

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 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  
36 Maximum Salary Rate



Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	2007-2008	2008-2009
3	(1) 9993	PSC CHAIRMAN	1	\$107,682	\$109,835
4	(2) 9994	PSC COMMISSIONER	2	\$103,903	\$105,981
5	(3) 9907	PSC DIRECTOR	1	\$103,355	\$105,422
6	(4) 9746	PSC CHIEF ADMIN LAW JUDGE	1	\$100,655	\$102,668
7	(5) 9745	PSC CHIEF COUNSEL	1	\$100,655	\$102,668
8	(6) 9748	PSC DIRECTOR RESEARCH & MGMT SVCS	1	\$98,389	\$100,356
9	(7) 8040	PSC CHIEF OF AUDITS	1	\$98,389	\$100,356
10	(8) 9741	PSC ADMINISTRATIVE LAW JUDGE	3	\$87,693	\$89,446
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) A198	PSC SENIOR RATE CASE ANALYST	6	GRADE	24
17	(15) A200	PSC OPERATIONS MANAGER	1	GRADE	24
18	(16) A254	PUBLIC UTILITY AUDIT MANAGER	1	GRADE	24
19	(17) 055Z	DP MANAGER	1	GRADE	23
20	(18) R480	PSC CHIEF, QUALITY OF SERVICE	1	GRADE	23
21	(19) A072	PUBLIC UTILITY AUDITOR SUPERVISOR	7	GRADE	22
22	(20) X456	PSC RATE CASE ENGINEER	3	GRADE	22
23	(21) A116	RATE ANALYST III	9	GRADE	21
24	(22) D036	SR PROGRAMMER/ANALYST	1	GRADE	21
25	(23) D121	USER SUPPORT ANALYST	1	GRADE	20
26	(24) R133	AGENCY DIRECTOR RESEARCH & STATS	1	GRADE	20
27	(25) A076	PUBLIC UTILITY AUDITOR II	6	GRADE	20
28	(26) A006	ACCOUNTING SUPERVISOR I	1	GRADE	20
29	(27) K188	PSC MANAGER, COMM DOCKETS	1	GRADE	19
30	(28) R150	RESEARCH PROJECT ANALYST	1	GRADE	19
31	(29) X438	PSC UTILITY SERVICES SUPERVISOR	1	GRADE	19
32	(30) R264	MANAGEMENT PROJECT ANALYST I	2	GRADE	18
33	(31) D128	P C SUPPORT SPECIALIST	1	GRADE	18
34	(32) R010	ADMINISTRATIVE ASSISTANT II	5	GRADE	17
35	(33) X342	COMPLAINTS INVESTIGATION SUPERVISOR	2	GRADE	17
36	(34) X333	ENGINEER TECHNICIAN	1	GRADE	16

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

SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Utilities Division for the 2007-2009 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: six (6) 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 3. APPROPRIATION - UTILITIES DIVISION. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service Commission Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Utilities Division for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) REGULAR SALARIES	\$ 5,441,406	\$ 5,550,192
(02) EXTRA HELP	1,325	1,325
(03) PERSONAL SERVICES MATCHING	1,484,341	1,506,846
(04) OVERTIME	25,000	25,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,040,997	1,040,997
(B) CONF. & TRAVEL	68,922	68,922
(C) PROF. FEES	15,000	15,000
(D) CAP. OUTLAY	21,000	21,000
(E) DATA PROC.	15,000	15,000
(06) BUILDING REPAIRS/MAINTENANCE	48,638	0

1	(07)	FED REGULATORY SERVICES	290,575	290,575
2	(08)	PROFESSIONAL SERVICES	998,000	998,000
3	(09)	DATA PROCESSING SERVICES	<u>277,713</u>	<u>0</u>
4		TOTAL AMOUNT APPROPRIATED	<u>\$ 9,727,917</u>	<u>\$ 9,532,857</u>

5

6 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established  
 7 for the Arkansas Public Service Commission - Tax Division for the 2007-2009  
 8 biennium, the following maximum number of regular employees whose salaries  
 9 shall be governed by the provisions of the Uniform Classification and  
 10 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
 11 all laws amendatory thereto. Provided, however, that any position to which a  
 12 specific maximum annual salary is set out herein in dollars, shall be exempt  
 13 from the provisions of said Uniform Classification and Compensation Act. All  
 14 persons occupying positions authorized herein are hereby governed by the  
 15 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 16 Code §21-5-101), or its successor.

