

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 785 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/27/07

A Bill

HOUSE BILL 1141

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, 2009; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
16 COMMISSION APPROPRIATION FOR THE
17 2007-2009 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 2007-2009 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	2007-2008	2008-2009
4	(1)	9993	PSC CHAIRMAN	1	\$107,682	\$109,835
5	(2)	9994	PSC COMMISSIONER	2	\$103,903	\$105,981
6	(3)	9907	PSC DIRECTOR	1	\$103,355	\$105,422
7	(4)	9746	PSC CHIEF ADMIN LAW JUDGE	1	\$100,655	\$102,668
8	(5)	9745	PSC CHIEF COUNSEL	1	\$100,655	\$102,668
9	(6)	9748	PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$98,389	\$100,356
10	(7)	8040	PSC CHIEF OF AUDITS	1	\$98,389	\$100,356
11	(8)	9741	PSC ADMINISTRATIVE LAW JUDGE	3	\$87,693	\$89,446
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)	A198	PSC SENIOR RATE CASE ANALYST	6		GRADE 24
18	(15)	A200	PSC OPERATIONS MANAGER	1		GRADE 24
19	(16)	A254	PUBLIC UTILITY AUDIT MANAGER	1		GRADE 24
20	(17)	055Z	DP MANAGER	1		GRADE 23
21	(18)	R480	PSC CHIEF, QUALITY OF SERVICE	1		GRADE 23
22	(19)	A072	PUBLIC UTILITY AUDITOR SUPERVISOR	7		GRADE 22
23	(20)	X456	PSC RATE CASE ENGINEER	3		GRADE 22
24	(21)	A116	RATE ANALYST III	9		GRADE 21
25	(22)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
26	(23)	D121	USER SUPPORT ANALYST	1		GRADE 20
27	(24)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
28	(25)	A076	PUBLIC UTILITY AUDITOR II	6		GRADE 20
29	(26)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
30	(27)	K188	PSC MANAGER, COMM DOCKETS	1		GRADE 19
31	(28)	R150	RESEARCH PROJECT ANALYST	1		GRADE 19
32	(29)	X438	PSC UTILITY SERVICES SUPERVISOR	1		GRADE 19
33	(30)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
34	(31)	D128	P C SUPPORT SPECIALIST	1		GRADE 18
35	(32)	R010	ADMINISTRATIVE ASSISTANT II	5		GRADE 17
36	(33)	X342	COMPLAINTS INVESTIGATION SUPERVISOR	2		GRADE 17

1	(34)	X333	ENGINEER TECHNICIAN	1	GRADE 16
2	(35)	X307	COMPLAINTS INVESTIGATOR	2	GRADE 15
3	(36)	R009	ADMINISTRATIVE ASSISTANT I	3	GRADE 15
4	(37)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
5	(38)	K117	MEDICAL OR LEGAL SECRETARY	4	GRADE 14
6	(39)	K153	SECRETARY II	2	GRADE 13
7	(40)	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 2007-
 12 2009 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, 2009, the following:

25	ITEM		FISCAL YEARS	
26	<u>NO.</u>		<u>2007-2008</u>	<u>2008-2009</u>
27	(01)	REGULAR SALARIES	\$ 5,441,406	\$ 5,550,192
28	(02)	EXTRA HELP	1,325	1,325
29	(03)	PERSONAL SERVICES MATCHING	1,484,341	1,506,846
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	21,000	21,000
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>\$ 9,727,917</u>	<u>\$ 9,532,857</u>

