting point the organizational structure described in our 2003 report,² as no one organizational model is used by the other states with an independent fish and wildlife agency. See Chapter V. The overall framework of a Pennsylvania Fish, Boat, and Wildlife Commission is described in the following pages and on the organizational chart at Exhibit 20. For each organizational unit, we present a description of the existing structure at both the PGC and PFBC, a description of the proposed structure in a merged agency, and an analysis of the staffing and functional implications of the proposed consolidations. Not every staff position was analyzed as part of this process.

Table 33 presents a list of the positions that could be eliminated and the associated potential cost savings, as well as positions that we recommend be added. In calculating the savings in salary and benefit costs for these positions that can be consolidated, we used FY 2012-13 salary and benefit costs. An average salary was

¹ See Chapter VI for a discussion of merging the law enforcement function of the three agencies.

² *Transferring Enforcement of Fish, Boat, and Game Laws to a Single Executive Branch Agency*, LB&FC, April 2004.

Proposed Organization Chart for a Combined Pennsylvania Fish, Boat, and Wildlife Commission



Source: Developed by LB&FC staff.

Table 33

Estimate of Potential Cost Savings From Personnel Reductions in a Merged Agency

Position	Agency	Classification	Current Salary	Average Salary	Benefits	Total
Executive Director	PFBC	Executive Director	\$123,776			
Executive Director	PGC	Executive Director	121,116			
Position Savings				\$122,446	\$ 73,247	\$195,693
Deputy Executive Director	PFBC		N/A ^a			
Deputy Executive Director	PGC	Deputy Exec. Director	\$106,093			
Position Savings				\$106,093	\$ 63,465	\$169,558 ^b
Chief Counsel	PFBC	Chief Counsel	\$88,939			
Chief Counsel	PGC	Attorney 3 Supervisory	92,988			
Position Savings				\$ 90,964	\$ 54,414	\$145,378
Attorney 2	PFBC	Attorney 2	\$74,524			
Attorney 2	PGC	Attorney 2	57,000			
Position Savings				\$ 65,762	\$ 39,339	\$105,101
Administrative Assistant	PFBC	Administrative Assistant	\$45,711			
Administrative Assistant	PGC	Administrative Assistant	43,323			
Position Savings				\$ 44,517	\$ 26,630	\$ 71,147
Press Secretary	PFBC	Press Secretary 2	\$77,653			
Press Secretary	PGC	Press Secretary 2	56,020			
Position Savings				\$ 66,837	\$ 39,982	\$106,818
Executive Secretary 2	PFBC	Executive Secretary 2	\$45,907			
Executive Secretary 2	PGC	Executive Secretary 2	42,051			
Position Savings				\$ 43,979	\$ 26,308	\$ 70,287
Director, Bureau of Engineering	PFBC	Dir., Bur. Of Admin., Boating, & Eng.	\$97,155			
Director, Bureau of Wildlife Habitat Management	PGC	Dir., Wildlife Management	97,155			
Position Savings				\$ 97,155	\$ 58,118	\$155,273
Human Resources Director	PFBC	Human Resource Director	\$61,223			
Human Resources Director	PGC	Human Resource Director	56,020			
Position Savings				\$ 58,622	\$ 35,067	\$ 93,689
Human Resources Analyst	PFBC	Human Resource Analyst	\$37,653			
Human Resources Analyst	PGC	Human Resource Analyst	53,594			
Position Savings				\$ 45,624	\$ 27,292	\$ 72,915
Director, Bureau of Admin	PFBC	Dir. Bureau of Admin.	\$87,003			
Director, Bureau of Admin	PGC	Administrative Off. 5	95,022			
Position Savings				\$ 91,013	\$ 54,444	\$145,456
Purchasing Agent	PFBC	Purchasing Agent	\$49,441			
Purchasing Agent	PGC	Purchasing Agent	45,594			
Position Savings				\$ 47,518	\$ 28,425	\$ 75,942
Director, Bur. of Licensing	PFBC	Administrative Off. 3	\$53,594			
Director, Bur. of Licensing	PGC	Business Analyst 2	45,907			
Position Savings				\$ 49,751	\$ 29,761	\$ 79,511
Clerical Super. (Licensing)	PFBC	Clerical Supervisor 1	\$39,902			
Clerical Super. (Licensing)	PGC	Clerical Supervisor 2	51,990			
Position Savings				\$ 45,946	\$ 27,485	\$ 73,431

Table 33 (Continued)

Position	Agency	Classification	Current Salary	Average Salary	Benefits	Total
Dir., Bur. Inform. Tech.	PFBC	Inform. Tech. Generalist Admin. 2	\$ 72,998			
Dir., Bur. Automated Tech.	PGC	Inform. Tech. Mgr. 1	106,093			
Position Savings				\$ 89,546	\$ 53,566	\$143,112
Director, Boating & Outreach	PFBC	Dir. Boating & Outreach	\$71,335			
Director, Information & Education	PGC	Wildlife Inform. Ed. Dir.	92,988			
Position Savings				\$ 82,162	\$ 49,149	\$131,311
Information & Education	PFBC	Aquatic Res. Pro. Spec.	\$57,167			
Information & Education	PGC	Wildlife Cons. Off. Super.	68,121			
Position Savings (3)				\$187,932	\$112,421	\$300,353
Editor	PFBC	Editor	\$50,601			
Editor	PGC	Press Secretary 2	56,020			
Position Savings				\$ 53,311	\$ 31,890	\$ 85,201
Director of Law Enforcement	PFBC	Dir. Bureau of Law Enf.	\$76,206			
Director of Law Enforcement	PGC	Dir. Bur. Of Wildlife Prot.	85,125			
Position Savings				\$ 80,666	\$ 48,254	\$128,920
Admin. Asst./Law Enf.	PFBC	Administrative Off. 1	\$45,907			
Admin. Asst./Law Enf.	PGC	Administrative Assistant	43,500			
Position Savings				\$ 44,704	\$ 26,742	\$ 71,445
Director, Law Enf. Division	PFBC	Law Enf. Pro. Op. Mgr.	\$65,487			
Director, Law Enf. Division	PGC	Asst. Dir. Bur. Wildlife Pro.	63,607			
Position Savings (2)				\$129,094	\$ 77,224	\$206,318
Regional Manager	PFBC	Wildlife Cons. Off. Mgr.	\$70,343			
Regional Manager	PGC	Wildlife Regional Dir.	88,858			
Position Savings (6 Positions)				\$477,603	\$285,702	\$763,305
Clerk-Typist	PFBC	Clerk-Typist	\$36,206			
Clerk-Typist	PGC	Clerk-Typist	36,140			
Position Savings (12)				\$434,076	\$259,664	\$693,740
Wildlife Conservation Officer	PFBC	Wildlife Cons. Off.	\$48,876			
Waterways Conservation Officer	PGC	Waterways Cons. Off.	48,217			
Position Savings (18 Positions)				\$873,837	\$522,729	\$1,396,566
CAS	PFBC		N/A ^a			
CAS	PGC	Wildlife Conservation Officer Supervisors	\$69,328			
Position Savings (5)				\$346,640	\$207,360	\$554,000
Savings From Positions Eliminated						\$5,864,913
Positions Added						
Asst. Dir., Land & Fac. Mgmt.		Assistant Bureau Director				
Position Costs			\$76,206			
				\$76,206	\$45,586	\$121,792
Wildlife Biologist	PGC	Wildlife Biologist	\$46,956			
Position Costs (12)				\$563,472	\$337,069	\$900,541
Total Net Savings						\$4,842,580

^a N/A – Not Applicable.

^b This position is currently vacant, therefore, eliminating the position will result in no cost savings. As such, this figure is not included in the total net savings amount.

Source: Developed by LB&FC staff using data from PennWATCH.

calculated for each position based on the current salary rates for that job classification at both Commissions. Benefits were calculated at a rate of 59.82 percent, which was the average for the two Commissions as provided by the Governor's Office of the Budget. By using average salary and benefit rates, we did not select the agency from which the job should be eliminated, rather we identified where duplicate positions would be in a merged agency.

Executive Office

Executive Director and Deputy Executive Directors.

Existing Structure:

PGC: The PGC has one Executive Director and two Deputy Executive Director positions. One deputy is responsible for Administration (Administration, Personnel Services, Training, Wildlife Management, Information and Education, and Automated Technology Services). The second deputy is responsible for Field Operations. The Deputy Executive Director for Administration, Communications and Wildlife Management position is vacant.

PFBC: The PFBC has an Executive Director and two deputy directors. One deputy is responsible for the Office of Administration and the other is responsible for the Office of Field Operations.

Merged Agency Structure: One Executive Director and three Deputy Executive Directors. The three deputies would be responsible for Resource Management, Administration, and Field Office Operations, respectively.

Staffing Analysis: One Executive Director position would be eliminated, with an associated salary and benefit reduction of \$195,693. One deputy executive director position would also be eliminated, but due to it being vacant, there is no immediate associated cost savings.

Legal Staff.

Existing Structure:

PGC: The PGC has one Chief Counsel position, three Attorney 2 positions and a Paralegal. One of the Attorney 2s also serves as the legislative liaison and one is assigned to the Bureau of Wildlife Protection. The Chief Counsel and one of the Attorney 2s share an Administrative Assistant and each of the other Attorney 2s has an Administrative Assistant.

PFBC: The PFBC has a Chief Counsel and an Attorney 2 assigned to the Executive Office. They share an Administrative Assistant.

Merged Structure: A Chief Counsel, three Attorney 2 positions, a Paralegal, and two Administrative Assistants. The legislative liaison services would be provided by that position allowing for the attorney who is currently providing that function to serve as counsel full-time and eliminating the need for a fourth Attorney 2 position.

Staffing Analysis: The number of legal concerns and issues is not likely to diminish significantly in a single agency, and the merger itself could present legal challenges necessitating the use of the legal staff. However, a combined staff would allow for the reduction of one Chief Counsel with a salary and benefit reduction of \$145,378, an Attorney 2 position with a salary and benefit reduction of \$105,101, and an Administrative Assistant position with a salary and benefit reduction of \$71,147.

Legislative Liaison.

Existing Structure:

PGC: The PGC has one Legislative Affairs position on its complement which is vacant. An Attorney 2 from the Chief Counsel's office serves this function and that of counsel.

PFBC: The PFBC has one Legislative Liaison.

Merged Agency Structure: One Legislative Liaison. The Legislative Liaison responsibilities would continue to be housed within the Executive Office.

Staffing Analysis: The elimination of one position would not result in an immediate salary and benefit reduction since the PGC is currently filling this position by using one of its attorneys.

Press Secretary.

Existing Structure:

PGC: The PGC has one Press Secretary position.

PFBC: The PFBC has one Press Secretary position.

Merged Agency Structure: One Press Secretary and an administrative assistant. The Press Secretary will be responsible for all agency communications to the media.

Staffing Analysis: The elimination of one of the Press Secretary positions would result in a salary and benefits reduction of \$106,818. That would be offset somewhat by the addition of an administrative assistant at \$71,147.

Policy and Planning Specialist.

Existing Structure:

PGC: In the PA Game Commission, this position is an Executive Policy Specialist and has been vacant for several years.

PFBC: In the PA Fish and Boat Commission, this position is held by the Director for Policy and Planning, with assistance from an Administrative Officer 3.

Merged Agency Structure: One Policy and Planning Specialist. This position would work with the Executive Office to identify policy issues that impact the priorities of the new merged agency. Additionally, this person would oversee the development of a strategic plan for the new agency and agency marketing initiatives.

Staffing Analysis: Under a merged agency, most policy and planning would be done at the Deputy Executive Director level. The role of the Policy and Planning Specialist would be to assist the Executive Director in coordinating these efforts and to undertake special assignments as needed. By providing for only one such Policy and Planning Specialist, one position would be eliminated, but, due to the vacancy in the PGC, no savings would result. Support staff would continue to assist this function.

Fiscal Staff.

Existing Structure:

Agency	Budget Analyst 3	Budget Analyst 1	Accounting Assistant	Federal Aid Grants Manager
PGC	1	1	1	1
PFBC	1			1

PGC: The PGC has two Budget Analysts and one Accounting Assistant in the Fiscal Management Division of the Bureau of Administrative Services. There is also a Federal Aid Grants Manager located in the Federal Aid and Grant Coordination Section of the Bureau of Wildlife Habitat Management.

PFBC: The PFBC has a Budget Analyst and a Federal Aid Grants Manager, both located within the Bureau of Administrative Services.

Merged Agency Structure: We contacted the Office of Administration regarding the staffing of the fiscal office. An OA official stated that there is no typical staffing of the fiscal function in the Commonwealth, although a merger would be

expected to produce some savings. All fiscal staff would be housed under the Executive Offices. Such placement allows for direct reporting to the Executive Director where policy decisions are made. The number of fiscal staff needed in a merged agency is dependent largely on the fund structure that would be established in the new agency. If the current structure of three separate special funds is continued, we envision the need for the existing six positions to remain. If a single operating fund is established for the new agency, it is likely that fewer than six positions would be required.

Staffing Analysis: In a merged agency with three separate special funds, there would continue to be a need for all of the positions cited above. With three separate special funds, accounting responsibilities in a merged agency would not diminish especially since current statutes require that monies can be used only for specific purposes, and may even increase during the transition until all accounting procedures and methods are standardized. The Accounting Assistant would be needed to provide continued assistance to the Budget Analysts. Where some financial transactions contain only one line of accounting codes presently, some transactions may need as many as three lines of codes for processing under a merged agency, and for this reason alone, an Accounting Assistant would be required.

Regardless of the fund structure, both Federal Aid Grant Manager positions would be needed in a merged agency. Presently, the Federal Aid Grants manager at the PGC is primarily responsible for Pittman-Robertson grant funds, while the Federal Aid Grants Manager at the PFBC is primarily responsible for Dingell-Johnson/Wallop-Breaux grant funds. All these grant monies will continue to be essential to a merged agency. The federal programs are so diverse that two managers would be needed in order for Pennsylvania to continue to function at their current levels. In a merged agency, special attention would need to be given to ensure that federal funds are not jeopardized and, as such, retaining the two federal specialists would be necessary.

Support Staff in the Executive Office.

Existing Structure:

PGC: The PA Game Commission has an Executive Secretary 1 and an Executive Secretary 2 to support the Executive Office. The support staff for the Office of Chief Counsel is discussed above.

PFBC: The PA Fish and Boat Commission has one Executive Secretary 2 to support the Executive Director. The support staff for the various positions in the Executive Office (Policy and Planning and Chief Counsel) are discussed above.

Merged Agency Structure: In a merged agency, two Executive Secretaries would be needed.

Staffing Analysis: Under a merged agency, the Executive Director would need two Executive Secretaries to support that function. Staffing needs for the other positions in the Executive Office are discussed above. The reduction of an Executive Secretary 2 would result in \$70,287 cost savings.

