

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014
4

A Bill

HOUSE BILL 1117

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC
10 SERVICE COMMISSION FOR THE FISCAL YEAR ENDING JUNE
11 30, 2015; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2014-
16 2015 FISCAL YEAR.
17
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
23 established for the Arkansas Public Service Commission - Utilities Division
24 for the 2014-2015 fiscal year, the following maximum number of regular
25 employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2014-2015
31	(1)	U005U PSC CHAIRMAN	1	\$125,493
32	(2)	U004U PSC COMMISSIONER	2	\$121,089
33	(3)	U050U PSC DIRECTOR	1	\$120,451
34	(4)	G003N PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
35	(5)	N043N PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
36	(6)	G006N PSC CHIEF COUNSEL	1	GRADE N908



1	(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
2	(8)	A008N	DIRECTOR OF RATES & DEMAND RESOURCES	1	GRADE N906
3	(9)	G011N	PSC ADMINISTRATIVE LAW JUDGE	4	GRADE N906
4	(10)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
5	(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
6	(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
7	(13)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
8	(14)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE C127
9	(15)	G047C	ATTORNEY SPECIALIST	6	GRADE C126
10	(16)	B023C	ENGINEER, P.E.	1	GRADE C124
11	(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
12	(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
13	(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
14	(20)	G066C	PSC TELECOM AND QUALITY OF SVC MGR	1	GRADE C124
15	(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE C122
16	(22)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
17	(23)	A046C	PSC RATE CASE ANALYST	12	GRADE C121
18	(24)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(25)	G123C	PSC CLERK	1	GRADE C120
20	(26)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
21	(27)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
22	(28)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119
23	(29)	G164C	EXECUTIVE ASST TO THE COMMISSIONER	2	GRADE C118
24	(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
26	(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
27	(33)	A089C	ACCOUNTANT I	1	GRADE C116
28	(34)	C037C	ADMINISTRATIVE ANALYST	7	GRADE C115
29	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
30	(36)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
31	(37)	C056C	ADMINISTRATIVE SPECIALIST III	3	GRADE C112
32	(38)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
33			MAX. NO. OF EMPLOYEES	90	

34

35 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby
36 authorized, for the Arkansas Public Service Commission - Utilities Division

1 for the 2014-2015 fiscal year, the following maximum number of part-time or
 2 temporary employees, to be known as "Extra Help", payable from funds
 3 appropriated herein for such purposes: six (6) temporary or part-time
 4 employees, when needed, at rates of pay not to exceed those provided in the
 5 Uniform Classification and Compensation Act, or its successor, or this act
 6 for the appropriate classification.

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 8 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby
 9 appropriated, to the Arkansas Public Service Commission, to be payable from
 10 the Public Service Commission Fund, for personal services and operating
 11 expenses of the Arkansas Public Service Commission - Utilities Division for
 12 the fiscal year ending June 30, 2015, the following:

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2014-2015</u>
16 (01) REGULAR SALARIES	\$5,629,091
17 (02) EXTRA HELP	9,000
18 (03) PERSONAL SERVICES MATCHING	1,679,809
19 (04) OVERTIME	25,000
20 (05) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	1,055,997
22 (B) CONF. & TRAVEL	68,922
23 (C) PROF. FEES	15,000
24 (D) CAP. OUTLAY	21,000
25 (E) DATA PROC.	0
26 (06) BUILDING REPAIRS/MAINTENANCE	24,319
27 (07) FED REGULATORY SERVICES	290,575
28 (08) PROFESSIONAL SERVICES	998,000
29 (09) DATA PROCESSING SERVICES	<u>138,856</u>
30 TOTAL AMOUNT APPROPRIATED	<u><u>\$9,955,569</u></u>

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 32 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby
 33 established for the Arkansas Public Service Commission - Tax Division for the
 34 2014-2015 fiscal year, the following maximum number of regular employees.