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

34

35 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for the  
 36 Arkansas Public Service Commission - Tax Division for the 2007-2009 biennium,

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

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

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) REGULAR SALARIES	\$ 552,781	\$ 563,830
(02) EXTRA HELP	38,238	38,238
(03) PERSONAL SERVICES MATCHING	178,900	181,136
(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>\$ 1,488,778</u>	<u>\$ 1,502,063</u>

27  
 28 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby  
 29 established for the Arkansas Public Service Commission - Pipeline Safety  
 30 Program for the 2007-2009 biennium, the following maximum number of regular  
 31 employees whose salaries shall be governed by the provisions of the Uniform  
 32 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 33 its successor, and all laws amendatory thereto. Provided, however, that any  
 34 position to which a specific maximum annual salary is set out herein in  
 35 dollars, shall be exempt from the provisions of said Uniform Classification  
 36 and Compensation Act. All persons occupying positions authorized herein are

hereby governed by the provisions of the Regular Salaries Procedures and 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
(1)	9747	PSC DIRECTOR OF QUALITY SERVICES	1	\$90,679	\$92,492
(2)	R482	PSC CHIEF, PIPELINE SAFETY	1	GRADE 24	
(3)	X456	PSC RATE CASE ENGINEER	3	GRADE 22	
(4)	X299	DOT CORROSION PROGRAM SPECIALIST	3	GRADE 18	
(5)	R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
MAX. NO. OF EMPLOYEES			9		

SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service Commission Utility Safety Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Pipeline Safety Program for the biennial period ending June 30, 2009, the following:

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

SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the Public Service Commission Fund, for personal services and operating expenses of the Arkansas Public Service Commission - Contingency for the biennial period ending June

1 30, 2009, the following:

2

3	ITEM	FISCAL YEARS	
4	<u>NO.</u>	2007-2008	2008-2009
5	(01) CONTINGENCY	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

6

7 SECTION 10. 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,  
 16 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

17

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

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

28 Class

29	Code	Title	Grade
30	063Z	GENERAL COUNSEL	26
31	016Z	PSC DIRECTOR OF ELECTRIC UTILITIES SECTION	26
32	984Z	PSC TELECOMMUNICATIONS UTILITY SECTION MGR	25
33	R050	PSC RURAL LIAISON	24
34	A198	SENIOR RATE CASE ANALYST	24
35	A254	PUBLIC UTILITY AUDIT MANAGER	24
36	A200	PSC OPERATIONS MANAGER	24



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

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

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

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

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

22

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

35

36 Any carry forward of unexpended balance of appropriation and/or funding as

1 authorized herein, may be carried forward under the following conditions:

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

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

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

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

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

29  
30 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
32 FORWARD - BUILDING REPAIRS/MAINTENANCE. Any unexpended balance of the  
33 appropriation authorized for Building Repairs/Maintenance in Item (06) of  
34 Section 3 of this Act which remains at the close of the fiscal year ending  
35 June 30, ~~2006~~ 2008, shall be carried forward and made available for the same  
36 purpose for the fiscal year ending June 30, ~~2007~~ 2009.

1        Any carry forward of unexpended balance of appropriation and/or funding  
2 as 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 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
33 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional  
34 appropriations become necessary that are not authorized or contemplated in  
35 the Tax Division appropriation of this Act and specific cases, situations,  
36 and/or programs make it necessary that the Arkansas Public Service Commission

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

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

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

33

34 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
36 UNIVERSAL SERVICE FUND. To ensure that telecommunications rates are

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

7  
8 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
9 by this act shall be limited to the appropriation for such agency and funds  
10 made available by law for the support of such appropriations; and the  
11 restrictions of the State Procurement Law, the General Accounting and  
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
13 Procedures and Restrictions Act, or their successors, and other fiscal  
14 control laws of this State, where applicable, and regulations promulgated by  
15 the Department of Finance and Administration, as authorized by law, shall be  
16 strictly complied with in disbursement of said funds.

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

26  
27 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General  
28 Assembly, that the Constitution of the State of Arkansas prohibits the  
29 appropriation of funds for more than a two (2) year period; that the  
30 effectiveness of this Act on July 1, 2007 is essential to the operation of  
31 the agency for which the appropriations in this Act are provided, and that in  
32 the event of an extension of the Regular Session, the delay in the effective  
33 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
34 proper administration and provision of essential governmental programs.  
35 Therefore, an emergency is hereby declared to exist and this Act being  
36 necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from and after July 1, 2007.

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*/s/ Joint Budget Committee*