

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.

Act 2017 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H4/6/05*

**A Bill**

HOUSE BILL 1166

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, 2007; AND FOR OTHER PURPOSES.  
13  
14

**Subtitle**

15 AN ACT FOR THE ARKANSAS PUBLIC SERVICE  
16 COMMISSION APPROPRIATION FOR THE  
17 2005-2007 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 2005-2007 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



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9993	PSC CHAIRMAN	1	\$103,115	\$105,571
5	(2)	9994	PSC COMMISSIONER	2	\$99,465	\$101,866
6	(3)	9907	PSC DIRECTOR	1	\$98,935	\$101,329
7	(4)	9746	PSC CHIEF ADMIN LAW JUDGE	1	\$96,328	\$98,682
8	(5)	9745	PSC CHIEF COUNSEL	1	\$96,328	\$98,682
9	(6)	9748	PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$94,138	\$96,460
10	(7)	8040	PSC CHIEF OF AUDITS	1	\$94,138	\$96,460
11	(8)	9741	PSC ADMINISTRATIVE LAW JUDGE	3	\$83,832	\$85,974
12	(9)	063Z	PSC GENERAL COUNSEL	1		GRADE 26
13	(10)	827Z	DP CENTER MANAGER	1		GRADE 26
14	(11)	016Z	PSC DIR OF ELECTRIC UTILITIES SECT	1		GRADE 26
15	(12)	984Z	PSC TELECOMM UTILITIES SEC MGR	1		GRADE 25
16	(13)	R170	ATTORNEY SPECIALIST	9		GRADE 25
17	(14)	R050	PUBLIC SERVICE COMM RURAL LIASON	1		GRADE 24
18	(15)	A198	PSC SENIOR RATE CASE ANALYST	5		GRADE 24
19	(16)	A200	PSC OPERATIONS MANAGER	1		GRADE 24
20	(17)	A254	PUBLIC UTILITY AUDIT MANAGER	1		GRADE 24
21	(18)	055Z	DP MANAGER	1		GRADE 23
22	(19)	R480	PSC CHIEF, QUALITY OF SERVICE	1		GRADE 23
23	(20)	A072	PUBLIC UTILITY AUDITOR SUPERVISOR	7		GRADE 22
24	(21)	X456	PSC RATE CASE ENGINEER	3		GRADE 22
25	(22)	A116	RATE ANALYST III	9		GRADE 21
26	(23)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
27	(24)	D121	USER SUPPORT ANALYST	1		GRADE 20
28	(25)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
29	(26)	A076	PUBLIC UTILITY AUDITOR II	6		GRADE 20
30	(27)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
31	(28)	K188	PSC MANAGER, COMM DOCKETS	1		GRADE 19
32	(29)	R150	RESEARCH PROJECT ANALYST	1		GRADE 19
33	(30)	X438	PSC UTILITY SERVICES SUPERVISOR	1		GRADE 19
34	(31)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
35	(32)	D128	P C SUPPORT SPECIALIST	1		GRADE 18
36	(33)	R010	ADMINISTRATIVE ASSISTANT II	5		GRADE 17

1	(34)	X342	COMPLAINTS INVESTIGATION SUPERVISOR	2	GRADE 17
2	(35)	X333	ENGINEER TECHNICIAN	1	GRADE 16
3	(36)	X307	COMPLAINTS INVESTIGATOR	2	GRADE 15
4	(37)	R009	ADMINISTRATIVE ASSISTANT I	3	GRADE 15
5	(38)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
6	(39)	K117	MEDICAL OR LEGAL SECRETARY	4	GRADE 14
7	(40)	K153	SECRETARY II	2	GRADE 13
8	(41)	K181	MAILROOM SUPERVISOR	<u>1</u>	GRADE 12
9			MAX. NO. OF EMPLOYEES	90	

10

11 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized,  
 12 for the Arkansas Public Service Commission - Utilities Division for the 2005-  
 13 2007 biennium, the following maximum number of part-time or temporary  
 14 employees, to be known as "Extra Help", payable from funds appropriated  
 15 herein for such purposes: six (6) temporary or part-time employees, when  
 16 needed, at rates of pay not to exceed those provided in the Uniform  
 17 Classification and Compensation Act, or its successor, or this act for the  
 18 appropriate classification.

