

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1197

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR
12 ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
16 COMMISSION APPROPRIATION FOR THE
17 2009-2010 FISCAL YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
24 established for the Arkansas Public Service Commission - Utilities Division
25 for the 2009-2010 fiscal year, the following maximum number of regular
26 employees whose salaries shall be governed by the provisions of the Uniform
27 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
28 its successor, and all laws amendatory thereto. Provided, however, that any
29 position to which a specific maximum annual salary is set out herein in
30 dollars, shall be exempt from the provisions of said Uniform Classification
31 and Compensation Act. All persons occupying positions authorized herein are
32 hereby governed by the provisions of the Regular Salaries Procedures and
33 Restrictions Act (Arkansas Code §21-5-101), or its successor.
34

35 Maximum Annual
36 Maximum Salary Rate



1	Item	Class		No. of	Fiscal Year
2	No.	Code	Title	Employees	2009-2010
3	(1)	U005U	PSC CHAIRMAN	1	\$115,326
4	(2)	U004U	PSC COMMISSIONER	2	\$111,280
5	(3)	U050U	PSC DIRECTOR	1	\$110,693
6	(4)	G003N	PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
7	(5)	N043N	PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
8	(6)	G006N	PSC CHIEF COUNSEL	1	GRADE N908
9	(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
10	(8)	G011N	PSC ADMINISTRATIVE LAW JUDGE	3	GRADE N906
11	(9)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
12	(10)	A005C	DIR OF COST ALLOCATION & RATE DESIG	1	GRADE C129
13	(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
14	(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
15	(13)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENT	1	GRADE C127
16	(14)	G047C	ATTORNEY SPECIALIST	7	GRADE C126
17	(15)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
18	(16)	B023C	ENGINEER, P.E.	1	GRADE C124
19	(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
20	(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
21	(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
22	(20)	G066C	PSC TELECOM AND QUALITY OF SERVICE MGR	1	GRADE C124
23	(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	4	GRADE C122
24	(22)	A046C	PSC RATE CASE ANALYST	11	GRADE C121
25	(23)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
26	(24)	G123C	PSC CLERK	1	GRADE C120
27	(25)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
28	(26)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
29	(27)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119
30	(28)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
31	(29)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
32	(30)	G164C	PSC ADMINISTRATIVE COORDINATOR	2	GRADE C118
33	(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
34	(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
35	(33)	A089C	ACCOUNTANT I	1	GRADE C116
36	(34)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115

1	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
2	(36)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
3	(37)	C056C	ADMINISTRATIVE SPECIALIST III	4	GRADE C112
4	(38)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
5	(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
6			MAX. NO. OF EMPLOYEES	90	

7

8 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized,
 9 for the Arkansas Public Service Commission - Utilities Division for the 2009-
 10 2010 fiscal year, the following maximum number of part-time or temporary
 11 employees, to be known as "Extra Help", payable from funds appropriated
 12 herein for such purposes: six (6) temporary or part-time employees, when
 13 needed, at rates of pay not to exceed those provided in the Uniform
 14 Classification and Compensation Act, or its successor, or this act for the
 15 appropriate classification.

16

17 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby
 18 appropriated, to the Arkansas Public Service Commission, to be payable from
 19 the Public Service Commission Fund, for personal services and operating
 20 expenses of the Arkansas Public Service Commission - Utilities Division for
 21 the fiscal year ending June 30, 2010, the following:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2009-2010</u>
25	(01) REGULAR SALARIES	\$ 5,653,312
26	(02) EXTRA HELP	9,000
27	(03) PERSONAL SERVICES MATCHING	1,536,498
28	(04) OVERTIME	25,000
29	(05) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	1,055,997
31	(B) CONF. & TRAVEL	68,922
32	(C) PROF. FEES	15,000
33	(D) CAP. OUTLAY	21,000
34	(E) DATA PROC.	0
35	(06) BUILDING REPAIRS/MAINTENANCE	24,319
36	(07) FED REGULATORY SERVICES	290,575

1	(08) PROFESSIONAL SERVICES	998,000
2	(09) DATA PROCESSING SERVICES	<u>138,857</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,836,480</u>

4

5 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established
6 for the Arkansas Public Service Commission - Tax Division for the 2009-2010
7 fiscal year, the following maximum number of regular employees whose salaries
8 shall be governed by the provisions of the Uniform Classification and
9 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
10 all laws amendatory thereto. Provided, however, that any position to which a
11 specific maximum annual salary is set out herein in dollars, shall be exempt
12 from the provisions of said Uniform Classification and Compensation Act. All
13 persons occupying positions authorized herein are hereby governed by the
14 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
15 Code §21-5-101), or its successor.