Deputy Executive Director for Resource Management

Bureau of Fisheries.

Existing Structure:

PGC: None.

PFBC: This Bureau has 58 filled and 4 vacant positions. This Bureau consists of three divisions - Division of Environmental Services, Division of Fisheries Management, and Division of Habitat Management. The PFBC also has a Bureau of Hatcheries. This Bureau has 107 filled and 16 vacant positions and consists of the Divisions of Northern Hatcheries, Southern Hatcheries, and Fish Production Services.

Merged Agency Structure: The Bureau of Fisheries within the new merged agency would continue operations as they are presently structured under the PFBC except the Division of Environmental Services would be transferred to the new Bureau of Species Diversity and other divisions would become sections in the new organization. The Bureau of Hatcheries within the new merged agency would continue operations as they are presently structured. We envision no changes to the programs or staffing of the Bureaus of Fisheries and Hatcheries under a merger situation except they would become divisions under the Bureau of Fisheries along with the Division of Habitat Management.

Staffing Analysis: Currently, Waterways Conservation Officers assist in fish stocking activities for approximately 12 weeks each year. According to PFBC staff, the primary activity of the WCOs during stocking is traffic control which may continue to require a uniformed officer. Other services provided by the WCOs that are not clearly law enforcement such as monitoring local stream conditions, would require the use of seasonal or other agency staff.

Bureau of Wildlife.

Existing Structure:

PGC: The Bureau of Wildlife Management has 59 positions and consists of three divisions—Game Management, Wildlife Diversity, and Wildlife Services. The primary goal of the PGC’s wildlife management program is to manage for healthy, functional wildlife populations that are socially acceptable to Pennsylvanians and their communities. The Bureau develops and implements management plans and applies the management tools of hunting, trapping, habitat management, enforcement, communications, and education to achieve a balance between biological and social acceptability. The Bureau maintains four pheasant game farms, and plans to produce approximately 210,000 pheasants in 2013.

PFBC: None.

Merged Agency Structure: The Bureau of Wildlife within the new merged agency would continue operations as they are presently structured under the Game Commission, with one exception. All staff and functions related to the Wildlife Diversity Section (endangered, threatened, and nongame species) would be moved out of this bureau to a new Bureau of Species Diversity. The new Bureau of Wildlife would consist of 65 employees, including those at the four pheasant game farms.

Staffing Analysis: The Wildlife Diversity Section, comprised of six Wildlife Biologists, would be transferred to the new Bureau of Species Diversity. All other responsibilities of the current PGC Bureau of Wildlife Management would remain the same.

Currently, law enforcement personnel assist the Bureau of Wildlife Management with research surveys and pheasant stocking. This averages to approximately 2.2 percent of the law enforcement officers’ time. Their assistance with surveys is due primarily to their location in the field. The law enforcement officers could continue to administer certain surveys that can be incorporated into their law enforcement activities, but, other surveys that require detailed activities, e.g., the woodcock survey, would need other staff to complete them. In a merged agency, law enforcement personnel would no longer be responsible for assisting in this activity, as they would be dedicated to law enforcement duties. The PGC’s Director of Wildlife Management stated that if law enforcement officers were not available to assist with wildlife surveys, he would need 36 Wildlife Technicians added to the staff, as the surveys are a valuable tool in wildlife management. We have, however, based our analysis on the amount of WCO time spent on these activities, which resulted in a need to add 12 Wildlife Biologists to this Bureau’s complement in our organizational structure, with associated salary and benefit costs of \$900,541.

Bureau of Species Diversity.

Existing Structure:

PGC: Six persons are assigned to the Wildlife Diversity Division in the Bureau of Wildlife Management. This section works primarily with endangered, threatened, and nongame species. Additionally, eight employees are assigned to the Environmental Planning and Habitat Protection Division under the Bureau of Wildlife Habitat Management. This Division is responsible for addressing environmental impacts on natural resources.

PFBC: The Division of Environmental Services has 18 employees who work with endangered, threatened, and nongame species, as well as having the responsibility for addressing environmental impacts on fish and water resources.

Merged Agency Structure. A new bureau merges the PFBC's Division of Environmental Services and the staff from two divisions within the PGC. Staff from the PGC's Bureau of Wildlife Management who are responsible for administering threatened and endangered species programs would be transferred to this new bureau, as would the staff from the PGC's Bureau of Wildlife Habitat Management who work in the Environmental Planning and Habitat Management Division. This new Bureau would consist of 32 employees.

Staffing Analysis: This new Bureau would continue all the functions of the old Division of Environmental Services within the PFBC, as well as the related functions at the PGC as discussed above. We see no reduction in staff with the creation of this Bureau.

Bureau of Land and Facility Management.

Existing Structure:

PGC: The Bureau of Wildlife Habitat Management has 42 employees. This Bureau is responsible for State Game Lands planning and development focusing on habitat management and protection, including the forestry program on those lands. This Bureau includes the following divisions - Engineering, Habitat Planning and Development, Forestry, Real Estate, and Environmental Planning and Habitat Protection.

PFBC: The Bureau of Engineering has 52 salaried positions and is responsible for facility construction and management (hatcheries, access areas, etc.), as well as dam maintenance. This Bureau has only one division, Construction and Maintenance. The PFBC also has a Division of Public Access and Property Services that coordinates statewide public access and real estate operations of the Commission. It has 9 salaried positions including 3 vacancies.

Merged Agency Structure: This newly created bureau would be a combination of the PGC's Bureau of Wildlife Habitat Management and the PFBC's Bureau of Engineering, along with additional functional realignment as discussed in the analysis section. This Bureau would consist of 95 salaried positions.

Staffing Analysis: The Division of Environmental Planning and Habitat Protection that currently exists in the PGC's Bureau of Wildlife Habitat Management would be transferred to the newly created Bureau of Species Diversity. One position in the PGC's Federal Aid and Grant coordination Section would be transferred to the Executive Office as previously discussed in that section because all positions related to any type of funding would be part of the Executive Office staff. Merging the PGC Bureau of Wildlife Habitat Management, the PFBC Bureau of Engineering, and the PFBC Division of Public Access and Property Services into one new bureau is feasible because they all focus on the acquisition and management of property and facilities. Although one Bureau Director position could be eliminated under the new merged structure, given the size of this new Bureau and its associated responsibilities, an Assistant Bureau Director position appears warranted and should be created. Therefore, savings from replacing the second Bureau Director position with an Assistant Bureau Director would be \$33,481.

Some job classifications, such as Surveyor, Maintenance Repairman, Drafter, Designer, and Civil Engineer, are common to both agencies. However, the workload demands for these positions are not anticipated to diminish in a merged agency as infrastructure repair and land acquisition remain significant aspects of the agency's operation. While we anticipate no increase in the complement for these classifications, by merging their resources, there should be an opportunity to better manage the priorities of the newly created Bureau of Land and Facility Management and, thereby, optimize habitat for Pennsylvania's natural resources.

Deputy Executive Director for Administration

Bureau of Human Resources and Employee Development.

Existing Structure:

PGC: The PGC's Human Resources Division employs one Human Resources Director, five Human Resources Analysts, and one Human Resources Assistant. As for training, at present the Game Commission has a Training Director, a WCO Training Coordinator, and a Clerk Typist 3 who report to the Executive Director.

PFBC: The PFBC's Human Resources Office employs one Human Resources Director, and four Human Resources Analysts, one of whom has primary responsibility as "training officer," although that is not her sole function. The PFBC also has a WCO Training Coordinator assigned to the Bureau of Law Enforcement.

Merged Agency Structure: This would be a new bureau comprised of the Game Commission's Human Resources Division, its Training Office, the Fish and Boat Commission's Human Resources Office, and the training staff that is under the Bureau of Law Enforcement in the PFBC. With a merged agency, training will be a key issue, and as such, staff at the Bureau level will be necessary. This Bureau would be responsible for all law enforcement training as well as all employee development. A total of 14 employees would work in this Bureau, which would consist of a Human Resources Division and a Training Division.

Staffing Analysis: With regard to Human Resources, the two resource offices at the PGC and PFBC would be merged into this new Bureau. As such, only one Bureau Director would be needed, thus allowing one Bureau Director position to be eliminated, with associated salary and benefit savings of \$93,689.

Although the Clerk-Typist and Human Resources Assistant positions appear necessary since the Bureau would be responsible for over 1,000 employees, reductions may be possible in the number of Human Resources Analysts required. With 732 authorized positions and 5 Human Resource (HR) Analysts, the PGC has a present ratio of 1 HR Analyst for every 146 employees. With an authorized complement of 432 and a staff of 4 HR Analysts, the PFBC has a ratio of 1 HR Analyst for every 108 employees. An average of the two ratios yields an HR Analyst to employee ratio of 1 to 127. On this basis, the merged agency would warrant a staff of 8 Human Resource Analysts. Using this analysis, there is potential to eliminate one Human Resource Analyst position with associated salary and benefit savings of \$72,915.

With a merger, immediate training and employee development would be necessary. Law enforcement officers (RCOs)³ would need to be cross-trained, as would Deputy RCOs. See discussion in Chapter VI. Most agency staff would need some orientation in the responsibilities of the new merged agency. Additionally, new training curricula would need to be developed for future RCO classes. Finally, the standard employee development training, in-service training, and out-service training would need to be continued for all employees. No training and employee development staff would be eliminated with the creation of this new bureau.

Bureau of Administrative Services.

Existing Structure:

PGC: Currently, the PGC Bureau of Administrative Services has five divisions - Licensing, Contracts and Procurement, Office Services, Human Resources and Fiscal Management with a total of 27 positions with one vacancy.

³In a merged agency the law enforcement officers and deputies would have a new classification of Resource Conservation Officer (RCO). See the regional office analysis in this section for more detail.

PFBC: The PFBC's Office of Administration is comprised of the Bureau of Administration and its Divisions of Financial Management and Licensing and Registration, the Bureau of Information Technology and the Division of Public Access and Property Services with a total of 54 positions.

Merged Agency Structure: The Bureau of Administrative Services would merge the PGC's Bureau of Administrative Services (the Division of Human Resources and Fiscal Division would be removed as addressed above) with the PFBC's Office of Administration (with the Division of Financial Management, Division of Public Access and Property Services and the Bureau of Information Technology transferred to other areas of the merged agency). Total complement in this Bureau would be 48 employees. This Bureau would house the purchasing, warehousing, automotive, mail processing, and other office services in addition to the licensing functions. The licensing function includes hunting and fishing licenses as well as boat registrations and titling.

Staffing Analysis: Presently, each Bureau and Office has a Director and a support position for that director. With a merged agency, one of the director's positions and the associated support position could be eliminated, with associated salary and benefit savings totaling \$216,603.

The Information Systems, Information Systems-Pleasant Gap, Budget and Fiscal Management, and Federal Aids Grants divisions that are presently in the Office of Administration in the PFBC would be relocated to other areas of the new merged agency.

The PGC has an Administrative Officer in charge of the purchasing function and three Purchasing Agents while the PFBC has three Purchasing Agents on staff. Because the same DGS purchasing policies are followed for both agencies and because many of the items purchased for each agency are similar, we assume that only five of the six Purchasing Agent positions would be needed in a merged agency. Elimination of this position would save \$75,942 in salary and benefit costs.

For warehousing and storage, the PGC has an Administrative Officer in charge of the Office Services division that includes the warehouse, printing, mail room and automobile services functions for the PGC. The warehouse has a Storekeeper and a Stock Clerk. The PFBC also has an Administrative Officer in charge of its Office Services section that includes the warehouse, mail room, printing, and automobile services functions. The warehouse has a storekeeper and two stock clerks (one located in Pleasant Gap). Since the space in both Headquarters warehouses is largely in use, with neither warehouse large enough to house all materials for a merged agency, both warehouses must be maintained. However, if both Commissions' rarely used items were stored in the same warehouse (presumably at the

Fish and Boat Commission Headquarters, which is the smaller of the two warehouses), this warehouse would not have to be open and staffed on a day-to-day basis. Although we have not included these savings in our calculations, it is possible that such a consolidation could eliminate at least two warehouse positions (including one of the Administrative Officer positions).

As for automotive, mailing, and other miscellaneous office service functions, the PGC has two Clerk 3s and a Stock Clerk assigned to those duties and the PFBC incorporates those activities into the responsibilities of the warehouse staff. Given that the workload would not diminish in these areas, it would appear the three PGC positions would remain. However, if there were to be a significant reduction in the vehicle fleet, it is possible that one of these positions could be eliminated. The vehicle fleet is discussed further in Section D3.

The licensing function for the PGC is located within its Bureau of Administrative Services. Staffing for the Licensing Division consists of a Division Director, a Clerical Supervisor, and two clerks for the processing of a variety of permits and hunting licenses. Temporary wage employees are engaged to help during busy seasons. A point-of-sale system handles the electronic transfer of funds from the issuing agents to the state Treasury.

The PFBC's Division of Licensing and Registration is located within its Bureau of Administration. Presently, there is a Division Director, an Administrative Officer, a Business Analyst, two Accounting Assistants, a Clerical Supervisor, two Clerk Typists, and nine Clerks to process fishing licenses and boat titles and registrations. New boat registrations and transfers require the validation of original documents and cannot be done electronically. Licensing staff handles all of the banking and transmittals. They also rely on temporary wage staff to help process applications during busy seasons.

Licenses can be obtained from a statewide pool of 900 issuing agents, 600 of which have authority to issue both hunting and fishing licenses; on-line, using a website maintained by an outside vendor; or via walk-up sales at each commission. In addition to processing licenses, both staffs coordinate the granting or the revocation of authority to sell licenses to issuing agents. According to both Directors, on-line sales account for only 10 to 11 percent of all licenses, with the majority being sold by issuing agents.

With a merged Licensing Division within the new Bureau of Administrative Services, only one Division Director would be needed along with a single Clerical Supervisor. Therefore, one Division Director and one Clerical Supervisor position could be eliminated through merging of the two commissions' licensing functions, with associated salary and benefit savings of \$152,942. However, it is likely that the expertise and systems knowledge of these individuals would be needed during

the transition to the combined unit and any cost savings that may result from personnel reductions may be long term.

It is not anticipated that the workload or demand for licenses and registrations would diminish with a merger. Therefore, at least initially, it appears that personnel reductions would not be likely among the clerical staff for licensing. They may, however, be able to reduce or eliminate the use of temporary wage staff during busy seasons. Additional operational and staffing efficiencies may be possible in the longer term once a combined licensing system is developed, a blended revenue collection system is developed, and issuing agents are informed of ensuing changes to procedures.

Bureau of Information Technology.