19

20 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby  
 21 appropriated, to the Arkansas Public Service Commission, to be payable from  
 22 the Public Service Commission Fund, for personal services and operating  
 23 expenses of the Arkansas Public Service Commission - Utilities Division for  
 24 the biennial period ending June 30, 2007, the following:

25

26	ITEM		FISCAL YEARS	
27	<u>NO.</u>		<u>2005-2006</u>	<u>2006-2007</u>
28	(01)	REGULAR SALARIES	\$ 5,216,865	\$ 5,359,553
29	(02)	EXTRA HELP	1,325	1,325
30	(03)	PERSONAL SERVICES MATCHING	1,326,804	1,353,314
31	(04)	OVERTIME	25,000	25,000
32	(05)	MAINT. & GEN. OPERATION		
33	(A)	OPER. EXPENSE	1,040,997	1,040,997
34	(B)	CONF. & TRAVEL	68,922	68,922
35	(C)	PROF. FEES	15,000	15,000
36	(D)	CAP. OUTLAY	44,000	21,000

1	(E) DATA PROC.	15,000	15,000
2	(06) BUILDING REPAIRS/MAINTENANCE	48,638	0
3	(07) FED REGULATORY SERVICES	290,575	290,575
4	(08) PROFESSIONAL SERVICES	998,000	998,000
5	(09) DATA PROCESSING SERVICES	<u>277,713</u>	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,368,839</u>	<u>\$ 9,188,686</u>

7

8 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established  
 9 for the Arkansas Public Service Commission - Tax Division for the 2005-2007  
 10 biennium, the following maximum number of regular employees whose salaries  
 11 shall be governed by the provisions of the Uniform Classification and  
 12 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
 13 all laws amendatory thereto. Provided, however, that any position to which a  
 14 specific maximum annual salary is set out herein in dollars, shall be exempt  
 15 from the provisions of said Uniform Classification and Compensation Act. All  
 16 persons occupying positions authorized herein are hereby governed by the  
 17 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 18 Code §21-5-101), or its successor.

19

20			Maximum Annual		
21			Maximum	Salary Rate	
22	Item	Class	No. of	Fiscal Years	
23	No.	Code Title	Employees	2005-2006	2006-2007
24	(1)	9143 PSC TAX DIVISION DIRECTOR	1	\$90,081	\$92,342
25	(2)	A150 TAX DIVISION ASSISTANT DIRECTOR	1	GRADE	23
26	(3)	032Z PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE	23
27	(4)	909Z PROGRAM SUPPORT MANAGER	1	GRADE	22
28	(5)	A121 PSC TAX DIV FINANCIAL ANALYST	1	GRADE	22
29	(6)	R266 MANAGEMENT PROJECT ANALYST II	1	GRADE	20
30	(7)	R150 RESEARCH PROJECT ANALYST	1	GRADE	19
31	(8)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE	18
32	(9)	A111 ACCOUNTANT	1	GRADE	18
33	(10)	A052 PSC TAX DIV VALUATION ANALYST II	3	GRADE	17
34	(11)	A050 PSC TAX DIV VALUATION ANALYST I	<u>3</u>	GRADE	14
35		MAX. NO. OF EMPLOYEES	15		

36

1 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the  
 2 Arkansas Public Service Commission - Tax Division for the 2005-2007 biennium,  
 3 the following maximum number of part-time or temporary employees, to be known  
 4 as "Extra Help", payable from funds appropriated herein for such purposes:  
 5 five (5) temporary or part-time employees, when needed, at rates of pay not  
 6 to exceed those provided in the Uniform Classification and Compensation Act,  
 7 or its successor, or this act for the appropriate classification.