6

7 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established

8 for the Arkansas Public Service Commission - Tax Division for the 2007-2009

9 biennium, the following maximum number of regular employees whose salaries

10 shall be governed by the provisions of the Uniform Classification and

11 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and

12 all laws amendatory thereto. Provided, however, that any position to which a

13 specific maximum annual salary is set out herein in dollars, shall be exempt

14 from the provisions of said Uniform Classification and Compensation Act. All

15 persons occupying positions authorized herein are hereby governed by the

16 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas

17 Code §21-5-101), or its successor.

20			Maximum	Maximum Annual
21	Item	Class	No. of	Salary Rate
22	No.	Code Title	Employees	Fiscal Years
				2007-2008 2008-2009
23	(1)	9143 PSC TAX DIVISION DIRECTOR	1	\$94,188 \$96,071
24	(2)	A150 TAX DIVISION ASSISTANT DIRECTOR	1	GRADE 23
25	(3)	032Z PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE 23
26	(4)	909Z PROGRAM SUPPORT MANAGER	1	GRADE 22
27	(5)	A121 PSC TAX DIV FINANCIAL ANALYST	1	GRADE 22
28	(6)	R266 MANAGEMENT PROJECT ANALYST II	1	GRADE 20
29	(7)	R150 RESEARCH PROJECT ANALYST	1	GRADE 19
30	(8)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18
31	(9)	A111 ACCOUNTANT	1	GRADE 18
32	(10)	A052 PSC TAX DIV VALUATION ANALYST II	3	GRADE 17
33	(11)	A050 PSC TAX DIV VALUATION ANALYST I	<u>3</u>	GRADE 14
34		MAX. NO. OF EMPLOYEES	15	

35

36 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the

1 Arkansas Public Service Commission - Tax Division for the 2007-2009 biennium,
 2 the following maximum number of part-time or temporary employees, to be known
 3 as "Extra Help", payable from funds appropriated herein for such purposes:
 4 five (5) temporary or part-time employees, when needed, at rates of pay not
 5 to exceed those provided in the Uniform Classification and Compensation Act,
 6 or its successor, or this act for the appropriate classification.

7

8 SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated, to
 9 the Arkansas Public Service Commission, to be payable from the Tax Division
 10 Fund, for personal services and operating expenses of the Arkansas Public
 11 Service Commission - Tax Division for the biennial period ending June 30,
 12 2009, the following:

13

14	ITEM	FISCAL YEARS	
15	NO.	2007-2008	2008-2009
16	(01) REGULAR SALARIES	\$ 552,781	\$ 563,830
17	(02) EXTRA HELP	38,238	38,238
18	(03) PERSONAL SERVICES MATCHING	178,900	181,136
19	(04) OVERTIME	5,000	5,000
20	(05) MAINT. & GEN. OPERATION		
21	(A) OPER. EXPENSE	201,359	201,359
22	(B) CONF. & TRAVEL	12,500	12,500
23	(C) PROF. FEES	100,000	100,000
24	(D) CAP. OUTLAY	0	0
25	(E) DATA PROC.	0	0
26	(06) CONTINGENCY	<u>400,000</u>	<u>400,000</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,488,778</u>	<u>\$ 1,502,063</u>

28

29 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby
 30 established for the Arkansas Public Service Commission - Pipeline Safety
 31 Program for the 2007-2009 biennium, the following maximum number of regular
 32 employees whose salaries shall be governed by the provisions of the Uniform
 33 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
 34 its successor, and all laws amendatory thereto. Provided, however, that any
 35 position to which a specific maximum annual salary is set out herein in
 36 dollars, shall be exempt from the provisions of said Uniform Classification

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

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2007-2008	2008-2009
9	(1) 9747	PSC DIRECTOR OF QUALITY SERVICES	1	\$90,679	\$92,492
10	(2) R482	PSC CHIEF, PIPELINE SAFETY	1	GRADE 24	
11	(3) X456	PSC RATE CASE ENGINEER	3	GRADE 22	
12	(4) X299	DOT CORROSION PROGRAM SPECIALIST	3	GRADE 18	
13	(5) R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
14		MAX. NO. OF EMPLOYEES	9		

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 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
24 (01) REGULAR SALARIES	\$ 537,648	\$ 548,398
25 (02) PERSONAL SERVICES MATCHING	146,673	148,851
26 (03) MAINT. & GEN. OPERATION		
27 (A) OPER. EXPENSE	97,637	97,637
28 (B) CONF. & TRAVEL	12,620	12,620
29 (C) PROF. FEES	8,229	8,229
30 (D) CAP. OUTLAY	24,000	24,000
31 (E) DATA PROC.	<u>0</u>	<u>0</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$ 826,807</u>	<u>\$ 839,735</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 biennial period ending June
2 30, 2009, the following:

