

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 1321 of 2003
HOUSE BILL 1775

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 PUBLIC SERVICE COMMISSION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
16 COMMISSION APPROPRIATION FOR THE
17 2003-2005 BIENNIUM.
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 2003-2005 biennium, the following maximum number of regular employees
26 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 Years	
2	No.	Code	Title	Employees	2003-2004	2004-2005
3	(1)	9993	PSC CHAIRMAN	1	\$98,467	\$100,695
4	(2)	9994	PSC COMMISSIONER	2	\$94,920	\$97,099
5	(3)	9907	PSC DIRECTOR	1	\$94,405	\$96,577
6	(4)	9746	PSC CHIEF ADMIN LAW JUDGE	1	\$91,872	\$94,008
7	(5)	9745	PSC CHIEF COUNSEL	1	\$91,872	\$94,008
8	(6)	8040	PSC CHIEF OF AUDITS	1	\$89,746	\$91,851
9	(7)	9748	PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$89,746	\$91,851
10	(8)	9741	PSC ADMINISTRATIVE LAW JUDGE	3	\$79,813	\$81,730
11	(9)	016Z	PSC DIR OF ELECTRIC UTILITIES SECT	1		GRADE 26
12	(10)	063Z	PSC GENERAL COUNSEL	1		GRADE 26
13	(11)	827Z	DP CENTER MANAGER	1		GRADE 26
14	(12)	984Z	PSC TELECOMM UTILITIES SEC MGR	1		GRADE 25
15	(13)	R170	ATTORNEY SPECIALIST	9		GRADE 25
16	(14)	A198	PSC SENIOR RATE CASE ANALYST	5		GRADE 24
17	(15)	A200	PSC OPERATIONS MANAGER	1		GRADE 24
18	(16)	A254	PUBLIC UTILITY AUDIT MANAGER	1		GRADE 24
19	(17)	R050	PUBLIC SERVICE COMM RURAL LIAISON	1		GRADE 24
20	(18)	055Z	DP MANAGER	1		GRADE 23
21	(19)	R480	PSC CHIEF, QUALITY OF SERVICE	1		GRADE 23
22	(20)	A072	PUBLIC UTILITY AUDITOR SUPERVISOR	7		GRADE 22
23	(21)	X456	PSC RATE CASE ENGINEER	3		GRADE 22
24	(22)	A116	RATE ANALYST III	9		GRADE 21
25	(23)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
26	(24)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
27	(25)	A076	PUBLIC UTILITY AUDITOR II	6		GRADE 20
28	(26)	D121	USER SUPPORT ANALYST	1		GRADE 20
29	(27)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
30	(28)	K188	PSC MANAGER, COMM DOCKETS	1		GRADE 19
31	(29)	R150	RESEARCH PROJECT ANALYST	1		GRADE 19
32	(30)	X438	PSC UTILITY SERVICES SUPERVISOR	1		GRADE 19
33	(31)	D128	P C SUPPORT SPECIALIST	1		GRADE 18
34	(32)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
35	(33)	R010	ADMINISTRATIVE ASSISTANT II	5		GRADE 17
36	(34)	X342	COMPLAINTS INVESTIGATION SUPERVISOR	2		GRADE 17

1	(35)	X333	ENGINEER TECHNICIAN	1	GRADE 16
2	(36)	R009	ADMINISTRATIVE ASSISTANT I	3	GRADE 15
3	(37)	X307	COMPLAINTS INVESTIGATOR	2	GRADE 15
4	(38)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
5	(39)	K117	MEDICAL OR LEGAL SECRETARY	4	GRADE 14
6	(40)	K153	SECRETARY II	2	GRADE 13
7	(41)	K181	MAILROOM SUPERVISOR	<u>1</u>	GRADE 12
8			MAX. NO. OF EMPLOYEES	90	

9

10 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized,
 11 for the Arkansas Public Service Commission - Utilities Division for the 2003-
 12 2005 biennium, the following maximum number of part-time or temporary
 13 employees, to be known as "Extra Help", payable from funds appropriated
 14 herein for such purposes: six (6) temporary or part-time employees, when
 15 needed, at rates of pay not to exceed those provided in the Uniform
 16 Classification and Compensation Act, or its successor, or this act for the
 17 appropriate classification.