Existing Structure:

	PFBC	PGC
Bureau Director	1	1
IT Generalist Administrator 2		2
IT Generalist Administrator 1		3
IT Generalist 2	2	2
IT Generalist 1	3	3
Senior Applications Developer	1	
Application Developer 2	1	1
Application Developer 1		1
Web Administrator 2		1
Telecommunications Specialist 2	1	
Network Administrator 1	1	
Database Administrator 1		1
IT Technician	1	1
Computer Operator 2		1

PGC: The PGC Bureau of Automated Technology Services consists of two divisions: Technical Services and Data Resources with the professional staff divided almost evenly between the two. Technical Services employs nine staff and Data Resources seven. All staff are located at the Commission’s headquarters building in Harrisburg and provide support to this office as well as to the regional offices with the exception of two individuals: one who provides support to the Southwest and Northwest Offices and one who supports the Northcentral and Northeast Offices.

PFBC: The Bureau of Information Technology resides within the PFBC’s Office of Administration. The 12⁴ member professional staff is located within the

⁴ The listing above shows filled salaried staff as of June 30, 2013. PFBC increased its IT staff with the hire of an Applications Developer 2 in FY 2013-14.

Commission's two data centers with nine staff in Harrisburg and three staff in Pleasant Gap. As part of the ongoing modernization effort, there is also one contractor working out of Harrisburg with seven additional contract staff being brought in to implement application migration from October 2013 through the end of June 2014.

Merged Agency Structure: This Bureau would be made up of the present Bureau of Automated Technology Services within the Game Commission and the Bureau of Information Technology in the Fish and Boat Commission.

Staffing Analysis: This Bureau would be headed by a Bureau Director and would consist of several divisions. The structural and functional responsibilities of these divisions would be determined by the best operational fit of merging the agency's systems and related equipment. Each agency currently has a Bureau Director. A merged agency would only need one Director. The elimination of a Bureau Director position would result in salary and benefit savings of \$143,112.

With the merger of the two agencies and the two IT staffs, it is likely that all present staff would be needed to administer the IT resources at the headquarters offices and at the regional offices. Additionally, in a merged agency the Pleasant Gap facility would serve an important role, as its physical location would allow for a more centrally located office from which IT staff could provide support to the regional offices, especially those in the Northern tier.

With a consolidation of technology systems (see the discussion on "Information Technology Services" that is in this chapter) a contracted consultant may be needed to effectively manage the migration to uniform systems; but this would not be a full-time permanent position. Further, all present staff would likely be needed to make the transition to a new IT structure. According to Office of Administration officials, future reductions in personnel costs may be realized after the transition is complete, however, without a detailed study, they could not provide a staffing plan. They did note, additionally, that a merged agency could also take advantage of leveraging current OA systems as part of their IT transition, which may result in further cost savings.

Bureau of Boating, Education, and Public Outreach.

Existing Structure:

PGC: The Bureau of Information and Education has five divisions: Research and Education, Publications, Hunter-Trapper Education, Public Information and Media Services, and Marketing and Merchandising. The Bureau has a Bureau Director and an Administrative Assistant. The five divisions have a total of 20 employees.

PFBC: The PFBC's Bureau has one division, the Division of Outreach. The Bureau has a Bureau Director, an Administrative Officer, three Clerk Typists, and a Boating Education Manager. The Division of Outreach is headed by an Administrative Officer 4. Within the division, there is an Education Section with an Aquatic Resource Education Manager who supervises six Aquatic Resources Program Specialists who are located in the regions. The Administrative Officer 4 is also responsible for the two editors of the Media Production Section.

Merged Agency Structure: This new bureau would be created by merging the Bureau of Boating and Outreach of the PFBC and the Bureau of Information and Education of the PGC. This Bureau would be responsible for boat, angler, and aquatic education and related responsibilities and all public information and education, including hunter-trapper education and public outreach. The Bureau would also be responsible for all agency publications.

Staffing Analysis:

In this new Bureau of Boating, Education and Public Outreach, only one director would be needed; thus, allowing for the elimination of a Bureau Director position, generating salary and benefit savings of \$131,311.

This Bureau would also be responsible for mandatory education programs. Successful completion of a Hunter-Trapper Safety Education course is required before a hunting license can be issued. Further, persons born on or after January 1, 1982, must successfully complete a boating safety education course in order to operate certain motorboats and all personal watercraft operators. These requirements will not change with the merger of the agencies, and as such, all current education specialist staff would be needed to continue these functions. The Bureau would also continue to be responsible for water rescue programs, boating laws and regulations, and marketing activities.

This Bureau would be responsible for public information and education programs, including those administered in schools. Presently, the PFBC has six Aquatic Resource Program Specialists and the PGC has six WCO Supervisors for Information and Education in the regions. Two regions also have a Wildlife Education Supervisor. Each regional office would retain one Resource Education Specialist with two regions (Southwest and Southeast) also retaining their Wildlife Education supervisors to address immediate information and education needs, eliminating ten positions total. Since seven of the positions are vacant, total salary and benefit savings would be \$300,353.

This Bureau would also be responsible for the publication of the agency magazine, as well as other published materials. As discussed later in this report, the PGC presently publishes the *Pennsylvania Game News* on a monthly basis, and the

PFBC publishes the *Pennsylvania Angler and Boater* on a bi-monthly basis. With a merged agency, a new combined magazine could be developed and published on a monthly basis.

The PGC has a magazine and publication staff of five employees: Editor, two Associate Editors, one Administrative Assistant, and one Clerk Typist. Most of this staff's time is devoted to the magazine. Various other PCG employees spend between 1 and 5 percent of their time in support of the publication.

The magazine and publication staff of the PFBC consists of three primary employees that provide support for content creation, production and customer service: an Editor, Graphic Designer, and Subscription Services.⁵ Additionally, minor portions of time are spent by various contributors (authors) within the agency in originating articles, by other staff performing reviews of the content and by those facilitating the provision of the magazine to the public such as warehouse staff and the agency webmaster. For these positions, the magazine itself is not defined as a specific area of responsibility within their position descriptions.

With a new magazine, a reduction in duplicate staff might be possible. Both magazine staffs are small, five employees at the PGC, four of which are full time on the magazine, and three employees at the PFBC,⁶ who work on the magazine for no more than 65 percent of their time. Given that the PGC already publishes a monthly magazine, most of that magazine staff would be needed to maintain a monthly magazine. In order to expand the magazine to include boating and fishing information, staff from the PFBC would need to be retained. Only one editor would be needed; thus, allowing for the elimination of the other editor position, generating salary and benefit savings of \$85,201.

Deputy Executive Director for Field Operations

Bureau of Law Enforcement Administration.

Existing Structure:

PGC: The PGC's Bureau of Wildlife Protection consists of the following five divisions - Special Operations (and, under it, a special investigations section), Enforcement, Special Permit Enforcement, Administration, and Communications. There are currently 15 employees assigned to the Bureau.

⁵ The Subscription Services employee is supervised separately in the chain of command and reports to an Administrative Officer who oversees the clerical pool for the bureau.

⁶ Both Commissions have other employees who contribute to their respective magazines, however, employees' time spent on contributing is minimal.

PFBC: The PFBC's Bureau of Law Enforcement consists of a Bureau Director and six other employees, with two of them being Law Enforcement Program Operations Managers. There are no division breakouts.

Merged Agency Structure: In the new Bureau, the position title for law enforcement officers would change from Wildlife Conservation Officer and Waterways Conservation Officer to a new classification which we have titled Resource Conservation Officer (RCO). The term RCO is used in this section to refer to the new law enforcement officer classification.

This Bureau would include staff from both Bureaus of Law Enforcement in the two commissions. The new Bureau of Law Enforcement Administration would consist of a Bureau Director and an Administrative Assistant along with four Divisions: Policy Division, Prosecutions Division, Special Investigations Division, and Program Support Division. A total of 18 positions would be assigned to this Bureau.

The Policy Division would be staffed with a Division Director, an RCO Training Coordinator, and a Coordinator for Deputy RCOs. Each of these positions would be staffed with personnel that are RCOs because of the knowledge and experience that would be needed for such positions. Two Clerk Typists would be assigned to this Division to administer the Deputy RCO program and the RCO training records, among other functions.

The Prosecutions Division would be staffed with a Division Director and two Clerk Typists. The Division Director would be an RCO, as this person would need to have a full understanding of the Game and Wildlife and Fish and Boat Codes. The Clerk Typists would be assigned to this Division to administer the prosecution reporting system, the license revocation system, and all duties related to processing the violations of the Game and Wildlife Code and Fish and Boat Code.

The Special Investigations Section would be staffed with a Division Director and four law enforcement officers. Presently, the PGC has a Special Operations Division that administers the Special Investigations Program. The Special Investigations Program focuses on undercover work related to the commercialization of wildlife. Because the commercialization of wildlife is a prevalent and growing concern of wildlife agencies throughout the nation, this division would be retained in a merged agency.

The Program Support Division would be staffed with a Division Director, one Clerk Typist, and a Radio Specialist. The Division Director would be an RCO, given the knowledge and experience necessary for this position. The Radio Specialist would be responsible for the telecommunications system used by the RCOs, and the Clerk Typists would be assigned to this Division to administer the special permits

program, taxidermy examinations, bear damage claims, deterrent fencing, the depredation program, fish and boat applications, RCO uniform and equipment inventory (including boats), and other miscellaneous tasks that would arise for this new Bureau.

Staffing Analysis: Each bureau currently has a Director and an Administrative Assistant for the Director. Under this new Bureau of Law Enforcement Administration, only one Director and one Administrative Assistant would be needed. As a result, one Director and one Administrative Assistant position could be eliminated, resulting in estimated cost savings of \$200,365.

The PGC has five WCOs in the Bureau of Law Enforcement in Division Director and/or supervisory roles, whereas the PFBC has three. In the new Bureau of Law Enforcement Administration, only six such positions would be needed for RCOs (Policy Division Director, RCO Training Coordinator, Coordinator for Deputy RCOs, Prosecutions Division Director, Special Investigations Division Director, and Program Support Division Director). As a result, two positions could be eliminated in current WCO staff at the Division Director or supervisory levels in a merged agency, with associated reductions in salary and benefit costs of \$206,318.

Currently, the two bureaus employ five Clerk Typists. In the new Bureau of Law Enforcement Administration, it appears likely that all five positions would be needed. Once the Bureau begins to operate staff may need to be moved among the Divisions as the workload dictates.

Regional Office Operations.

Existing Structure:

PGC: The PGC has six regional offices, each staffed with a Regional Manager, clerical staff, Dispatchers, a Maintenance Repairman, an Information and Education Supervisor, a Conservation Administration Supervisor, a Land Management Supervisor, land management staff, a WCO Supervisor, and WCOs. However, the Land Management Supervisor and the ensuing land management staff are not physically located in the regional office. Additionally, the WCOs work out of their homes.

PFBC: The PFBC has six regional offices, each staffed with a WCO Supervisor, one or two WCO Assistant Supervisors, WCOs, and clerical staff. The WCO Supervisor serves as the Regional Manager. The WCOs work out of their homes, so typically the only personnel physically located in a PFBC regional office are the WCO Supervisor and Assistant Supervisor(s) and the clerical staff. Clerical staff varies in number from one to three permanent clerks with assistance from seasonal

wage clerks. Other staff, such as biologists and outreach and education staff may also work out of the region.

Merged Agency Structure: Under a merged agency, the regional office structure would be changed. The state would continue to be broken out into six regions,⁷ with one office needed for each region. Discussion of building consolidation/elimination is found later in this Chapter, but most likely the regional offices of the PGC would be used since they are generally larger and in better condition and are therefore better suited to house the staff that will be placed in the new regional offices. The PFBC regional office buildings could be used for storage, wildlife research centers, or other needs, as appropriate. Staff assigned to the new regional offices would include: Regional Manager, Dispatchers, Maintenance Repairmen, Wildlife Biologist, RCO Supervisor, RCO Assistant Supervisor, RCOs, Land Management Staff, Wildlife Education Specialist, Conservation Administration Supervisor, and clerical staff. These roles and responsibilities are discussed further in the analysis section. Exhibit 21 illustrates a sample regional office in the merged agency.

The RCOs would report to an RCO Assistant Supervisor. The RCO Assistant Supervisors would report to the RCO Supervisor, who then would report to the Director of the Bureau of Law Enforcement Administration. The Director reports in turn to the Deputy Executive Director for Field Operations. The Management Assistance Team of the U.S. Fish and Wildlife Service recommended this reporting structure in its 1999 report.⁸

Staffing Analysis: Staffing at the new regional offices is discussed below:

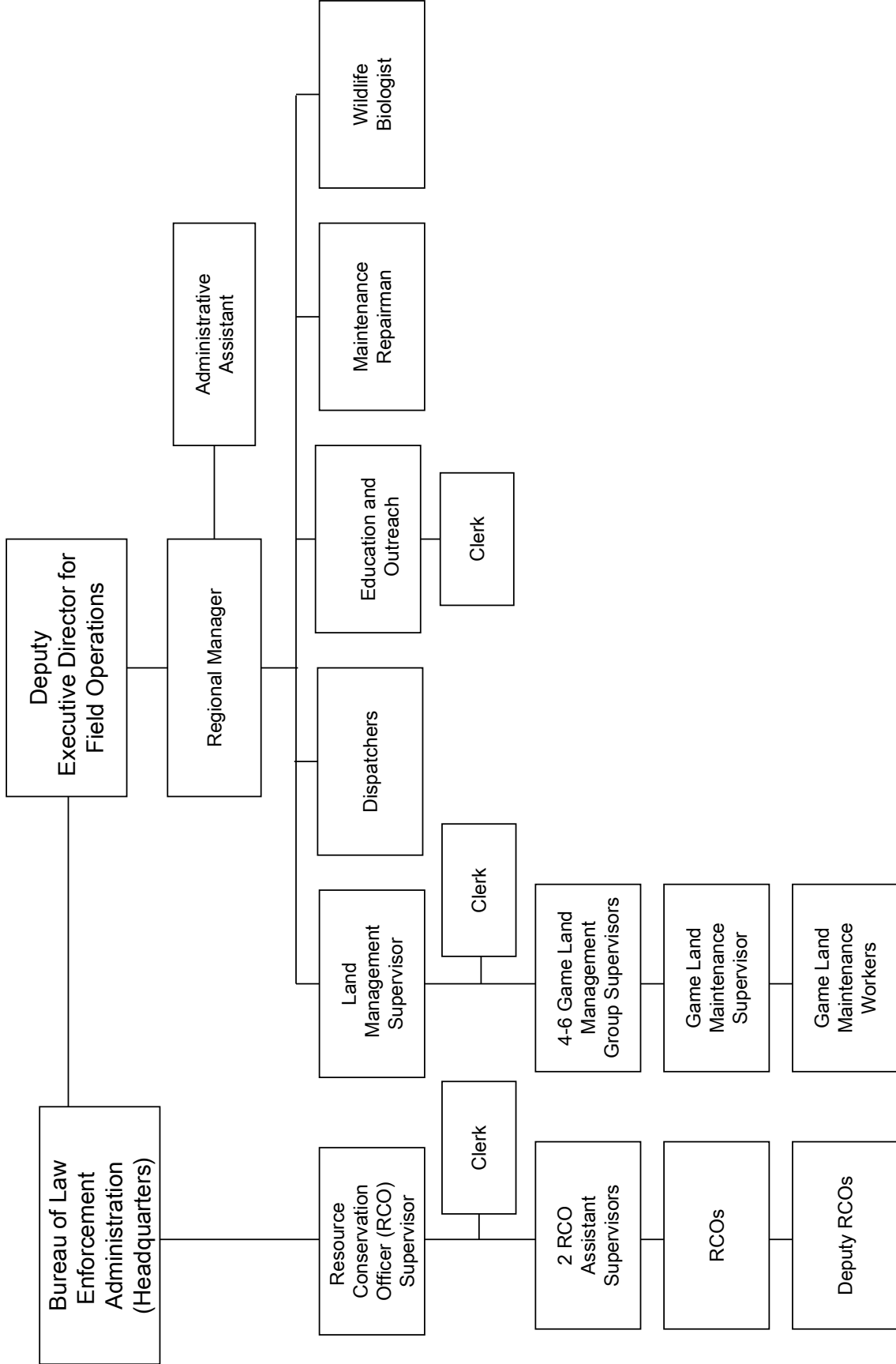
Regional Manager. A Regional Manager would supervise each of the six regional offices. The Regional Manager would have administrative responsibility for all personnel and operations within their respective area, such as Land Management, Office Administration, Biology, Education, and Law Enforcement. Between the two existing Commissions, there are 12 Regional Managers. In the merged agency, only six Regional Managers would be needed, thus, allowing for the elimination of six positions and a reduction in salary and benefit costs of \$763,305.

