

FISCAL NOTE

(Return in triplicate)

Bill/Resolution No.: \_\_\_\_\_ Amendment to: SB 2086

Requested by Legislative Council Date of Request: 3-2-93

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative:

Currently (during the 1991-93 biennium), OAH bills only certain special fund agencies and certain units of local government for the hearing officer services it provides them. OAH receives a corresponding portion of its current budget from those agencies billed as other funds (\$365,006). The remainder of OAH's current budget was obtained as a result of a transfer of general fund monies (\$239,519) to OAH from the Attorney (continued on attached sheet)

- 2. State fiscal effect in dollar amounts:

	<u>1991-93</u> <u>Biennium</u>		<u>1993-95</u> <u>Biennium</u>		<u>1995-97</u> <u>Biennium</u>	
	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>
Revenues:		604,525	230,944	391,093		
Expenditures:		604,525	230,944	391,093		

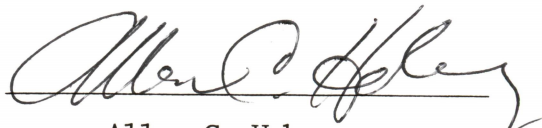
- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1991-93 biennium: none
- b. For the 1993-95 biennium: effect as to funding source only
- c. For the 1995-97 biennium: \_\_\_\_\_

- 4. County and City fiscal effect in dollar amounts:

	<u>1991-93</u> <u>Biennium</u>		<u>1993-95</u> <u>Biennium</u>		<u>1995-97</u> <u>Biennium</u>	
	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>

If additional space is needed, attach a supplemental sheet.

Signed   
 Typed Name Allen C. Hoberg  
 Office of Administrative Hearings  
 Department Administrative Hearings  
 Phone Number 224-3260

Date Prepared: \_\_\_\_\_

ATTACHMENT TO FISCAL NOTE  
AMENDMENT TO SB 2086

Narrative, cont.:

General and OMB (Central Personnel Division). These transferred monies also became other funds in OAH's budget. The transfer of general fund monies corresponds to the hearings work done for certain general fund agencies required to use OAH's hearing officers.

Originally, SB 2086 was drafted to amend section 54-57-07 to allow OAH to bill all agencies and units of local government that are using its hearing officer services. Governor Sinner's budget recommendation was for OAH to bill all user agencies. However, Governor Schafer's budget recommendation is that OAH not bill all agencies. OMB now recommends OAH's funding sources remain, essentially, as they currently exist, that they not change.

SB 2086, as amended in the Senate, restores the prohibition in Section 54-57-07 to state agencies paying for OAH services with general fund monies, except that new language authorizes the Department of Human Services and the Department of Health and Consolidated Laboratories to use general fund (matching) monies as necessary for those program hearings requiring both general and federal funds for payment.

Because OAH's 1993-95 budget originally proposed to bill all of its user agencies for the services it provides them, the original executive budget recommendation for OAH sought only \$104,418 in its budget as general funds (contingency fund and start-up costs); the remainder, \$519,923.00, was to be received as other funds from billing user agencies.

With the changes made in the Senate to this bill, the funding sources remain as they currently exist. The appropriation amounts of general funds and special funds in SB 2020 are changed to correspond. The current budget as now proposed by OMB in SB 2020, as amended, returns \$120,485 in general funds from other agency budgets to OAH's budget. Additionally, it includes the general fund portion of additional compensation and benefits package monies and the general fund portion of operating expenses that had been switched from equipment expenses (which are non-recoverable items for billing purposes). In short, the \$239,519 in general fund (transfer) monies currently in OAH's 1991-93 budget remain as general funds in the proposed 1993-95 budget with adjustments for operating and equipment, and adjustments for compensation and benefits packages (both the mandated 1992 compensation and benefits package and the proposed 1993 compensation and benefits package adjustments). Accordingly, the proposed general fund budget for 1993-95 is \$230,944.00, and the proposed special fund budget is \$391,093.00 (this is with the compensation package proposed in Governor Sinner's budget recommendation, passed in the Senate).