

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1063

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC  
10 SERVICE COMMISSION FOR THE FISCAL YEAR ENDING JUNE  
11 30, 2014; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE  
15 COMMISSION APPROPRIATION FOR THE 2013-  
16 2014 FISCAL YEAR.  
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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 2013-2014 fiscal year, the following maximum number of regular  
25 employees.  
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2013-2014
31	(1)	U005U PSC CHAIRMAN	1	\$125,493
32	(2)	U004U PSC COMMISSIONER	2	\$121,089
33	(3)	U050U PSC DIRECTOR	1	\$120,451
34	(4)	G003N PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
35	(5)	N043N PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
36	(6)	G006N PSC CHIEF COUNSEL	1	GRADE N908



1	(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
2	(8)	A008N	DIRECTOR OF RATES & DEMAND RESOURCES	1	GRADE N906
3	(9)	G011N	PSC ADMINISTRATIVE LAW JUDGE	4	GRADE N906
4	(10)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
5	(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
6	(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
7	(13)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
8	(14)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE C127
9	(15)	G047C	ATTORNEY SPECIALIST	6	GRADE C126
10	(16)	B023C	ENGINEER, P.E.	1	GRADE C124
11	(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
12	(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
13	(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
14	(20)	G066C	PSC TELECOM AND QUALITY OF SVC MGR	1	GRADE C124
15	(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE C122
16	(22)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
17	(23)	A046C	PSC RATE CASE ANALYST	12	GRADE C121
18	(24)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(25)	G123C	PSC CLERK	1	GRADE C120
20	(26)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
21	(27)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
22	(28)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119
23	(29)	G164C	EXECUTIVE ASST TO THE COMMISSIONER	2	GRADE C118
24	(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
26	(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
27	(33)	A089C	ACCOUNTANT I	1	GRADE C116
28	(34)	C037C	ADMINISTRATIVE ANALYST	7	GRADE C115
29	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
30	(36)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
31	(37)	C056C	ADMINISTRATIVE SPECIALIST III	3	GRADE C112
32	(38)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
33			MAX. NO. OF EMPLOYEES	90	

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35 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby  
 36 authorized, for the Arkansas Public Service Commission - Utilities Division

1 for the 2013-2014 fiscal year, the following maximum number of part-time or  
 2 temporary employees, to be known as "Extra Help", payable from funds  
 3 appropriated herein for such purposes: six (6) temporary or part-time  
 4 employees, when needed, at rates of pay not to exceed those provided in the  
 5 Uniform Classification and Compensation Act, or its successor, or this act  
 6 for the appropriate classification.

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 8 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby  
 9 appropriated, to the Arkansas Public Service Commission, to be payable from  
 10 the Public Service Commission Fund, for personal services and operating  
 11 expenses of the Arkansas Public Service Commission - Utilities Division for  
 12 the fiscal year ending June 30, 2014, the following:

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2013-2014</u>
16 (01) REGULAR SALARIES	\$5,628,191
17 (02) EXTRA HELP	9,000
18 (03) PERSONAL SERVICES MATCHING	1,678,728
19 (04) OVERTIME	25,000
20 (05) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	1,055,997
22 (B) CONF. & TRAVEL	68,922
23 (C) PROF. FEES	15,000
24 (D) CAP. OUTLAY	21,000
25 (E) DATA PROC.	0
26 (06) BUILDING REPAIRS/MAINTENANCE	24,319
27 (07) FED REGULATORY SERVICES	290,575
28 (08) PROFESSIONAL SERVICES	998,000
29 (09) DATA PROCESSING SERVICES	<u>138,856</u>
30 TOTAL AMOUNT APPROPRIATED	<u><u>\$9,953,588</u></u>

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 32 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby  
 33 established for the Arkansas Public Service Commission - Tax Division for the  
 34 2013-2014 fiscal year, the following maximum number of regular employees.

35  
 36 Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2013-2014
4	(1) N071N	PSC TAX DIVISION DIRECTOR	1	GRADE N908
5	(2) A019C	PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
6	(3) A038C	FISCAL SUPPORT MANAGER	1	GRADE C123
7	(4) A035C	PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
8	(5) A047C	FINANCIAL ANALYST II	1	GRADE C121
9	(6) A064C	PSC TAX VALUATION SUPERVISOR	1	GRADE C119
10	(7) A076C	FINANCE PROGRAM ANALYST	1	GRADE C118
11	(8) B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
12	(9) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
13	(10) A095C	PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
14	MAX. NO. OF EMPLOYEES		15	

SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Tax Division for the 2013-2014 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Tax Division Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Tax Division for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$744,014
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	241,157
(04) OVERTIME	5,000

1	(05) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	201,359
3	(B) CONF. & TRAVEL	12,500
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	0
7	(06) CONTINGENCY	<u>400,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,742,268</u></u>

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10 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby  
 11 established for the Arkansas Public Service Commission - Pipeline Safety  
 12 Program for the 2013-2014 fiscal year, the following maximum number of  
 13 regular employees.