Clerical. Each of the regional offices of the Game Commission and the Fish and Boat Commission has one to three clerical employees. This staffing level converts to approximately 30 Clerk Typists presently employed at the regional level. In a merged agency, we believe it reasonable to assume that an average of three Clerk Typists (some regional offices may need fewer, some may need more); thus, eliminating the need for 12 Clerk Typists in the regional offices, with associated salary and benefit savings of \$693,740.

⁷The existing regional structures of the two Commissions are very similar. In a merged agency, program managers would need to decide upon the exact configurations of counties that would comprise the six regional offices.

⁸"Pennsylvania Game Commission Review-Final Report," as prepared by the Management Assistance Team, Division of Federal Aid, U.S. Fish and Wildlife Service, July 1999.

PA Fish, Boat, and Wildlife Commission – Regional Offices (Sample Region)



Source: Developed by LB&FC staff.

Dispatchers. A significant number of telephone calls come into each regional office each day and a staff of 24 Dispatchers is used at the PGC regional offices to process these calls (four dispatchers assigned to each region). Many telephone calls result in the Dispatcher contacting a WCO for an assignment. The PFBC does not utilize dedicated personnel for dispatching. Rather, the existing office staff contact WCOs as necessary. In a merged agency, calls would continue to come into the respective regional offices; thus, the need for Dispatchers will remain. As such, we anticipate no reductions in Dispatcher staff.

Maintenance Repairmen. The PGC employs a Maintenance Repairman at each regional office. This person is responsible for building maintenance, warehousing, routine vehicle maintenance, and other such functions. The PFBC does not have dedicated personnel for this function. The need for this position will continue in the proposed regional offices.

Wildlife Biologist. The PGC has Wildlife Biologists in their regional offices. Under a merged agency, the land management function will not change, and the need for a Wildlife Biologist in each regional office will remain. We also added 12 Wildlife Biologists (two in each region) to assist with activities previously carried out by WCOs.

Resource Conservation Officer Supervisor. The PGC has a WCO Supervisor on staff at each of their regional offices. The PFBC does not have such a position since their Regional Managers serve in this capacity. Therefore, there are currently only six WCO Supervisor positions between the two agencies. In a merged agency it would be necessary for these positions to be reclassified as RCO Supervisors. Thus, there is no elimination of WCO Supervisor positions in the merged agency.

Resource Conservation Officer - Assistant Supervisor. The PFBC currently employs 11 Assistant WCO Supervisors (each region has two except the Northcentral region has one). While the PGC does not have a specific Assistant WCO Supervisor in each regional office, the PGC has several staff assigned to the regional office that are classified as WCO Supervisors and perform similar functions. These positions include Land Management Supervisor, Information and Education Supervisor, Wildlife Education Specialist, and Conservation Administration Supervisor. In a merged agency, an average of two RCO Assistant Supervisors would be needed in each regional office. These individuals would work in the field and provide backup to RCOs as needed. Because 12 RCO Assistant Supervisors would be needed, and only 11 are presently on staff, one new position would need to be added to the complement of a merged agency; however, this could be filled with a transfer of position as discussed later under "Federal Aid Supervisor."

Resource Conservation Officer (RCO). The area of field law enforcement personnel is a significant change to the new agency. See the discussion “The Law Enforcement Function in a Merged Agency” in Chapter VI.

Land Management Staff. The land management staff within the regional offices of the PGC would continue to be needed, as the land management responsibilities and functions would not change under a merged agency. Each regional office currently has a Land Management Supervisor who is assigned between four to six Land Management Groups. Each Land Management Group has a supervisor and a staff of Game Lands Maintenance Workers assigned to it. These Maintenance Workers are traditionally referred to as “Food and Cover Corps” employees.

There are 30 Game Land Management Group Supervisors employed in the six PGC regional offices. At present, graduation from the PGC’s Ross Leffler School of Conservation is required to hold this job position. Because land management personnel would not have law enforcement responsibilities, we propose that in a merged agency these job descriptions be changed so that these positions are not limited solely to graduates of the Ross Leffler School of Conservation. We did not attempt to estimate the long-term savings of such a change.

Education and Outreach. Each regional office of the Game Commission has a Wildlife Education Specialist position (only two regions currently have this position filled) as well as an Information and Education Supervisor. Both of these positions are responsible for educating the public and schools on wildlife topics and are typically filled with persons who are classified at the WCO supervisory level. At the Fish and Boat Commission, all information and education responsibilities are centrally supervised by the Bureau of Boating and Outreach but are physically located in the regions.

To eliminate duplication in job functions, a Wildlife Education Specialist, an Information and Education Supervisor, and an Aquatic Resources Program Specialist would not be necessary. Therefore, the total number of positions responsible for information and education at the regional office level would be reduced from 18 to 8 by eliminating 10 education specialist positions (7 of which are currently vacant). The eight remaining positions would be reclassified as “Resource Education Specialists,” and would not need to be filled by RCO Supervisors.

In the merged agency, the Bureau of Boating, Education and Public Outreach would have primary responsibility for the public outreach function and would be responsible for information and education functions in conjunction with the eight Resource Education Specialists at the regions. We believe that such an arrangement is feasible, given that, under a merged Commission, one individual could provide information on all four Commission functions: hunting, fishing, trapping, and boating.

Federal Aid Supervisor. Each regional office of the PGC has a Conservation Administration Supervisor. This person is classified as a WCO Supervisor. This person does not work in the area of federal grants—that is a Headquarters function. Rather, this position is a “catch all” administrative officer for the Regional Manager.

Therefore, as the proposed structure already provides for two RCO Assistant Supervisors in each regional office, the Conservation Administration Supervisor positions could be eliminated under the merged agency. Because these individuals are already classified as law enforcement supervisors, one position can be retained as the necessary RCO Assistant Supervisor. This allows for the elimination of five Conservation Administration Supervisor positions at a cost savings of \$554,000.

Commission and Advisory Bodies

Commission Structure and Composition

Should a merger of the two Commissions occur, we assume the new agency would continue to be governed by an appointed, independent commission. The enabling legislation creating the new agency would need to address commission size, structure, composition, member qualifications, terms of office and compensation, basis of representation (i.e., specific geographic regions or from the state-at-large), advisory board involvement, and other related matters.

Currently, the Game Commission is comprised of eight competent citizens informed in wildlife conservation and restoration appointed by the Governor by and with the advice and consent of two-thirds of the Senate. The Commission members represent various geographic districts of the Commonwealth and serve eight-year terms. The Fish and Boat Commission is comprised of ten competent citizens appointed by the Governor by and with the advice and consent of a majority of the Senate. Two members must be experienced in boating and water safety education and be registered boat owners. The remaining eight members must be persons well informed about conservation, restoration, fish and fishing, and boats and boating and represent various geographic districts. All members serve eight-year terms. Of the eight geographic districts from which Fish and Boat and the Game commissioners are currently appointed, five are the same between the two commissions and three are different.

Both Commissions are independent agencies under both the Administrative Code and the Commonwealth Attorneys Act. As an administrative independent commission, the merged commission would not be subject to control by the head of any Executive Branch department. However, independent agencies are nonetheless subject to general oversight by the Governor’s Office of Administration and the Office of the Budget. Although independent, the Commission would be required to

submit a report to the Governor by October 1 of each even-numbered year, 71 P.S. §184, and submit a budget request to the Secretary of the Budget, 71 P.S. §230. Independent agencies are also required to have any change in their pay plan or complement level approved by the Office of Administration. As an independent agency under the Commonwealth Attorneys Act, the agency is not subject to the appointment of a chief counsel by the Governor's Office of General Counsel and therefore has authority to appoint its own independent attorneys.

The model contained in this report envisions a Commission composed of individuals appointed based on their overall commitment and expertise with regard to the full range of Commission functions. For purposes of comparison, Exhibit 15 on page 47 provides summary information on the size, structure, and composition of fish and wildlife commissions in a sample of other states with stand-alone fish and wildlife commissions or departments. Commission size in these states range from 5 in Arizona and California to 19 in North Carolina.

Advisory Bodies

Current law also provides for the existence of the Boating Advisory Board. This Board consists of eight members, including the Secretary of Conservation and Natural Resources, or his designee, the PFBC's Executive Director, and the Assistant Executive Director in charge of watercraft safety, all of whom serve as ex-officio members. The Governor appoints the five remaining volunteer members who serve five-year terms. These volunteer members are required to be experienced boaters and be members of boating organizations. One volunteer member is selected to serve as Chairperson, and the Director of the Bureau of Boating and Outreach serves as the Secretary. The Board advises the Commission on boating issues and makes recommendations regarding any proposed rules or regulations affecting a boat's equipment or its operation.

In drafting any merger legislation, the General Assembly would need to determine the role that the Boating Advisory Board and/or other advisory groups would play in providing input and assistance to the Commission of a new merged agency. While responsible primarily for advising the Governor, the Governor's Advisory Council for Hunting, Fishing, and Conservation would also be available to provide input to the new Commission. Several of the other states with independent agencies have advisory bodies in addition to their governing board or commission. See Chapter V for information on other state structures.

B. The Law Enforcement Function in a Merged Agency

See Chapter VI for a discussion of the law enforcement function in a merged agency.

C. Funding and Funds Structure in a Merged Agency

Both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission use special revenue funds of the Pennsylvania State Treasury to account for their revenues and expenditures. The PGC accounts for all its fiscal transactions in the Game Fund, while the PFBC accounts for its fiscal transactions in two funds: the Fish Fund and the Boat Fund. The current statutory provisions relating to each of these funds are discussed in Chapter IV.

Options for Special Funds Structure in a Merged Agency

If the General Assembly were to create a merged agency, it would have several special fund structure options available. The following are three approaches to consider:

Single Fund. The General Assembly could choose to create a single special fund into which all game, fish, and boating revenues would be deposited. This would mean that all monies currently deposited into the Game, Fish, and Boat Funds would be deposited into one fund, and all operations of the new merged agency would be financed from this single fund.

Single Fund with Restricted Accounts. Another option would be for the General Assembly to create one special fund for the merged agency that would contain restricted accounts. A separate restricted account could be established for game, fish, and boating. Revenues generated from hunting, fishing, and boating would be deposited into these individual accounts, thus maintaining segregation of these revenues. Expenditures for game, fish, and boating programs could then be charged against the respective funds.

Maintain the Three Separate Existing Funds. The General Assembly could opt to continue the separate Game, Fish, and Boat Funds as they presently exist. Monies generated from game, fish, and boating sources would continue to be segregated with operational and administrative costs of the merged agency charged against the respective funds.

The primary legal concern with any of the fund structures is that the Legislature must preserve a structure that will not jeopardize the continued receipt of federal funds under the Pittman-Robertson Act and the Dingell-Johnson/Wallop Breaux Act. Federal law requires that the enabling legislation for the merged agency must include a prohibition against the diversion of license fees paid by hunters and sport fishermen, respectively, to purposes other than administration of the fish and wildlife agency.⁹

⁹The legislation that creates the merged agency should be reviewed by the U.S. Department of the Interior to ensure it would not affect the state's eligibility to receive continued federal funding.

Federal regulations state that a “diversion” of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the state fish and wildlife agency. Administration of the agency includes only those functions required to manage the fish- and wildlife-oriented resources of the state for which the agency has authority under state law. Representatives of both the Game and the Fish and Boat Commission indicated that a diversion of license fees would occur in a situation where the General Assembly would decide to tap into and use fish, boat, or game license fees for some other state purpose, unrelated to the administration of the fish and wildlife agency. They did not see a “diversion” problem with the possible commingling of funds under a single special fund structure. In that situation, they would simply have to track the flow of revenues and expenditures through accounting mechanisms for reporting to the federal government.

While the existing structure segregates funds in part for federal purposes, the separate funds also gives an accounting to the differing game, fish, and boating constituencies that would not be as readily apparent with the placement of all funds in a single special fund. To address this, the Legislature could consider placing certain accounting and reporting requirements in the enabling legislation to ensure that full information is available to the constituencies regarding the sources and disposition of a merged commission’s funds. However, the more expenditure reporting requirements placed on the new agency, the greater the costs to comply with those requirements and the less flexibility the agency has to address its highest priority needs.

Funding Structures Used in a Sample of Other State Fish and Wildlife Agencies

We sent a questionnaire to the 20 states that have a combined independent agency that administers the fish, wildlife, and, in most states, boating functions, which might be similar to that which would be established in Pennsylvania if a merger were implemented.¹⁰ Of these 20, 14 states responded. Of the 14 responding states, 9 have a combined fish and wildlife fund, and 4 of the states whose wildlife agency administers boating registration also have a separate boat fund. In two states, North Dakota and Nevada,¹¹ boat registration and titling fees are deposited into the fish and wildlife fund. Three of the responding states reported that the boat titling and registration function is performed by another state agency, and as such, those revenues are accounted for in a separate fund administered by that

¹⁰ States contacted included Alaska, Arizona, Arkansas, California, Florida, Idaho, Kentucky, Louisiana, Maine, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Tennessee, Virginia, Washington, and Wyoming.