16

17				Maximum Annual
18				Salary Rate
19	Item	Class	Maximum	Fiscal Year
20	No.	Code Title	No. of	2009-2010
			Employees	
21	(1)	N071N PSC TAX DIVISION DIRECTOR	1	GRADE N908
22	(2)	A019C PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
23	(3)	A038C FISCAL SUPPORT MANAGER	1	GRADE C123
24	(4)	A035C PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
25	(5)	A047C FINANCIAL ANALYST II	1	GRADE C121
26	(6)	A064C PSC TAX VALUATION SUPERVISOR	1	GRADE C119
27	(7)	A076C FINANCE PROGRAM ANALYST	1	GRADE C118
28	(8)	B076C RESEARCH PROJECT ANALYST	1	GRADE C117
29	(9)	C037C ADMINISTRATIVE ANALYST	1	GRADE C115
30	(10)	A095C PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
31		MAX. NO. OF EMPLOYEES	15	

32

33 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the
34 Arkansas Public Service Commission - Tax Division for the 2009-2010 fiscal
35 year, the following maximum number of part-time or temporary employees, to be
36 known as "Extra Help", payable from funds appropriated herein for such

1 purposes: five (5) temporary or part-time employees, when needed, at rates
2 of pay not to exceed those provided in the Uniform Classification and
3 Compensation Act, or its successor, or this act for the appropriate
4 classification.

5

6 SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to
7 the Arkansas Public Service Commission, to be payable from the Tax Division
8 Fund, for personal services and operating expenses of the Arkansas Public
9 Service Commission - Tax Division for the fiscal year ending June 30, 2010,
10 the following:

11

12 ITEM	FISCAL YEAR
13 <u>NO.</u>	<u>2009-2010</u>
14 (01) REGULAR SALARIES	\$ 621,830
15 (02) EXTRA HELP	38,238
16 (03) PERSONAL SERVICES MATCHING	198,521
17 (04) OVERTIME	5,000
18 (05) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	201,359
20 (B) CONF. & TRAVEL	12,500
21 (C) PROF. FEES	100,000
22 (D) CAP. OUTLAY	0
23 (E) DATA PROC.	0
24 (06) CONTINGENCY	<u>400,000</u>
25 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,577,448</u>

26

27 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby
28 established for the Arkansas Public Service Commission - Pipeline Safety
29 Program for the 2009-2010 fiscal year, the following maximum number of
30 regular employees whose salaries shall be governed by the provisions of the
31 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
32 seq.), or its successor, and all laws amendatory thereto. Provided, however,
33 that any position to which a specific maximum annual salary is set out herein
34 in dollars, shall be exempt from the provisions of said Uniform
35 Classification and Compensation Act. All persons occupying positions
36 authorized herein are hereby governed by the provisions of the Regular

1 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 2 successor.

3				4	Maximum Annual
5				Maximum	Salary Rate
6	Item	Class		No. of	Fiscal Year
7	No.	Code	Title	Employees	2009-2010
8	(1)	N076N	PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
9	(2)	B015C	ENGINEER SUPERVISOR	1	GRADE C126
10	(3)	X048C	PSC PIPELINE SAFETY SPECIALIST	4	GRADE C120
11	(4)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
12	(5)	X144C	CORROSION INSPECTOR	<u>3</u>	GRADE C115
13			MAX. NO. OF EMPLOYEES	10	

15 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby
 16 appropriated, to the Arkansas Public Service Commission, to be payable from
 17 the Public Service Commission Utility Safety Fund, for personal services and
 18 operating expenses of the Arkansas Public Service Commission - Pipeline
 19 Safety Program for the fiscal year ending June 30, 2010, the following:

21	ITEM		22	FISCAL YEAR
22	NO.			2009-2010
23	(01)	REGULAR SALARIES	\$	587,275
24	(02)	PERSONAL SERVICES MATCHING		162,465
25	(03)	MAINT. & GEN. OPERATION		
26	(A)	OPER. EXPENSE		97,637
27	(B)	CONF. & TRAVEL		12,620
28	(C)	PROF. FEES		8,229
29	(D)	CAP. OUTLAY		24,000
30	(E)	DATA PROC.		<u>0</u>
31		TOTAL AMOUNT APPROPRIATED	\$	<u>892,226</u>

33 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to
 34 the Arkansas Public Service Commission, to be payable from the Public Service
 35 Commission Fund, for personal services and operating expenses of the Arkansas
 36 Public Service Commission - Contingency for the fiscal year ending June 30,

1 2010, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</u>
5 (01) CONTINGENCY	<u>\$ 1,000,000</u>

