



# New Hampshire Fish and Game Department

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September 21, 2022

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The Honorable Karen Umberger, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

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 \$71,607.00 from the New Hampshire Fish and Game Fund Reserve to the Fish and Game Fiscal Year 2023 Operating Budget effective upon Fiscal Committee and Governor and Council approvals through June 30, 2023.

Conservation Law Enforcement						
03-75-75-752520-78870000						
Fiscal Year 2023						
Class	Expense Account	Class Description	Revenue Account	Current Budget	Requested Change	Adjusted Budget
00G		ALT DRAW FROM GENERAL FUNDS	000010	\$564,611	\$0	\$564,611
00S		FISH & GAME FUNDS	000020	\$4,835,200	\$71,607	\$4,906,807
000		FEDERAL FUNDS	404658-16	\$471,183	\$0	\$471,183
009		AGENCY INCOME (GAME MNGMNT FUNDS)	402458-12	\$45,070	\$0	\$45,070
009		AGENCY INCOME (TRANSFER FROM OHRV)	405927-68	\$349,168	\$0	\$349,168
<b>Total</b>				<b>\$6,265,232</b>	<b>\$71,607</b>	<b>\$6,336,839</b>
<b>Expense</b>						
010	500100	PERSONAL SERVICES-PERMANENT CLASSIFIED		\$3,360,034	0	\$3,360,034
018	500106	OVERTIME	000020	\$101,751	71,607	\$173,358
019	500105	HOLIDAY PAY		\$34,999	0	\$34,999
020	500200	CURRENT EXPENSES		\$128,958	0	\$128,958
022	500255	RENTS-LEASES OTHER THAN STATE		\$500	0	\$500
023	500291	HEAT, ELECTRICITY & WATER		\$2,000	0	\$2,000
026	500251	ORGANIZATIONAL DUES		\$1,400	0	\$1,400
030	500311	EQUIPMENT		\$372,344	0	\$372,344
039	500192	TELECOMMUNICATIONS		\$3,500	0	\$3,500
041	500801	AUDIT FUND SET ASIDE		\$460	0	\$460
049	584935	TRANSFERS TO OTHER STATE AGENCIES		\$5,000	0	\$5,000
050	500109	PERSONAL SERVICES TEMPORARY		\$16,001	0	\$16,001
060	500602	BENEFITS		\$2,230,285	0	\$2,230,285
070	500704	IN STATE TRAVEL		\$4,000	0	\$4,000
080	500719	OUT OF STATE TRAVEL		\$4,000	0	\$4,000
<b>Total</b>				<b>\$6,265,232</b>	<b>\$71,607</b>	<b>\$6,336,839</b>

**EXPLANATION**

After conducting a budget review of the Law Enforcement Division over-time accounting unit (**78870000-018**) in the Fiscal Year 23 Budget (FY23) 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. 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 obligations going forward. In order to meet budgetary obligations in FY22, the Law Enforcement Division prepared a Fiscal Note requesting **\$98,722.00** in over-time funds. This additional funding provided the Law Enforcement Division with the financial means to meet its mission. It is important to note that the Law Enforcement Division was fiscally responsible as **\$35,724.92** of the funds were returned to the New Hampshire Fish and Game Fund Reserve at the end of the FY22.

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 spring, summer and fall when hunting and fishing are in full swing. 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 public and 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 work 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 **\$66,093.12** in over-time funds would enable the Division to have approximately **26 hours** of over-time available for all **42** 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, hunting related shooting incidents/investigations and assisting other agencies with searches for evidence related to major criminal cases. The additional over-time needed averages a half-hour of over-time per week/per officer/per year, which is a very conservative number. 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>
\$51.96	42	26 Hours (1092 Hours Total) <b>\$56,740.32</b>	180 Additional Hours <b>\$9,352.80</b>	1232 Hours <b>\$66,093.12</b>

Each year the New Hampshire Fish and Game Department (NHF&G) 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, endangered species and international wildlife 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 and endangered species for future generations. The overall cost of the program is **\$357,216.72**; however, the direct over-time cost is estimated to be closer to **\$71,000.00**, which equates to approximately **1361 hours**. *Please note:* The actual over-time expenditure for the JEA program depends on the rate of pay for the person completing 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. Please see the table below:

<b>Fiscal Year</b>	<b>Budgeted Amount</b>
Fiscal Year 2021	\$144,999
Fiscal Year 2022	\$101,750
Fiscal Year 2023	\$101,750
Fiscal Year 2024	\$178,000 ( <b>Requested Amount</b> )

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In New Hampshire, the JEA program reimbursement period runs from September 4<sup>th</sup>, 2022 to September 3<sup>rd</sup>, 2023. The timing of the agreement and our Division's lean over-time budget (**78870000-018**) often causes funds to be expended out of two separate State Fiscal Budgets (At this time, the FY24 State Fiscal Budget has not been approved). 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 accounting unit (**78870000-018**) in the FY23 Budget to carry-out the various duties and responsibilities of the Law Enforcement Division.

If the Division waits to complete the remaining portion of the Fiscal Year 2022 JEA contract in the FY24 Budget there will be yet another shortage of funds available going forward as the FY24 Budget expenditures are expected to be very close to the requested FY24 Budget amount. Delaying the execution of the current JEA contract until FY24 is also problematic as we only have 42 officers to carry-out the Divisions vast responsibilities and the months of July and August are some of the busiest with regard to fisheries enforcement, search and rescue (SAR) missions and Off Highway Recreational Vehicle (OHRV) Enforcement. Spreading the hours worked over the course of the JEA contract period makes the obligation in regards to time attainable and provides a better service to our constituents.

FY23 OT Funds available in 7887-018	Projected Cost of JEA OT	FY22 Budget Shortfall for JEA Program
\$65,486.00	\$71,000.00	\$5,514.00

By requesting a total of **\$71,607.00** 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 FY23 with a lesser negative impact on the FY24 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. Approving this request will bring the total funds for accounting unit (**78870000-018**) to **\$173,358.00**. This figure is certainly a more accurate representation of the actual over-time cost and puts the Division closer to the requested FY24 Budget amount of \$178,000.00.

Anticipated General Law Enforcement OT Cost	Anticipated JEA Program OT Shortfall	Total Cost
\$66,093.12	\$5,514.00	\$71,607.00

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? **Yes.**
7. Are personnel services involved? **Yes, overtime for the Law Enforcement Division.**

Respectfully submitted,



Scott R. Mason  
 Executive Director

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**Fiscal Situation**  
**Fish and Game Fund 2023**

Beginning Balance 07/01/2022	11,569,436	
Total Additions (Revenue Estimate)	13,334,500	
Less Operating Budget Appropriations	(15,895,065)	
Total	9,008,871	
Lapses	476,852	* Estimated at 3%
Ending Balance	9,485,723	
Less This Request	( 71,607)	
Ending Balance June 30, 2023 (Budgetary)	<u>9,414,116</u>	