

State of Arkansas  
88th General Assembly  
Fiscal Session, 2012

# A Bill

HOUSE BILL 1126

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, 2013; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS PUBLIC SERVICE  
COMMISSION APPROPRIATION FOR THE 2012-2013  
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 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum	Maximum Annual
			No. of Employees	Salary Rate Fiscal Year 2012-2013
(1)	U005U	PSC CHAIRMAN	1	\$123,032
(2)	U004U	PSC COMMISSIONER	2	\$118,715
(3)	U050U	PSC DIRECTOR	1	\$118,089
(4)	G003N	PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
(5)	N043N	PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
(6)	G006N	PSC CHIEF COUNSEL	1	GRADE N908



(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
(8)	G011N	PSC ADMINISTRATIVE LAW JUDGE	3	GRADE N906
(9)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
(10)	A005C	DIR OF COST ALLOCATION & RATE DESIG	1	GRADE C129
(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
(13)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
(14)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENT	1	GRADE C127
(15)	G047C	ATTORNEY SPECIALIST	7	GRADE C126
(16)	B023C	ENGINEER, P.E.	1	GRADE C124
(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
(20)	G066C	PSC TELECOM AND QUALITY OF SERVICE	1	GRADE C124
(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE C122
(22)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
(23)	A046C	PSC RATE CASE ANALYST	11	GRADE C121
(24)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
(25)	G123C	PSC CLERK	1	GRADE C120
(26)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
(27)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
(28)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119
(29)	G164C	EXECUTIVE ASSISTANT TO THE COMMISSI	2	GRADE C118
(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
(33)	A089C	ACCOUNTANT I	1	GRADE C116
(34)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115
(35)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
(36)	C046C	LEGAL SUPPORT SPECIALIST	3	GRADE C113
(37)	C056C	ADMINISTRATIVE SPECIALIST III	3	GRADE C112
(38)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
		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 2012-2013 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, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$5,840,803
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	1,593,544
(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>\$10,081,016</u>

SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established for the Arkansas Public Service Commission - Tax Division for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum	Maximum Annual
			No. of Employees	Salary Rate Fiscal Year 2012-2013
(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 2012-2013 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, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$733,100
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	220,893

(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><u>\$1,711,090</u></u>

SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby established for the Arkansas Public Service Commission - Pipeline Safety Program for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(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	<u>3</u>	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, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$630,185
(02) PERSONAL SERVICES MATCHING	172,697

(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.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$945,368</u></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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

SECTION 10. REGULAR SALARIES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. There is hereby established for the Arkansas Public Service Commission - American Recovery And Reinvestment Act of 2009 for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item	Class		Maximum	Maximum Annual
<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>No. of</u>	<u>Salary Rate</u>
			<u>Employees</u>	<u>Fiscal Year</u>
				<u>2012-2013</u>
(1)	A010C	AGENCY CONTROLLER II	1	GRADE C128
(2)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
(3)	A028C	PSC SENIOR RATE CASE ANALYST	<u>1</u>	GRADE C124
		MAX. NO. OF EMPLOYEES	3	

SECTION 11. APPROPRIATION - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. There is hereby appropriated, to the Arkansas Public Service Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of

the Arkansas Public Service Commission - American Recovery and Reinvestment Act of 2009 for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>\$822,779</u>

SECTION 12. 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 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 amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Public Service Commission - Utilities Division may operate more efficiently if some flexibility is provided to the Public Service Commission - Utilities Division authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 13. 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 amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Public Service Commission - Tax Division may operate more efficiently if some flexibility is provided to the Public Service Commission - Tax Division authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS HIGH COST FUND. To ensure that telecommunications rates are reasonable and affordable, the Arkansas Public Service Commission should take all reasonable steps necessary to reduce the Arkansas High Cost Fund (AHCF), and avoid mandating any additional charges or expenses for telecommunications services that could increase AHCF assessments which would result in higher AHCF surcharges to customers.

SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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

SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2012 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2012 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act 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, 2012.

**APPROVED: 02/24/2012**