

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H2/5/99 H2/10/99 S2/16/99*

# A Bill

Act 286 of 1999  
HOUSE BILL 1376

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC SERVICE  
11 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
12 2001; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE ARKANSAS PUBLIC SERVICE  
15 COMMISSION APPROPRIATION FOR THE 1999-  
16 2001 BIENNIUM."  
17  
18  
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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 1999-2001 biennium, the following maximum number of regular employees  
25 whose salaries shall be governed by the provisions of the Uniform  
26 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its  
27 successor, and all laws amendatory thereto. Provided, however, that any  
28 position to which a specific maximum annual salary is set out herein in  
29 dollars, shall be exempt from the provisions of said Uniform Classification  
30 and Compensation Act. All persons occupying positions authorized herein are  
31 hereby governed by the provisions of the Regular Salaries Procedures and  
32 Restrictions Act (Arkansas Code §21-5-101), or its successor.  
33

		Maximum Annual
	Maximum	Salary Rate
Item Class	No. of	Fiscal Years
34		
35		
36		

\*JKA043\*

0128990244. JKA043

	No.	Code	Title	Employees	1999-2000	2000-2001
1						
2	(1)	9993	PSC CHAIRMAN	1	\$88,963	\$91,453
3	(2)	9994	PSC COMMISSIONER	2	\$85,730	\$88,130
4	(3)	9907	PSC DIRECTOR	1	\$85,261	\$87,648
5	(4)	9745	PSC CHIEF COUNSEL	1	\$82,953	\$85,275
6	(5)	9746	PSC CHIEF ADMIN LAW JUDGE	1	\$82,953	\$85,275
7	(6)	9748	PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$81,026	\$83,294
8	(7)	8040	PSC CHIEF OF AUDITS	1	\$81,026	\$83,294
9	(8)	9741	PSC ADMINISTRATIVE LAW JUDGE	3	\$72,018	\$74,034
10	(9)	063Z	PSC GENERAL COUNSEL	1	GRADE 26	
11	(10)	827Z	DATA PROCESSING CENTER MANAGER	1	GRADE 26	
12	(11)	R170	ATTORNEY SPECIALIST	9	GRADE 25	
13	(12)	009Z	PSC GAS & WATER SECTION MANAGER	1	GRADE 25	
14	(13)	984Z	PSC TELECOMM UTILITIES SEC MGR	1	GRADE 25	
15	(14)	A200	PSC OPERATIONS MANAGER	1	GRADE 24	
16	(15)	R050	PSC RURAL LIAISON	1	GRADE 24	
17	(16)	A198	PSC SENIOR RATE CASE ANALYST	5	GRADE 24	
18	(17)	A254	PUBLIC UTILITY AUDIT MANAGER	1	GRADE 24	
19	(18)	055Z	DP MANAGER	1	GRADE 23	
20	(19)	R480	PSC CHIEF, QUALITY OF SERVICE	1	GRADE 23	
21	(20)	X456	PSC RATE CASE ENGINEER	3	GRADE 22	
22	(21)	A072	PUBLIC UTILITY AUDITOR SUPERVISOR	7	GRADE 22	
23	(22)	A116	RATE ANALYST III	9	GRADE 21	
24	(23)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
25	(24)	A006	ACCOUNTING SUPERVISOR I	1	GRADE 20	
26	(25)	R133	AGENCY DIRECTOR RESEARCH & STATS	1	GRADE 20	
27	(26)	A076	PUBLIC UTILITY AUDITOR II	7	GRADE 20	
28	(27)	D121	USER SUPPORT ANALYST	1	GRADE 20	
29	(28)	K188	PSC MANAGER, COMM DOCKETS	1	GRADE 19	
30	(29)	X438	PSC UTILITY SERVICES SUPERVISOR	1	GRADE 19	
31	(30)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
32	(31)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18	
33	(32)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
34	(33)	R010	ADMINISTRATIVE ASSISTANT II	5	GRADE 17	
35	(34)	X342	COMPLAINTS INVESTIGATION SUPERVISOR	2	GRADE 17	
36	(35)	X333	ENGINEER TECHNICIAN	1	GRADE 16	

