

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1103

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
10 PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2011-2012
16 FISCAL YEAR.
17
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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 2011-2012 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
				2011-2012
31	(1) U005U	PSC CHAIRMAN	1	\$120,172
32	(2) U004U	PSC COMMISSIONER	2	\$115,956
33	(3) U050U	PSC DIRECTOR	1	\$115,344
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)	G011N	PSC ADMINISTRATIVE LAW JUDGE	3	GRADE N906
3	(9)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
4	(10)	A005C	DIR OF COST ALLOCATION & RATE DESIG	1	GRADE C129
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 REQUIREMENT	1	GRADE C127
9	(15)	G047C	ATTORNEY SPECIALIST	7	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 SERVICE	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	11	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 ASSISTANT TO THE COMMISSI	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	6	GRADE C115
29	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
30	(36)	C046C	LEGAL SUPPORT SPECIALIST	3	GRADE C113
31	(37)	C056C	ADMINISTRATIVE SPECIALIST III	3	GRADE C112
32	(38)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
33	(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
34			MAX. NO. OF EMPLOYEES	90	

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36 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby

1 authorized, for the Arkansas Public Service Commission - Utilities Division
 2 for the 2011-2012 fiscal year, the following maximum number of part-time or
 3 temporary employees, to be known as "Extra Help", payable from funds
 4 appropriated herein for such purposes: six (6) temporary or part-time
 5 employees, when needed, at rates of pay not to exceed those provided in the
 6 Uniform Classification and Compensation Act, or its successor, or this act
 7 for the appropriate classification.

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 9 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby
 10 appropriated, to the Arkansas Public Service Commission, to be payable from
 11 the Public Service Commission Fund, for personal services and operating
 12 expenses of the Arkansas Public Service Commission - Utilities Division for
 13 the fiscal year ending June 30, 2012, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2011-2012</u>
17 (01) REGULAR SALARIES	\$5,746,101
18 (02) EXTRA HELP	9,000
19 (03) PERSONAL SERVICES MATCHING	1,575,490
20 (04) OVERTIME	25,000
21 (05) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	1,055,997
23 (B) CONF. & TRAVEL	68,922
24 (C) PROF. FEES	15,000
25 (D) CAP. OUTLAY	21,000
26 (E) DATA PROC.	0
27 (06) BUILDING REPAIRS/MAINTENANCE	24,319
28 (07) FED REGULATORY SERVICES	290,575
29 (08) PROFESSIONAL SERVICES	998,000
30 (09) DATA PROCESSING SERVICES	<u>138,856</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$9,968,260</u>

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 33 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby
 34 established for the Arkansas Public Service Commission - Tax Division for the
 35 2011-2012 fiscal year, the following maximum number of regular employees.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2011-2012
(1)	N071N	PSC TAX DIVISION DIRECTOR	1	GRADE N908
(2)	A019C	PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
(3)	A038C	FISCAL SUPPORT MANAGER	1	GRADE C123
(4)	A035C	PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
(5)	A047C	FINANCIAL ANALYST II	1	GRADE C121
(6)	A064C	PSC TAX VALUATION SUPERVISOR	1	GRADE C119
(7)	A076C	FINANCE PROGRAM ANALYST	1	GRADE C118
(8)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
(9)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(10)	A095C	PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
		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 2011-2012 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, 2012, the following:

ITEM	FISCAL YEAR
NO.	2011-2012
(01) REGULAR SALARIES	\$717,561
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	217,780

1	(04) OVERTIME	5,000
2	(05) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	201,359
4	(B) CONF. & TRAVEL	12,500
5	(C) PROF. FEES	100,000
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	0
8	(06) CONTINGENCY	<u>400,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,692,438</u></u>

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11 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby
 12 established for the Arkansas Public Service Commission - Pipeline Safety
 13 Program for the 2011-2012 fiscal year, the following maximum number of
 14 regular employees.

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16			Maximum Annual
17			Salary Rate
18	Item Class		Fiscal Year
19	<u>No. Code Title</u>	<u>Maximum</u>	<u>2011-2012</u>
		<u>No. of</u>	
		<u>Employees</u>	
20	(1) N076N PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
21	(2) B015C ENGINEER SUPERVISOR	1	GRADE C126
22	(3) X048C PSC PIPELINE SAFETY SPECIALIST	4	GRADE C120
23	(4) C037C ADMINISTRATIVE ANALYST	1	GRADE C115
24	(5) X144C CORROSION INSPECTOR	<u>3</u>	GRADE C115
25	MAX. NO. OF EMPLOYEES	10	