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15			Maximum Annual
16		Maximum	Salary Rate
17	Item Class	No. of	Fiscal Year
18	<u>No. Code Title</u>	<u>Employees</u>	<u>2013-2014</u>
19	(1) N076N PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
20	(2) B015C ENGINEER SUPERVISOR	1	GRADE C126
21	(3) X048C PSC PIPELINE SAFETY SPECIALIST	4	GRADE C120
22	(4) C037C ADMINISTRATIVE ANALYST	1	GRADE C115
23	(5) X144C CORROSION INSPECTOR	<u>3</u>	GRADE C115
24	MAX. NO. OF EMPLOYEES	10	

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26 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby  
 27 appropriated, to the Arkansas Public Service Commission, to be payable from  
 28 the Public Service Commission Utility Safety Fund, for personal services and  
 29 operating expenses of the Arkansas Public Service Commission - Pipeline  
 30 Safety Program for the fiscal year ending June 30, 2014, the following:

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32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2013-2014</u>
34	(01) REGULAR SALARIES	\$552,904
35	(02) PERSONAL SERVICES MATCHING	170,563
36	(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	105,000
2	(B) CONF. & TRAVEL	25,620
3	(C) PROF. FEES	2,229
4	(D) CAP. OUTLAY	15,000
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$871,316</u></u>

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8 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,  
 9 to the Arkansas Public Service Commission, to be payable from the Public  
 10 Service Commission Fund, for personal services and operating expenses of the  
 11 Arkansas Public Service Commission - Contingency for the fiscal year ending  
 12 June 30, 2014, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2013-2014</u>
16	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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18 SECTION 10. REGULAR SALARIES - AMERICAN RECOVERY AND REINVESTMENT ACT  
 19 OF 2009. There is hereby established for the Arkansas Public Service  
 20 Commission - American Recovery and Reinvestment Act of 2009 for the 2013-2014  
 21 fiscal year, the following maximum number of regular employees.

23				Maximum Annual
24				Salary Rate
25	Item	Class	Maximum	Fiscal Year
26	<u>No.</u>	<u>Code</u>	<u>No. of</u>	<u>2013-2014</u>
	<u>No.</u>	<u>Code</u>	<u>Employees</u>	
27	(1)	A010C	1	GRADE C128
28	(2)	G047C	1	GRADE C126
29	(3)	A028C	<u>1</u>	GRADE C124
30	MAX. NO. OF EMPLOYEES			3

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32 SECTION 11. APPROPRIATION - AMERICAN RECOVERY AND REINVESTMENT ACT OF  
 33 2009. There is hereby appropriated, to the Arkansas Public Service  
 34 Commission, to be payable from the federal funds as designated by the Chief  
 35 Fiscal Officer of the State, for personal services and operating expenses of  
 36 the Arkansas Public Service Commission - American Recovery and Reinvestment

1 Act of 2009 for the fiscal year ending June 30, 2014, the following:

3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2013-2014</u>
5	(01) ARRA OF 2009	<u>\$330,925</u>

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

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

35 Determining the maximum number of employees and the maximum amount of  
 36 appropriation and general revenue funding for a state agency each fiscal year

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

15 The provisions of this section shall be in effect only from July 1, ~~2012~~  
16 2013 through June 30, ~~2013~~ 2014.

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



1 books in accordance with the provisions as set out herein.

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

18 The provisions of this section shall be in effect only from July 1, ~~2012~~  
 19 2013 through June 30, ~~2013~~ 2014.

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 21 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
 23 HIGH COST FUND. To ensure that telecommunications rates are reasonable and  
 24 affordable, the Arkansas Public Service Commission should take all reasonable  
 25 steps necessary to reduce the Arkansas High Cost Fund (AHCF), and avoid  
 26 mandating any additional charges or expenses for telecommunications services  
 27 that could increase AHCF assessments which would result in higher AHCF  
 28 surcharges to customers.

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 30 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
 31 authorized by this act shall be limited to the appropriation for such agency  
 32 and funds made available by law for the support of such appropriations; and  
 33 the restrictions of the State Procurement Law, the General Accounting and  
 34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 35 Procedures and Restrictions Act, or their successors, and other fiscal  
 36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be  
2 strictly complied with in disbursement of said funds.

3  
4 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General  
5 Assembly that any funds disbursed under the authority of the appropriations  
6 contained in this act shall be in compliance with the stated reasons for  
7 which this act was adopted, as evidenced by the Agency Requests, Executive  
8 Recommendations and Legislative Recommendations contained in the budget  
9 manuals prepared by the Department of Finance and Administration, letters, or  
10 summarized oral testimony in the official minutes of the Arkansas Legislative  
11 Council or Joint Budget Committee which relate to its passage and adoption.  
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13 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly, that the Constitution of the State of Arkansas prohibits  
15 the appropriation of funds for more than a one (1) year period; that the  
16 effectiveness of this Act on July 1, 2013 is essential to the operation of  
17 the agency for which the appropriations in this Act are provided, and that in  
18 the event of an extension of the legislative session, the delay in the  
19 effective date of this Act beyond July 1, 2013 could work irreparable harm  
20 upon the proper administration and provision of essential governmental  
21 programs. Therefore, an emergency is hereby declared to exist and this Act  
22 being necessary for the immediate preservation of the public peace, health  
23 and safety shall be in full force and effect from and after July 1, 2013.  
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26 **APPROVED: 03/21/2013**  
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