



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

October 13, 2021

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 206:33-b, authorize the transfer of \$98,722 from the New Hampshire Fish and Game Fund Reserve to the Fish and Game Fiscal Year 2022 Operating Budget effective upon Fiscal Committee and Governor and Council approvals through June 30, 2022.

Conservation Law Enforcement						
03-75-75-752520-78870000						
Fiscal Year 2022						
Class	Expense Account	Class Description	Revenue Account	Current Budget	Requested Change	Adjusted Budget
00G		ALT DRAW FROM GENERAL FUNDS	000010	(\$498,502)	\$0	(\$498,502)
005		FISH & GAME FUNDS	000020	(\$4,413,764)	(\$98,722)	(\$4,512,486)
000		FEDERAL FUNDS	404658	(\$455,327)	\$0	(\$455,327)
009		AGENCY INCOME (GAME MNGMNT FUNDS)	402458	(\$44,859)	\$0	(\$44,859)
009		AGENCY INCOME (TRANSFER FROM OHRV)	405927	(\$348,783)	\$0	(\$348,783)
Total				(\$5,761,235)	(\$98,722)	(\$5,859,957)
Expense						
010	500100	PERSONAL SERVICES-PERMANENT CLASSIFIED		\$3,093,560	0	\$3,093,560
018	500106	OVERTIME	000020	\$101,750	98,722	\$200,472
019	500105	HOLIDAY PAY		\$32,499	0	\$32,499
020	500200	CURRENT EXPENSES		\$120,873	0	\$120,873
022	500255	RENTS-LEASES OTHER THAN STATE		\$500	0	\$500
023	500291	HEAT, ELECTRICITY & WATER		\$2,000	0	\$2,000
026	500251	ORGANIZATIONAL DUES		\$1,200	0	\$1,200
030	500311	EQUIPMENT		\$292,917	0	\$292,917
039	500192	TELECOMMUNICATIONS		\$3,500	0	\$3,500
041	500801	AUDIT FUND SET ASIDE		\$457	0	\$457
049	584935	TRANSFERS TO OTHER STATE AGENCIES		\$5,000	0	\$5,000
050	500109	PERSONAL SERVICES TEMPORARY		\$16,000	0	\$16,000
060	500602	BENEFITS		\$2,082,979	0	\$2,082,979
070	500704	IN STATE TRAVEL		\$4,000	0	\$4,000
080	500719	OUT OF STATE TRAVEL		\$4,000	0	\$4,000
Total				\$5,761,235	\$98,722	\$5,859,957

67 Year

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
October 13, 2021

EXPLANATION

After conducting a budget review of the Law Enforcement Division over-time accounting unit (78870000-018) in the Fiscal Year 2022 budget (FY22) it has been determined that there are not enough adequate funds available to carry-out the Law Enforcement Division's mission of enforcing all laws, rules and regulations pertaining to the state's fish, wildlife and marine resources. Currently, the above noted over-time accounting unit has \$30,299.09 available to expend through the end of the fiscal year. As described in greater detail below, this accounting unit was reduced by approximately 31% in the last state budget process. This presents a significant issue and inability to carry-out critical enforcement requirements going forward. The content below provides further explanation.

Throughout the year, Conservation Officers from around the State work increasingly long hours to address the many calls for service that are received on a daily basis. This is especially true during the fall and spring when hunting and fishing are in full swing throughout the State. The Division's dedicated Conservation Officers are some of the most committed and professional law enforcement officers in the State and take great pride in serving the recreational public and the people of New Hampshire; routinely doing so at any hour of the day or night. The demands of the position often require work to continue well beyond the end of the regular day. In an effort to provide compensation for the critical work that occurs after hours, the Law Enforcement Division needs additional over-time funds. An additional \$48,559.00 in over-time funds would enable the Division to have approximately 20 hours of over-time available for all 44 Division Members for the remainder of the fiscal year and would also provide some additional funding for unforeseen circumstances such as search warrant preparation/execution and hunting related shooting incidents/investigations. Please see the table below:

<u>Avg. Cost of OT p/hour</u>	<u># of Staff</u>	<u># of OT Hours per Officer</u>	<u>Unforeseen OT Hours</u>	<u>Total Cost</u>
\$49.55	44	20 Hours (880 Hours Total) \$43,604.00	100 Additional Hours \$4,955.00	980 Hours \$48,559.00

Each year the New Hampshire Fish and Game Department (NHFG) participates in a Federal Joint Enforcement Agreement (JEA) between the New Hampshire Fish and Game Department's Law Enforcement Division and the National Oceanic and Atmospheric Administration (NOAA)'s Office of Law Enforcement. This agreement provides federal funding and resources for enforcement patrols, equipment, training and public outreach that help Conservation Officers enforce federal marine fisheries regulations.