6

7 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 CONTINGENCY RESTRICTION - UTILITIES DIVISION. In the event of unforeseen
10 conditions, additional appropriations become necessary that are not
11 authorized or contemplated in the Utilities Division appropriation of this
12 Act and such events make it necessary that the Public Service Commission -
13 Utilities Division receives additional appropriations to carry out the
14 objectives of the agency, the Director of the Public Service Commission is
15 hereby authorized to request the approval of the Governor and the Chief
16 Fiscal Officer of the State, as hereinafter provided, for transfer of the
17 additional appropriations provided in the Contingency appropriation to the
18 appropriations provided by the Utilities Division appropriation, but in no
19 event shall the transfers exceed the appropriations provided in the
20 Contingency appropriation of this Act. Whenever the Director of the Public
21 Service Commission deems it necessary to establish additional appropriations
22 as authorized herein, he or she shall file with the Governor a written report
23 accompanied by necessary supporting documents setting forth the facts,
24 justifications, and circumstances that necessitate such appropriation. Upon
25 receipt of such reports and supporting documents, the Governor, or his or her
26 designee, shall study the same, and if he or she shall determine that such
27 additional appropriations are being sought in strict compliance with this
28 Act, the Governor, after seeking prior review and prior approval by the
29 Arkansas Legislative Council or the Joint Budget Committee, may approve or
30 modify such request for additional appropriations as in his or her judgment
31 he or she deems necessary, and shall forward a copy thereof to the Chief
32 Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer
33 of the State shall direct the State Auditor to process said transfer upon his
34 books in accordance with the provisions as set out therein.

35 Determining the maximum number of employees and the maximum amount of
36 appropriation and general revenue funding for a state agency each fiscal year

1 is the prerogative of the General Assembly. This is usually accomplished by
 2 delineating such maximums in the appropriation act(s) for a state agency and
 3 the general revenue allocations authorized for each fund and fund account by
 4 amendment to the Revenue Stabilization law. Further, the General Assembly
 5 has determined that the Public Service Commission - Utilities Division may
 6 operate more efficiently if some flexibility is provided to the Public
 7 Service Commission - Utilities Division authorizing broad powers under this
 8 Section. Therefore, it is both necessary and appropriate that the General
 9 Assembly maintain oversight by requiring prior approval of the Legislative
 10 Council or Joint Budget Committee as provided by this section. The
 11 requirement of approval by the Legislative Council or Joint Budget Committee
 12 is not a severable part of this section. If the requirement of approval by
 13 the Legislative Council or Joint Budget Committee is ruled unconstitutional
 14 by a court of competent jurisdiction, this entire section is void.

15 The provisions of this section shall be in effect only from July 1,
 16 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

17
 18 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
 21 appropriations become necessary that are not authorized or contemplated in
 22 the Tax Division appropriation of this Act and specific cases, situations,
 23 and/or programs make it necessary that the Arkansas Public Service Commission
 24 – Tax Division receives additional appropriations to carry out the objectives
 25 of the Division, the Chairman of the Arkansas Public Service Commission is
 26 hereby authorized to request the approval of the Governor and the Chief
 27 Fiscal Officer of the State for transfers of the appropriations provided in
 28 the Contingency line item of the Tax Division appropriation of this Act to
 29 other line items within the Tax Division appropriation. In no event shall
 30 the transfers in any fiscal year exceed the appropriations provided in the
 31 Contingency line item of the Tax Division appropriation of this Act. The
 32 Governor may approve or modify such request for transfer of appropriations as
 33 in his or her judgment he or she deems necessary, and shall seek prior review
 34 and approval of the Arkansas Legislative Council and inform the Chief Fiscal
 35 Officer of the State. Upon notification, the Chief Fiscal Officer of the
 36 State shall direct the State Auditor to process said transfer upon his or her

1 books in accordance with the provisions as set out herein.

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

18 The provisions of this section shall be in effect only from July 1,
 19 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

20
 21 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 23 ~~UNIVERSAL SERVICE FUND~~ HIGH COST FUND. To ensure that telecommunications
 24 rates are reasonable and affordable, the Arkansas Public Service Commission
 25 should take all reasonable steps necessary to reduce the Arkansas ~~Universal~~
 26 ~~Service Fund (AUSF)~~ High Cost Fund (AHCF), and avoid mandating any additional
 27 charges or expenses for telecommunications services that could increase ~~AUSF-~~
 28 AHCF assessments which would result in higher ~~AUSF-AHCF~~ surcharges to
 29 customers.

30
 31 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 32 by this act shall be limited to the appropriation for such agency and funds
 33 made available by law for the support of such appropriations; and the
 34 restrictions of the State Procurement Law, the General Accounting and
 35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by
2 the Department of Finance and Administration, as authorized by law, shall be
3 strictly complied with in disbursement of said funds.

4
5 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly
6 that any funds disbursed under the authority of the appropriations contained
7 in this act shall be in compliance with the stated reasons for which this act
8 was adopted, as evidenced by the Agency Requests, Executive Recommendations
9 and Legislative Recommendations contained in the budget manuals prepared by
10 the Department of Finance and Administration, letters, or summarized oral
11 testimony in the official minutes of the Arkansas Legislative Council or
12 Joint Budget Committee which relate to its passage and adoption.

13
14 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
15 Assembly, that the Constitution of the State of Arkansas prohibits the
16 appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2009 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the Regular Session, the delay in the effective
20 date of this Act beyond July 1, 2009 could work irreparable harm upon the
21 proper administration and provision of essential governmental programs.
22 Therefore, an emergency is hereby declared to exist and this Act being
23 necessary for the immediate preservation of the public peace, health and
24 safety shall be in full force and effect from and after July 1, 2009.