3	4	ITEM	FISCAL YEARS	
5	<u>NO.</u>		<u>2007-2008</u>	<u>2008-2009</u>
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 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 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

18

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

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

29 Class

30	Code	Title	Grade
31	063Z	GENERAL COUNSEL	26
32	016Z	PSC DIRECTOR OF ELECTRIC UTILITIES SECTION	26
33	984Z	PSC TELECOMMUNICATIONS UTILITY SECTION MGR	25
34	R050	PSC RURAL LIAISON	24
35	A198	SENIOR RATE CASE ANALYST	24
36	A254	PUBLIC UTILITY AUDIT MANAGER	24

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

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

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

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

21 This provision shall be in full force and effect for the biennium
 22 beginning July 1, ~~2005~~ 2007, and ending June 30, ~~2007~~ 2009.

23

24 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 26 FORWARD - DATA PROCESSING SERVICES. The Data Processing Services line item of
 27 the Utilities Division appropriation is to be used for the purpose of
 28 purchasing computer hardware, computer software, and technical services
 29 required for the installation, maintenance, and required training associated
 30 with the purchase of computer hardware and computer software. Any unexpended
 31 balance of the appropriation authorized by the Data Processing Services line
 32 item in the Utilities Division appropriation of this Act which remains at the
 33 close of the fiscal year ending June 30, ~~2006~~ 2008, shall be carried forward
 34 and made available for the same purpose for the fiscal year ending June 30,
 35 ~~2007~~ 2009.

36

1 Any carry forward of unexpended balance of appropriation and/or funding as
2 authorized herein, may be carried forward under the following conditions:

3 (1) Prior to June 30, 2008 the Agency shall by written statement set
4 forth its reason(s) for the need to carry forward said appropriation and/or
5 funding to the Department of Finance and Administration Office of Budget;

6 (2) The Department of Finance and Administration Office of Budget
7 shall report to the Arkansas Legislative Council all amounts carried forward
8 from the first fiscal year of the biennium to the second fiscal year of the
9 biennium by the September Arkansas Legislative Council or Joint Budget
10 Committee meeting in the second fiscal year of the biennial period which
11 report shall include the name of the Agency, Board, Commission or Institution
12 and the amount of the appropriation and/or funding carried forward from the
13 first fiscal year to the second fiscal year, the program name or line item,
14 the funding source of that appropriation and a copy of the written request
15 set forth in (1) above;

16 (3) Each Agency, Board, Commission or Institution shall provide a
17 written report to the Arkansas Legislative Council or Joint Budget Committee
18 containing all information set forth in item (2) above, along with a written
19 statement as to the current status of the project, contract, purpose etc. for
20 which the carry forward was originally requested no later than thirty (30)
21 days prior to the time the Agency, Board, Commission or Institution presents
22 its budget request to the Arkansas Legislative Council/Joint Budget
23 Committee; and

24 (4) Thereupon, the Department of Finance and Administration shall
25 include all information obtained in item (3) above in the biennial budget
26 manuals and/or a statement of non-compliance by the Agency, Board, Commission
27 or Institution.

28 The provisions of this section shall be in effect only from July 1,
29 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

30
31 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
33 FORWARD - BUILDING REPAIRS/MAINTENANCE. Any unexpended balance of the
34 appropriation authorized for Building Repairs/Maintenance in Item (06) of
35 Section 3 of this Act which remains at the close of the fiscal year ending
36 June 30, ~~2006~~ 2008, shall be carried forward and made available for the same

1 purpose for the fiscal year ending June 30, ~~2007~~ 2009.