Undoubtedly, the agreement improves the Department's level of service to commercial fishermen, lobster harvesters and recreational anglers, as well as other coastal organizations and constituents. It also significantly enhances the Department's ability to conserve, manage and protect our marine fisheries resources for future generations. The overall cost of the program is nearly \$400,000.00; however, the direct over-time cost is estimated to be closer to \$80,462.20. Please note: The actual over-time expenditure for the JEA program depends on the rate of pay for the person completing the over-time.

In New Hampshire, the JEA program reimbursement period runs from September 4th, 2021 to September 3rd, 2022. The timing of the agreement often causes funds to be expended out of two separate New Hampshire Fiscal Budgets. Even with splitting the overall over-time cost of the JEA contract over FY22 and FY23 there would still be an overall budget shortfall as the over-time accounting unit (78870000-018) was reduced by over 31% in both FY22 and FY23 Budgets. It is important to note that this reduction in available over-time funds was made in an effort to meet Budget Guidelines for State Agencies.

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
October 13, 2021

Please see the table below:

Fiscal Year	Budgeted Amount
Fiscal Year 2021	\$144,999
Fiscal Year 2022	\$101,750
Fiscal Year 2023	\$101,750

Complicating this issue even further, when NOAA reimburses NHF&G these expended funds, they are deposited as revenue into the F&G Fund and not back into the Division or line item they were expended from (78870000-018). At this time, there are not enough over-time funds available in the FY22 budget to carry-out this important work and if the Law Enforcement Division waits to complete the remaining portion of the Fiscal Year 2021 JEA contract in the FY23 Budget there will be yet another shortage of funds available to carry-out the duties and responsibilities of the Division.

FY22 OT Funds in 7887-018	Projected Cost of JEA OT	FY22 Budget Shortfall for JEA Program
\$30,299.09	\$80,462.00	\$50,162.91

By requesting a total of **\$98,721.91** of additional funding for the Law Enforcement Division over-time accounting unit (78870000-018) from surplus money within the New Hampshire Fish and Game Fund Reserve, the Division will have the necessary funding to carry-out the important work described above in FY22 with a lesser negative impact on the FY23 Budget. Without this additional funding it would simply not be possible to perform the work required of the Division and its members. Thank you for your time in addressing this important issue.

General Law Enforcement OT Cost	JEA Program OT Cost	Total Cost
\$48,559.00	\$50,162.91	\$98,721.91 (Requested Amount)

The following information is provided in accordance with the budget Officer's instructional memorandum dated April 17, 1985 to support the before written requested actions.

1. Does this transfer involve continuing programs or one-time projects? **Continuing programs.**
2. Is this transfer required to maintain existing program levels or will it increase the program level? **Maintain existing program levels.**
3. Cite any requirements that make this program necessary. **No Requirements.**
4. Identify the source of the funds on all accounts listed on this transfer. **Unrestricted Fish and Game Funds.**
5. Will there be any effect on revenue if this transfer is not approved or disapproved? **Unknown**
6. Are funds expected to lapse if this transfer is not approved? **No.**
7. Are personnel services involved? **Yes, overtime for the Law Enforcement Division.**

Respectfully submitted,



Scott R. Mason
Executive Director

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
October 13, 2021

**Fiscal Situation
Fish and Game Fund 2022**

Beginning Balance 07/01/2021	11,080,081	
Total Additions (Revenue Estimate)	13,334,500	
Less Operating Budget Appropriations	(14,800,290)	
Total	9,614,291	
Lapses	444,009	* Estimated at 3%
Ending Balance	10,058,300	
Less This Request	(98,722)	
Ending Balance June 30, 2022 (Budgetary)	<u>9,959,578</u>	