

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H4/6/05
A Bill

HOUSE BILL 1166

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, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
16 COMMISSION APPROPRIATION FOR THE
17 2005-2007 BIENNIUM.
18
19
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
24 established for the Arkansas Public Service Commission - Utilities Division
25 for the 2005-2007 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
36 Maximum Salary Rate



Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		2005-2006	2006-2007
3	(1)	9993 PSC CHAIRMAN	1	\$103,115	\$105,571
4	(2)	9994 PSC COMMISSIONER	2	\$99,465	\$101,866
5	(3)	9907 PSC DIRECTOR	1	\$98,935	\$101,329
6	(4)	9746 PSC CHIEF ADMIN LAW JUDGE	1	\$96,328	\$98,682
7	(5)	9745 PSC CHIEF COUNSEL	1	\$96,328	\$98,682
8	(6)	9748 PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$94,138	\$96,460
9	(7)	8040 PSC CHIEF OF AUDITS	1	\$94,138	\$96,460
10	(8)	9741 PSC ADMINISTRATIVE LAW JUDGE	3	\$83,832	\$85,974
11	(9)	063Z PSC GENERAL COUNSEL	1	GRADE 26	
12	(10)	827Z DP CENTER MANAGER	1	GRADE 26	
13	(11)	016Z PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE 26	
14	(12)	984Z PSC TELECOMM UTILITIES SEC MGR	1	GRADE 25	
15	(13)	R170 ATTORNEY SPECIALIST	9	GRADE 25	
16	(14)	R050 PUBLIC SERVICE COMM RURAL LIASON	1	GRADE 24	
17	(15)	A198 PSC SENIOR RATE CASE ANALYST	5	GRADE 24	
18	(16)	A200 PSC OPERATIONS MANAGER	1	GRADE 24	
19	(17)	A254 PUBLIC UTILITY AUDIT MANAGER	1	GRADE 24	
20	(18)	055Z DP MANAGER	1	GRADE 23	
21	(19)	R480 PSC CHIEF, QUALITY OF SERVICE	1	GRADE 23	
22	(20)	A072 PUBLIC UTILITY AUDITOR SUPERVISOR	7	GRADE 22	
23	(21)	X456 PSC RATE CASE ENGINEER	3	GRADE 22	
24	(22)	A116 RATE ANALYST III	9	GRADE 21	
25	(23)	D036 SR PROGRAMMER/ANALYST	1	GRADE 21	
26	(24)	D121 USER SUPPORT ANALYST	1	GRADE 20	
27	(25)	R133 AGENCY DIRECTOR RESEARCH & STATS	1	GRADE 20	
28	(26)	A076 PUBLIC UTILITY AUDITOR II	6	GRADE 20	
29	(27)	A006 ACCOUNTING SUPERVISOR I	1	GRADE 20	
30	(28)	K188 PSC MANAGER, COMM DOCKETS	1	GRADE 19	
31	(29)	R150 RESEARCH PROJECT ANALYST	1	GRADE 19	
32	(30)	X438 PSC UTILITY SERVICES SUPERVISOR	1	GRADE 19	
33	(31)	R264 MANAGEMENT PROJECT ANALYST I	2	GRADE 18	
34	(32)	D128 P C SUPPORT SPECIALIST	1	GRADE 18	
35	(33)	R010 ADMINISTRATIVE ASSISTANT II	5	GRADE 17	
36	(34)	X342 COMPLAINTS INVESTIGATION SUPERVISOR	2	GRADE 17	

1	(35)	X333	ENGINEER TECHNICIAN	1	GRADE 16
2	(36)	X307	COMPLAINTS INVESTIGATOR	2	GRADE 15
3	(37)	R009	ADMINISTRATIVE ASSISTANT I	3	GRADE 15
4	(38)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
5	(39)	K117	MEDICAL OR LEGAL SECRETARY	4	GRADE 14
6	(40)	K153	SECRETARY II	2	GRADE 13
7	(41)	K181	MAILROOM SUPERVISOR	<u>1</u>	GRADE 12
8			MAX. NO. OF EMPLOYEES	90	

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10 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized,
 11 for the Arkansas Public Service Commission - Utilities Division for the 2005-
 12 2007 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.

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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, 2007, the following:

24

25	ITEM		FISCAL YEARS	
26	<u>NO.</u>		<u>2005-2006</u>	<u>2006-2007</u>
27	(01)	REGULAR SALARIES	\$ 5,216,865	\$ 5,359,553
28	(02)	EXTRA HELP	1,325	1,325
29	(03)	PERSONAL SERVICES MATCHING	1,326,804	1,353,314
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	44,000	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>\$ 9,368,839</u>	<u>\$ 9,188,686</u>

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

8 for the Arkansas Public Service Commission - Tax Division for the 2005-2007

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.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
			Item	Class	Maximum	Maximum Annual										
			No.	Code	No. of	Salary Rate										
			No.	Code	Title	Employees	Fiscal Years									
							2005-2006	2006-2007								
23	(1)	9143	PSC TAX DIVISION DIRECTOR		1	\$90,081	\$92,342									
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											

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

1 Arkansas Public Service Commission - Tax Division for the 2005-2007 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.

