

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1093

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, 2020; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2019-
16 2020 FISCAL YEAR.
17
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19

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 2019-2020 fiscal year, the following maximum number of regular
25 employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
31	(1) U005U	PSC CHAIRMAN	1	GRADE SE03
32	(2) U004U	PSC COMMISSIONER	2	GRADE SE01
33	(3) U050U	PSC DIRECTOR	1	GRADE SE01
34	(4) D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
35	(5) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
36	(6) D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE IT05



1	(7)	D052C SOFTWARE SUPPORT ANALYST	1	GRADE IT05
2	(8)	G003N PSC CHIEF ADMIN LAW JUDGE	1	GRADE GS15
3	(9)	G011N PSC ADMINISTRATIVE LAW JUDGE	4	GRADE GS14
4	(10)	G006N PSC CHIEF COUNSEL	1	GRADE GS14
5	(11)	X001C PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE GS14
6	(12)	N043N PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE GS14
7	(13)	A130C PSC RATES & DEMAND RES DIRECTOR	1	GRADE GS14
8	(14)	G278C PSC RESEARCH & POLICY DIRECTOR	1	GRADE GS14
9	(15)	G004C MANAGING ATTORNEY	1	GRADE GS13
10	(16)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
11	(17)	A013C PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE GS12
12	(18)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
13	(19)	B023C ENGINEER, P.E.	2	GRADE GS11
14	(20)	G067C PSC CUSTOMER SERVICE MANAGER	1	GRADE GS11
15	(21)	X033C PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE GS11
16	(22)	A028C PSC SENIOR RATE CASE ANALYST	7	GRADE GS11
17	(23)	G066C PSC TELECOM AND QUALITY OF SVC MGR	1	GRADE GS11
18	(24)	G073C ATTORNEY	1	GRADE GS10
19	(25)	A052C ACCOUNTING COORDINATOR	1	GRADE GS09
20	(26)	A046C PSC RATE CASE ANALYST	13	GRADE GS09
21	(27)	X064C PSC PUBLIC UTILITY AUDITOR	5	GRADE GS08
22	(28)	G164C EXECUTIVE ASSISTANT TO THE COMM	2	GRADE GS07
23	(29)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
24	(30)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
25	(31)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
26	(32)	G123C PSC CLERK	1	GRADE GS06
27	(33)	B076C RESEARCH PROJECT ANALYST	2	GRADE GS06
28	(34)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
29	(35)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
30	(36)	X167C COMPLAINTS INVESTIGATOR	8	GRADE GS04
31	(37)	C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
32		MAX. NO. OF EMPLOYEES	89	

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

35 authorized, for the Arkansas Public Service Commission - Utilities Division

36 for the 2019-2020 fiscal year, the following maximum number of part-time or

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

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 7 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby
 8 appropriated, to the Arkansas Public Service Commission, to be payable from
 9 the Public Service Commission Fund, for personal services and operating
 10 expenses of the Arkansas Public Service Commission - Utilities Division for
 11 the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$5,709,538
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	1,770,673
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,070,597
(B) CONF. & TRAVEL	68,922
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(06) BUILDING REPAIRS/MAINTENANCE	24,319
(07) FED REGULATORY SERVICES	290,575
(08) PROFESSIONAL SERVICES	998,000
(09) DATA PROCESSING SERVICES	<u>138,856</u>
TOTAL AMOUNT APPROPRIATED	<u>\$10,100,480</u>

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 31 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby
 32 established for the Arkansas Public Service Commission - Tax Division for the
 33 2019-2020 fiscal year, the following maximum number of regular employees.

Maximum	Maximum Annual Salary Rate
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Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2019-2020
(1)	N071N PSC TAX DIVISION DIRECTOR	1	GRADE GS14
(2)	A019C PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE GS11
(3)	G268C PSC MOTOR CARRIER ASST DIV DIRECTOR	1	GRADE GS10
(4)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
(5)	A047C FINANCIAL ANALYST II	1	GRADE GS08
(6)	A076C FINANCE PROGRAM ANALYST	1	GRADE GS07
(7)	A064C PSC TAX VALUATION SUPERVISOR	1	GRADE GS07
(8)	C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
(9)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
(10)	A095C PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE GS03
	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 2019-2020 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, 2020, the following:

ITEM	FISCAL YEAR
NO.	2019-2020
(01) REGULAR SALARIES	\$749,509
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	247,616
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	202,472
2	(B) CONF. & TRAVEL	12,500
3	(C) PROF. FEES	100,000
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(06) CONTINGENCY	<u>400,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,755,335</u></u>

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9 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby

10 established for the Arkansas Public Service Commission - Pipeline Safety

11 Program for the 2019-2020 fiscal year, the following maximum number of

12 regular employees.