8  
 9 SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to  
 10 the Arkansas Public Service Commission, to be payable from the Tax Division  
 11 Fund, for personal services and operating expenses of the Arkansas Public  
 12 Service Commission - Tax Division for the biennial period ending June 30,  
 13 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 529,427	\$ 544,751
(02) EXTRA HELP	38,238	38,238
(03) PERSONAL SERVICES MATCHING	161,019	163,903
(04) OVERTIME	5,000	5,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	201,359	201,359
(B) CONF. & TRAVEL	12,500	12,500
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(06) CONTINGENCY	<u>400,000</u>	<u>400,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,447,543</u>	<u>\$ 1,465,751</u>

29  
 30 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby  
 31 established for the Arkansas Public Service Commission - Pipeline Safety  
 32 Program for the 2005-2007 biennium, the following maximum number of regular  
 33 employees whose salaries shall be governed by the provisions of the Uniform  
 34 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 35 its successor, and all laws amendatory thereto. Provided, however, that any  
 36 position to which a specific maximum annual salary is set out herein in

dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				Fiscal Years 2005-2006	Fiscal Years 2006-2007
(1)	9747	PSC DIRECTOR OF QUALITY SERVICES	1	\$86,704	\$88,901
(2)	R482	PSC CHIEF, PIPELINE SAFETY	1	GRADE 24	
(3)	X456	PSC RATE CASE ENGINEER	3	GRADE 22	
(4)	X299	DOT CORROSION PROGRAM SPECIALIST	3	GRADE 18	
(5)	R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
		MAX. NO. OF EMPLOYEES	9		

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 biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 514,769	\$ 529,211
(02) PERSONAL SERVICES MATCHING	131,336	134,053
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	93,267	89,637
(B) CONF. & TRAVEL	20,620	20,620
(C) PROF. FEES	8,229	8,229
(D) CAP. OUTLAY	24,000	24,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 792,221</u>	<u>\$ 805,750</u>

SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service

1 Commission Fund, for personal services and operating expenses of the Arkansas  
2 Public Service Commission - Contingency for the biennial period ending June  
3 30, 2007, the following:

5 ITEM	FISCAL YEARS	
6 <u>NO.</u>	2005-2006	2006-2007
7 (01) CONTINGENCY	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

8

9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
11 CONTINGENCY RESTRICTION. UTILITIES DIVISION. In the event of unforeseen  
12 conditions, additional appropriations become necessary that are not  
13 authorized or contemplated in the Utilities Division appropriation of this  
14 Act and such events make it necessary that the Public Service Commission -  
15 Utilities Division receives additional appropriations to carry out the  
16 objectives of the agency, the Director of the Public Service Commission is  
17 hereby authorized to request the approval of the Governor and the Chief  
18 Fiscal Officer of the State, as hereinafter provided, for transfer of the  
19 additional appropriations provided in the Contingency appropriation to the  
20 appropriations provided by the Utilities Division appropriation, but in no  
21 event shall the transfers exceed the appropriations provided in the  
22 Contingency appropriation of this Act. Whenever the Director of the Public  
23 Service Commission deems it necessary to establish additional appropriations  
24 as authorized herein, he or she shall file with the Governor a written report  
25 accompanied by necessary supporting documents setting forth the facts,  
26 justifications, and circumstances that necessitate such appropriation. Upon  
27 receipt of such reports and supporting documents, the Governor, or his or her  
28 designee, shall study the same, and if he or she shall determine that such  
29 additional appropriations are being sought in strict compliance with this  
30 Act, the Governor, after seeking prior review and prior approval by the  
31 Arkansas Legislative Council or the Joint Budget Committee, may approve or  
32 modify such request for additional appropriations as in his or her judgment  
33 he or she deems necessary, and shall forward a copy thereof to the Chief  
34 Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer  
35 of the State shall direct the State Auditor to process said transfer upon his  
36 books in 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, ~~2003~~  
 18 2005 through June 30, ~~2005~~ 2007.

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 016Z	PSC DIRECTOR OF ELECTRIC UTILITIES SECTION	26
34 984Z	PSC TELECOMMUNICATIONS UTILITY SECTION MGR	25
35 R050	PSC RURAL LIAISON	24
36 A198	SENIOR RATE CASE ANALYST	24

1	A254	PUBLIC UTILITY AUDIT MANAGER	24
2	A200	PSC OPERATIONS MANAGER	24
3	R480	PSC CHIEF, QUALITY OF SERVICE	23
4	R482	PSC CHIEF, PIPELINE SAFETY	24
5	A072	PUBLIC UTILITY AUDITOR SUPV	22
6	X456	PSC RATE CASE ENGINEER	22
7	A116	RATE ANALYST III	21
8	A076	PUBLIC UTILITY AUDITOR II	20
9	X438	PSC UTILITY SERVICES SUPV	19
10	A080	RATE ANALYST II	19
11	X299	DOT CORROSION PROGRAM SPECIALIST	18
12	A074	PUBLIC UTILITY AUDITOR I	18
13	A078	RATE ANALYST I	18
14	X458	ENGINEER TECHNICIAN SUPV	17

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

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

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

22 This provision shall be in full force and effect for the biennium  
 23 beginning July 1, ~~2003~~ 2005, and ending June 30, ~~2005~~ 2007.

