

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1057

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, 2016; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE  
15 COMMISSION APPROPRIATION FOR THE 2015-  
16 2016 FISCAL YEAR.  
17  
18  
19

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 2015-2016 fiscal year, the following maximum number of regular  
25 employees.  
26

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2015-2016
31	(1) U005U	PSC CHAIRMAN	1	\$126,748
32	(2) U004U	PSC COMMISSIONER	2	\$122,300
33	(3) U050U	PSC DIRECTOR	1	\$121,655
34	(4) G003N	PSC CHIEF ADMIN LAW JUDGE	1	GRADE N909
35	(5) N043N	PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE N909
36	(6) G006N	PSC CHIEF COUNSEL	1	GRADE N908



1	(7)	N072N	PSC DIRECTOR RESEARCH & POLICY	1	GRADE N908
2	(8)	A008N	DIRECTOR OF RATES & DEMAND RESOURCES	1	GRADE N906
3	(9)	G011N	PSC ADMINISTRATIVE LAW JUDGE	4	GRADE N906
4	(10)	X001C	PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE C130
5	(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
6	(12)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
7	(13)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
8	(14)	A013C	PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE C127
9	(15)	G047C	ATTORNEY SPECIALIST	7	GRADE C126
10	(16)	B023C	ENGINEER, P.E.	1	GRADE C124
11	(17)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
12	(18)	G067C	PSC CUSTOMER SERVICE MANAGER	1	GRADE C124
13	(19)	A028C	PSC SENIOR RATE CASE ANALYST	7	GRADE C124
14	(20)	G066C	PSC TELECOM AND QUALITY OF SVC MGR	1	GRADE C124
15	(21)	X033C	PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE C122
16	(22)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
17	(23)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
18	(24)	A046C	PSC RATE CASE ANALYST	12	GRADE C121
19	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
20	(26)	G123C	PSC CLERK	1	GRADE C120
21	(27)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
22	(28)	X064C	PSC PUBLIC UTILITY AUDITOR	5	GRADE C119
23	(29)	G164C	EXECUTIVE ASSISTANT TO THE COMMISSIONER	2	GRADE C118
24	(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(31)	X078C	PSC UTILITIES SERVICES SPECIALIST	1	GRADE C118
26	(32)	D071C	COMPUTER SUPPORT ANALYST	2	GRADE C117
27	(33)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
28	(34)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
29	(35)	C037C	ADMINISTRATIVE ANALYST	7	GRADE C115
30	(36)	X167C	COMPLAINTS INVESTIGATOR	8	GRADE C113
31	(37)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
32	(38)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
33			MAX. NO. OF EMPLOYEES	89	

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35 SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby  
 36 authorized, for the Arkansas Public Service Commission - Utilities Division

1 for the 2015-2016 fiscal year, the following maximum number of part-time or  
 2 temporary employees, to be known as "Extra Help", payable from funds  
 3 appropriated herein for such purposes: six (6) temporary or part-time  
 4 employees, when needed, at rates of pay not to exceed those provided in the  
 5 Uniform Classification and Compensation Act, or its successor, or this act  
 6 for the appropriate classification.

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 8 SECTION 3. APPROPRIATION - UTILITIES DIVISION. There is hereby  
 9 appropriated, to the Arkansas Public Service Commission, to be payable from  
 10 the Public Service Commission Fund, for personal services and operating  
 11 expenses of the Arkansas Public Service Commission - Utilities Division for  
 12 the fiscal year ending June 30, 2016, the following:

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2015-2016</u>
16 (01) REGULAR SALARIES	\$5,583,348
17 (02) EXTRA HELP	9,000
18 (03) PERSONAL SERVICES MATCHING	1,709,242
19 (04) OVERTIME	25,000
20 (05) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	1,070,597
22 (B) CONF. & TRAVEL	68,922
23 (C) PROF. FEES	15,000
24 (D) CAP. OUTLAY	21,000
25 (E) DATA PROC.	0
26 (06) BUILDING REPAIRS/MAINTENANCE	24,319
27 (07) FED REGULATORY SERVICES	290,575
28 (08) PROFESSIONAL SERVICES	998,000
29 (09) DATA PROCESSING SERVICES	<u>138,856</u>
30 TOTAL AMOUNT APPROPRIATED	<u><u>\$9,953,859</u></u>

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 32 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby  
 33 established for the Arkansas Public Service Commission - Tax Division for the  
 34 2015-2016 fiscal year, the following maximum number of regular employees.

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 36 Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2015-2016
4	(1) N071N	PSC TAX DIVISION DIRECTOR	1	GRADE N908
5	(2) A019C	PSC TAX DIVISION ASSISTANT DIRECTOR	1	GRADE C126
6	(3) A038C	FISCAL SUPPORT MANAGER	1	GRADE C123
7	(4) A035C	PSC TAX DIV ASST DIR/MOTOR CAR PROG	1	GRADE C123
8	(5) A047C	FINANCIAL ANALYST II	1	GRADE C121
9	(6) A064C	PSC TAX VALUATION SUPERVISOR	1	GRADE C119
10	(7) A076C	FINANCE PROGRAM ANALYST	1	GRADE C118
11	(8) B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
12	(9) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
13	(10) A095C	PSC TAX DIV VALUATION ANALYST	<u>6</u>	GRADE C113
14	MAX. NO. OF EMPLOYEES		15	

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16 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for  
 17 the Arkansas Public Service Commission - Tax Division for the 2015-2016  
 18 fiscal year, the following maximum number of part-time or temporary  
 19 employees, to be known as "Extra Help", payable from funds appropriated  
 20 herein for such purposes: five (5) temporary or part-time employees, when  
 21 needed, at rates of pay not to exceed those provided in the Uniform  
 22 Classification and Compensation Act, or its successor, or this act for the  
 23 appropriate classification.