¹¹ In Nevada, all fish, game and boating revenues are deposited into a separate account in the state’s general fund. The separate account is then broken down further into subaccounts, which monies are to be used for specific purposes.

other state agency. See Chapter V for more information relating to the various funds that exist in other states to fund fish and wildlife programs.

Administering More Than One Fund

Separate Fish and Boat Funds have existed in the Commonwealth's accounting structure since 1963. Prior to that time, all monies from fishing license sales as well as all boat registration fees were deposited into the Fish Fund. A concern over whether boating-related activities were receiving an appropriate level of funding under this arrangement apparently led to the creation of a separate Boat Fund.

During the 2012 audit of the Fish and Boat Commission, LB&FC staff discussed the maintenance of the Fish and Boat Funds with Commission staff. We learned that the separation of revenues into the two funds provides for the clear segregation of "fish monies" and "boat monies," however it is administratively burdensome and more costly for the PFBC.

Every organization within the PFBC, with the exception of the Bureau of Fisheries and the Bureau of Hatcheries, has activities and expenditures which relate to both fishing and boating. In order to know how much of each activity should be charged to the Fish Fund and how much should be charged to the Boat Fund, the Commission has established percentage (pro rata) rates for each activity. These rates were derived from a Commission survey of all personnel which requested an assessment of each employee's time spent on fishing opportunities and boating opportunities.

Because most PFBC activities involve expenditures which are split between the Fish Fund and the Boat Fund, each activity has two accounting codes associated with it. All personnel services costs, operating costs, and fixed asset costs must be split between the two funds. Furthermore, all contracts, expenditure documents, and invoices must be coded with two accounting codes in order to correctly charge the Fish Fund and the Boat Fund.

Suggested Fund Structure in a Merged Agency

The costs involved with administering two funds could be eliminated with the creation of a single special fund with no restricted accounts (Option 1). A second option—a single fund with restricted accounts—does not cause quite as much paperwork as the use of multiple special funds, but would still create the administrative burden of multiple codes. We, therefore, believe that in a merged agency, the benefits of creating one special fund to account for hunting, fishing, and boating expenditures argue in favor of Option 1.

A benefit to the merged agency of using only one special fund is that the cash flow into the fund would be continuous throughout the fiscal year. Presently, the Game Fund receives the majority of its revenues in the fall when it receives hunting license fees. The PGC must then use these revenues to pay expenses for the rest of the fiscal year. Conversely, the PFBC receives the bulk of its revenues in the spring, when fishing licenses and boat registrations are purchased. Therefore, it must have a significant balance in the Fish and Boat Funds at the beginning of the fiscal year to carry these funds for several months until boat registration and fishing license revenues are received. Officials from both the PGC and the PFBC have stated that the revenue cash flow has become a critical issue for them given the depletion of the balances in the Game and Fish Funds. With one fund, all revenues would be deposited into this fund as they are received, and the cash flow problem could be reduced.

We contacted the Bureau of Accounting and Financial Management in the Comptroller's Office to discuss funding structure options in the event of a merger. A representative from the Bureau believes that managing the finances of the merged agency in a single special fund would be an effective accounting process and best serve a merged agency. This would eliminate the need for split coding, which is a burdensome process, and which would be necessary with the three special funds or with restricted accounts within one fund. The use of restricted accounts would create as much work for all parties as would separate special funds. A single special fund structure would allow expenditures to be recorded by program within the combined business area so that the constituents could see that the monies are being expended as required by law in annual fiscal reports.

D. Potential Effect on Commissions' Operations

D1. Personnel

The organizational framework for a combined fish and wildlife commission for Pennsylvania as described in part A of this section would result in a net reduction of 53 staff positions. The personnel costs (annual salary and benefits) associated with this reduction are approximately \$4.8 million. In developing a framework for a merged agency, LB&FC staff analyzed the position functions on the complement at both the PGC and the PFBC. In areas where duplication was found, the possibility of job eliminations was noted. We did not specifically analyze wage and seasonal positions.

Two potential impacts on the savings associated with the eliminated positions that we were not able to calculate are the likelihood of "bumping" rights resulting in higher paid staff remaining with the merged agency and the potential effect of retirements on the eliminated positions. According to the PGC, approximately 216 employees have 20 or more years of service (this does not include

military time that can be applied to State employment). According to the PFBC, approximately 30 percent of the current staff is eligible for retirement within 4 years. Among the Waterways Conservation Officers, approximately 50 percent are eligible for retirement in 4 years. Of course, being eligible for retirement does not mean that those staff would choose to retire; however, it is likely that above the usual number of staff would retire if the agencies were merged.

D2. Physical Facilities

Both the Game Commission and the Fish and Boat Commission own a Harrisburg headquarters office, regional offices, warehouses, and fish and wildlife propagation facilities, among others. These facilities are described below, along with an analysis and discussion of their use in a merged agency.

Headquarters Buildings. The Game Commission and the Fish and Boat Commission each own separate headquarters office buildings on Elmerton Avenue (within one mile of each other) in Harrisburg. Analysis of the square footage of both headquarters buildings shows that neither building is large enough to accommodate on its own the staff that would be assigned to the headquarters in a merged agency. Because both buildings are in good condition and were designed for similar purposes, it appears that the new agency could effectively use both buildings in a merger situation.

The Game Commission headquarters building is the slightly larger of the two at 71,500 square feet, compared to 68,848 square feet for the Fish and Boat Commission headquarters building. (See Table 34.) Within the PGC headquarters, 23,675 square feet are used for office space, compared to 27,331 square feet being used for offices in the PFBC building.

Based on the staffing analysis for a new merged agency discussed earlier, approximately 298 persons would need to be housed in headquarters facilities. This staffing level breaks out to approximately 115 people in administrative functions and about 175 people in program operation functions. Administrative functions include the Executive Office staff, the Bureau of Human Resources and Employee Development, the Bureau of Administrative Services, and the Bureau of Information Technology. Program operations functions include the Bureau of Wildlife, the Bureau of Land and Facilities Management, the Bureau of Law Enforcement Administration, and the Bureau of Boating, Education, and Public Outreach. The Bureau of Fisheries and the Bureau of Species Diversity would be housed in Centre County.

Table 34

**Square Footage and Functional Usage of the
PFBC and PGC Headquarters Buildings**

PFBC Headquarters Building

Function	Square Footage
Office	27,331
Warehouse	17,942
Multi-Purpose/Public Meeting Rooms	3,678
Mechanical Room.....	3,399
Graphics Print Shop	2,710
Lobby.....	2,438
Lavatory.....	2,079
Lunch Room/Kitchen.....	1,206
Conference Room	2,059
Computer Room	498
Other ^a	<u>5,508</u>
Total	68,848

PGC Headquarters Building

Function	Square Footage
Office.....	23,675
Warehouse.....	14,874
Storage.....	4,383
Dormitory Rooms	4,367
Mechanical Rooms	2,736
Gymnasium.....	2,730
Lunch Rooms/Kitchen.....	2,267
Lavatory	2,178
Auditorium.....	1,680
Graphics/Drafting Room	1,489
Lobby	1,344
Audio/Visual Room	690
Computer Room.....	672
Mail Room.....	632
Conference Rooms	534
Exercise Room.....	355
Other ^a	<u>6,894</u>
Total	71,500

^aIncludes corridor, electric, telecommunication, elevator, mechanical chase, stairwells, etc.

Source: Pennsylvania Fish and Boat Commission and Pennsylvania Game Commission.

For purposes of this study, we assumed the administrative operations would be housed in PFBC headquarters, with program operations being housed at PGC headquarters. Since both buildings are similar in design and capacity, these assignments could be reversed depending on the desires of the new agency or reconfigured as needed.

As of 2013, 178 employees were assigned to the PGC headquarters building. Housing the program functions of the merged agency, at a complement level of approximately 175, would appear feasible.

The PFBC headquarters building presently has 95 employees assigned to it. As stated earlier, the administrative functions for the merged agency would total approximately 115 persons at the headquarters level. This number is therefore in line with the accommodations and design of the PFBC building.

With both headquarters buildings still being needed, there would be no cost savings realized. A merger would also result in some relocation costs as some employees would need to move from one building to the other. However, these costs should be minimal, as few office reconfigurations need to occur, and little new furniture or office equipment need be purchased.

Warehouses. The Game Commission and the Fish and Boat Commission each have a warehouse in the lower level of their headquarters building. The PGC warehouse includes 14,874 square feet, and the PFBC warehouse is 17,942 square feet. A tour of these facilities shows each of these warehouses to be at or near capacity. Even with a consolidation of some supplies and equipment, consolidation to a single central warehouse does not seem possible.

However, because several of the items are seasonal or need to be accessed only infrequently, one of the warehouses could be used primarily as a storage facility and be locked and unstaffed. As the warehouses are less than one mile apart, items in the locked warehouse could be retrieved as necessary from the staff at the warehouse that remains open on a daily basis. Merging the two warehouse operations should generate at least some savings, but we did not attempt to quantify the amount.

Training Schools. Both the Game Commission and the Fish and Boat Commission administer a training school for law enforcement personnel. These training facilities are also used for training deputy officers as well as other commission staff. The PGC's training school is housed in their headquarters building in Harrisburg (Ross Leffler School of Conservation), and the PFBC's training school is located in Centre County (the H.R. Stackhouse School of Fish Conservation and Watercraft Safety).

As discussed elsewhere in this report, cross training of all staff will be essential if the two commissions are to merge. Law enforcement staff will need the most immediate cross training, and to expedite this cross training, the use of both training facilities would be necessary. Once law enforcement staff is trained, deputy law enforcement officers would need cross trained, and again, the use of both facilities would be needed.

Upon completion of all cross training, management will need to review the need for two training schools. Such analysis may reveal that the size of the new law enforcement officer classes warrants the use of both facilities. It could also be possible that one training school would be used exclusively for law enforcement officers while the other facility would be used for other staff development.

If only one training school is needed, it would appear that maintaining the training school in the PGC's headquarters building would make the most sense given the concept of housing administrative staff, including the Bureau of Training and Employee Development in this building. Management would then need to determine the disposition of the training school in Centre County. This could result in additional cost savings, but we did not attempt to calculate the potential amount.

Regional Offices. Both the Game Commission and the Fish and Boat Commission have six regional offices, and both Commissions divide the state into essentially the same geographic regions. Thus, a PGC regional office and a PFBC regional office exists in each of the six geographic regions. (See maps on Exhibits 10 and 12 in Chapter III.) The location of each of these regional offices is shown on Exhibit 22.

Exhibit 22

Location of PGC and PFBC Regional Offices

<u>Region</u>	<u>PGC</u>	<u>PFBC</u>
Northwest	Franklin	Meadville
Southwest.....	Ligonier	Somerset
Northcentral.....	Jersey Shore	Bellefonte
Southcentral	Huntingdon	Newville
Northeast.....	Dallas	Sweet Valley
Southeast	Reading	Elm

Source: Developed by LB&FC staff.

Based on our interviews and visits to two of the regional offices, the PGC facilities appear to be generally more spacious and modern than those of the PFBC. Given the staff size suggested for the regional offices earlier in this section, the larger of the two buildings in each region would be needed. Therefore, the PGC regional office buildings would need to be used for the new regional offices.

However, in using these buildings, space that is currently used for storage may need to be sacrificed. In such cases, the current PFBC regional offices could conceivably be converted to storage buildings. We do not anticipate any demolition or sale of regional office buildings under a merger situation, and we project no cost savings of this type, especially since neither agency has leased properties. On the other hand, there should not be any significant construction costs involved in using the present PGC regional offices. There may, however, be costs incurred in relocating staff to the new regional offices and in converting some storage space into office areas.

Fish Propagation Facilities. The Fish and Boat Commission raises trout and warmwater/coolwater species of fish at 14 hatcheries throughout the state.¹² The hatcheries are located at Bellefonte, Benner Spring, Corry, Fairview, Huntsdale, Linesville, Oswayo, Pleasant Gap, Pleasant Mount, Reynoldsdale, Tionesta, Ty-lersville, Union City, and Van Dyke.

The hatchery sites contain both hatch houses and storage facilities. Eight hatcheries also have a visitor's center. In a merged agency, there are no changes planned for the fish propagation program or the hatcheries and their related facilities. Although infrastructure needs exist at these hatcheries, these needs would exist regardless of the merger, and therefore cannot be considered as a merger cost.

Game Farms. The Game Commission raises pheasants at four Game Farms. The Southwest Game Farm is located in Armstrong County, the Western Game Farm is located in Crawford County, and both the Loyalsock Game Farm and the Northcentral Game Farm are located in Lycoming County. Each of these locations include brooder houses, storage facilities, and residences for the Game Farm Superintendents.

The merged agency structure outlined in this report contains no changes for the pheasant propagation program, and as such the Game Farms and their related facilities would continue unchanged.

D3. Vehicle Fleet

The Department of General Services (DGS) is responsible for the purchase, operation, and maintenance of all vehicles used by Commonwealth agencies, including the Game Commission and the Fish and Boat Commission. The Secretary of General Services makes permanent vehicle assignments to each state agency based on the functional needs of the agency. The PGC has a clerk who operates as the automotive officer and the PFBC's warehouse supervisor functions in this role.

¹² Not every hatchery raises all types of fish.

As do other Commonwealth agencies, the PGC and the PFBC follow Management Directive 615.16, *Commonwealth Fleet Policy*, in assigning vehicles to staff. While both Commissions follow this directive, they differ in the extent to which vehicles are assigned. The PFBC permanent assignments are solely to law enforcement personnel (including the Executive Director). The PGC assigns primarily to law enforcement personnel, land management staff and wildlife management staff.

At the time of this study, the Game Commission had 295 vehicles permanently assigned, and the Fish and Boat Commission had 99 permanently assigned vehicles. These vehicles were a mix of sedans, pick-up trucks and SUVs.

Permanently Assigned Vehicles Under a Merger. Based on the model presented earlier in this report, 52 positions could be eliminated under a merger. Of these 52 positions, 18 had permanently assigned vehicles as of mid-2013. Table 35 shows the assignment of vehicles in both Commissions and the excess vehicles that would be available for elimination in a merged agency.¹³

Table 35

**Permanently Assigned Vehicles, PGC and PFBC and Excess Vehicles
That Could Be Eliminated in a Merged Agency**

<u>Personnel Permanently Assigned a Vehicle</u>	<u>Number Assigned as of June 1, 2013</u>		<u>Excess Vehicles Available for Elimination in a Merged Agency</u>
	<u>PGC</u>	<u>PFBC</u>	
Executive Director	1	1	1
Deputy Executive Director	1	0	0
Bureau Directors	4	1	1
Assistant Bureau Directors	1	2	0
Land Management Staff.....	76	0	0
Wildlife Management Staff	51	0	0
ATON Manager.....	0	1	0
Regional Managers.....	6	6	6
Assistant Regional Managers	0	11	0
WCO Supervisor	25	0	1
WCO	127	77	9
Radio and IT.....	2	0	0
Regional Wildlife Educ. Spec.....	<u>1</u>	<u>0</u>	<u>0</u>
Total	295	99	18

Source: Developed by LB&FC staff.

