

Stricken language will be deleted and underlined language will be added.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1093

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, 2020; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS PUBLIC SERVICE
COMMISSION APPROPRIATION FOR THE 2019-
2020 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 2019-2020 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	U005U	PSC CHAIRMAN	1	GRADE SE03
(2)	U004U	PSC COMMISSIONER	2	GRADE SE01
(3)	U050U	PSC DIRECTOR	1	GRADE SE01
(4)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
(5)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
(6)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE IT05



(7)	D052C SOFTWARE SUPPORT ANALYST	1	GRADE IT05
(8)	G003N PSC CHIEF ADMIN LAW JUDGE	1	GRADE GS15
(9)	G011N PSC ADMINISTRATIVE LAW JUDGE	4	GRADE GS14
(10)	G006N PSC CHIEF COUNSEL	1	GRADE GS14
(11)	X001C PSC DIR OF ELECTRIC UTILITIES SECT	1	GRADE GS14
(12)	N043N PSC DIRECTOR OF FINANCIAL ANALYSIS	1	GRADE GS14
(13)	A130C PSC RATES & DEMAND RES DIRECTOR	1	GRADE GS14
(14)	G278C PSC RESEARCH & POLICY DIRECTOR	1	GRADE GS14
(15)	G004C MANAGING ATTORNEY	1	GRADE GS13
(16)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
(17)	A013C PSC DIRECTOR OF REVENUE REQUIREMENTS	1	GRADE GS12
(18)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
(19)	B023C ENGINEER, P.E.	2	GRADE GS11
(20)	G067C PSC CUSTOMER SERVICE MANAGER	1	GRADE GS11
(21)	X033C PSC SENIOR PUBLIC UTILITY AUDITOR	5	GRADE GS11
(22)	A028C PSC SENIOR RATE CASE ANALYST	7	GRADE GS11
(23)	G066C PSC TELECOM AND QUALITY OF SVC MGR	1	GRADE GS11
(24)	G073C ATTORNEY	1	GRADE GS10
(25)	A052C ACCOUNTING COORDINATOR	1	GRADE GS09
(26)	A046C PSC RATE CASE ANALYST	13	GRADE GS09
(27)	X064C PSC PUBLIC UTILITY AUDITOR	5	GRADE GS08
(28)	G164C EXECUTIVE ASSISTANT TO THE COMM	2	GRADE GS07
(29)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(30)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
(31)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
(32)	G123C PSC CLERK	1	GRADE GS06
(33)	B076C RESEARCH PROJECT ANALYST	2	GRADE GS06
(34)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
(35)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
(36)	X167C COMPLAINTS INVESTIGATOR	8	GRADE GS04
(37)	C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	89	

SECTION 2. EXTRA HELP - UTILITIES DIVISION. There is hereby authorized, for the Arkansas Public Service Commission - Utilities Division for the 2019-2020 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, 2020, the following:

ITEM NO.	FISCAL YEAR
	2019-2020
(01) REGULAR SALARIES	\$5,709,538
(02) EXTRA HELP	9,000
(03) PERSONAL SERVICES MATCHING	1,770,673
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,070,597
(B) CONF. & TRAVEL	68,922
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	0
(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>\$10,100,480</u>

SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby established for the Arkansas Public Service Commission - Tax Division for the 2019-2020 fiscal year, the following maximum number of regular employees.

	Maximum Annual
Maximum	Salary Rate

Item No.	Class Code	Title	No. of Employees	Fiscal Year 2019-2020
(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 2019-2020 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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$749,509
(02) EXTRA HELP	38,238
(03) PERSONAL SERVICES MATCHING	247,616
(04) OVERTIME	5,000
(05) MAINT. & GEN. OPERATION	

(A) OPER. EXPENSE	202,472
(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>\$1,755,335</u></u>

SECTION 7. REGULAR SALARIES - PIPELINE SAFETY PROGRAM. There is hereby established for the Arkansas Public Service Commission - Pipeline Safety Program for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	A129C	PSC QUALITY SERVICES DIRECTOR	1	GRADE GS14
(2)	B015C	ENGINEER SUPERVISOR	1	GRADE GS12
(3)	X216C	PSC PIPELINE SAFETY COORDINATOR	7	GRADE GS09
(4)	C037C	ADMINISTRATIVE ANALYST	<u>1</u>	GRADE GS06
		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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$668,580
(02) PERSONAL SERVICES MATCHING	200,159
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	105,714
(B) CONF. & TRAVEL	25,620

(C) PROF. FEES	2,229
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,002,302</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, 2020, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2019-2020</u>
(01) CONTINGENCY	<u><u>\$1,000,000</u></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 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 12. 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 or Joint Budget Committee 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 13. 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 14. 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 15. 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, 2019 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, 2019 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, 2019.