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 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 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 529,427	\$ 544,751
(02) EXTRA HELP	38,238	38,238
(03) PERSONAL SERVICES MATCHING	161,019	163,903
(04) OVERTIME	5,000	5,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	201,359	201,359
(B) CONF. & TRAVEL	12,500	12,500
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(06) CONTINGENCY	<u>400,000</u>	<u>400,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,447,543</u>	<u>\$ 1,465,751</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 2005-2007 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	
				2005-2006	2006-2007
9	(1) 9747	PSC DIRECTOR OF QUALITY SERVICES	1	\$86,704	\$88,901
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		

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, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
24	(01) REGULAR SALARIES	\$ 514,769	\$ 529,211
25	(02) PERSONAL SERVICES MATCHING	131,336	134,053
26	(03) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE	93,267	89,637
28	(B) CONF. & TRAVEL	20,620	20,620
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>\$ 792,221</u>	<u>\$ 805,750</u>

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, 2007, the following:

3	4	ITEM	FISCAL YEARS	
5	<u>NO.</u>		<u>2005-2006</u>	<u>2006-2007</u>
6	(01)	CONTINGENCY	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

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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, ~~2003~~
 17 2005 through June 30, ~~2005~~ 2007.

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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 the
 27 grade assigned the classification of a position for the following specific
 28 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 classifications
 18 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, ~~2003~~ 2005, and ending June 30, ~~2005~~ 2007.

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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. The Data Processing Services line item of the Utilities Division
 27 appropriation is to be used for the purpose of purchasing computer hardware,
 28 computer software, and technical services required for the installation,
 29 maintenance, and required training associated with the purchase of computer
 30 hardware and computer software. Any unexpended balance of the appropriation
 31 authorized by the Data Processing Services line item in the Utilities
 32 Division appropriation of this Act which remains at the close of the fiscal
 33 year ending June 30, ~~2004~~ 2006, shall be carried forward and made available
 34 for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

35 The provisions of this section shall be in effect only from July 1, ~~2003~~
 36 2005 through June 30, ~~2005~~ 2007.

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SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Any unexpended balance of the appropriation authorized for Building Repairs/Maintenance in Item (06) of Section 3 of this Act which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by

1 amendment to the Revenue Stabilization law. Further, the General Assembly
2 has determined that the Public Service Commission - Tax Division may operate
3 more efficiently if some flexibility is provided to the Public Service
4 Commission - Tax Division authorizing broad powers under this Section.
5 Therefore, it is both necessary and appropriate that the General Assembly
6 maintain oversight by requiring prior approval of the Legislative Council or
7 Joint Budget Committee as provided by this section. The requirement of
8 approval by the Legislative Council or Joint Budget Committee is not a
9 severable part of this section. If the requirement of approval by the
10 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
11 court of competent jurisdiction, this entire section is void.

12 The provisions of this section shall be in effect only from July 1, 2003
13 2005 through June 30, ~~2005~~ 2007.

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15 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
17 BALANCES - PUBLIC SERVICE COMMISSION UTILITY SAFETY FUND AND TAX DIVISION
18 FUND. (A) For all appropriations as provided in this Act, the agency
19 disbursing officer shall monitor the level of fund balances in relation to
20 expenditures on a monthly basis. If any proposed expenditures would cause
21 the Public Service Commission Utility Safety Fund to decline below four
22 hundred sixteen thousand eight hundred thirty nine dollars (\$416,839) or the
23 Tax Division Fund to decline below three hundred sixty six thousand five
24 hundred forty four dollars (\$366,544), the disbursing officer shall
25 immediately notify the executive head of the agency. Prior to any
26 obligations being made under these circumstances, the agency head shall file
27 written documentation with the Chief Fiscal Officer of the State requesting
28 approval of the expenditures. Such documentation shall provide sufficient
29 financial data to justify the expenditures and shall include the following:
30 1) a plan that clearly indicates the specific fiscal impact of such
31 expenditures on the fund balance.
32 2) information clearly indicating and explaining what programs would be cut
33 or any other measures to be taken by the agency to restore the fund balance.
34 3) the extent to which any of the planned expenditures are for one-time costs
35 or one-time purchase of capitalized items.
36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent
2 depletion of the fund balance.

3 (B) The Chief Fiscal Officer of the State shall review the request and
4 approve or disapprove all or any part of the request, after having sought
5 prior review by the Legislative Council.

6 The provisions of this section shall be in effect only from July 1, 2003
7 2005 through June 30, ~~2005~~ 2007.

8
9 *SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
10 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. To ensure that*
11 *telecommunications rates are reasonable and affordable, the Arkansas Public*
12 *Service Commission should take all reasonable steps necessary to maintain and*
13 *reduce Arkansas Universal Service Fund (AUSF) administrative expenses and*
14 *avoid mandating changes in telecommunications services that could increase*
15 *AUSF assessments which would result in higher AUSF surcharges to customers.*

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

26
27 *SECTION 18. LEGISLATIVE INTENT.* It is the intent of the General Assembly
28 that any funds disbursed under the authority of the appropriations contained
29 in this act shall be in compliance with the stated reasons for which this act
30 was adopted, as evidenced by the Agency Requests, Executive Recommendations
31 and Legislative Recommendations contained in the budget manuals prepared by
32 the Department of Finance and Administration, letters, or summarized oral
33 testimony in the official minutes of the Arkansas Legislative Council or
34 Joint Budget Committee which relate to its passage and adoption.

35
36 *SECTION 19. EMERGENCY CLAUSE.* It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a two (2) year period; that the
3 effectiveness of this Act on July 1, 2005 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the Regular Session, the delay in the effective
6 date of this Act beyond July 1, 2005 could work irreparable harm upon the
7 proper administration and provision of essential governmental programs.
8 Therefore, an emergency is hereby declared to exist and this Act being
9 necessary for the immediate preservation of the public peace, health and
10 safety shall be in full force and effect from and after July 1, 2005.

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12 */s/ Joint Budget Committee*
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