¹³ We did not analyze the basis for the vehicle assignment. A merged agency may eliminate certain vehicle assignments.

As discussed in the staffing section of this report, we estimate that 12 new Wildlife Biologists may be needed in the new merged agency. The Wildlife Biologists that are presently on staff at the Game Commission have vehicles permanently assigned to them due to the nature of their work. As such, 12 additional vehicles would be needed for their work. This leaves a net vehicle surplus of six vehicles in a merged agency.

The six vehicles that could be eliminated vary in type, age, mileage, and usage. Therefore, in computing a cost savings from the sale of these vehicles for the merged agency, we used the average selling price from a recent Department of General Services' vehicle auction.

At an August 2013 auction, the Department of General Services sold 643 vehicles with total sales revenue of \$1.47 million. This converts to an average selling price per vehicle of \$2,283. At this auction, vehicles generally ranged from model year 1999 to 2009, with 51 vehicles older than 1999 and some as new as 2011. The sale prices ranged from a low of \$300 to a high of \$8,600. Using the average DGS selling price of \$2,283, the merged fish and wildlife agency could realize \$13,698 in revenue through eliminating these vehicles from its fleet.

The Game Commission reported annual maintenance cost of \$1,600 per vehicle in FY 2012-13 and the Fish and Boat Commission reported an average annual maintenance cost of \$1,500 per vehicle. Based on those numbers, the average vehicle maintenance cost for the two agencies is \$1,550, which converts to an annual savings in maintenance costs for these six surplus vehicles of \$9,300.

In the most recent year, the average vehicle cost for a new permanently assigned vehicle was \$29,500. With the elimination of six vehicles, this converts to \$177,000 in replacement costs that can be saved in a merged agency. Assuming a useful life of six years, this converts to annualized savings of \$29,500.

Table 36 shows the potential fiscal impact of vehicle fleet reductions in a merged agency. As shown on this table, we estimate vehicle cost savings of approximately \$52,498 in the first year for the merged agency.

Table 36

Potential Fiscal Impact of Vehicle Fleet Reductions in a Merged Agency

<u>Savings/Cost</u>	<u>Amount</u>	<u>Action</u>
Savings	\$13,698	Sale of six surplus vehicles.
Savings	9,300	Annual maintenance costs for six vehicles is no longer necessary
Savings	<u>29,500</u>	Replacement costs (annualized) for six vehicles can be avoided.
Savings	\$52,498	Estimated first year savings in a merger.
Savings	\$38,800	Estimated annual savings

Source: Developed by LB&FC staff.

D4. Purchasing

The PGC and the PFBC follow Department of General Services (DGS) procurement and purchasing policies and practices. DGS also has the power and duty to procure or supervise the procurement of all supplies and construction needed by executive and independent agencies. Both agencies have Purchasing Agents on staff within their administrative bureaus that are responsible for the procurement function and coordination of efforts with the Department of General Services' Bureau of Procurement staff.

As detailed in the *Field Procurement Handbook*, the Department of General Services enters into contracts with vendors and service providers throughout the state at the best price available for supplies, services, and construction. Through these contracts, state agencies are then able to order the items they need directly from the contractors. The PGC and the PFBC are therefore already able to take full advantage of the Commonwealth's collective purchasing power.

Procurement and Purchasing in a Merged Agency. A merged agency would also be required to follow these policies. As such, there would be no significant change in the present procurement and purchasing practices. Both Commissions presently benefit from bulk purchasing arrangements through DGS, and the "best prices" available to them will continue to be available to a new merged agency. Therefore, we anticipate no meaningful cost savings from commodity prices through combined purchasing in a merged agency. Combined purchasing should, however, result in personnel savings, as fewer transactions would be needed. We therefore eliminated one Purchasing Agent position for an annual savings of \$75,511.

D5. Training

In the event of a merger, cross-training of all staff would be necessary. The cross-training required would vary in content and length according to the job classification.

Cross Training for Non-Law Enforcement Staff. With a merger, it will be important to cross-train non-law enforcement staff on the functions of the sister agency. At a minimum, these employees should be trained on the mission, activities, and programs of the other agency. Such training would allow these employees to understand their duties and responsibilities more fully, which would promote more efficient operations in the merged agency.

This cross-training could be conducted at the Ross Leffler School of Conservation and/or the H. R. Stackhouse School of Fish Conservation and Watercraft Safety. Current training personnel could conduct these classes, which would be similar in nature to new employee orientation classes. Because these employees are not new, much of the new employee orientation training, e.g., general human relations topics, would not need to be included. Therefore, this training should require less time than typical new employee orientation which varies from 1 + days at the PFBC to 3 days at the PGC.¹⁴ In the event an employee would have to learn new responsibilities as a result of the merger, on-the-job training could occur after the initial cross-training.

No significant additional costs are anticipated with this cross training, as it will be conducted in-house with existing staff. Because employees can be cross-trained on a staggered basis, agency programs should not be impacted as management can schedule cross-training to assure that some staff remain on task while others attend training.

Cross Training for Law Enforcement Staff.

See the discussion in Chapter VI.

D6. Information Technology Services

Information technology (IT) plays a critical role within both agencies to provide data in support of each respective agency's mission. Both the Game Commission and the Fish and Boat Commission maintain relatively sophisticated IT networks that allow their employees to connect and share data. Information technology and how it is managed has changed considerably since our last report on the

¹⁴ Neither time frame includes WCO, DWCO or specific job training that may be necessary.

merger issue, and should a merger occur, the consolidation of IT resources would need to be addressed.

Existing Structure.

PGC. The PGC uses mainframe and server based computing platforms. Five of the six regional offices have MAN and WAN connections to the Commonwealth network with the Northwest office connected directly to COPANet. Each regional office supports about 25 network users. The Harrisburg office connects to the MAN via COPANet and the WAN and currently supports about 185 users. The SQL server platform is physically located at OA/OIT's Enterprise Data Center and the PGC data center at its headquarters in Harrisburg has several standalone servers.

The Commission supports 78 remote sites consisting of State Game Land Crew Headquarters, Game Farms, and the Howard Nursery. Support is also provided for approximately 160 WCOs who have a cellular device and booster antennae mounted to their vehicles that permits connection back to the Commonwealth network for electronic dispatches (CAD, Computer Aided Dispatch). Also, support is provided to about 75 remote users that access the systems from their home offices.

The PGC has a number of mainframe-based applications, including its Hunter Safety Instructors System, Activity Reporting Management System, Game News Subscription System, and Prosecution and Revocation System, but is in the process of migrating its mainframe applications to an SQL server-based system. Until migration is completed, these systems will remain incompatible with other Commonwealth systems.

PALS is a combined licensing application that is vendor-operated. It provides for the sale of licenses (hunting and fishing), permits, lottery applications, and the acceptance of donations related to hunting and trapping. Data is extracted from the PALS system and uploaded to the mainframe for harvest reporting applications.

PFBC. The PFBC maintains two separate server groups, one located at the Commission's Harrisburg headquarters and the other at its Pleasant Gap facility near State College. The two centers are networked together, along with the regional law enforcement offices, the area fisheries management offices, and several fish culture stations via the Commonwealth's Metropolitan Area Network (MAN).

The Harrisburg facility supports all IT functions and handles the administrative and accounting functions, including the Licensing and Boat Registration and Titling Systems. It also maintains the agency's website. The Pleasant Gap facility primarily supports the biological and engineering systems, including the Agency Resource database, the Trout Production database, Habitat Improvement and Fish Passage, and Species Impact Review.

Tablet computers are currently being provided to the Waterways Conservation Officers who work from their homes, which will permit connection to the Commonwealth network from a mobile device.

PFBC is in the process of completing an IT modernization project that employs an SQL database platform and uses standard Commonwealth development tools.

Information Technology in a Merged Agency. Information technology has changed substantially since our last study on merging the two Commissions. Since that time, considerable changes in information technology resources, as well as how those resources are managed and organized, have occurred within each agency and within Pennsylvania state government. The development and adoption of Commonwealth-wide IT standards has reduced many of the obstacles to a merger of the two systems. Although merging the IT resources of the PFBC and the PGC would not be nearly as cumbersome today as it would have been in prior years, some costs can be expected. Some of these costs and as well as the benefits are discussed below. Due to the specialized expertise required, we did not attempt to place specific dollar values on either the costs or benefits of merging the IT functions.

Consultant Costs. To merge IT resources, we anticipate a consultant would be needed to further study both agency's technical architectures and to develop a transition plan to best maximize the existing resources and eliminate redundant or out-of-date resources. Expected costs for this consulting assistance are not easily identifiable without a formal Request for Proposal (RFP).

Hardware/Software Costs. Once an IT transition plan is developed, the agency can begin to identify what upgrades in hardware and software would be required to meet the needs of the new agency. Again, without a formal review of each agency's present IT infrastructure by a merger transition team, it is impossible to determine what these expected costs may be. It should be noted, however, that whatever these costs may be, they need to be offset by what each agency is already spending, or plans to spend, independently toward information technology as both agencies are currently shifting their environment to an SQL server based platform.

For example, both Commissions have expressed interest in "data mining" the licensing system to capture information on a license holder, such as name, age, and address. Such data would allow the Commissions to better target marketing efforts toward their license holders and offer improved services to their customers. It would be inefficient to have two independent systems developed, one for hunters and one for anglers, when all of the data could be captured by one common system administered by the merged agency's IT Bureau. Similarly, licensing functions, although slightly different between the agencies, do share common business practices. Therefore, efficiencies could be realized by either creating a new system or, to the

extent possible, modifying an existing licensing system that would serve both hunting and fishing license needs. This change would result in initial additional costs, but would benefit the agency in the long run by eliminating duplication.

Leveraging Existing Agency Applications. Where one agency has an existing application that exceeds the sister agency's comparable application, to the extent possible, the enhanced application could be used in the merged agency. For example, the PGC maintains a mainframe-based application for its *Pennsylvania Game News* publication. The PFBC uses a commercial application to manage its *Pennsylvania Angler and Boating* magazine. The PFBC's system is the more sophisticated of the two, and presumably would be used if a combined publication were issued in a merged agency.

E-commerce. In a merged agency, only one web site on the Internet would be required, and the maintenance of a single web site for a merged agency would allow for one-stop access to information on all hunting, fishing, and boating activities and would be a cost savings.

The PGC and PFBC have worked together to develop the "Outdoor Shop" through which users can purchase licenses and merchandise online. But currently, unlike licenses, there is no capability to combine sales of merchandise from each agency. For example, if a user wanted to purchase a wall chart from the PFBC and a wildlife print from the PGC, these must be treated as two separate transactions instead of one combined transaction. Subsequently, users may pay more for shipping and handling than if purchased as one transaction. Such on-line sales offer significant advantages not only to users, but also to the agency as it significantly reduces processing costs.

D7. Publications

Both the Game Commission and the Fish and Boat Commission publish an outdoor magazine. The *Pennsylvania Game News*, published monthly and the *Pennsylvania Angler and Boater*, published bi-monthly, inform and educate readers on respective Commission programs and operations as well as entertain them with recreation-related features. Exhibit 23 provides detailed information on each magazine.

Exhibit 23

Information on the Magazines Published by the PGC and the PFBC

Item	Game Commission	Fish and Boat Commission
Magazine Name	<i>Pennsylvania Game News</i>	<i>Pennsylvania Angler & Boater</i>
Topics	Wildlife, Hunting, Trapping, Land Management	Fishing, Boating, Water Resources
Style	64 pages, no advertisements	64 pages, no advertisements
Frequency	Monthly	Bi-monthly
Subscription Rate	\$18/year \$45/three years \$24/year, Canada/foreign \$37.50/three year, Canada/foreign	\$12/year \$30/three years
Avg. Print Run Per Issue	70,000-75,000	20,000
Purchase Price at Newsstand	\$3.99/issue	\$3.00/issue
Number of Issues Sold at Newsstands	8,250/year	0 sold
Number of Free Issues Distributed	30,000 per issue	2,000 per issue
Recipients of Free Issues ^a	<ul style="list-style-type: none"> • Private landowners who allow public hunting on their property • Schools and libraries • Hunter education instructors • Current and retired Deputy WCOs and Commission employees • Deer processors • Members of the PA Legislature • Fish and Boat Commission locations • National Archery Field Day Participants • Youth Field Days participants • Special Youth Hunt participants 	<ul style="list-style-type: none"> • State libraries • WCOs • Deputy WCOs • Commission locations • Educational institutions • Members of the PA Legislature • Outdoor Writers • PA Envirothon Participants
FY 2012-13 Revenue	\$664,201	\$145,169
FY 2012-13 Expenses	\$724,612	\$220,000
Net Profit/(Deficit)	(\$60,411)	(\$74,831)

^aThe federal Pittman Robertson grant, an excise tax on sporting arms and ammunition, funds approximately 15,000 of the 30,000 free issues that are distributed.

Source: Developed by LB&FC staff.

The Game News has been available online for five years, which the PGC deems to be vital for its younger audiences. The cost for hosting the online edition is about \$18,800 per year. In the radio market, the PGC has entered its fourth year of an agreement with RadioPA to provide daily, three-minute broadcasts consisting of one minute and 50 seconds worth of agency content, coupled with one minute and ten seconds of RadioPA-generated commercial content. This programming is then provided to nearly 45 radio stations that subscribe to RadioPA's service.

The PFBC reduced the number of free copies of the magazine they provide from 5,000 to 2,000. Additionally, *Angler and Boater Magazine* is now available as an ezine exclusively for multi-year license holders. The cost for hosting and sending bi-monthly e-mail notices to subscribers is approximately \$25,000 per year. The PFBC serves approximately 14,000 of the 33,000 eligible multi-year customers with this digital magazine.

Magazine in a Merged Agency. In a merged agency, it may not be necessary or economical to produce two separate magazines. If only one magazine were produced, we presume it would be a monthly publication that would incorporate the most popular features of both the *Game News* and *Pennsylvania Angler and Boater*. It would cover topics related to all aspects of the new merged agency, including fishing, boating, hunting, wildlife, trapping, water resources, and land management.

Management in the new agency would also need to determine the policy to be followed for distributing free copies of the magazine, as the two commissions distribute significantly different numbers of free copies. Obviously, the more free copies that are distributed, the greater the loss in magazine revenue. As shown on Exhibit 23, the *Game News* had a \$60,000 operating deficit in FY 2012-13, while the deficit for the *Pennsylvania Angler and Boater* was about \$75,000.