1	(36)	R009	ADMINISTRATIVE ASSISTANT I	3	GRADE 15
2	(37)	X307	COMPLAINTS INVESTIGATOR	2	GRADE 15
3	(38)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
4	(39)	K117	MEDICAL OR LEGAL SECRETARY	4	GRADE 14
5	(40)	K153	SECRETARY II	2	GRADE 13
6	(41)	K181	MAILROOM SUPERVISOR	<u>1</u>	GRADE 12
7			MAX. NO. OF EMPLOYEES	91	

SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Utilities Division for the 1999-2001 biennium, 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 biennial period ending June 30, 2001, the following:

ITEM		FISCAL YEARS	
NO.		1999-2000	2000-2001
(01)	REGULAR SALARIES	\$ 4,661,376	\$ 4,791,875
(02)	EXTRA HELP	1,325	1,325
(03)	PERSONAL SERV MATCHING	1,116,764	1,139,995
(04)	OVERTIME	25,000	25,000
(05)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	987,245	987,245
(B)	CONF. & TRAVEL	58,922	58,922
(C)	PROF. FEES	15,000	15,000
(D)	CAP. OUTLAY	61,395	40,724
(E)	DATA PROC.	15,000	15,000
(06)	BLDG REPAIR/MAINTENANCE	48,819	0

1	(07) FEDERAL REGULATORY SERVICE	290,575	290,575
2	(08) PROFESSIONAL SERVICES	770,994	770,994
3	(09) DATA PROCESSING SERVICES	<u>277,713</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,330,128</u>	<u>\$ 8,136,655</u>

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6 SECTION 4. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby  
7 established for the Arkansas Public Service Commission - Pipeline Safety  
8 Program for the 1999-2001 biennium, the following maximum number of regular  
9 employees whose salaries shall be governed by the provisions of the Uni form  
10 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its  
11 successor, and all laws amendatory thereto. Provided, however, that any  
12 position to which a specific maximum annual salary is set out herein in  
13 dollars, shall be exempt from the provisions of said Uni form Classification  
14 and Compensation Act. All persons occupying positions authorized herein are  
15 hereby governed by the provisions of the Regular Salaries Procedures and  
16 Restrictions Act (Arkansas Code §21-5-101), or its successor.

18			Maximum Annual		
19			Maximum	Salary Rate	
20	Item	Class	No. of	Fiscal Years	
21	No.	Code Title	Empl o yees	1999-2000	2000-2001
22	(1)	9747 PSC DIRECTOR OF QUALITY SERVICES	1	\$74,527	\$76,613
23	(2)	R482 PSC CHIEF, PIPELINE SAFETY	1	GRADE 22	
24	(3)	X456 PSC RATE CASE ENGINEER	2	GRADE 22	
25	(4)	X299 DOT CORROSION PROGRAM SPECIALIST	3	GRADE 18	
26	(5)	R010 ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
27		MAX. NO. OF EMPLOYEES	8		

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29 SECTION 5. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby  
30 appropriated, to the Arkansas Public Service Commission, to be payable from  
31 the Public Service Commission Utility Safety Fund, for personal services and  
32 operating expenses of the Arkansas Public Service Commission - Pipeline Safety  
33 Program for the biennial period ending June 30, 2001, the following:

35	ITEM	FISCAL YEARS	
36	NO.	1999-2000	2000-2001

1	(01) REGULAR SALARIES	\$	382,765	\$	393,481
2	(02) PERSONAL SERV MATCHING		93,453		95,382
3	(03) MAINT. & GEN. OPERATION				
4	(A) OPER. EXPENSE		63,014		63,014
5	(B) CONF. & TRAVEL		20,620		20,620
6	(C) PROF. FEES		23,229		23,229
7	(D) CAP. OUTLAY		31,290		26,330
8	(E) DATA PROC.		<u>0</u>		<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	\$	<u>614,371</u>	\$	<u>622,056</u>

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11 SECTION 6. REGULAR SALARIES - TAX DIVISION. There is hereby established  
 12 for the Arkansas Public Service Commission - Tax Division for the 1999-2001  
 13 biennium, the following maximum number of regular employees whose salaries  
 14 shall be governed by the provisions of the Uniform Classification and  
 15 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all  
 16 laws amendatory thereto. Provided, however, that any position to which a  
 17 specific maximum annual salary is set out herein in dollars, shall be exempt  
 18 from the provisions of said Uniform Classification and Compensation Act. All  
 19 persons occupying positions authorized herein are hereby governed by the  
 20 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 21 Code §21-5-101), or its successor.

