

State of Arkansas
87th General Assembly
Fiscal Session, 2010

A Bill

HOUSE BILL 1036

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR
ENDING JUNE 30, 2011; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS PUBLIC SERVICE
COMMISSION APPROPRIATION FOR THE 2010-
2011 FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
established for the Arkansas Public Service Commission - Utilities Division
for the 2010-2011 fiscal year, the following maximum number of regular
employees whose salaries shall be governed by the provisions of the Uniform
Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
its successor, and all laws amendatory thereto. Provided, however, that any
position to which a specific maximum annual salary is set out herein in
dollars, shall be exempt from the provisions of said Uniform Classification
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.

	Maximum Annual
Maximum	Salary Rate



1	Item	Class		No. of	Fiscal Year
2	No.	Code	Title	Employees	2010-2011
3	(1)	U005U	PSC CHAIRMAN	1	\$117,978
4	(2)	U004U	PSC COMMISSIONER	2	\$113,839
5	(3)	U050U	PSC DIRECTOR	1	\$113,238
6	(4)	G003N	PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
7	(5)	N043N	PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
8	(6)	G006N	PSC CHIEF COUNSEL	1	GRADE N908
9	(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
10	(8)	G011N	PSC ADMINISTRATIVE LAW JUDGE	3	GRADE N906
11	(9)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
12	(10)	A005C	DIR OF COST ALLOCATION & RATE DESIG	1	GRADE C129
13	(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
14	(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
15	(13)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENT	1	GRADE C127
16	(14)	G047C	ATTORNEY SPECIALIST	7	GRADE C126
17	(15)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
18	(16)	B023C	ENGINEER, P.E.	1	GRADE C124
19	(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
20	(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
21	(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
22	(20)	G066C	PSC TELECOM AND QUALITY OF SERVICE MGR	1	GRADE C124
23	(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE C122
24	(22)	A046C	PSC RATE CASE ANALYST	11	GRADE C121
25	(23)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
26	(24)	G123C	PSC CLERK	1	GRADE C120
27	(25)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
28	(26)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
29	(27)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119
30	(28)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
31	(29)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
32	(30)	G164C	PSC ADMINISTRATIVE COORDINATOR	2	GRADE C118
33	(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
34	(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
35	(33)	A089C	ACCOUNTANT I	1	GRADE C116
36	(34)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115

1	(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
2	(36)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
3	(37)	C056C	ADMINISTRATIVE SPECIALIST III	4	GRADE C112
4	(38)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
5	(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
6			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 2010-2011 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: 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 fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 5,760,596
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	1,557,511
(04) OVERTIME	25,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,055,997
(B) CONF. & TRAVEL	68,922
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	21,000
(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>\$ 9,964,776</u>

SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established for the Arkansas Public Service Commission - Tax Division for the 2010-2011 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification 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.

				Maximum Annual
				Salary Rate
Item	Class		Maximum	Fiscal Year
No.	Code	Title	No. of	
			Employees	2010-2011
(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 2010-2011 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, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 634,650
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	200,954
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	201,359
(B) CONF. & TRAVEL	12,500
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(06) CONTINGENCY	<u>400,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,592,701</u>

SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby established for the Arkansas Public Service Commission - Pipeline Safety Program for the 2010-2011 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification 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.

			Maximum	Maximum Annual
			No. of	Salary Rate
Item	Class			Fiscal Year
No.	Code	Title	Employees	2010-2011
(1)	N076N	PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
(2)	B015C	ENGINEER SUPERVISOR	1	GRADE C126
(3)	X048C	PSC PIPELINE SAFETY SPECIALIST	4	GRADE C120
(4)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(5)	X144C	CORROSION INSPECTOR	3	GRADE C115
MAX. NO. OF EMPLOYEES			10	

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 fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 594,830
(02) PERSONAL SERVICES MATCHING	163,899
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	97,637
(B) CONF. & TRAVEL	12,620
(C) PROF. FEES	8,229
(D) CAP. OUTLAY	24,000
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 901,215</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 fiscal year ending June 30,