14		Maximum Annual
15		Salary Rate
16	Item Class	Fiscal Year
17	No. Code Title	2019-2020
18	(1) A129C PSC QUALITY SERVICES DIRECTOR	1 GRADE GS14
19	(2) B015C ENGINEER SUPERVISOR	1 GRADE GS12
20	(3) X216C PSC PIPELINE SAFETY COORDINATOR	7 GRADE GS09
21	(4) C037C ADMINISTRATIVE ANALYST	<u>1</u> GRADE GS06
22	MAX. NO. OF EMPLOYEES	10

23

24 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby

25 appropriated, to the Arkansas Public Service Commission, to be payable from

26 the Public Service Commission Utility Safety Fund, for personal services and

27 operating expenses of the Arkansas Public Service Commission - Pipeline

28 Safety Program for the fiscal year ending June 30, 2020, the following:

30	ITEM	FISCAL YEAR
31	NO.	2019-2020
32	(01) REGULAR SALARIES	\$668,580
33	(02) PERSONAL SERVICES MATCHING	200,159
34	(03) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	105,714
36	(B) CONF. & TRAVEL	25,620

1	(C) PROF. FEES	2,229
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,002,302</u></u>

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6 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
7 to the Arkansas Public Service Commission, to be payable from the Public
8 Service Commission Fund, for personal services and operating expenses of the
9 Arkansas Public Service Commission - Contingency for the fiscal year ending
10 June 30, 2020, the following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2019-2020</u>
14	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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

1 Act, the Governor, after seeking prior review and prior approval by the
2 Arkansas Legislative Council or the Joint Budget Committee, may approve or
3 modify such request for additional appropriations as in his or her judgment
4 he or she deems necessary, and shall forward a copy thereof to the Chief
5 Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer
6 of the State shall direct the State Auditor to process said transfer upon his
7 books in accordance with the provisions as set out therein.

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

24 The provisions of this section shall be in effect only from July 1, ~~2018~~
25 2019 through June 30, ~~2019~~ 2020.

26
27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
29 EXPENDITURE. The proceeds from the reimbursement of travel expenses received
30 by the Public Service Commission, shall be deposited into the same State
31 Treasury Fund or Fund Account from which the original travel expenditure was
32 incurred as a refund to expenditure to the credit of the appropriation from
33 which the original expenditure was made.

34 The provisions of this section shall be in effect only from July 1, ~~2018~~
35 2019 through June 30, ~~2019~~ 2020.

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1 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
4 appropriations become necessary that are not authorized or contemplated in
5 the Tax Division appropriation of this Act and specific cases, situations,
6 and/or programs make it necessary that the Arkansas Public Service Commission
7 - Tax Division receives additional appropriations to carry out the objectives
8 of the Division, the Chairman of the Arkansas Public Service Commission is
9 hereby authorized to request the approval of the Governor and the Chief
10 Fiscal Officer of the State for transfers of the appropriations provided in
11 the Contingency line item of the Tax Division appropriation of this Act to
12 other line items within the Tax Division appropriation. In no event shall
13 the transfers in any fiscal year exceed the appropriations provided in the
14 Contingency line item of the Tax Division appropriation of this Act. The
15 Governor may approve or modify such request for transfer of appropriations as
16 in his or her judgment he or she deems necessary, and shall seek prior review
17 and approval of the Arkansas Legislative Council or Joint Budget Committee
18 and inform the Chief Fiscal Officer of the State. Upon notification, the
19 Chief Fiscal Officer of the State shall direct the State Auditor to process
20 said transfer upon his or her books in accordance with the provisions as set
21 out herein.

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

1 court of competent jurisdiction, this entire section is void.

2 The provisions of this section shall be in effect only from July 1, 2018
3 2019 through June 30, ~~2019~~ 2020.

4
5 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
6 authorized by this act shall be limited to the appropriation for such agency
7 and funds made available by law for the support of such appropriations; and
8 the restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

14
15 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General
16 Assembly that any funds disbursed under the authority of the appropriations
17 contained in this act shall be in compliance with the stated reasons for
18 which this act was adopted, as evidenced by the Agency Requests, Executive
19 Recommendations and Legislative Recommendations contained in the budget
20 manuals prepared by the Department of Finance and Administration, letters, or
21 summarized oral testimony in the official minutes of the Arkansas Legislative
22 Council or Joint Budget Committee which relate to its passage and adoption.

23
24 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly, that the Constitution of the State of Arkansas prohibits
26 the appropriation of funds for more than a one (1) year period; that the
27 effectiveness of this Act on July 1, 2019 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the legislative session, the delay in the
30 effective date of this Act beyond July 1, 2019 could work irreparable harm
31 upon the proper administration and provision of essential governmental
32 programs. Therefore, an emergency is hereby declared to exist and this Act
33 being necessary for the immediate preservation of the public peace, health
34 and safety shall be in full force and effect from and after July 1, 2019.