

- The commission is funded entirely from GRF moneys.
- Due to budget reductions, the commission will operate at a slightly reduced service level compared to FY 2001.

Environmental Review Appeals Commission

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ROLE

The Environmental Review Appeals Commission is an appellate review board whose primary statutory duty is to hear appeals from certain legal actions taken by state and local governmental entities, including the Ohio Environmental Protection Agency, State Fire Marshal, the State Emergency Response Commission, and county and local boards of health. The majority of cases heard by the commission relate to final actions of the Ohio EPA. The commission has statewide jurisdiction and is the highest level of administrative appeal from final actions. All decisions made by the commission are directly appealable to the Franklin County Court of Appeals, or, if the appeal arises from an alleged violation of a law or regulation, to the court of appeals with jurisdiction.

| Agency In Brief | | | | | |
|---------------------|--------------------------------|-----------|--------------------|-----------|-----------------------|
| Number of Employees | Total Appropriations-All Funds | | GRF Appropriations | | Appropriation Bill(s) |
| | 2002 | 2003 | 2002 | 2003 | |
| 6 | \$458,000 | \$474,000 | \$458,000 | \$474,000 | Am. Sub. H.B. 94 |

OVERVIEW

Appropriations for FY 2002 total \$458,033. This amount is \$1,385 less than the total appropriated in FY 2001, a 0.3 percent reduction¹. Appropriations for FY 2003 total \$474,033. This amount is \$15,970 greater than FY 2002, a 3.5 percent increase. The Executive budget proposal fully funded the Commission's budget request and provided appropriation levels of \$484,383 in FY 2002 and \$501,272 in FY 2003. These funding levels would have provided for a continuation budget at FY 2001 service levels.

The Commission is comprised of three Commission members appointed by the Governor, one Administrative Assistant who serves as the Commission's Executive Secretary, Fiscal, Liaison, and Administrative Officer, and two additional clerical support staff. Board members serve staggered six-year terms and receive salaries set by the Governor.

¹ Actual expenditures in FY 2001 totaled \$448,540


BUDGET ISSUES

EFFECTS OF BUDGET REDUCTIONS

With the exception of office supplies, all of the expenses of the Environmental Review Appeals Commission are required by statute (sections 3745.02 to 3745.06 of the Revised Code) or are fixed by contract. The commission conducts all hearings itself, and all decisions are researched and written by commission members. Commission staff also process and handle all of the office's normal administrative functions, such as financial administration (purchasing and vouchering), personnel, acting as liaison between the commission and the parties to an appeal, day-to-day duties such as typing, mail, copying, telephones, and all other functions for which many agencies have separate departments and personnel. Therefore, all of the commission's costs are fixed.

Reductions in the appropriation levels initially recommended by the Executive have left the commission at a "bare bones" level of funding. Specific effects of funding reductions include: eliminating the process in which old case files are converted to microfiche; reductions in the purchase of office supplies; and finding alternative means of accessing Lexis-Nexis, a necessary legal research tool for commission members because they research and write their own decisions. At current funding levels, the commission anticipates being able to meet its operational expenses and maintain its staff of six employees. However, unforeseen expenses due to computer or telephone system failures cannot be covered by the commission's budget.

Increase in Filing Fees

Am. Sub. H.B. 94 includes a provision that increases the commission's filing fee from \$40 to \$60 per appeal (section 3745.04), although the commission may choose to waive this fee under cases of extreme hardship. In FY 2001, the commission collected approximately \$3,500 in filing fees and copying charges. At the \$60 level, the commission expects this amount to increase to approximately \$5,500. Because the commission is funded entirely through GRF moneys, filing fees collected by the commission are deposited with the Treasurer of State for deposit into the General Revenue Fund. Therefore, fees collected do not increase the commission's appropriated funding, but rather, serve to offset a portion of the State's cost for operating the commission. 

FY 2002 - 2003 Final Appropriation Amounts

All Fund Groups

| Line Item Detail by Agency | | | FY 1999: | FY 2000: | FY 2001: | FY 2002 Appropriations: | % Change 2001 to 2002: | FY 2003 Appropriations: | % Change 2002 to 2003: |
|---|---------|--------------------|-------------------------|-------------------|-------------------|------------------------------------|-----------------------------------|------------------------------------|-----------------------------------|
| Report For: Main Operating Appropriations Bill | | | Version: Enacted | | | | | | |
| EBR Environmental Review Appeals Commission | | | | | | | | | |
| GRF | 172-100 | Personal Services | \$ 334,174 | \$ 0 | | ---- | N/A | ---- | N/A |
| GRF | 172-200 | Maintenance | \$ 57,938 | \$ 0 | | ---- | N/A | ---- | N/A |
| GRF | 172-300 | Equipment | \$ 15,356 | \$ 0 | | ---- | N/A | ---- | N/A |
| GRF | 172-321 | Operating Expenses | \$ 0 | \$ 449,927 | \$ 448,540 | \$ 458,033 | 2.12% | \$ 474,003 | 3.49% |
| General Revenue Fund Total | | | \$ 407,468 | \$ 449,927 | \$ 448,540 | \$ 458,033 | 2.12% | \$ 474,003 | 3.49% |
| Environmental Review Appeals Commission Total | | | \$ 407,468 | \$ 449,927 | \$ 448,540 | \$ 458,033 | 2.12% | \$ 474,003 | 3.49% |