

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1080

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, 2022; AND FOR OTHER PURPOSES.
12
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Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2021-
16 2022 FISCAL YEAR.
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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 2021-2022 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 2021-2022
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)	B145C DIRECTOR OF ENGINEERING	1	GRADE GS14
4	(10)	G011N PSC ADMINISTRATIVE LAW JUDGE	4	GRADE GS14
5	(11)	G006N PSC CHIEF COUNSEL	1	GRADE GS14
6	(12)	X001C PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE GS14
7	(13)	N043N PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE GS14
8	(14)	A130C PSC RATES & DEMAND RES DIRECTOR	1	GRADE GS14
9	(15)	G278C PSC RESEARCH & POLICY DIRECTOR	1	GRADE GS14
10	(16)	G004C MANAGING ATTORNEY	1	GRADE GS13
11	(17)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
12	(18)	A013C PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE GS12
13	(19)	G299C PSC ELECTRIC COOPERATIVE MANAGER	1	GRADE GS12
14	(20)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
15	(21)	B023C ENGINEER, P.E.	2	GRADE GS11
16	(22)	G067C PSC CUSTOMER SERVICE MANAGER	1	GRADE GS11
17	(23)	X033C PSC SENIOR PUBLIC UTILITY AUDITOR	4	GRADE GS11
18	(24)	A028C PSC SENIOR RATE CASE ANALYST	7	GRADE GS11
19	(25)	G073C ATTORNEY	1	GRADE GS10
20	(26)	A052C ACCOUNTING COORDINATOR	1	GRADE GS09
21	(27)	A046C PSC RATE CASE ANALYST	13	GRADE GS09
22	(28)	X064C PSC PUBLIC UTILITY AUDITOR	5	GRADE GS08
23	(29)	G164C EXECUTIVE ASSISTANT TO THE COMM	2	GRADE GS07
24	(30)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
25	(31)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
26	(32)	X218C PSC COMPLAINTS INVESTIGATOR SUPER	1	GRADE GS07
27	(33)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
28	(34)	G123C PSC CLERK	1	GRADE GS06
29	(35)	B076C RESEARCH PROJECT ANALYST	2	GRADE GS06
30	(36)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
31	(37)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
32	(38)	X167C COMPLAINTS INVESTIGATOR	7	GRADE GS04
33	(39)	C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
34		MAX. NO. OF EMPLOYEES	89	

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

1 authorized, for the Arkansas Public Service Commission - Utilities Division
 2 for the 2021-2022 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.

8
 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, 2022, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2021-2022</u>
17 (01) REGULAR SALARIES	\$5,898,130
18 (02) EXTRA HELP	9,000
19 (03) PERSONAL SERVICES MATCHING	1,837,431
20 (04) OVERTIME	5,000
21 (05) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	1,070,597
23 (B) CONF. & TRAVEL	68,922
24 (C) PROF. FEES	15,000
25 (D) CAP. OUTLAY	0
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>\$10,355,830</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 2021-2022 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2021-2022
(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 2021-2022 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, 2022, the following:

ITEM	FISCAL YEAR
NO.	2021-2022
(01) REGULAR SALARIES	\$766,634
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	256,423

1	(04) OVERTIME	5,000
2	(05) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	202,472
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>\$1,781,267</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 2021-2022 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>2021-2022</u>
20	(1) A129C PSC QUALITY SERVICES DIRECTOR	1 GRADE GS14
21	(2) B015C ENGINEER SUPERVISOR	1 GRADE GS12
22	(3) X216C PSC PIPELINE SAFETY COORDINATOR	7 GRADE GS09
23	(4) C037C ADMINISTRATIVE ANALYST	<u>1</u> GRADE GS06
24	MAX. NO. OF EMPLOYEES	10

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26 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby
 27 appropriated, to the Arkansas Public Service Commission, to be payable from
 28 the Public Service Commission Utility Safety Fund, for personal services and
 29 operating expenses of the Arkansas Public Service Commission - Pipeline
 30 Safety Program for the fiscal year ending June 30, 2022, the following:

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32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2021-2022</u>
34	(01) REGULAR SALARIES	\$700,600
35	(02) PERSONAL SERVICES MATCHING	210,663
36	(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	105,714
2	(B) CONF. & TRAVEL	25,620
3	(C) PROF. FEES	2,229
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,044,826</u></u>

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 8 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
 9 to the Arkansas Public Service Commission, to be payable from the Public
 10 Service Commission Fund, for personal services and operating expenses of the
 11 Arkansas Public Service Commission - Contingency for the fiscal year ending
 12 June 30, 2022, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2021-2022</u>
16	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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

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

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

26 The provisions of this section shall be in effect only from July 1, ~~2020~~
27 2021 through June 30, ~~2021~~ 2022.

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

36 The provisions of this section shall be in effect only from July 1, ~~2020~~

1 2021 through June 30, ~~2021~~ 2022.

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

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

1 severable part of this section. If the requirement of approval by the
2 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
3 court of competent jurisdiction, this entire section is void.

4 The provisions of this section shall be in effect only from July 1, ~~2020~~
5 2021 through June 30, ~~2021~~ 2022.

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

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

25
26 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly, that the Constitution of the State of Arkansas prohibits
28 the appropriation of funds for more than a one (1) year period; that the
29 effectiveness of this Act on July 1, 2021 is essential to the operation of
30 the agency for which the appropriations in this Act are provided, and that in
31 the event of an extension of the legislative session, the delay in the
32 effective date of this Act beyond July 1, 2021 could work irreparable harm
33 upon the proper administration and provision of essential governmental
34 programs. Therefore, an emergency is hereby declared to exist and this Act
35 being necessary for the immediate preservation of the public peace, health
36 and safety shall be in full force and effect from and after July 1, 2021.