35
 36 Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2014-2015
4	(1) N071N	PSC TAX DIVISION DIRECTOR	1	GRADE N908
5	(2) A019C	PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
6	(3) A038C	FISCAL SUPPORT MANAGER	1	GRADE C123
7	(4) A035C	PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
8	(5) A047C	FINANCIAL ANALYST II	1	GRADE C121
9	(6) A064C	PSC TAX VALUATION SUPERVISOR	1	GRADE C119
10	(7) A076C	FINANCE PROGRAM ANALYST	1	GRADE C118
11	(8) B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
12	(9) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
13	(10) A095C	PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
14	MAX. NO. OF EMPLOYEES		15	

SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Tax Division for the 2014-2015 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Tax Division Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Tax Division for the fiscal year ending June 30, 2015, the following:

ITEM NO.	FISCAL YEAR 2014-2015
(01) REGULAR SALARIES	\$744,014
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	241,157
(04) OVERTIME	5,000

1	(05) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	201,359
3	(B) CONF. & TRAVEL	12,500
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	0
7	(06) CONTINGENCY	<u>400,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,742,268</u></u>

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10 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby

11 established for the Arkansas Public Service Commission - Pipeline Safety

12 Program for the 2014-2015 fiscal year, the following maximum number of

13 regular employees.

14				Maximum Annual
15				Salary Rate
16				Fiscal Year
17	Item	Class	Maximum	
18	No.	Code Title	No. of	2014-2015
			Employees	
19	(1)	N076N PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
20	(2)	B015C ENGINEER SUPERVISOR	1	GRADE C126
21	(3)	X048C PSC PIPELINE SAFETY SPECIALIST	4	GRADE C120
22	(4)	C037C ADMINISTRATIVE ANALYST	1	GRADE C115
23	(5)	X144C CORROSION INSPECTOR	<u>3</u>	GRADE C115
24		MAX. NO. OF EMPLOYEES	10	

25

26 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby

27 appropriated, to the Arkansas Public Service Commission, to be payable from

28 the Public Service Commission Utility Safety Fund, for personal services and

29 operating expenses of the Arkansas Public Service Commission - Pipeline

30 Safety Program for the fiscal year ending June 30, 2015, the following:

31		
32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2014-2015</u>
34	(01) REGULAR SALARIES	\$552,904
35	(02) PERSONAL SERVICES MATCHING	170,563
36	(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	105,000
2	(B) CONF. & TRAVEL	25,620
3	(C) PROF. FEES	2,229
4	(D) CAP. OUTLAY	25,000
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$881,316</u></u>

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8 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
 9 to the Arkansas Public Service Commission, to be payable from the Public
 10 Service Commission Fund, for personal services and operating expenses of the
 11 Arkansas Public Service Commission - Contingency for the fiscal year ending
 12 June 30, 2015, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2014-2015</u>
16	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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18 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 CONTINGENCY RESTRICTION - UTILITIES DIVISION. In the event of unforeseen
 21 conditions, additional appropriations become necessary that are not
 22 authorized or contemplated in the Utilities Division appropriation of this
 23 Act and such events make it necessary that the Public Service Commission -
 24 Utilities Division receives additional appropriations to carry out the
 25 objectives of the agency, the Director of the Public Service Commission is
 26 hereby authorized to request the approval of the Governor and the Chief
 27 Fiscal Officer of the State, as hereinafter provided, for transfer of the
 28 additional appropriations provided in the Contingency appropriation to the
 29 appropriations provided by the Utilities Division appropriation, but in no
 30 event shall the transfers exceed the appropriations provided in the
 31 Contingency appropriation of this Act. Whenever the Director of the Public
 32 Service Commission deems it necessary to establish additional appropriations
 33 as authorized herein, he or she shall file with the Governor a written report
 34 accompanied by necessary supporting documents setting forth the facts,
 35 justifications, and circumstances that necessitate such appropriation. Upon
 36 receipt of such reports and supporting documents, the Governor, or his or her

1 designee, shall study the same, and if he or she shall determine that such
 2 additional appropriations are being sought in strict compliance with this
 3 Act, the Governor, after seeking prior review and prior approval by the
 4 Arkansas Legislative Council or the Joint Budget Committee, may approve or
 5 modify such request for additional appropriations as in his or her judgment
 6 he or she deems necessary, and shall forward a copy thereof to the Chief
 7 Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer
 8 of the State shall direct the State Auditor to process said transfer upon his
 9 books in accordance with the provisions as set out therein.

10 Determining the maximum number of employees and the maximum amount of
 11 appropriation and general revenue funding for a state agency each fiscal year
 12 is the prerogative of the General Assembly. This is usually accomplished by
 13 delineating such maximums in the appropriation act(s) for a state agency and
 14 the general revenue allocations authorized for each fund and fund account by
 15 amendment to the Revenue Stabilization law. Further, the General Assembly
 16 has determined that the Public Service Commission - Utilities Division may
 17 operate more efficiently if some flexibility is provided to the Public
 18 Service Commission - Utilities Division authorizing broad powers under this
 19 Section. Therefore, it is both necessary and appropriate that the General
 20 Assembly maintain oversight by requiring prior approval of the Legislative
 21 Council or Joint Budget Committee as provided by this section. The
 22 requirement of approval by the Legislative Council or Joint Budget Committee
 23 is not a severable part of this section. If the requirement of approval by
 24 the Legislative Council or Joint Budget Committee is ruled unconstitutional
 25 by a court of competent jurisdiction, this entire section is void.

