

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1054

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, 2024; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2023-
16 2024 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 2023-2024 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 2023-2024
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	2	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)	P080C PSC DIR OF TELECOMM & CONSUMER SVCS	1	GRADE GS14
9	(15)	A129C PSC QUALITY SERVICES DIRECTOR	1	GRADE GS14
10	(16)	A130C PSC RATES & DEMAND RES DIRECTOR	1	GRADE GS14
11	(17)	G278C PSC RESEARCH & POLICY DIRECTOR	1	GRADE GS14
12	(18)	G004C MANAGING ATTORNEY	1	GRADE GS13
13	(19)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
14	(20)	A013C PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE GS12
15	(21)	G299C PSC ELECTRIC COOPERATIVE MANAGER	1	GRADE GS12
16	(22)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
17	(23)	B023C ENGINEER, P.E.	2	GRADE GS11
18	(24)	G067C PSC CUSTOMER SERVICE MANAGER	1	GRADE GS11
19	(25)	X033C PSC SENIOR PUBLIC UTILITY AUDITOR	4	GRADE GS11
20	(26)	A028C PSC SENIOR RATE CASE ANALYST	8	GRADE GS11
21	(27)	G073C ATTORNEY	1	GRADE GS10
22	(28)	A052C ACCOUNTING COORDINATOR	1	GRADE GS09
23	(29)	A046C PSC RATE CASE ANALYST	13	GRADE GS09
24	(30)	X064C PSC PUBLIC UTILITY AUDITOR	5	GRADE GS08
25	(31)	G164C EXECUTIVE ASSISTANT TO THE COMM	1	GRADE GS07
26	(32)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
27	(33)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
28	(34)	X218C PSC COMPLAINTS INVESTIGATOR SUPER	1	GRADE GS07
29	(35)	C037C ADMINISTRATIVE ANALYST	5	GRADE GS06
30	(36)	G123C PSC CLERK	1	GRADE GS06
31	(37)	B076C RESEARCH PROJECT ANALYST	2	GRADE GS06
32	(38)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
33	(39)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
34	(40)	X167C COMPLAINTS INVESTIGATOR	<u>7</u>	GRADE GS04
35		MAX. NO. OF EMPLOYEES	90	

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SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Utilities Division for the 2023-2024 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$6,493,072
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	2,120,738
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,070,597
(B) CONF. & TRAVEL	78,922
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	34,500
(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>407,044</u>
TOTAL AMOUNT APPROPRIATED	<u>\$11,546,767</u>

SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established for the Arkansas Public Service Commission - Tax Division for the 2023-2024 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
1	(1)	N071N PSC TAX DIVISION DIRECTOR	1	GRADE GS14
2	(2)	A019C PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE GS11
3	(3)	G268C PSC MOTOR CARRIER ASST DIV DIRECTOR	1	GRADE GS10
4	(4)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
5	(5)	A047C FINANCIAL ANALYST II	1	GRADE GS08
6	(6)	A076C FINANCE PROGRAM ANALYST	1	GRADE GS07
7	(7)	A064C PSC TAX VALUATION SUPERVISOR	1	GRADE GS07
8	(8)	C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
9	(9)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
10	(10)	A095C PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE GS03
11	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 2023-2024 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, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) REGULAR SALARIES	\$766,834
(02) EXTRA HELP	38,238

1	(03)	PERSONAL SERVICES MATCHING	284,733
2	(04)	OVERTIME	5,000
3	(05)	MAINT. & GEN. OPERATION	
4	(A)	OPER. EXPENSE	202,472
5	(B)	CONF. & TRAVEL	12,500
6	(C)	PROF. FEES	100,000
7	(D)	CAP. OUTLAY	0
8	(E)	DATA PROC.	0
9	(06)	CONTINGENCY	<u>400,000</u>
10		TOTAL AMOUNT APPROPRIATED	<u><u>\$1,809,777</u></u>

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12 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby
 13 established for the Arkansas Public Service Commission - Pipeline Safety
 14 Program for the 2023-2024 fiscal year, the following maximum number of
 15 regular employees.

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17				Maximum Annual
18				Salary Rate
19	Item	Class	Maximum	Fiscal Year
20	No.	Code Title	No. of	2023-2024
			Employees	
21	(1)	N248N PSC DIRECTOR OF PIPELINE SAFETY	1	GRADE GS14
22	(2)	B015C ENGINEER SUPERVISOR	1	GRADE GS12
23	(3)	X216C PSC PIPELINE SAFETY COORDINATOR	7	GRADE GS09
24	(4)	C037C ADMINISTRATIVE ANALYST	<u>1</u>	GRADE GS06
25		MAX. NO. OF EMPLOYEES	10	

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27 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby
 28 appropriated, to the Arkansas Public Service Commission, to be payable from
 29 the Public Service Commission Utility Safety Fund, for personal services and
 30 operating expenses of the Arkansas Public Service Commission - Pipeline
 31 Safety Program for the fiscal year ending June 30, 2024, the following:

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33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2023-2024</u>
35	(01) REGULAR SALARIES	\$692,707
36	(02) PERSONAL SERVICES MATCHING	228,900

1	(03) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	105,714
3	(B) CONF. & TRAVEL	25,620
4	(C) PROF. FEES	2,229
5	(D) CAP. OUTLAY	34,500
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$1,089,670</u>

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9 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,
 10 to the Arkansas Public Service Commission, to be payable from the Public
 11 Service Commission Fund, for personal services and operating expenses of the
 12 Arkansas Public Service Commission - Contingency for the fiscal year ending
 13 June 30, 2024, the following:

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15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2023-2024</u>
17	(01) CONTINGENCY	<u>\$1,000,000</u>

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

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

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

27 The provisions of this section shall be in effect only from July 1, ~~2022~~
28 2023 through June 30, ~~2023~~ 2024.

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

1 The provisions of this section shall be in effect only from July 1, ~~2022~~
2 2023 through June 30, ~~2023~~ 2024.

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

25 Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for a state agency each fiscal year
27 is the prerogative of the General Assembly. This is usually accomplished by
28 delineating such maximums in the appropriation act(s) for a state agency and
29 the general revenue allocations authorized for each fund and fund account by
30 amendment to the Revenue Stabilization law. Further, the General Assembly
31 has determined that the Public Service Commission - Tax Division may operate
32 more efficiently if some flexibility is provided to the Public Service
33 Commission - Tax Division authorizing broad powers under this Section.
34 Therefore, it is both necessary and appropriate that the General Assembly
35 maintain oversight by requiring prior approval of the Legislative Council or
36 Joint Budget Committee as provided by this section. The requirement of

1 approval by the Legislative Council or Joint Budget Committee is not a
2 severable part of this section. If the requirement of approval by the
3 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
4 court of competent jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1, ~~2022~~
6 2023 through June 30, ~~2023~~ 2024.

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8 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
9 authorized by this act shall be limited to the appropriation for such agency
10 and funds made available by law for the support of such appropriations; and
11 the 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.

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

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27 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly, that the Constitution of the State of Arkansas prohibits
29 the appropriation of funds for more than a one (1) year period; that the
30 effectiveness of this Act on July 1, 2023 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 legislative session, the delay in the
33 effective date of this Act beyond July 1, 2023 could work irreparable harm
34 upon the proper administration and provision of essential governmental
35 programs. Therefore, an emergency is hereby declared to exist and this Act
36 being necessary for the immediate preservation of the public peace, health

and safety shall be in full force and effect from and after July 1, 2023.

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