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23				Maximum Annual		
24				Maximum	Salary Rate	
25	Item	Class	No. of	Fiscal Years		
26	No.	Code	Title	Employees	1999-2000	2000-2001
27	(1)	067Z	PSC TAX DIVISION DIRECTOR	1	GRADE 26	
28	(2)	A150	TAX DIVISION ASSISTANT DIRECTOR	1	GRADE 23	
29	(3)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
30	(4)	A121	PSC TAX DIV FINANCIAL ANALYST	1	GRADE 22	
31	(5)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
32	(6)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
33	(7)	A111	ACCOUNTANT	1	GRADE 18	
34	(8)	R010	ADMINISTRATIVE ASSISTANT II	3	GRADE 17	
35	(9)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14	
36	(10)	K039	DOCUMENT EXAMINER II	<u>3</u>	GRADE 12	

1 MAX. NO. OF EMPLOYEES 15

2

3 SECTION 7. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the  
 4 Arkansas Public Service Commission - Tax Division for the 1999-2001 biennium,  
 5 the following maximum number of part-time or temporary employees, to be known  
 6 as "Extra Help", payable from funds appropriated herein for such purposes:  
 7 five (5) temporary or part-time employees, when needed, at rates of pay not to  
 8 exceed those provided in the Uniform Classification and Compensation Act, or  
 9 its successor, or this act for the appropriate classification.

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11 SECTION 8. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to  
 12 the Arkansas Public Service Commission, to be payable from the Tax Division  
 13 Fund, for personal services and operating expenses of the Arkansas Public  
 14 Service Commission - Tax Division for the biennial period ending June 30,  
 15 2001, the following:

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ITEM	FISCAL YEARS	
NO.	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 445,181	\$ 457,646
(02) EXTRA HELP	37,428	38,238
(03) PERSONAL SERV MATCHING	131,016	133,284
(04) OVERTIME	5,000	5,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	165,569	181,129
(B) CONF. & TRAVEL	12,500	12,500
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	8,200	6,200
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 804,894</u>	<u>\$ 833,997</u>

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31 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to  
 32 the Arkansas Public Service Commission, to be payable from the Public Service  
 33 Commission Fund, for personal services and operating expenses of the Arkansas  
 34 Public Service Commission - Contingency for the biennial period ending June  
 35 30, 2001, the following:

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ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) CONTINGENCY	\$ <u>1,000,000</u>	\$ <u>1,000,000</u>

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTINGENCY RESTRICTION. In the event of unforeseen conditions, additional appropriations become necessary that are not authorized or contemplated in Section 3 of this Act and such events make it necessary that the Public Service Commission - Utilities Division receives additional appropriations to carry out the objectives of the agency, the Director of the Public Service Commission is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State, as hereinafter provided, for transfer of the additional appropriations provided in Section 14 9 to the appropriations provided the Utilities Division by Section 3, but in no event shall the transfers exceed the appropriations provided in Section 14 9 of this Act. Whenever the Director of the Public Service Commission deems it necessary to establish additional appropriations as authorized herein, he shall file with the Governor a written report accompanied by necessary supporting documents setting forth the facts, justifications, and circumstances that necessitate such appropriation. Upon receipt of such reports and supporting documents, the Governor, or his designee, shall study the same, and if he shall determine that such additional appropriations are being sought in strict compliance with this Act, the Governor, after seeking prior review by the Arkansas Legislative Council or the Joint Budget Committee, may approve or modify such request for additional appropriations as in his judgement he deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer of the State shall direct the State Auditor to process said transfer upon his books in accordance with the provisions as set out therein.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL RATES OF PAY. Due to the highly competitive job market conditions for utility rate case professionals and the necessity of recruiting and retaining qualified personnel, the Public Service Commission is authorized special rates

1 of pay for current and new employees in the classification listed under  
2 subsection (a) below.

