



# Senate

General Assembly

**File No. 90**

February Session, 2008

Senate Bill No. 371

*Senate, March 20, 2008*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT INCREASING MINIMUM STAFFING LEVELS FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSERVATION OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-5 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Commissioner of Environmental Protection shall appoint such  
4 number of conservation officers as may be necessary for the efficient  
5 execution of the duties of the department under section 26-6. The total  
6 number of such conservation officers appointed shall not be less than  
7 seventy for the fiscal year beginning July 1, 2009, and not less than  
8 seventy-five for the fiscal year beginning July 1, 2010. The  
9 commissioner may supplement the regular conservation officer force  
10 by appointing as special conservation officer any employee of the  
11 department or any sworn federal law enforcement officer of the United  
12 States Fish and Wildlife Service or National Marine Fisheries Service,  
13 provided such federal officer shall not be considered an employee of

14 the state and may only exercise such officer's authority pursuant to  
 15 section 26-6 when working with a full-time conservation officer. The  
 16 commissioner may also appoint any lake patrolman as a special  
 17 conservation officer solely for the purpose of enforcing boating laws  
 18 within such patrolman's jurisdiction, provided such patrolman shall  
 19 not be considered an employee of the state, and further provided that  
 20 such patrolman has completed a police training course at the state  
 21 police training school or an equivalent course approved by the  
 22 Commissioner of Public Safety. Notwithstanding the provisions of this  
 23 section, no such lake patrolman shall carry a firearm while in the  
 24 performance of his or her duties as a special conservation officer unless  
 25 the board of selectmen of the town or towns in which the lake on  
 26 which the lake patrolman serves is located approves such carrying of a  
 27 firearm, or in the case of any town having no board of selectmen, the  
 28 lake patrolman obtains the approval of the legislative body of such  
 29 town or towns in which the lake is located. Each conservation officer or  
 30 special conservation officer shall complete a police training course at  
 31 the state police training school or an equivalent course approved by  
 32 the Commissioner of Public Safety. Special conservation officers who  
 33 are employees of the department shall be entitled to the same benefits  
 34 to which conservation officers are entitled under the provisions of  
 35 section 5-142; and such an appointment shall be deemed not to be in  
 36 conflict with any of the provisions of chapter 67. In addition to their  
 37 salaries, conservation officers and special conservation officers who are  
 38 employees of the department shall be reimbursed for all expenses  
 39 incurred in performance of official duty.

|   |                     |      |
|---|---------------------|------|
| This act shall take effect as follows and shall amend the following sections: |                     |      |
| Section 1   | <i>from passage</i> | 26-5 |

**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

| <b>Agency Affected</b>                                    | <b>Fund-Effect</b> | <b>FY 09 \$</b> | <b>FY 10 \$</b> |
|---|--------------------|-----------------|-----------------|
| Department of Environmental Protection                    | GF - Cost          | 1,260,380       | 1,680,507       |
| Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup> | GF - Cost          | 208,444         | 642,538         |

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The cost to increase the number of Department of Environmental Protection (DEP) Environmental Conservation Officers (EnCON) to 70 in FY 09 is about \$1.3 million, plus fringe benefits. It would cost about \$1.7 million in FY 10, plus fringe benefits, to increase their staff to 75, as shown in the table below:

| <b>Item:</b>      | <b>\$ FY 09</b>  | <b>\$ FY 10</b>  |
|-------------------|------------------|------------------|
| Personal Services | 821,940          | 1,095,920        |
| Other Expenses    | 154,287          | 205,717          |
| Equipment         | 284,153          | 378,870          |
| <b>Total</b>      | <b>1,260,380</b> | <b>1,680,507</b> |

Currently, there are 55 funded EnCON positions.

Other Expenses include items such as uniforms, vehicle gasoline

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

and oil, and cellular phone service. Equipment includes guns, ammunition, binoculars, radios, and emergency survival equipment, for example.

EnCON officers are certified as police officers by the Connecticut Police Officer's Standards and Training Council (POSTC). They have the same training as all municipal police officers, but have specialized training beyond municipal officers in areas related to EnCON police missions. Assuming DEP would be able to give POSTC enough notice to enroll the additional officers in one of the five recruit classes offered each year by POSTC, there would be no cost to either POSTC or DEP for training.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****SB 371****AN ACT INCREASING MINIMUM STAFFING LEVELS FOR  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CONSERVATION OFFICERS.****SUMMARY:**

This bill creates minimum staffing levels for conservation officers at the Department of Environmental Protection (DEP) of 70 officers in FY 09 and 75 officers in FY 10.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Conservation Officers***

There are currently 55 conservation officer positions at the DEP. Conservation officers are DEP enforcement officials who are responsible for the fish and game laws, state parks and forests, boating, and certain other criminal provisions. They must complete a police training course at the state police training school or an equivalent course approved by the commissioner of public safety. With respect to specific crimes and offenses listed in the statutes, full-time conservation officers have the same law enforcement authority statewide as police, sheriffs, and constables have in their jurisdictions, including the same authority as police to obtain and execute search warrants.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/05/2008)