

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 823 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1197

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 FISCAL YEAR
12 ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

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



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

1	(34)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115
2	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
3	(36)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
4	(37)	C056C	ADMINISTRATIVE SPECIALIST III	4	GRADE C112
5	(38)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
6	(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
7			MAX. NO. OF EMPLOYEES	90	

8

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

17

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

23

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

1	(07)	FED REGULATORY SERVICES	290,575
2	(08)	PROFESSIONAL SERVICES	998,000
3	(09)	DATA PROCESSING SERVICES	<u>138,857</u>
4		TOTAL AMOUNT APPROPRIATED	<u>\$ 9,836,480</u>

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

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

33

34 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the
35 Arkansas Public Service Commission - Tax Division for the 2009-2010 fiscal
36 year, the following maximum number of part-time or temporary employees, to be

1 known as "Extra Help", payable from funds appropriated herein for such
2 purposes: five (5) temporary or part-time employees, when needed, at rates
3 of pay not to exceed those provided in the Uniform Classification and
4 Compensation Act, or its successor, or this act for the appropriate
5 classification.

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

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

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

1 authorized herein are hereby governed by the provisions of the Regular
 2 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 3 successor.

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

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

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

33
 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 fiscal year ending June 30,
2 2010, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2009-2010</u>
6 (01) CONTINGENCY	<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 the Utilities Division appropriation of this
13 Act and such events make it necessary that the Public Service Commission -
14 Utilities Division receives additional appropriations to carry out the
15 objectives of the agency, the Director of the Public Service Commission is
16 hereby authorized to request the approval of the Governor and the Chief
17 Fiscal Officer of the State, as hereinafter provided, for transfer of the
18 additional appropriations provided in the Contingency appropriation to the
19 appropriations provided by the Utilities Division appropriation, but in no
20 event shall the transfers exceed the appropriations provided in the
21 Contingency appropriation of this Act. Whenever the Director of the Public
22 Service Commission deems it necessary to establish additional appropriations
23 as authorized herein, he or she shall file with the Governor a written report
24 accompanied by necessary supporting documents setting forth the facts,
25 justifications, and circumstances that necessitate such appropriation. Upon
26 receipt of such reports and supporting documents, the Governor, or his or her
27 designee, shall study the same, and if he or she shall determine that such
28 additional appropriations are being sought in strict compliance with this
29 Act, the Governor, after seeking prior review and prior approval by the
30 Arkansas Legislative Council or the Joint Budget Committee, may approve or
31 modify such request for additional appropriations as in his or her judgment
32 he or she deems necessary, and shall forward a copy thereof to the Chief
33 Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer
34 of the State shall direct the State Auditor to process said transfer upon his
35 books in accordance with the provisions as set out therein.

36 Determining the maximum number of employees and the maximum amount of

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

16 The provisions of this section shall be in effect only from July 1,
 17 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

1 State shall direct the State Auditor to process said transfer upon his or her
 2 books in accordance with the provisions as set out herein.

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

19 The provisions of this section shall be in effect only from July 1,
 20 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

1 Procedures and Restrictions Act, or their successors, and other fiscal
2 control laws of this State, where applicable, and regulations promulgated by
3 the Department of Finance and Administration, as authorized by law, shall be
4 strictly complied with in disbursement of said funds.

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

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

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28 APPROVED: 4/6/2009
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