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27 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby
 28 appropriated, to the Arkansas Public Service Commission, to be payable from
 29 the Public Service Commission Utility Safety Fund, for personal services and
 30 operating expenses of the Arkansas Public Service Commission - Pipeline
 31 Safety Program for the fiscal year ending June 30, 2012, the following:

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33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2011-2012</u>
35	(01) REGULAR SALARIES	\$618,093
36	(02) PERSONAL SERVICES MATCHING	170,280

1	(03) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	97,637
3	(B) CONF. & TRAVEL	12,620
4	(C) PROF. FEES	8,229
5	(D) CAP. OUTLAY	24,000
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$930,859</u></u>

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9 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
 10 to the Arkansas Public Service Commission, to be payable from the Public
 11 Service Commission Fund, for personal services and operating expenses of the
 12 Arkansas Public Service Commission - Contingency for the fiscal year ending
 13 June 30, 2012, the following:

14		
15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2011-2012</u>
17	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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19 SECTION 10. REGULAR SALARIES - AMERICAN RECOVERY AND REINVESTMENT ACT
 20 OF 2009. There is hereby established for the Arkansas Public Service
 21 Commission - American Recovery And Reinvestment Act of 2009 for the 2011-2012
 22 fiscal year, the following maximum number of regular employees.

23				
24				Maximum Annual
25			Maximum	Salary Rate
26	Item Class		No. of	Fiscal Year
27	<u>No. Code Title</u>		<u>Employees</u>	<u>2011-2012</u>
28	(1) A010C	AGENCY CONTROLLER II	1	GRADE C128
29	(2) G047C	ATTORNEY SPECIALIST	1	GRADE C126
30	(3) A028C	PSC SENIOR RATE CASE ANALYST	<u>1</u>	GRADE C124
31		MAX. NO. OF EMPLOYEES	3	

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

1 the Arkansas Public Service Commission - American Recovery and Reinvestment
2 Act of 2009 for the fiscal year ending June 30, 2012, the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2011-2012</u>
6	(01) AMERICAN RECOVERY AND	
7	REINVESTMENT ACT OF 2009	<u>\$822,779</u>
8		

9 SECTION 12. 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, ~~2010~~
18 2011 through June 30, ~~2011~~ 2012.

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20 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

22 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
23 appropriations become necessary that are not authorized or contemplated in
24 the Tax Division appropriation of this Act and specific cases, situations,
25 and/or programs make it necessary that the Arkansas Public Service Commission
26 - Tax Division receives additional appropriations to carry out the objectives
27 of the Division, the Chairman of the Arkansas Public Service Commission is
28 hereby authorized to request the approval of the Governor and the Chief
29 Fiscal Officer of the State for transfers of the appropriations provided in
30 the Contingency line item of the Tax Division appropriation of this Act to
31 other line items within the Tax Division appropriation. In no event shall
32 the transfers in any fiscal year exceed the appropriations provided in the
33 Contingency line item of the Tax Division appropriation of this Act. The
34 Governor may approve or modify such request for transfer of appropriations as
35 in his or her judgment he or she deems necessary, and shall seek prior review
36 and approval of the Arkansas Legislative Council and inform the Chief Fiscal

1 Officer of the State. Upon notification, the Chief Fiscal Officer of the
2 State shall direct the State Auditor to process said transfer upon his or her
3 books in accordance with the provisions as set out herein.

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

20 The provisions of this section shall be in effect only from July 1, ~~2010~~
21 2011 through June 30, ~~2011~~ 2012.

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

31
32 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
33 authorized by this act shall be limited to the appropriation for such agency
34 and funds made available by law for the support of such appropriations; and
35 the 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 16. LEGISLATIVE INTENT. It is the intent of the General
7 Assembly that any funds disbursed under the authority of the appropriations
8 contained in this act shall be in compliance with the stated reasons for
9 which this act was adopted, as evidenced by the Agency Requests, Executive
10 Recommendations and Legislative Recommendations contained in the budget
11 manuals prepared by the Department of Finance and Administration, letters, or
12 summarized oral testimony in the official minutes of the Arkansas Legislative
13 Council or Joint Budget Committee which relate to its passage and adoption.

14
15 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly, that the Constitution of the State of Arkansas prohibits
17 the appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on July 1, 2011 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 legislative session, the delay in the
21 effective date of this Act beyond July 1, 2011 could work irreparable harm
22 upon the proper administration and provision of essential governmental
23 programs. Therefore, an emergency is hereby declared to exist and this Act
24 being necessary for the immediate preservation of the public peace, health
25 and safety shall be in full force and effect from and after July 1, 2011.

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28 **APPROVED: 03/23/2011**
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