We were not able to determine a net savings, if any, to the merged agency in publishing one monthly magazine, as too many variables are unknown, most notably the size and style of the magazine, the subscription base, and the free distribution policy. The size and style of the magazine will affect the production costs, and the subscription base and free copies will affect the revenues generated from sale of the new magazine. Staff of both the Game Commission and the Fish and Boat Commission expressed concern that the public would not favor publication of one combined magazine. As such, they believe there would be a decline in subscription rates from present levels, particularly as many sportsmen subscribe to both publications. While production costs may be lower in producing only one magazine, no real savings would be realized if paid subscription rates decline significantly.

Other Publications. Both Commissions also publish many other publications. These publications serve as outreach tools and to further education regarding both

agencies' responsibilities and activities. See Appendix B for a listing of these publications.

D8. Commission Identity, Equipment, and Communications

Logos. In a merged agency, the new Commission would have to establish a visual public identity for itself. This new identity would be most visible to the public in the new logo for the agency. A logo change would result in the need for new patches, signs, stationery, and other supplies bearing the agency name and logo. Additionally, a merged agency would, at least eventually, want a consistent "look" among the law enforcement staff, including similar uniforms.

Ideally, the new logo and associated uniforms, etc., would occur upon the completed merger of the agencies. However, such equipment and supplies can be acquired over time and on a phased schedule, which would be geared toward normal replacement schedules to the greatest extent possible. This approach would minimize costs which can be substantial. According to DGS, changing the logos and associated "signage" would cost approximately \$2 million. To phase-in these items, a new logo patch could be worn on existing uniforms until new uniforms are needed. Both law enforcement staff at the two agencies indicated a need for the officers to be easily identified as agency law enforcement in the merged agency. DGS did not provide an estimate for the interim approach.

D9. Radio and Dispatching System

In the event of a merger, the issue of radio systems will also need to be addressed. Currently, both the PGC and the PFBC have their own radio systems. While these systems are independent of each other, law enforcement personnel of both agencies have the ability to communicate and share channels between the systems. Additionally, the PGC has its own dispatching system, whereas the PFBC does not have a formalized system.

Communications

PFBC: Within the PFBC, WCOs communicate through a Kenwood low/high radio system that they can use to communicate from car to car. They are able to communicate with each other and certain 911 call centers. Several counties have proprietary systems and the PFBC purchases radios for the WCOs located in those counties, which include, among others, Franklin, Berks, York, and Blair. The Commission is currently testing 800Mhz radios in 19 different areas of the Commonwealth.

Most WCOs are able to access the internet, and therefore are able to receive email at home. However, some WCOs do not have internet access as it would be a

personal, not an employer, expense. As additional means of communication, the PFBC issues cell phones to all WCOs.¹⁵

PGC: Law enforcement within the PGC has a low band radio system consisting of Kenwood dual band mobile and Motorola Low Band based stations linked by microwave and phone line to a regional dispatch office. The mobile is a dual band VHF/low band (LB) capable of communication with other LB users such as the PFBC, Pennsylvania State Police (PSP), DCNR, counties that have or monitor that band, and federal channels.

PGC purchased a portable radio for each WCO in all counties to communicate with those in other bands (UHF/700MHz/800MHz). PGC purchased six 800MHz dispatch control stations (one for each regional dispatch center) to communicate with all counties that monitor the 800MHz band as well as any 800MHz statewide users. WCOs also have mobile computers that can be transferred between their vehicles and their home offices. A regional official told us that the computers have air cards that create WIFI hotspots, eliminating the need for internet service.

Dispatching

PFBC: The PFBC does not utilize dedicated personnel for dispatching. Rather, WCOs can receive calls in several ways, including from their regional offices, the PGC, or through county 911 call centers. Two counties in Pennsylvania are compensated for such services, and others provide dispatch services at no charge. The PFBC had previously considered partnering with the PGC and using its dispatching network, but officials deemed it unfeasible.

PGC: A significant number of telephone calls come in to each regional office each day and a staff of one part time dispatcher (who is on a limited term basis) and four full time dispatchers are employed at each PGC regional office to process these calls. Many telephone calls result in the dispatcher contacting a WCO for an assignment. In general, dispatchers work 7:00 am to 11:00 pm except from September to January, when they work from 6:00 a.m. to 2:00 a.m. September through January is the peak time for both hunting and poaching; this increased activity leads to the need for longer hours at dispatch centers.

In a merged agency, calls would continue to come into the respective regional offices, therefore the need for dispatchers will remain. We anticipate no reductions in dispatcher staff.

¹⁵ There is one WCO in a more remote county that continues to keep a land-line. Cell phone access is limited.

D10. Transition Planning, Consulting Assistance, and Relocation

A merger of the PGC and the PFBC would involve various transition, planning, and implementation actions that would likely result in costs for the new agency. While it is not possible to identify all matters that may arise in a merger, we did attempt to identify several potential costs.

Consultants. A merger of the Game Commission and the Fish and Boat Commission would need to be guided by a formal transition plan. This plan, which should define the organizational and staffing structure of the merged agency as well as key milestone dates, would most likely need to be developed with the assistance of a consultant.¹⁶

Strategic Plan Development. Both the Game Commission and the Fish and Boat Commission have developed strategic plans to guide the operations of their agencies. Should a merger occur, the new agency would need to develop a comprehensive strategic plan outlining the mission and goals for the new agency. Using the suggested staffing structure presented earlier in this report, a Policy and Planning Specialist would be available in the Executive Office to lead the strategic plan development efforts, presumably with the assistance of an in-house committee. An alternative would be to contract with an outside consultant, perhaps either the Wildlife Management Institute or the MAT Team, to provide technical assistance in developing a new plan.

Relocation Activities. A merger would require some relocation of staff and equipment. As outlined elsewhere in this report, both the PGC and the PFBC headquarters buildings would continue to be used, as would the present PGC regional offices. Some staff may need to move from one headquarters building to the other given the new uses for the buildings. There may also be some need to move equipment from one building to the other, especially if the fish licensing and boat registration functions move from the PFBC headquarters building to the PGC building. Additionally, those employees presently housed in the PFBC regional offices would need to relocate to the PGC regional office buildings. We did not estimate the likely costs for such relocations due to the multiple variables involved.

¹⁶ When the state agency responsible for the freshwater fish and wildlife functions and that for marine fisheries functions were merged to form the Florida Fish and Wildlife Conservation Commission they used a consultant, at a cost of \$150,000, to guide them through the merger transition phase. At the time of our 2003 study, a staff member in the Florida Commission recommended that, in the case of a merger of the PGC and the PFBC, a consultant be hired as soon as possible to develop a transition plan for the merger and to be available to offer guidance and assistance during the transition to the new agency. As noted previously, we also anticipate a technical consultant would be needed to guide the transition to, and integration of, a merged information technology system.

E. Merger of Statutes and Regulations of the Two Commissions

The merger of the PGC and the PFBC could be achieved through abolishing the two existing enabling statutes and creating a new one under which the merged Commission is created and its merged powers and duties are set forth, or by making all changes in one of the existing statutes and then eliminating the second one. A third possibility would be to amend the state Administrative Code to establish a new Fish, Boat, and Wildlife Commission and setting forth its powers and duties while leaving the existing Fish and Boat and Game and Wildlife Codes intact, with only technical amendments reflecting the new commission. If a merger was to be pursued, the Legislative Reference Bureau (LRB) would most likely be brought in to draft the merger legislation.

The LRB has boilerplate language used in merger legislation to address administrative changes and transfers. After a merger, the LRB would work on reorganizing the regulations for both commissions to put all regulations in one location within the Pennsylvania Code. An official from the LRB indicated it would be possible to keep the regulations where they are within the Pennsylvania Code but simply change relevant definitions within the existing regulations so that the regulations of both commissions would become the regulations of the new merged commission, depending on how much duplication there would be. There could also be language in the legislation that would allow for an evaluation of the organizational needs of the new commission before any changes were made.

The LRB official could not break out the costs that would be associated with the work involved in developing necessary legislative language and regulatory changes in combining the two commissions. The official indicated, however, that if a new enabling statute was created, the cost of combining publication of the relevant sections in Pennsylvania Consolidated Statutes would result in about \$5,000 in savings from the current cost to produce the individual enabling statutes. The costs are broken down below.

	Printing and Mailing Separately	Printing and Mailing Combined
Title 30	\$ 8,729	\$13,000
Title 34	9,400	
Total	\$18,129	\$13,000

See Chapter VI for a discussion of specific statutory and regulatory issues associated with the merger of the law enforcement function of the two commissions.

VIII. Appendices

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 129 Session of
2013

INTRODUCED BY CAUSER, HALUSKA, LAWRENCE, PICKETT, MILLARD,
SWANGER, EMRICK, GINGRICH, PEIFER, MACKENZIE, C. HARRIS,
HESS, COHEN, DENLINGER, EVERETT AND MULLERY, MARCH 11, 2013

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 11, 2013

A RESOLUTION

Directing the Legislative Budget and Finance Committee to investigate the financial feasibility, impact, costs and savings potential of eliminating duplicated duties and services by combining the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission to create a new independent agency responsible for managing the fish and wildlife resources of this Commonwealth.

WHEREAS, Pennsylvania is the only state in the nation to have separate, independently funded game and fish commissions; and

WHEREAS, Both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission expect to experience a shortage of operating and reserve funds in the near future; and

WHEREAS, The public demands on the fish and wildlife resources of this Commonwealth are increasing; and

WHEREAS, Both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission anticipate the need to increase revenues in the future or severely curtail programs; and

WHEREAS, The sportsmen and sportswomen of this Commonwealth deserve to receive the greatest benefit in programs for every dollar expended; therefore be it

Appendix A (Continued)

RESOLVED, That the Legislative Budget and Finance Committee investigate the financial feasibility, impact, costs and savings potential of eliminating duplicated duties and services by combining the Pennsylvania Game Commission and the Pennsylvania

Fish and Boat Commission to create a new independent agency responsible for managing the fish and wildlife resources of this Commonwealth; and be it further

RESOLVED, That the committee explore a broad range of options with regard to how to structure our fish and wildlife agencies to best manage the fish and wildlife resources of this Commonwealth; and be it further

RESOLVED, That the committee study current and future funding trends and investigate various options of funding, including public funding, to determine which would provide the fish and wildlife agencies of this Commonwealth with adequate funding; and be it further

RESOLVED, That the committee have the power to hold public hearings as it shall deem necessary; and be it further

RESOLVED, That the committee report to the Game and Fisheries Committee of the House of Representatives on its findings and recommendations within 180 days of the adoption of this resolution.

APPENDIX B

Other Commission Publications

PFBC	
General Publications	<ul style="list-style-type: none"> • PA Fishing Summary Book: Summary of Fishing Regulations and Laws • Boating Handbook • Two different sets of wall charts • Books: <i>PA Amphibians and Reptiles</i>, <i>PA Fishes</i> • A Smart Start for Safe Paddling: paddling safety and best practices • Angler Award Program: state records, big fish, fish first, rules and application • Dynamic Darters: information on PA darters • Fish Scale Sketch: Commission overview, mission and programs • Fishing and Boating Map: Accesses and amenities, with PennDOT highway map • Hazards on the Water: hazards on the water – low head dams, strainers • Lake Erie Fishing Access Areas: public fishing destination on Lake Erie, tributaries and shoreline • Northern copperhead: northern copperhead • PA Fishes Identification Guide: Quick reference with illustrations, depicts over 90 fish species • Personal Floatation devices: types of PFDs (life jackets) • Seasons, Sizes & Creel Limits Pocket Guide: quick reference of seasons, sizes and creel limits • Snakes in Basements/Birth of a Snake: snakes in basements/birth of a snake • Snakes in PA: snakes in Pennsylvania • Timber Rattler: timber rattlesnake
Regional Guides	<ul style="list-style-type: none"> • Northwest Region - <i>Counties</i>: Butler, Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren • Northcentral Region - <i>Counties</i>: Cameron, Centre, Clearfield, Clinton, Elk, Jefferson, Lycoming, McKean, Montour, Northumberland, Potter, Snyder, Tioga, Union • Northeast Region - <i>Counties</i>: Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming • Southwest Region - <i>Counties</i>: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland • Southcentral Region - <i>Counties</i>: Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry, York • Southeast Region - <i>Counties</i>: Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill
PGC	
General Publications	<ul style="list-style-type: none"> • Connect with Wildlife calendar • annual Digest • annual <i>Pennsylvania Big Game Records</i> book
Hunter/Trapper Education	<ul style="list-style-type: none"> • Today's Hunter and Trapper in Pennsylvania student guide – 43,330 • IHEA Hunter's Handbook • IHEA Hunter and Shooting Sports Education Journal • Today's Bowhunter student guide • Today's Crossbow student guide • NBEF's 3-in-1 Responsible Hunting Guide • Successful Furtaking student guide "Cable Restraint student manuals"

Source: Compiled by LB&FC staff. This list is not all-inclusive.

APPENDIX C

Responses to This Report



established 1866

Pennsylvania Fish & Boat Commission

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January 23, 2014

Philip R. Durgin, Executive Director
Legislative Budget and Finance Committee
Room 400, Finance Building
613 North Third Street
Harrisburg, PA 17105-8737

Dear Mr. Durgin:

Thank you for the opportunity to review and comment on the study entitled *An Update on the Feasibility of a Combined Fish and Wildlife Commission for Pennsylvania*. As with our past experiences with the Legislative Budget and Finance Committee (LBFC), the Pennsylvania Fish and Boat Commission (PFBC) enjoyed working with your staff and appreciated the opportunity to constructively share our perspectives.

Last April, our Board of Commissioners reaffirmed their past positions from 1972, 1988, and 2003 in support of agency independence by unanimously passing the following resolution and leaving no doubt about the agency's position: *The Pennsylvania Fish and Boat Commission's independent status is critical to fulfilling its unique mission. Its independence provides the flexibility to act upon the substantial challenges and opportunities it faces. The Board of the Pennsylvania Fish and Boat Commission opposes any action that will threaten or compromise the agency's independence.*

We remain committed to that position and believe that the financial analysis conducted as part of this report supports the maintenance of Pennsylvania's time-tested structure of separate natural resource management agencies. In the Report Summary on page S-2, the LBFC notes that, "compared to other states' expenditures per license we reviewed, the PFBC and PGC combined expenditure per license is lower than average, suggesting that significant savings in a merger may be limited."