26 The provisions of this section shall be in effect only from July 1, ~~2012~~
 27 2014 through June 30, ~~2013~~ 2015.

28
 29 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

31 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
 32 appropriations become necessary that are not authorized or contemplated in
 33 the Tax Division appropriation of this Act and specific cases, situations,
 34 and/or programs make it necessary that the Arkansas Public Service Commission
 35 - Tax Division receives additional appropriations to carry out the objectives
 36 of the Division, the Chairman of the Arkansas Public Service Commission is

1 hereby authorized to request the approval of the Governor and the Chief
2 Fiscal Officer of the State for transfers of the appropriations provided in
3 the Contingency line item of the Tax Division appropriation of this Act to
4 other line items within the Tax Division appropriation. In no event shall
5 the transfers in any fiscal year exceed the appropriations provided in the
6 Contingency line item of the Tax Division appropriation of this Act. The
7 Governor may approve or modify such request for transfer of appropriations as
8 in his or her judgment he or she deems necessary, and shall seek prior review
9 and approval of the Arkansas Legislative Council and inform the Chief Fiscal
10 Officer of the State. Upon notification, the Chief Fiscal Officer of the
11 State shall direct the State Auditor to process said transfer upon his or her
12 books in accordance with the provisions as set out herein.

13 Determining the maximum number of employees and the maximum amount of
14 appropriation and general revenue funding for a state agency each fiscal year
15 is the prerogative of the General Assembly. This is usually accomplished by
16 delineating such maximums in the appropriation act(s) for a state agency and
17 the general revenue allocations authorized for each fund and fund account by
18 amendment to the Revenue Stabilization law. Further, the General Assembly
19 has determined that the Public Service Commission - Tax Division may operate
20 more efficiently if some flexibility is provided to the Public Service
21 Commission - Tax Division authorizing broad powers under this Section.
22 Therefore, it is both necessary and appropriate that the General Assembly
23 maintain oversight by requiring prior approval of the Legislative Council or
24 Joint Budget Committee as provided by this section. The requirement of
25 approval by the Legislative Council or Joint Budget Committee is not a
26 severable part of this section. If the requirement of approval by the
27 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
28 court of competent jurisdiction, this entire section is void.

29 The provisions of this section shall be in effect only from July 1, ~~2012~~
30 2014 through June 30, ~~2013~~ 2015.

31

32 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
34 HIGH COST FUND. To ensure that telecommunications rates are reasonable and
35 affordable, the Arkansas Public Service Commission should take all reasonable
36 steps necessary to reduce the Arkansas High Cost Fund (AHCF), and avoid

1 mandating any additional charges or expenses for telecommunications services
2 that could increase AHCF assessments which would result in higher AHCF
3 surcharges to customers.
4

5 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
6 authorized by this act shall be limited to the appropriation for such agency
7 and funds made available by law for the support of such appropriations; and
8 the restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.
14

15 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General
16 Assembly that any funds disbursed under the authority of the appropriations
17 contained in this act shall be in compliance with the stated reasons for
18 which this act was adopted, as evidenced by the Agency Requests, Executive
19 Recommendations and Legislative Recommendations contained in the budget
20 manuals prepared by the Department of Finance and Administration, letters, or
21 summarized oral testimony in the official minutes of the Arkansas Legislative
22 Council or Joint Budget Committee which relate to its passage and adoption.
23

24 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly, that the Constitution of the State of Arkansas prohibits
26 the appropriation of funds for more than a one (1) year period; that the
27 effectiveness of this Act on July 1, 2014 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the legislative session, the delay in the
30 effective date of this Act beyond July 1, 2014 could work irreparable harm
31 upon the proper administration and provision of essential governmental
32 programs. Therefore, an emergency is hereby declared to exist and this Act
33 being necessary for the immediate preservation of the public peace, health
34 and safety shall be in full force and effect from and after July 1, 2014.
35

36 APPROVED: 02/28/2014