

LSC Redbook

Analysis of the Executive Budget Proposal

Environmental Review Appeals Commission

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READER'S GUIDE

The Legislative Service Commission prepares an analysis of the executive budget proposal for each agency. These analyses are commonly called "Redbooks." This brief introduction is intended to help readers navigate the Redbook for the Environmental Reviews Appeal Commission (EBR), which includes the following three sections.

1. Overview: Provides a brief description of the Commission and the role of the commissioners in handling environmental appeals, as well as an overview of the executive recommended budget for the FY 2014-FY 2015 biennium.
2. Analysis of Executive Proposal: Provides an analysis of the Commission's executive recommended budget, which consists solely of GRF funding.
3. Attachments: Includes the catalog of budget line items (COBLI), which describes the funding source and purpose of the Commission's lone line item, and the LSC budget spreadsheet, which summarizes the line item's recent expenditure and appropriations history.

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Environmental Review Appeals Commission

- Executive proposes flat funding
- GRF is sole funding source
- Purpose is to provide quasi-judicial appellate review

OVERVIEW

Agency Overview

The Environmental Review Appeals Commission (EBR) is an appellate review board whose primary statutory duty is to hear and resolve appeals from certain legal actions taken by state and local governmental entities, including the Ohio Environmental Protection Agency (Ohio EPA), the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and county and local boards of health.

The Commission's office consists of three Commission members appointed by the Governor with the advice and consent of the Senate. Commission members serve staggered six-year terms; their salaries are fixed by the Governor. The members conduct hearings, review filings, and issue rulings, and are supported by three full-time staff: an executive director, a staff lawyer/program administrator, and an office assistant.

An appeal filed with the Commission is generally required to be accompanied by a \$70 filing fee, which the Commission, in its discretion, may waive in cases of extreme hardship. The filing fee is deposited in the state treasury to the credit of the General Revenue Fund (GRF). Money appropriated from the GRF is the Commission's sole source of funding.

Any party adversely affected by an order of the Commission may appeal to the Franklin County Court of Common Pleas, or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred.

Appropriation Overview

The Commission's budget consists of one GRF line item. This line item pays for all the Commission's operating costs, over 90% of which are payroll-related (wages, salaries, fringe benefits, administrative charges). The remainder is typically allocated for a mix of maintenance and supplies, and purchased personal services.

As Table 1 below illustrates, the executive budget proposes flat funding of \$545,530 for each of FY 2014 and FY 2015.

Table 1. Executive Budget Recommendations by Fund Group, FY 2014-FY 2015					
Fund Group	FY 2013*	FY 2014	% change, FY 2015-FY 2014	FY 2015	% change, FY 2014-FY 2015
General Revenue	\$545,530	\$545,530	0.0%	\$545,530	0.0%

*FY 2013 figure represents estimated expenditures.

FY 2012-FY 2013 Biennial Initiatives

The Commission's budget request highlighted three changes that have been implemented over the course of the FY 2012-FY 2013 biennium for the purpose of reducing costs and increasing efficiencies. These changes can be summarized as follows:

- **Office Relocation.** In early FY 2012, the Commission relocated its Columbus office from commercially leased space to the Riffe state government building, an annual cost savings estimated at \$50,000.
- **Staff Lawyer/Program Administrator.** A portion of the Commission's additional GRF funding was used, as intended, to hire a staff person that can provide in-house legal research and drafting assistance to Commission members.
- **Redefined Internal Operating Processes.** With the hiring of the new staff person and the replacement of a retired executive director, duties were restructured and internal operating processes redefined.

Caseload Statistics

Table 2 below summarizes the Commission's caseload from FY 2006 through FY 2012. Of note is the across-the-board decrease, from FY 2010 to FY 2011, in the Commission's entire range of work (appeals, hearings, filings reviewed, rulings issued). The Commission's staff attributes these decreases to a variety of factors, some of which are outside of the Commission's control. External factors mentioned include the downturn in the economy and the possibility of a general improvement in the relationships between regulators and the regulated community that typically appear before the Commission as parties to an appeal. Internal factors mentioned include a host of restructured and redesigned operating processes, for example, eliminating the backlog of cases, tighter adherence to case management schedules, information and technology improvements, and reallocation/redefinition of staff responsibilities.

Table 2. Caseload Statistics, FY 2006-FY 2012

Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
2006	158	174	317	3,307	3,496
2007	154	183	409	3,491	3,014
2008	121	109	381	3,312	2,988
2009	166	136	387	3,020	2,128
2010	98	272	210	3,583	3,362
2011	85	114	113	1,434	704
2012	60	109	52	1,204	524

ANALYSIS OF EXECUTIVE PROPOSAL

Table 3. Executive Recommended Amounts for Commission Operations				
Fund	ALI and Name		FY 2014	FY 2015
General Revenue Fund				
GRF	172321	Operating Expenses	\$545,530	\$545,530
General Revenue Fund Subtotal			\$545,530	\$545,530
Total Funding: Commission Operations			\$545,530	\$545,530

Operating Expenses (GRF line item 172321)

This GRF line item provides funding for all of the Commission's operating expenses, including personal services, purchased personal services, supplies and maintenance, and equipment expenses. Approximately 90% of that funding in each year will be allocated for personal services, which are essentially payroll expenses (wages, salaries, fringe benefits, and other personnel charges). The executive recommended amounts are likely to be sufficient for the Commission to maintain existing staffing and service levels. Noted in the Commission's budget request was the need to develop an electronic docketing and case management system, but it did not request any funding to do so.

EBR.docx / dp

Environmental Review Appeals Commission

General Revenue Fund

GRF 172321 Operating Expenses

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$460,187	\$462,827	\$482,342	\$545,530	\$545,530	\$545,530
	0.6%	4.2%	13.1%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: Section 281.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 283 of the 123rd G.A., the main operating appropriations act covering FY 2000 and FY 2001)

Purpose: This line item is used to pay for the Commission's personal services (payroll and related charges), purchased personal services, supplies and maintenance, and equipment costs.

FY 2014 - FY 2015 Introduced Appropriation Amounts

All Fund Groups

Line Item Detail by Agency			FY 2012	Estimate FY 2013	Introduced FY 2014	FY 2013 to FY 2014 % Change	Introduced FY 2015	FY 2014 to FY 2015 % Change
Report For Main Operating Appropriations Bill			Version: As Introduced					
EBR Environmental Review Appeals Commission								
GRF	172321	Operating Expenses	\$ 482,342	\$ 545,530	\$ 545,530	0.00%	\$ 545,530	0.00%
General Revenue Fund Total			\$ 482,342	\$ 545,530	\$ 545,530	0.00%	\$ 545,530	0.00%
Environmental Review Appeals Commission Total			\$ 482,342	\$ 545,530	\$ 545,530	0.00%	\$ 545,530	0.00%