This observation is expanded upon on page 55 with perhaps the most significant finding of the report: "We attempted to determine if a merged fish and wildlife agency is more efficient than two separate, independent agencies. To do this, we calculated the revenues received and/or expenditures made per license issued. . . . of the states for which we have expenditure information. Pennsylvania's PFBC has the **lowest expenditures per license** (emphasis added) at \$26.48. When added to the expenditure per license by the PGC of \$34.01, the total, \$60.49, is lower than average compared to the other states' agencies reporting expenditures which suggests that savings in a combined agency may be limited. Pennsylvania's PFBC has the second-lowest revenues received per license sold at \$27.28. The PGC's revenues per license are only slightly higher at \$34.45. Added together to reflect a single agency, the revenue per license at \$61.73 is less than the average of \$74.55."

Our Mission:

www.fishandboat.com

To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

In ranking at the top nationally, the PFBC is a model for how to efficiently manage angler and boater dollars and the other funding we receive in pursuit of our mission. Simply put, we do a lot with a little compared to other agencies across the country, and our customers and the resources we are entrusted to protect, conserve, and enhance would be best served by retaining the existing agency structure.

Notwithstanding the overall finding of efficiency, the PFBC believes that the report overstates the relatively small potential annual savings of a merged agency. The Commonwealth would likely not save as much as projected for several reasons.

While the LBFC acknowledges on page S-2 that our agency “has adopted a policy of expending only an amount equal to revenues received and is projecting no operating deficits (or surpluses) for the next five years,” readers may be left with the wrong overall impression of the PFBC’s fiscal situation since the report refers to multiple years of “budget” deficits for both the Fish Fund and Boat Fund. We understand that the LBFC looked at budgeted expenditures rather than actual expenditures at least in part to have a common frame of reference with which to compare our spending with the Game Commission. In reality, if the analysis had looked at our *actual* expenditures, the report would show that we are operating with annual surpluses for both the Fish Fund and the Boat Fund. This trend will continue under my leadership since I have made it clear that our agency will not spend more than we earn in any fiscal year.

Similarly, the financial analysis conducted in the report fails to account for how that spending pattern will play out in the form of even more fiscal prudence. For example, as part of our internal spending reallocation plan (SRP), we have maintained staffing levels well below our complement of 432 positions. The LBFC indicates that we had 381 positions (or 88%) filled at the time of the report, and that number could drop through the further implementation of the SRP.

In addition, the LBFC recognizes on page S-3 that the savings may also be overstated since the “analysis does not include the effect of retirements or ‘bumping rights’ that may affect the actual savings due to personnel reductions, or certain other costs (or savings), such as building renovations, crosstraining, and IT migration costs, that were beyond the scope of this study to estimate.” Specifically with respect to crosstraining, we disagree with the implication on page 69 that firearm replacements could be done without extra costs over time. We believe that standardizing firearms and other law enforcement equipment would cost a substantial amount of money.

We also believe that the analysis makes incomplete assumptions about the levels of staffing required under a merged agency structure. For example, we disagree with the estimate of potential cost savings as it pertains to legal positions on page 95. It is not reasonable to assume that two positions (Chief Counsel and Attorney 2) can be eliminated as a result of a merger when counsels for both agencies currently have a full caseload. This work will not be eliminated in a merged agency. In fact, the report recognizes that “The number of legal concerns and issues is not likely to diminish significantly in a single agency, and the merger itself could present legal challenges necessitating the use of the legal staff.”

The proposed regional office structure is confusing and appears to underestimate the fisheries management functions that would be required to serve Pennsylvania’s anglers. In the proposed Bureau

of Land and Facility Management on p. 101, an assistant bureau director is recommended. Applying the same rationale, an assistant bureau director could also be warranted if the Bureau of Hatcheries were to become a division within the new Bureau of Fisheries. It is also not clear how area fisheries managers and regional Natural Gas Section biologists were factored into space and vehicle analyses. These concerns about the weight given to fisheries issues are consistent with those I have expressed for years. Given the high profile of game management issues like white-tailed deer, we believe our species would be given a lower priority in a merged agency.

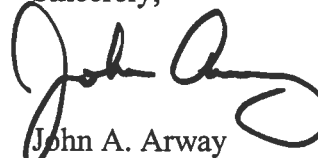
The PFBC strongly supports the current system of separate Fish and Boat Funds and disagrees with statements on pages 118-120 suggesting benefits to be gained by having all revenue go to a single fund. On page 119, the LBFC discusses the fact that our agency has maintained separate Fish and Boat Funds since 1963 and observes that “the separation of revenue into the two funds provides for the clear segregation of ‘fish monies’ and ‘boat monies,’ however it is administratively burdensome and more costly for the PFBC.” Although we acknowledge that there are costs associated with maintaining separate funds, we certainly do not characterize it as “administratively burdensome.” Moreover, we do not agree with the suggestion on page 120 that cash flow and expenditure timing issues are a reason to move to one fund or with the Comptroller’s Office opinion that the current split coding system is a “burdensome process.”

On the contrary, we are confident that the separate fund structure helps us to be even more efficient and effective with our spending since it requires a level of fiscal discipline and transparency that we align with the agency’s strategic plan and operational goals. At the same time that the LBFC itself apparently espouses a single fund, it acknowledges on page 118 that “the more expenditure reporting requirements (about the sources and disposition of funds) placed on the new agency, the greater the costs to comply with those requirements and the less flexibility the agency has to address its highest priority needs.”

Finally, on page 138, there seems to be some confusion regarding each agency’s enabling statutes which are referred to as “codes” and each agency’s regulations that are set forth in the Pennsylvania Code. The table references titles 30 and 34, which are titles in the Pennsylvania Consolidated Statutes, but the paragraph that immediately precedes the table seems to address the regulations in the Pennsylvania Code. Therefore, it is not clear where the cost savings are being realized – in the combining of the Codes (statutes) or the combining of the regulations. Also, both agencies’ regulations appear in Title 58 of the Pennsylvania Code. Since each agency’s regulations specifically address matters under its jurisdiction, a combining of the regulations would not likely result in the elimination of any regulations and thus any cost savings. *

Thank you again for the chance to review and comment on the report. I look forward to appearing before the LBFC to discuss our agency’s perspectives in person.

Sincerely,



John A. Arway
Executive Director

*LB&FC Note: Indicates that an adjustment has been made to the final version of the report based on the commentary noted.

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717-787-3633

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission

2001 ELMERTON AVENUE
HARRISBURG, PA 17110-9797

*"To manage all wild birds, mammals and their habitats
for current and future generations."*

January 13, 2014

Honorable Robert B. Mensch
Chairman, Legislative Budget and Finance Committee
Room 400A Finance Building
613 North Street
PO Box 8737
Harrisburg, PA 17105

Dear Chairman Mensch:

I certainly appreciate the opportunity to offer comments on the draft report on the merger of the Pennsylvania Game Commission and the Fish and Boat Commission.

First, I would like to say that it was a pleasure working with Patricia Berger and her staff on this project. They were totally professional in every aspect of the evaluation and they should be commended on tackling a project of this magnitude in a short period of time. We believe the staff we worked with was open to the information, issues and concerns we provided. However, we also believe that there are some areas in the report that should be considered a preliminary review, and that a much more detailed analysis would need to be conducted in order to achieve an actual total cost analysis of any merger scenario.

As we examined the document we could go through and find areas of disagreement on small particular areas and we will not do that in our response. We will address a few areas that we think are important in addressing the findings on the report.

We certainly agree with the basic finding on page S-2 that it suggests that significant savings of a merger may be limited. Not only are the savings limited, the costs of combining the agencies is a whole separate detailed study that needs to be conducted if a merger scenario is developing. The previous report noted a possible savings of \$5million and the current report states a \$4.8 million possible savings. This would suggest that including the inflation effect of the past ten years, the agencies are operating much more efficiently than 10 years ago.

The current study definitely addresses some of those costs but clearly recognized there are additional costs to be determined such as the cost of merging the two automated technology systems. We know these costs will be significant. Another quick example is to outfit the Fish and Boat Commission Officers with the Pennsylvania Game Commission automated dispatch system. This is a very expensive system to not only purchase for each officer but the licensing and maintenance of the system would increase annual costs.

ADMINISTRATIVE BUREAUS:
ADMINISTRATION 717-787-5670
PERSONNEL 717-787-7836
AUTOMOTIVE AND
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LICENSE DIVISION 717-787-2084
WILDLIFE MANAGEMENT 717-787-5529
INFORMATION & EDUCATION .. 717-787-6286
WILDLIFE PROTECTION 717-783-6526
WILDLIFE HABITAT
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REAL ESTATE DIVISION 717-787-6568
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The proposed organization identified a savings of approximately \$4.8 million dollars. Although we understand and do not disagree with the conclusions based on that logic, in addressing the logic of the analysis there are some practical issues that need to be addressed. An example is the assumption that an organization 50% larger can do with one press secretary. Clearly you would need only one press secretary, but there would need to be an assistant. Consequently there may be some savings, but they would be marginal instead of the cost of a whole press secretary position. This is true for all the salaries. In a larger organization the Bureau Director positions and other leadership positions would be bumped up based on the increased size of the organization. The scale would probably be comparable to DCNR.

We certainly would not agree with eliminating 18 WCO positions. We believe with the increased number of WCOs in each region there would result in greater span of control issues that would require mid-level supervisors within each region. Another area we believe would need to be addressed would be the dispatch offices in each of the regions. With bringing on 50% more officers and handling more issues, we believe that staff would need to increase.

Although we would enjoy having additional wildlife biologists to replace the workload of the 18 WCOs, it is not practical that these increases could do the mission as required. As an example, just two of the major non law enforcement functions of a WCO are wildlife management activities and conducting conservation education activities. Examples of Wildlife Management activities include capturing and tagging or banding various wildlife species from bears to waterfowl, and conducting a wide variety of surveys throughout the Commonwealth. Examples of Conservation Education activities include classroom presentations for K-12 and colleges as well as local conservation and civic groups. Currently a WCO starting salary is \$39,767, while the classifications required to replace them are respectively a Wildlife Biologist 1 starting at \$41,874, and a Conservation Education Specialist at \$46,089. The pay scales of the representative classifications clearly shows that no cost savings would be realized, however when added to the fact that the non law enforcement work occurs across the entire Commonwealth and is often condensed into a very short time frame as in the case of Woodcock singing ground surveys (35 routes) and Mourning Dove Cooing count surveys (17 routes) that must be conducted within a matter of a few weeks each year at the same time period. The geographic separations of these activities as well as the condensed time frames available to conduct them, would require more people to replace the WCO's because the WCO's are already geographically distributed and can conduct these activities as part of a normal work day.

Utilizing higher paid classifications of people to conduct them, is not a matter of merely converting hours expended by WCO's to full time equivalents to replace those hour's. There is not currently an even distribution of the proposed classifications to replace the non law enforcement activities of WCO's and therefore more positions and vehicles would be needed to complete the same amount of work. That fact combined with the fact that the classifications to replace this level of work are actually more expensive than the WCO classification; may eliminate any cost savings in this area.

These examples are not meant to be critical. They are based on our years of experience in the operational arena and the practical application of requirements. The conclusions from the

proposed organization are sound at the macro level, but implementation at the operational level could be problematic.

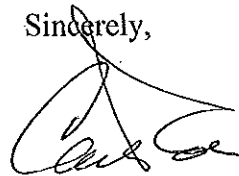
Another area of concern that was recognized was the large amount of legislation that would be required to be passed to make any new organization functional. This is particularly true of the law enforcement part that would include significant union negotiations to bring the two law enforcement entities to the same level.

We are confident that after a complete analysis of the start up cost of merging the organizations there will be little if any return on investment in either the short or mid term of any such action. Numerous studies of both the private and public sector have shown that in merged organizations the anticipated savings do not appear and the costs to combine the two organizations are always higher than anticipated.

We believe the Pennsylvania Game Commission is an extremely efficient organization. While operating in a very efficient manner, we have maintained and in many places improved our effectiveness. There is an old adage that says you have become so efficient you are no longer effective. We believe a merged agency may move to some minor efficiencies in the very long run, but would rapidly become less effective in providing the current services to the Commonwealth.

We want to reiterate the professionalism displayed by the LBFC Team during the evaluation. We could not have asked for a more understanding and committed group to work with.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl G. Roe', written over a large, stylized circular flourish.

Carl G. Roe
Executive Director
Pennsylvania Game Commission



pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

RECEIVED JAN 10 2014

OFFICE OF THE SECRETARY

January 8, 2014

Mr. Philip R. Durgin
Executive Director
Legislative Budget and Finance Committee
Room 400 Finance Building
613 North Street
Harrisburg, PA 17105-8737

Dear Mr. Durgin:

This letter is in response to your letter of December 10, 2013 to me that included the Legislative Budget and Finance Committee's (LBFC) feasibility study of a Combined Fish and Wildlife Commission for Pennsylvania draft report, pursuant to House Resolution 2013-129. My comments are contained to our purview of the Department's Ranger program.

The LBFC staff has done a commendable job appraising and reviewing the practicability of combining the law enforcement functions of the three conservation agencies within the Commonwealth and consolidating those functions. We believe that there is room for improvement to the existing system of wildlife and conservation related law enforcement, such as improving communications between the law enforcement officers in all three agencies, cross-training staff to better understand the rules and regulations of our sister agencies, and better coordination of enforcement priorities to protect our natural resources, where our lands neighbor each other.

However, with that said, the Department of Conservation and Natural Resources (DCNR) does not support the merger of the law enforcement functions of each agency into DCNR. Our philosophy and recognized public approach is that of public safety, visitor services and voluntary compliance. Our state park and forest system, which comprises 120 state parks and 2.2 million acres of state forest land, are managed for a multitude of values that our Department works diligently to enhance and improve. Much of the time, our Rangers are the 'front line' staff, the staff that often makes initial public contacts and fosters our principles of ensuring a safe and enjoyable visit to our state parks and forests. Thus, minimal time is spent performing in a law enforcement function.

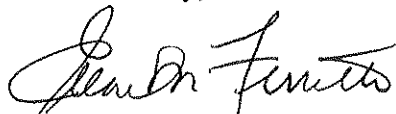
We are gravely concerned that combining all law enforcement under DCNR would result in emphasis being redirected towards law enforcement at the expense of public contact and visitor

conserve sustain enjoy

services. This consequence unveils a loss of visitor safety and protection in state parks and forests since our standard operating procedures for our Ranger staff allows them to be present in a more comprehensive, dispersed manner, thus adding to the ability to respond quicker from a closer position. There is no doubt that such a direction would require DCNR to hire additional staff in order to make up for the loss of service. In addition, we feel the initial costs of such a merger are of great concern, not to mention the labor relations and legislative actions needed to address jurisdictional and employment related matters.

I am hopeful this letter has adequately expressed our opposition to involving the DCNR in merging its law enforcement functions with the PGC and the PFBC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellen M. Ferretti".

Ellen M. Ferretti
Secretary