3 (a) Special rates may be authorized up to the maximum authorized for the  
4 grade assigned the classification of a position for the following specific  
5 classifications only:

6	7	Class		
8	Code	Title		Grade
9	063Z	GENERAL COUNSEL		26
10	827Z	DATA PROCESSING CENTER MANAGER		26
11	009Z	PSC GAS AND WATER SECTION MANAGER		25
12	984Z	PSC TELECOMMUNICATIONS UTILITY SECTION MGR		25
13	R170	ATTORNEY SPECIALIST		25
14	R050	PSC RURAL LIAISON		24
15	A198	SENIOR RATE CASE ANALYST		24
16	A254	PUBLIC UTILITY AUDIT MANAGER		24
17	A200	PSC OPERATIONS MANAGER		24
18	R480	PSC CHIEF, QUALITY OF SERVICE		23
19	O55Z	DATA PROCESSING MANAGER		23
20	R482	PSC CHIEF, PIPELINE SAFETY		22
21	A072	PUBLIC UTILITY AUDITOR SUPV		22
22	X456	PSC RATE CASE ENGINEER		22
23	A116	RATE ANALYST III		21
24	D036	SR PROGRAMMER ANALYST		21
25	D123	APPLICATIONS AND SYSTEMS ANALYST		21
26	A076	PUBLIC UTILITY AUDITOR II		20
27	A038	FINANCIAL ANALYST		20
28	D121	USER SUPPORT ANALYST		20
29	R133	AGENCY DIR RESEARCH & STATISTICS		20
30	X438	PSC UTILITY SERVICES SUPV		19
31	A080	RATE ANALYST II		19
32	X299	DOT CORROSION PROGRAM SPECIALIST		18
33	A074	PUBLIC UTILITY AUDITOR I		18
34	A078	RATE ANALYST I		18
35	R150	RESEARCH PROJECT ANALYST		19
36	A006	ACCOUNTING SUPERVISOR I		20



1	R264	MANAGEMENT PROJECT ANALYST I	18
2	D128	COMPUTER OPERATIONS SPECIALIST	17
3	X342	COMPLAINTS INVESTIGATION SUPV	17
4	X458	ENGINEER TECHNICIAN SUPV	17
5	X333	ENGINEER TECHNICIAN	16

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7 (b) A monthly report shall be made to the Arkansas Legislative Council  
 8 describing all personnel transactions involving applications of any of the  
 9 provisions of this Section.

10 (c) This provision shall be in full force and effect for the biennium  
 11 beginning July 1, ~~1997~~ 1999, and ending June 30, ~~1999~~ 2001.

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13 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 15 FORWARD. Any unexpended balance of the appropriation authorized in Item (09)  
 16 of Section 3 of this Act which remains at the close of the fiscal year ending  
 17 June 30, ~~1998~~ 2000, shall be carried forward and made available for the same  
 18 purpose for the fiscal year ending June 30, ~~1999~~ 2001.

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20 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 22 FORWARD. Any unexpended balance of the appropriation authorized for Building  
 23 Repairs/Maintenance in Item (06) of Section 3 of this Act which remains at the  
 24 close of the fiscal year ending June 30, ~~1998~~ 2000, shall be carried forward  
 25 and made available for the same purpose for the fiscal year ending June 30,  
 26 ~~1999~~ 2001.

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28 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 29 by this act shall be limited to the appropriation for such agency and funds  
 30 made available by law for the support of such appropriations; and the  
 31 restrictions of the State Purchasing Law, the General Accounting and Budgetary  
 32 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures  
 33 and Restrictions Act, or their successors, and other fiscal control laws of  
 34 this State, where applicable, and regulations promulgated by the Department of  
 35 Finance and Administration, as authorized by law, shall be strictly complied  
 36 with in disbursement of said funds.

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

SECTION 16. CODE. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 17. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 18. GENERAL REPEALER. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1999 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1999 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1999.

*/s/ Joint Budget Committee APPROVED: 2/24/1999e*