

LSC Greenbook

Analysis of the Enacted Budget

Environmental Review Appeals Commission

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ATTACHMENT:

Budget Spreadsheet By Line Item

Environmental Review Appeals Commission

- GRF is sole funding source
- Service and activity levels likely to be maintained
- Information technology upgrade project underway

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, the State Fire Marshal, the State Emergency Response Commission, the Department of Agriculture, and local boards of health.¹

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 currently supported by two full-time staff, including an executive director.

Appropriation Overview

The Commission's actual FY 2015 expenditures are compared with the appropriations for FYs 2016 and 2017, by fund group, in Table 1 below.

Fund Group	FY 2015*	FY 2016	% change, FY 2015-FY 2016	FY 2017	% change, FY 2016-FY 2017
General Revenue	\$546,217	\$612,435	12.1%	\$612,435	0.0%

*FY 2015 figure represents estimated expenditures.

The Commission's budget consists of one GRF line item. Of note in Table 1 above is the 12.1%, or \$66,218, increase from FY 2015 actual expenditures to the \$612,435 appropriations in each of FYs 2016 and 2017. These higher amounts are

¹ 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.

primarily related to paying for the space the Commission occupies in the Riffe state office building beginning FY 2016. Office rent for GRF-supported employees in state office buildings, which was previously paid by the Department of Administrative Services on behalf of state agencies, is now included in agency budgets.

Information Technology Upgrade Project

In FY 2014, the Commission initiated an information technology upgrade project to provide electronic filing and an online case management system. The anticipated completion date is between February and August of calendar year 2016. An unexpected staff vacancy was left unfilled in order to finance the project. It was the Commission's judgment that their workload could be handled by the remaining two full-time staff and that the project was a much higher priority.

Caseload Statistics

Table 2 below summarizes the Commission's caseload from FYs 2009 through 2015. 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, and rulings issued).² The Commission's staff attributes this decrease to a variety of factors, some of which are outside of the Commission's control. External factors mentioned include the downturn in the economy. Also noted is 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.

Fiscal Year	Total Appeals	Appeals Concluded	Hearings	Filings Reviewed	Rulings Issued
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
2013	142	100	74	1,525	785
2014	65	88	48	1,165	634
2015	31	104	41	990	585

² An appeal is generally required to be accompanied by a \$70 filing fee, which the Commission may waive in cases of extreme hardship. The fee, which generates an average of around \$2,500 annually, is deposited into the state treasury to the credit of the General Revenue Fund (GRF).

ANALYSIS OF ENACTED BUDGET

As noted, the Commission's operations are funded by a single line item that draws its appropriation from the GRF. The table below shows the funding level for this line item in each of FY 2016 and FY 2017. It is followed by a description of how those appropriated amounts will be allocated.

Appropriation for the Environmental Review Appeals Commission				
Fund	ALI and Name		FY 2016	FY 2017
General Revenue Fund				
GRF	172321	Operating Expenses	\$612,435	\$612,435
Total Funding: Environmental Review Appeals Commission			\$612,435	\$612,435

Operating Expenses (GRF line item 172321)

This GRF line item provides funding for all of the Commission's operating expenses. Around 90% of the line item's annual appropriations are typically allocated for payroll-related expenditures (wages, salaries, fringe benefits, and administrative charges). The remainder is allocated for a mix of supplies, maintenance, and purchased personal services.

The line item's appropriated amounts are expected to be sufficient for the Commission to maintain FY 2015 service and activity levels over the course of the FY 2016-FY 2017 biennium, including completion of the information technology project currently underway. At this time, the Commission has no plans to fill the vacant staff position that freed up the money necessary to undertake that project.

EBR.docx/jc

FY 2016 - FY 2017 Final Appropriation Amounts

All Fund Groups

Line Item Detail by Agency

			FY 2014	FY 2015	Appropriation FY 2016	FY 2015 to FY 2016 % Change	Appropriation FY 2017	FY 2016 to FY 2017 % Change
Report For Main Operating Appropriations Bill			Version: As Enacted					
EBR Environmental Review Appeals Commission								
GRF	172321	Operating Expenses	\$ 467,276	\$ 546,217	\$ 612,435	12.12%	\$ 612,435	0.00%
General Revenue Fund Total			\$ 467,276	\$ 546,217	\$ 612,435	12.12%	\$ 612,435	0.00%
Environmental Review Appeals Commission Total			\$ 467,276	\$ 546,217	\$ 612,435	12.12%	\$ 612,435	0.00%