18

19 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby
 20 appropriated, to the Arkansas Public Service Commission, to be payable from
 21 the Public Service Commission Fund, for personal services and operating
 22 expenses of the Arkansas Public Service Commission - Utilities Division for
 23 the biennial period ending June 30, 2005, the following:

25	ITEM		FISCAL YEARS	
26	<u>NO.</u>		<u>2003-2004</u>	<u>2004-2005</u>
27	(01)	REGULAR SALARIES	\$ 5,105,130	\$ 5,242,968
28	(02)	EXTRA HELP	1,325	1,325
29	(03)	PERSONAL SERV MATCH	1,204,918	1,229,601
30	(04)	OVERTIME	25,000	25,000
31	(05)	MAINT. & GEN. OPERATION		
32	(A)	OPER. EXPENSE	1,040,997	1,040,997
33	(B)	CONF. & TRAVEL	68,922	68,922
34	(C)	PROF. FEES	15,000	15,000
35	(D)	CAP. OUTLAY	22,000	22,000
36	(E)	DATA PROC.	15,000	15,000

1	(06)	BUILDING REPAIRS/MAINTENANCE	48,638	0
2	(07)	FED REGULATORY SERVICES	290,575	290,575
3	(08)	PROFESSIONAL SERVICES	998,000	998,000
4	(09)	DATA PROCESSING SERVICES	<u>277,713</u>	<u>0</u>
5		TOTAL AMOUNT APPROPRIATED	<u>\$ 9,113,218</u>	<u>\$ 8,949,388</u>

6

7 SECTION 4. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby
 8 established for the Arkansas Public Service Commission - Pipeline Safety
 9 Program for the 2003-2005 biennium, the following maximum number of regular
 10 employees whose salaries shall be governed by the provisions of the Uniform
 11 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
 12 its successor, and all laws amendatory thereto. Provided, however, that any
 13 position to which a specific maximum annual salary is set out herein in
 14 dollars, shall be exempt from the provisions of said Uniform Classification
 15 and Compensation Act. All persons occupying positions authorized herein are
 16 hereby governed by the provisions of the Regular Salaries Procedures and
 17 Restrictions Act (Arkansas Code §21-5-101), or its successor.

18

19			Maximum Annual		
20			Maximum	Salary Rate	
21	Item	Class	No. of	Fiscal Years	
22	No.	Code Title	Employees	2003-2004	2004-2005
23	(1)	9747 PSC DIRECTOR OF QUALITY SERVICES	1	\$82,579	\$84,548
24	(2)	R482 PSC CHIEF, PIPELINE SAFETY	1	GRADE 24	
25	(3)	X456 PSC RATE CASE ENGINEER	3	GRADE 22	
26	(4)	X299 DOT CORROSION PROGRAM SPECIALIST	3	GRADE 18	
27	(5)	R010 ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
28		MAX. NO. OF EMPLOYEES	9		

29

30 SECTION 5. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby
 31 appropriated, to the Arkansas Public Service Commission, to be payable from
 32 the Public Service Commission Utility Safety Fund, for personal services and
 33 operating expenses of the Arkansas Public Service Commission - Pipeline
 34 Safety Program for the biennial period ending June 30, 2005, the following:

35

36 ITEM FISCAL YEARS

NO.		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 489,436	\$ 502,651
(02)	PERSONAL SERV MATCH	116,919	119,259
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	67,787	66,387
(B)	CONF. & TRAVEL	20,620	20,620
(C)	PROF. FEES	23,229	23,229
(D)	CAP. OUTLAY	24,500	0
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 742,491</u>	<u>\$ 732,146</u>

11

12 SECTION 6. REGULAR SALARIES - TAX DIVISION. There is hereby established
 13 for the Arkansas Public Service Commission - Tax Division for the 2003-2005
 14 biennium, the following maximum number of regular employees whose salaries
 15 shall be governed by the provisions of the Uniform Classification and
 16 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 17 all laws amendatory thereto. Provided, however, that any position to which a
 18 specific maximum annual salary is set out herein in dollars, shall be exempt
 19 from the provisions of said Uniform Classification and Compensation Act. All
 20 persons occupying positions authorized herein are hereby governed by the
 21 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 22 Code §21-5-101), or its successor.