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25 SECTION 6. APPROPRIATION - TAX DIVISION. There is hereby appropriated,  
 26 to the Arkansas Public Service Commission, to be payable from the Tax  
 27 Division Fund, for personal services and operating expenses of the Arkansas  
 28 Public Service Commission - Tax Division for the fiscal year ending June 30,  
 29 2016, the following:

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ITEM NO.	FISCAL YEAR 2015-2016
33 (01) REGULAR SALARIES	\$733,032
34 (02) EXTRA HELP	38,238
35 (03) PERSONAL SERVICES MATCHING	244,385
36 (04) OVERTIME	5,000

1	(05) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	202,472
3	(B) CONF. & TRAVEL	12,500
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	0
7	(06) CONTINGENCY	<u>400,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,735,627</u></u>

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10 SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby

11 established for the Arkansas Public Service Commission - Pipeline Safety

12 Program for the 2015-2016 fiscal year, the following maximum number of

13 regular employees.

14				Maximum Annual
15				Salary Rate
16				Fiscal Year
17	Item	Class	Maximum	
18	No.	Code Title	No. of	2015-2016
			Employees	
19	(1)	N076N PSC DIRECTOR OF QUALITY SERVICES	1	GRADE N907
20	(2)	B015C ENGINEER SUPERVISOR	1	GRADE C126
21	(3)	X048C PSC PIPELINE SAFETY SPECIALIST	7	GRADE C120
22	(4)	C037C ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
23		MAX. NO. OF EMPLOYEES	10	

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25 SECTION 8. APPROPRIATION - PIPELINE SAFETY PROGRAM. There is hereby

26 appropriated, to the Arkansas Public Service Commission, to be payable from

27 the Public Service Commission Utility Safety Fund, for personal services and

28 operating expenses of the Arkansas Public Service Commission - Pipeline

29 Safety Program for the fiscal year ending June 30, 2016, the following:

30			FISCAL YEAR
31	ITEM		
32	<u>NO.</u>		<u>2015-2016</u>
33	(01)	REGULAR SALARIES	\$598,443
34	(02)	PERSONAL SERVICES MATCHING	184,869
35	(03)	MAINT. & GEN. OPERATION	
36	(A)	OPER. EXPENSE	105,714

1	(B) CONF. & TRAVEL	25,620
2	(C) PROF. FEES	2,229
3	(D) CAP. OUTLAY	25,000
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$941,875</u></u>

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7 SECTION 9. APPROPRIATION - CONTINGENCY. There is hereby appropriated,  
 8 to the Arkansas Public Service Commission, to be payable from the Public  
 9 Service Commission Fund, for personal services and operating expenses of the  
 10 Arkansas Public Service Commission - Contingency for the fiscal year ending  
 11 June 30, 2016, the following:

12		
13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2015-2016</u>
15	(01) CONTINGENCY	<u><u>\$1,000,000</u></u>

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

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

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

25 The provisions of this section shall be in effect only from July 1, ~~2014~~  
26 2015 through June 30, ~~2015~~ 2016.

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28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
30 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional  
31 appropriations become necessary that are not authorized or contemplated in  
32 the Tax Division appropriation of this Act and specific cases, situations,  
33 and/or programs make it necessary that the Arkansas Public Service Commission  
34 - Tax Division receives additional appropriations to carry out the objectives  
35 of the Division, the Chairman of the Arkansas Public Service Commission is  
36 hereby authorized to request the approval of the Governor and the Chief

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2014~~  
29 2015 through June 30, ~~2015~~ 2016.

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31 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
32 authorized by this act shall be limited to the appropriation for such agency  
33 and funds made available by law for the support of such appropriations; and  
34 the restrictions of the State Procurement Law, the General Accounting and  
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
36 Procedures and Restrictions Act, or their successors, and other fiscal



1 control laws of this State, where applicable, and regulations promulgated by  
2 the Department of Finance and Administration, as authorized by law, shall be  
3 strictly complied with in disbursement of said funds.  
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5 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General  
6 Assembly that any funds disbursed under the authority of the appropriations  
7 contained in this act shall be in compliance with the stated reasons for  
8 which this act was adopted, as evidenced by the Agency Requests, Executive  
9 Recommendations and Legislative Recommendations contained in the budget  
10 manuals prepared by the Department of Finance and Administration, letters, or  
11 summarized oral testimony in the official minutes of the Arkansas Legislative  
12 Council or Joint Budget Committee which relate to its passage and adoption.  
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14 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the  
15 General Assembly, that the Constitution of the State of Arkansas prohibits  
16 the appropriation of funds for more than a one (1) year period; that the  
17 effectiveness of this Act on July 1, 2015 is essential to the operation of  
18 the agency for which the appropriations in this Act are provided, and that in  
19 the event of an extension of the legislative session, the delay in the  
20 effective date of this Act beyond July 1, 2015 could work irreparable harm  
21 upon the proper administration and provision of essential governmental  
22 programs. Therefore, an emergency is hereby declared to exist and this Act  
23 being necessary for the immediate preservation of the public peace, health  
24 and safety shall be in full force and effect from and after July 1, 2015.  
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