2 Any carry forward of unexpended balance of appropriation and/or funding
3 as authorized herein, may be carried forward under the following conditions:

4 (1) Prior to June 30, 2008 the Agency shall by written statement set
5 forth its reason(s) for the need to carry forward said appropriation and/or
6 funding to the Department of Finance and Administration Office of Budget;

7 (2) The Department of Finance and Administration Office of Budget
8 shall report to the Arkansas Legislative Council all amounts carried forward
9 from the first fiscal year of the biennium to the second fiscal year of the
10 biennium by the September Arkansas Legislative Council or Joint Budget
11 Committee meeting in the second fiscal year of the biennial period which
12 report shall include the name of the Agency, Board, Commission or Institution
13 and the amount of the appropriation and/or funding carried forward from the
14 first fiscal year to the second fiscal year, the program name or line item,
15 the funding source of that appropriation and a copy of the written request
16 set forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a
18 written report to the Arkansas Legislative Council or Joint Budget Committee
19 containing all information set forth in item (2) above, along with a written
20 statement as to the current status of the project, contract, purpose etc. for
21 which the carry forward was originally requested no later than thirty (30)
22 days prior to the time the Agency, Board, Commission or Institution presents
23 its budget request to the Arkansas Legislative Council/Joint Budget
24 Committee; and

25 (4) Thereupon, the Department of Finance and Administration shall
26 include all information obtained in item (3) above in the biennial budget
27 manuals and/or a statement of non-compliance by the Agency, Board, Commission
28 or Institution.

29 The provisions of this section shall be in effect only from July 1,
30 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

31
32 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

34 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
35 appropriations become necessary that are not authorized or contemplated in
36 the Tax Division appropriation of this Act and specific cases, situations,

1 and/or programs make it necessary that the Arkansas Public Service Commission
2 – Tax Division receives additional appropriations to carry out the objectives
3 of the Division, the Chairman of the Arkansas Public Service Commission is
4 hereby authorized to request the approval of the Governor and the Chief
5 Fiscal Officer of the State for transfers of the appropriations provided in
6 the Contingency line item of the Tax Division appropriation of this Act to
7 other line items within the Tax Division appropriation. In no event shall
8 the transfers in any fiscal year exceed the appropriations provided in the
9 Contingency line item of the Tax Division appropriation of this Act. The
10 Governor may approve or modify such request for transfer of appropriations as
11 in his or her judgment he or she deems necessary, and shall seek prior review
12 and approval of the Arkansas Legislative Council and inform the Chief Fiscal
13 Officer of the State. Upon notification, the Chief Fiscal Officer of the
14 State shall direct the State Auditor to process said transfer upon his or her
15 books in accordance with the provisions as set out herein.

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

32 The provisions of this section shall be in effect only from July 1,
33 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

34
35 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

1 UNIVERSAL SERVICE FUND. To ensure that telecommunications rates are
2 reasonable and affordable, the Arkansas Public Service Commission should take
3 all reasonable steps necessary to ~~maintain and~~ reduce the Arkansas Universal
4 Service Fund (AUSF), ~~administrative expenses~~ and avoid mandating ~~changes~~ any
5 additional charges or expenses ~~in~~ for telecommunications services that could
6 increase AUSF assessments which would result in higher AUSF surcharges to
7 customers.

8

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

18

19 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General Assembly
20 that any funds disbursed under the authority of the appropriations contained
21 in this act shall be in compliance with the stated reasons for which this act
22 was adopted, as evidenced by the Agency Requests, Executive Recommendations
23 and Legislative Recommendations contained in the budget manuals prepared by
24 the Department of Finance and Administration, letters, or summarized oral
25 testimony in the official minutes of the Arkansas Legislative Council or
26 Joint Budget Committee which relate to its passage and adoption.

27

28 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General
29 Assembly, that the Constitution of the State of Arkansas prohibits the
30 appropriation of funds for more than a two (2) year period; that the
31 effectiveness of this Act on July 1, 2007 is essential to the operation of
32 the agency for which the appropriations in this Act are provided, and that in
33 the event of an extension of the Regular Session, the delay in the effective
34 date of this Act beyond July 1, 2007 could work irreparable harm upon the
35 proper administration and provision of essential governmental programs.
36 Therefore, an emergency is hereby declared to exist and this Act being

1 necessary for the immediate preservation of the public peace, health and
2 safety shall be in full force and effect from and after July 1, 2007.

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4 */s/ Joint Budget Committee*

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6 *APPROVED: 4/2/2007*
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