23

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2003-2004	2004-2005
(1)	9143	PSC TAX DIVISION DIRECTOR	1	\$85,831	\$87,862
(2)	032Z	PSC TAX DIV ASST DIR/MOTOR CAR PROG	1		GRADE 23
(3)	A150	TAX DIVISION ASSISTANT DIRECTOR	1		GRADE 23
(4)	909Z	PROGRAM SUPPORT MANAGER	1		GRADE 22
(5)	A121	PSC TAX DIV FINANCIAL ANALYST	1		GRADE 22
(6)	R266	MANAGEMENT PROJECT ANALYST II	1		GRADE 20
(7)	R150	RESEARCH PROJECT ANALYST	1		GRADE 19
(8)	A111	ACCOUNTANT	1		GRADE 18
(9)	R264	MANAGEMENT PROJECT ANALYST I	1		GRADE 18

1	(10)	A052	PSC TAX DIV VALUATION ANALYST II	3	GRADE 17
2	(11)	A050	PSC TAX DIV VALUATION ANALYST I	<u>3</u>	GRADE 14
3			MAX. NO. OF EMPLOYEES	15	

5 SECTION 7. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the
6 Arkansas Public Service Commission - Tax Division for the 2003-2005 biennium,
7 the following maximum number of part-time or temporary employees, to be known
8 as "Extra Help", payable from funds appropriated herein for such purposes:
9 five (5) temporary or part-time employees, when needed, at rates of pay not
10 to exceed those provided in the Uniform Classification and Compensation Act,
11 or its successor, or this act for the appropriate classification.

13 SECTION 8. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to
14 the Arkansas Public Service Commission, to be payable from the Tax Division
15 Fund, for personal services and operating expenses of the Arkansas Public
16 Service Commission - Tax Division for the biennial period ending June 30,
17 2005, the following:

19	ITEM		FISCAL YEARS	
20	<u>NO.</u>		<u>2003-2004</u>	<u>2004-2005</u>
21	(01)	REGULAR SALARIES	\$ 504,610	\$ 518,234
22	(02)	EXTRA HELP	38,238	38,238
23	(03)	PERSONAL SERV MATCH	142,714	145,127
24	(04)	OVERTIME	5,000	5,000
25	(05)	MAINT. & GEN. OPERATION		
26	(A)	OPER. EXPENSE	201,359	201,359
27	(B)	CONF. & TRAVEL	12,500	12,500
28	(C)	PROF. FEES	100,000	100,000
29	(D)	CAP. OUTLAY	0	0
30	(E)	DATA PROC.	0	0
31	(06)	CONTINGENCY	<u>400,000</u>	<u>400,000</u>
32		TOTAL AMOUNT APPROPRIATED	<u>\$ 1,404,421</u>	<u>\$ 1,420,458</u>