2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) CONTINGENCY	<u>\$ 1,000,000</u>

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

CONTINGENCY RESTRICTION - UTILITIES DIVISION. In the event of unforeseen conditions, additional appropriations become necessary that are not authorized or contemplated in the Utilities Division appropriation of this Act and such events make it necessary that the Public Service Commission - Utilities Division receives additional appropriations to carry out the objectives of the agency, the Director of the Public Service Commission is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State, as hereinafter provided, for transfer of the additional appropriations provided in the Contingency appropriation to the appropriations provided by the Utilities Division appropriation, but in no event shall the transfers exceed the appropriations provided in the Contingency appropriation of this Act. Whenever the Director of the Public Service Commission deems it necessary to establish additional appropriations as authorized herein, he or she shall file with the Governor a written report accompanied by necessary supporting documents setting forth the facts, justifications, and circumstances that necessitate such appropriation. Upon receipt of such reports and supporting documents, the Governor, or his or her designee, shall study the same, and if he or she shall determine that such additional appropriations are being sought in strict compliance with this Act, the Governor, after seeking prior review and prior approval by the Arkansas Legislative Council or the Joint Budget Committee, may approve or modify such request for additional appropriations as in his or her judgment he or she deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer of the State shall direct the State Auditor to process said transfer upon his books in accordance with the provisions as set out therein.

Determining the maximum number of employees and the maximum amount of 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 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

17
 18 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
 21 appropriations become necessary that are not authorized or contemplated in
 22 the Tax Division appropriation of this Act and specific cases, situations,
 23 and/or programs make it necessary that the Arkansas Public Service Commission
 24 – Tax Division receives additional appropriations to carry out the objectives
 25 of the Division, the Chairman of the Arkansas Public Service Commission is
 26 hereby authorized to request the approval of the Governor and the Chief
 27 Fiscal Officer of the State for transfers of the appropriations provided in
 28 the Contingency line item of the Tax Division appropriation of this Act to
 29 other line items within the Tax Division appropriation. In no event shall
 30 the transfers in any fiscal year exceed the appropriations provided in the
 31 Contingency line item of the Tax Division appropriation of this Act. The
 32 Governor may approve or modify such request for transfer of appropriations as
 33 in his or her judgment he or she deems necessary, and shall seek prior review
 34 and approval of the Arkansas Legislative Council and inform the Chief Fiscal
 35 Officer of the State. Upon notification, the Chief Fiscal Officer of the
 36 State shall direct the State Auditor to process said transfer upon his or her

1 books in accordance with the provisions as set out herein.

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

18 The provisions of this section shall be in effect only from July 1,
19 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

20
21 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
23 HIGH COST FUND. To ensure that telecommunications rates are reasonable and
24 affordable, the Arkansas Public Service Commission should take all reasonable
25 steps necessary to reduce the Arkansas High Cost Fund (AHCF), and avoid
26 mandating any additional charges or expenses for telecommunications services
27 that could increase AHCF assessments which would result in higher AHCF
28 surcharges to customers.

29
30 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
31 by this act shall be limited to the appropriation for such agency and funds
32 made available by law for the support of such appropriations; and the
33 restrictions of the State Procurement Law, the General Accounting and
34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
35 Procedures and Restrictions Act, or their successors, and other fiscal
36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

3
4 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or
11 Joint Budget Committee which relate to its passage and adoption.

12
13 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a one (1) year period; that the
16 effectiveness of this Act on July 1, 2010 is essential to the operation of
17 the agency for which the appropriations in this Act are provided, and that in
18 the event of an extension of the legislative session, the delay in the
19 effective date of this Act beyond July 1, 2010 could work irreparable harm
20 upon the proper administration and provision of essential governmental
21 programs. Therefore, an emergency is hereby declared to exist and this Act
22 being necessary for the immediate preservation of the public peace, health
23 and safety shall be in full force and effect from and after July 1, 2010.