24

25 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 27 FORWARD. The Data Processing Services line item of the Utilities Division  
 28 appropriation is to be used for the purpose of purchasing computer hardware,  
 29 computer software, and technical services required for the installation,  
 30 maintenance, and required training associated with the purchase of computer  
 31 hardware and computer software. Any unexpended balance of the appropriation  
 32 authorized by the Data Processing Services line item in the Utilities  
 33 Division appropriation of this Act which remains at the close of the fiscal  
 34 year ending June 30, ~~2004~~ 2006, shall be carried forward and made available  
 35 for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

36 The provisions of this section shall be in effect only from July 1, ~~2003~~

1 2005 through June 30, ~~2005~~ 2007.

2

3 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
5 FORWARD. Any unexpended balance of the appropriation authorized for Building  
6 Repairs/Maintenance in Item (06) of Section 3 of this Act which remains at  
7 the close of the fiscal year ending June 30, ~~2004~~ 2006, shall be carried  
8 forward and made available for the same purpose for the fiscal year ending  
9 June 30, ~~2005~~ 2007.

10 The provisions of this section shall be in effect only from July 1, ~~2003~~  
11 2005 through June 30, ~~2005~~ 2007.

12

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

33 Determining the maximum number of employees and the maximum amount of  
34 appropriation and general revenue funding for a state agency each fiscal year  
35 is the prerogative of the General Assembly. This is usually accomplished by  
36 delineating such maximums in the appropriation act(s) for a state agency and

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

13 The provisions of this section shall be in effect only from July 1, ~~2003~~  
14 2005 through June 30, ~~2005~~ 2007.

15

16 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
18 BALANCES - PUBLIC SERVICE COMMISSION UTILITY SAFETY FUND AND TAX DIVISION  
19 FUND. (A) For all appropriations as provided in this Act, the agency  
20 disbursing officer shall monitor the level of fund balances in relation to  
21 expenditures on a monthly basis. If any proposed expenditures would cause  
22 the Public Service Commission Utility Safety Fund to decline below four  
23 hundred sixteen thousand eight hundred thirty nine dollars (\$416,839) or the  
24 Tax Division Fund to decline below three hundred sixty six thousand five  
25 hundred forty four dollars (\$366,544), 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 2005 through June 30, ~~2005~~ 2007.

9  
10 *SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*  
11 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. To ensure that*  
12 *telecommunications rates are reasonable and affordable, the Arkansas Public*  
13 *Service Commission should take all reasonable steps necessary to maintain and*  
14 *reduce Arkansas Universal Service Fund (AUSF) administrative expenses and*  
15 *avoid mandating changes in telecommunications services that could increase*  
16 *AUSF assessments which would result in higher AUSF surcharges to customers.*

17  
18 *SECTION 17. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds authorized  
19 by this act shall be limited to the appropriation for such agency and funds  
20 made available by law for the support of such appropriations; and the  
21 restrictions of the State Procurement Law, the General Accounting and  
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
23 Procedures and Restrictions Act, or their successors, and other fiscal  
24 control laws of this State, where applicable, and regulations promulgated by  
25 the Department of Finance and Administration, as authorized by law, shall be  
26 strictly complied with in disbursement of said funds.

27  
28 *SECTION 18. LEGISLATIVE INTENT.* It is the intent of the General Assembly  
29 that any funds disbursed under the authority of the appropriations contained  
30 in this act shall be in compliance with the stated reasons for which this act  
31 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
32 and Legislative Recommendations contained in the budget manuals prepared by  
33 the Department of Finance and Administration, letters, or summarized oral  
34 testimony in the official minutes of the Arkansas Legislative Council or  
35 Joint Budget Committee which relate to its passage and adoption.

36



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