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

1 Public Service Commission - Contingency for the biennial period ending June
 2 30, 2005, the following:

3

4 ITEM	FISCAL YEARS	
5 NO.	2003-2004	2004-2005
6 (01) CONTINGENCY	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

7

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

10 CONTINGENCY RESTRICTION. UTILITIES DIVISION. In the event of unforeseen
 11 conditions, additional appropriations become necessary that are not
 12 authorized or contemplated in ~~Section 3~~ the Utilities Division appropriation
 13 of this Act and such events make it necessary that the Public Service
 14 Commission - Utilities Division receives additional appropriations to carry
 15 out the objectives of the agency, the Director of the Public Service
 16 Commission is hereby authorized to request the approval of the Governor and
 17 the Chief Fiscal Officer of the State, as hereinafter provided, for transfer
 18 of the additional appropriations provided in ~~Section 9~~ the Contingency
 19 appropriation to the appropriations provided by the Utilities Division
 20 appropriation ~~by Section 3~~, but in no event shall the transfers exceed the
 21 appropriations provided in the Contingency appropriation ~~Section 9~~ of this
 22 Act. Whenever the Director of the Public Service Commission deems it
 23 necessary to establish additional appropriations as authorized herein, he or
 24 she shall file with the Governor a written report accompanied by necessary
 25 supporting documents setting forth the facts, justifications, and
 26 circumstances that necessitate such appropriation. Upon receipt of such
 27 reports and supporting documents, the Governor, or his or her designee, shall
 28 study the same, and if he or she shall determine that such additional
 29 appropriations are being sought in strict compliance with this Act, the
 30 Governor, after seeking prior review and prior approval by the Arkansas
 31 Legislative Council or the Joint Budget Committee, may approve or modify such
 32 request for additional appropriations as in his or her judgment he or she
 33 deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer
 34 of the State. Upon receipt thereof, the Chief Fiscal Officer of the State
 35 shall direct the State Auditor to process said transfer upon his books in
 36 accordance with the provisions as set out therein.

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

17 The provisions of this section shall be in effect only from July 1, ~~2001~~
 18 2003 through June 30, ~~2003~~ 2005.

19
 20 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
 22 RATES OF PAY. Due to the highly competitive job market conditions for
 23 utility rate case professionals and the necessity of recruiting and retaining
 24 qualified personnel, the Public Service Commission is authorized special
 25 rates of pay for current and new employees in the classification listed under
 26 subsection (a) below.

27 (a) Special rates may be authorized up to the maximum authorized for the
 28 grade assigned the classification of a position for the following specific
 29 classifications only:

30 Class

31 Code	Title	Grade
32 063Z	GENERAL COUNSEL	26
33 827Z	DATA PROCESSING CENTER MANAGER	26
34 016Z	PSC DIRECTOR OF ELECTRIC UTILITIES SECTION	26
35 984Z	PSC TELECOMMUNICATIONS UTILITY SECTION MGR	25
36 R170	ATTORNEY SPECIALIST	25

1	R050	PSC RURAL LIAISON	24
2	A198	SENIOR RATE CASE ANALYST	24
3	A254	PUBLIC UTILITY AUDIT MANAGER	24
4	A200	PSC OPERATIONS MANAGER	24
5	R480	PSC CHIEF, QUALITY OF SERVICE	23
6	055Z	DATA PROCESSING MANAGER	23
7	R482	PSC CHIEF, PIPELINE SAFETY	22 24
8	A072	PUBLIC UTILITY AUDITOR SUPV	22
9	X456	PSC RATE CASE ENGINEER	22
10	A116	RATE ANALYST III	21
11	D036	SR PROGRAMMER ANALYST	21
12	D123	APPLICATIONS AND SYSTEMS ANALYST	21
13	A076	PUBLIC UTILITY AUDITOR II	20
14	A038	FINANCIAL ANALYST	20
15	D121	USER SUPPORT ANALYST	20
16	R133	AGENCY DIR RESEARCH & STATISTICS	20
17	X438	PSC UTILITY SERVICES SUPV	19
18	A080	RATE ANALYST II	19
19	X299	DOT CORROSION PROGRAM SPECIALIST	18
20	A074	PUBLIC UTILITY AUDITOR I	18
21	A078	RATE ANALYST I	18
22	R150	RESEARCH PROJECT ANALYST	19
23	A006	ACCOUNTING SUPERVISOR I	20
24	R264	MANAGEMENT PROJECT ANALYST I	18
25	D128	COMPUTER OPERATIONS SPECIALIST	17
26	X342	COMPLAINTS INVESTIGATION SUPV	17
27	X458	ENGINEER TECHNICIAN SUPV	17
28	X333	ENGINEER TECHNICIAN	16

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

32 (c) Labor market rates will be established as needed for classifications
 33 not covered by the provisions of this section.

