

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1079

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC
SERVICE COMMISSION FOR THE FISCAL YEAR ENDING JUNE
30, 2018; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS PUBLIC SERVICE
COMMISSION APPROPRIATION FOR THE 2017-
2018 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
established for the Arkansas Public Service Commission - Utilities Division
for the 2017-2018 fiscal year, the following maximum number of regular
employees.

Item	Class		Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
(1)	U005U	PSC CHAIRMAN	1	\$128,015
(2)	U004U	PSC COMMISSIONER	2	\$123,523
(3)	U050U	PSC DIRECTOR	1	\$122,872
(4)	G003N	PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
(5)	N043N	PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
(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	7	GRADE C126
10	(16)	B023C	ENGINEER, P.E.	2	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)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
18	(24)	A046C	PSC RATE CASE ANALYST	12	GRADE C121
19	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
20	(26)	G123C	PSC CLERK	1	GRADE C120
21	(27)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
22	(28)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
23	(29)	G164C	EXEC ASSISTANT TO THE COMMISSIONER	2	GRADE C118
24	(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(31)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
26	(32)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
27	(33)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
28	(34)	C037C	ADMINISTRATIVE ANALYST	7	GRADE C115
29	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
30	(36)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
31	(37)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
32			MAX. NO. OF EMPLOYEES	89	

33

34 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby
 35 authorized, for the Arkansas Public Service Commission - Utilities Division
 36 for the 2017-2018 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: six (6) 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 3. APPROPRIATION - UTILITIES DIVISION. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service Commission Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Utilities Division for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) REGULAR SALARIES	\$5,562,486
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	1,716,926
(04) OVERTIME	25,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,070,597
(B) CONF. & TRAVEL	68,922
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	21,000
(E) DATA PROC.	0
(06) BUILDING REPAIRS/MAINTENANCE	24,319
(07) FED REGULATORY SERVICES	290,575
(08) PROFESSIONAL SERVICES	998,000
(09) DATA PROCESSING SERVICES	<u>138,856</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$9,940,681</u></u>

SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established for the Arkansas Public Service Commission - Tax Division for the 2017-2018 fiscal year, the following maximum number of regular employees.

	Maximum Annual
Maximum	Salary Rate

Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2017-2018
(1)	N071N PSC TAX DIVISION DIRECTOR	1	GRADE N908
(2)	A019C PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
(3)	A038C FISCAL SUPPORT MANAGER	1	GRADE C123
(4)	A035C PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
(5)	A047C FINANCIAL ANALYST II	1	GRADE C121
(6)	A064C PSC TAX VALUATION SUPERVISOR	1	GRADE C119
(7)	A076C FINANCE PROGRAM ANALYST	1	GRADE C118
(8)	B076C RESEARCH PROJECT ANALYST	1	GRADE C117
(9)	C037C ADMINISTRATIVE ANALYST	1	GRADE C115
(10)	A095C PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
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 2017-2018 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, 2018, the following:

ITEM	FISCAL YEAR
NO.	2017-2018
(01) REGULAR SALARIES	\$725,663
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	244,328
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	202,472
2	(B) CONF. & TRAVEL	12,500
3	(C) PROF. FEES	100,000
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(06) CONTINGENCY	<u>400,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$1,728,201</u>

SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby established for the Arkansas Public Service Commission - Pipeline Safety Program for the 2017-2018 fiscal year, the following maximum number of regular employees.

			Maximum Annual
			Salary Rate
Item	Class	Maximum	Fiscal Year
No.	Code Title	No. of Employees	2017-2018
18	(1) N076N PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
19	(2) B015C ENGINEER SUPERVISOR	1	GRADE C126
20	(3) X048C PSC PIPELINE SAFETY SPECIALIST	7	GRADE C120
21	(4) C037C ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
22	MAX. NO. OF EMPLOYEES	10	

SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service Commission Utility Safety Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Pipeline Safety Program for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
NO.	2017-2018
(01) REGULAR SALARIES	\$624,808
(02) PERSONAL SERVICES MATCHING	192,168
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	105,714
(B) CONF. & TRAVEL	25,620

1	(C) PROF. FEES	2,229
2	(D) CAP. OUTLAY	25,000
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$975,539</u></u>

5

6 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
 7 to the Arkansas Public Service Commission, to be payable from the Public
 8 Service Commission Fund, for personal services and operating expenses of the
 9 Arkansas Public Service Commission - Contingency for the fiscal year ending
 10 June 30, 2018, the following:

11	ITEM	FISCAL YEAR
12	NO.	2017-2018
13	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

14

15

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

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

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

24 The provisions of this section shall be in effect only from July 1, ~~2016~~
25 2017 through June 30, ~~2017~~ 2018.

26
27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
29 EXPENDITURE. The proceeds from the reimbursement of travel expenses received
30 by the Public Service Commission, shall be deposited into the same State
31 Treasury Fund or Fund Account from which the original travel expenditure was
32 incurred as a refund to expenditure to the credit of the appropriation from
33 which the original expenditure was made.

34 The provisions of this section shall be in effect only from July 1, ~~2016~~
35 2017 through June 30, ~~2017~~ 2018.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
appropriations become necessary that are not authorized or contemplated in
the Tax Division appropriation of this Act and specific cases, situations,
and/or programs make it necessary that the Arkansas Public Service Commission
- Tax Division receives additional appropriations to carry out the objectives
of the Division, the Chairman of the Arkansas Public Service Commission is
hereby authorized to request the approval of the Governor and the Chief
Fiscal Officer of the State for transfers of the appropriations provided in
the Contingency line item of the Tax Division appropriation of this Act to
other line items within the Tax Division appropriation. In no event shall
the transfers in any fiscal year exceed the appropriations provided in the
Contingency line item of the Tax Division appropriation of this Act. The
Governor may approve or modify such request for transfer of appropriations as
in his or her judgment he or she deems necessary, and shall seek prior review
and approval of the Arkansas Legislative Council and inform the Chief Fiscal
Officer of the State. Upon notification, the Chief Fiscal Officer of the
State shall direct the State Auditor to process said transfer upon his or her
books in accordance with the provisions as set out herein.

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

1 The provisions of this section shall be in effect only from July 1, 2016
2 2017 through June 30, ~~2017~~ 2018.

3
4 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
5 authorized by this act shall be limited to the appropriation for such agency
6 and funds made available by law for the support of such appropriations; and
7 the restrictions of the State Procurement Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

13
14 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General
15 Assembly that any funds disbursed under the authority of the appropriations
16 contained in this act shall be in compliance with the stated reasons for
17 which this act was adopted, as evidenced by the Agency Requests, Executive
18 Recommendations and Legislative Recommendations contained in the budget
19 manuals prepared by the Department of Finance and Administration, letters, or
20 summarized oral testimony in the official minutes of the Arkansas Legislative
21 Council or Joint Budget Committee which relate to its passage and adoption.

22
23 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly, that the Constitution of the State of Arkansas prohibits
25 the appropriation of funds for more than a one (1) year period; that the
26 effectiveness of this Act on July 1, 2017 is essential to the operation of
27 the agency for which the appropriations in this Act are provided, and that in
28 the event of an extension of the legislative session, the delay in the
29 effective date of this Act beyond July 1, 2017 could work irreparable harm
30 upon the proper administration and provision of essential governmental
31 programs. Therefore, an emergency is hereby declared to exist and this Act
32 being necessary for the immediate preservation of the public peace, health
33 and safety shall be in full force and effect from and after July 1, 2017.