34 (d) A current plan of progression should be filed with the Office of
 35 Personnel Management on a biennial basis.

36 (e) This provision shall be in full force and effect for the biennium

1 beginning ~~July 1, 2001~~ July 1, 2003, and ending ~~June 30, 2003~~ June 30, 2005.

2 ~~The provisions of this section shall be in effect only from July 1, 2001~~
 3 ~~through June 30, 2003.~~

4
 5 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 7 FORWARD. The Data Processing Services line item of the Utilities Division
 8 appropriation is to be used for the purpose of purchasing computer hardware,
 9 computer software, and technical services required for the installation,
 10 maintenance, and required training associated with the purchase of computer
 11 hardware and computer software. Any unexpended balance of the appropriation
 12 authorized ~~in Item (09) of Section 3~~ by the Data Processing Services line
 13 item in the Utilities Division appropriation of this Act which remains at the
 14 close of the fiscal year ending June 30, ~~2002~~ 2004 , shall be carried forward
 15 and made available for the same purpose for the fiscal year ending June 30,
 16 ~~2003~~ 2005.

17 The provisions of this section shall be in effect only from July 1, ~~2001~~
 18 2003 through June 30, ~~2003~~ 2005.

19
 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
 24 the close of the fiscal year ending ~~June 30, 2002~~ June 30, 2004, shall be
 25 carried forward and made available for the same purpose for the fiscal year
 26 ending ~~June 30, 2003~~ June 30, 2005.

27 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 28 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

29
 30 SECTION 14. SPECIAL LANGUAGE. Arkansas Code Title 23, Chapter 2,
 31 Subchapter 1 is amended to add a new section to read as follows:
 32 23-2-112. Rural and Community Liaison - General Job Responsibilities.
 33 The Rural and Community Liaison will serve as a two-way communication link
 34 between the Arkansas Public Service Commission and utility customers in
 35 Arkansas, particularly those in rural areas. The Rural and Community Liaison
 36 is responsible for providing information to communities and rural utility

1 customers concerning utility matters within the jurisdiction of the
 2 Commission. The Rural and Community Liaison is also responsible for
 3 identifying questions and concerns that rural utility customers may have
 4 concerning utility issues and relaying those concerns to the Commissioners
 5 and the Commission Staff. In the performance of these duties, the Rural and
 6 Community Liaison will work with stakeholders in rural areas and communities,
 7 including legislators, civic and community leaders, customers and customer
 8 groups, and rural utility personnel.

9
 10 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 12 CONTINGENCY RESTRICTION. TAX DIVISION. In the event additional
 13 appropriations become necessary that are not authorized or contemplated in
 14 ~~Section 8~~ the Tax Division appropriation of this Act and specific cases,
 15 situations, and/or programs make it necessary that the Arkansas Public
 16 Service Commission – Tax Division receives additional appropriations to carry
 17 out the objectives of the Division, the Chairman of the Arkansas Public
 18 Service Commission is hereby authorized to request the approval of the
 19 Governor and the Chief Fiscal Officer of the State for transfers of the
 20 appropriations provided in the Contingency line item of ~~Section 8~~ the Tax
 21 Division appropriation of this Act to other line items within ~~Section 8~~ the
 22 Tax Division appropriation. In no event shall the transfers in any fiscal
 23 year exceed the appropriations provided in the Contingency line item of
 24 ~~Section 8~~ the Tax Division appropriation of this Act. The Governor may
 25 approve or modify such request for transfer of appropriations as in his or
 26 her judgment he or she deems necessary, and shall seek prior review and
 27 approval of the Arkansas Legislative Council and inform the Chief Fiscal
 28 Officer of the State. Upon notification, the Chief Fiscal Officer of the
 29 State shall direct the State Auditor to process said transfer upon his or her
 30 books in accordance with the provisions as set out herein.

31 Determining the maximum number of employees and the maximum amount of
 32 appropriation and general revenue funding for a state agency each fiscal year
 33 is the prerogative of the General Assembly. This is usually accomplished by
 34 delineating such maximums in the appropriation act(s) for a state agency and
 35 the general revenue allocations authorized for each fund and fund account by
 36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Public Service Commission - Tax Division may operate
 2 more efficiently if some flexibility is provided to the Public Service
 3 Commission - Tax Division authorizing broad powers under this Section.
 4 Therefore, it is both necessary and appropriate that the General Assembly
 5 maintain oversight by requiring prior approval of the Legislative Council or
 6 Joint Budget Committee as provided by this section. The requirement of
 7 approval by the Legislative Council or Joint Budget Committee is not a
 8 severable part of this section. If the requirement of approval by the
 9 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
 10 court of competent jurisdiction, this entire section is void.

11 The provisions of this section shall be in effect only from July 1, 2001
 12 2003 through June 30, ~~2003~~ 2005.

13
 14
 15 SECTION 16. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 16 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - PUBLIC
 17 SERVICE COMMISSION UTILITY SAFETY FUND AND TAX DIVISION FUND. (A) For all
 18 appropriations as provided in this Act, the agency disbursing officer shall
 19 monitor the level of fund balances in relation to expenditures on a monthly
 20 basis. If any proposed expenditures would cause the Public Service
 21 Commission Utility Safety Fund to decline below four hundred sixteen thousand
 22 eight hundred thirty nine dollars (\$416,839) or the Tax Division Fund to
 23 decline below three hundred sixty six thousand five hundred forty four
 24 dollars (\$366,544) a fund balance to decline to less than fifty percent (50%)
 25 ~~of the balance available on July 1, 2001,~~ the disbursing officer shall
 26 immediately notify the executive head of the agency. Prior to any
 27 obligations being made under these circumstances, the agency head shall file
 28 written documentation with the Chief Fiscal Officer of the State requesting
 29 approval of the expenditures. Such documentation shall provide sufficient
 30 financial data to justify the expenditures and shall include the following:
 31 1) a plan that clearly indicates the specific fiscal impact of such
 32 expenditures on the fund balance.
 33 2) information clearly indicating and explaining what programs would be cut
 34 or any other measures to be taken by the agency to restore the fund balance.
 35 3) the extent to which any of the planned expenditures are for one-time costs
 36 or one-time purchase of capitalized items.

1 4) a statement certifying that the expenditure of fund balances will not
 2 jeopardize the financial health of the agency, nor result in a permanent
 3 depletion of the fund balance.

4 (B) The Chief Fiscal Officer of the State shall review the request and
 5 approve or disapprove all or any part of the request, after having sought
 6 prior review by the Legislative Council.

7 The provisions of this section shall be in effect only from July 1, 2003
 8 through June 30, 2005.

9
 10 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 11 by this act shall be limited to the appropriation for such agency and funds
 12 made available by law for the support of such appropriations; and the
 13 restrictions of the State Purchasing Law, the General Accounting and
 14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 15 Procedures and Restrictions Act, or their successors, and other fiscal
 16 control laws of this State, where applicable, and regulations promulgated by
 17 the Department of Finance and Administration, as authorized by law, shall be
 18 strictly complied with in disbursement of said funds.

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

28
 29 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the General
 30 Assembly, that the Constitution of the State of Arkansas prohibits the
 31 appropriation of funds for more than a two (2) year period; that the
 32 effectiveness of this Act on July 1, 2003 is essential to the operation of
 33 the agency for which the appropriations in this Act are provided, and that in
 34 the event of an extension of the Regular Session, the delay in the effective
 35 date of this Act beyond July 1, 2003 could work irreparable harm upon the
 36 proper administration and provision of essential governmental programs.

1 Therefore, an emergency is hereby declared to exist and this Act being
2 necessary for the immediate preservation of the public peace, health and
3 safety shall be in full force and effect from and after July 1, 2003.

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7 APPROVED: 4/14/2003
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