

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014
4

A Bill

HOUSE BILL 1117

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, 2015; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC SERVICE
15 COMMISSION APPROPRIATION FOR THE 2014-
16 2015 FISCAL YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - UTILITIES DIVISION. There is hereby
23 established for the Arkansas Public Service Commission - Utilities Division
24 for the 2014-2015 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 2014-2015 |
|----------|------------|------------------------------------|--------------------------|--|
| 31 | (1) U005U | PSC CHAIRMAN | 1 | \$125,493 |
| 32 | (2) U004U | PSC COMMISSIONER | 2 | \$121,089 |
| 33 | (3) U050U | PSC DIRECTOR | 1 | \$120,451 |
| 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 | 6 | 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) | A046C | PSC RATE CASE ANALYST | 12 | GRADE C121 |
| 18 | (24) | D052C | SOFTWARE SUPPORT ANALYST | 1 | GRADE C121 |
| 19 | (25) | G123C | PSC CLERK | 1 | GRADE C120 |
| 20 | (26) | A065C | PAYROLL SERVICES COORDINATOR | 1 | GRADE C119 |
| 21 | (27) | X064C | PSC PUBLIC UTILITY AUDITOR | 5 | GRADE C119 |
| 22 | (28) | X062C | QUALITY ASSURANCE COORDINATOR | 1 | GRADE C119 |
| 23 | (29) | G164C | EXECUTIVE ASST 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) | A089C | ACCOUNTANT I | 1 | GRADE C116 |
| 28 | (34) | C037C | ADMINISTRATIVE ANALYST | 7 | GRADE C115 |
| 29 | (35) | X167C | COMPLAINTS INVESTIGATOR | 8 | GRADE C113 |
| 30 | (36) | C046C | LEGAL SUPPORT SPECIALIST | 2 | GRADE C113 |
| 31 | (37) | C056C | ADMINISTRATIVE SPECIALIST III | 3 | GRADE C112 |
| 32 | (38) | C073C | ADMINISTRATIVE SPECIALIST II | <u>1</u> | GRADE C109 |
| 33 | | | MAX. NO. OF EMPLOYEES | 90 | |

34

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

1 for the 2014-2015 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.

7
 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, 2015, the following:

| 14 ITEM | FISCAL YEAR |
|--------------------------------------|---------------------------|
| 15 <u>NO.</u> | <u>2014-2015</u> |
| 16 (01) REGULAR SALARIES | \$5,629,091 |
| 17 (02) EXTRA HELP | 9,000 |
| 18 (03) PERSONAL SERVICES MATCHING | 1,679,809 |
| 19 (04) OVERTIME | 25,000 |
| 20 (05) MAINT. & GEN. OPERATION | |
| 21 (A) OPER. EXPENSE | 1,055,997 |
| 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>\$9,955,569</u></u> |

31
 32 SECTION 4. REGULAR SALARIES - TAX DIVISION. There is hereby
 33 established for the Arkansas Public Service Commission - Tax Division for the
 34 2014-2015 fiscal year, the following maximum number of regular employees.

35
 36 Maximum Annual

| Item No. | Class Code | Title | Maximum No. of Employees | Salary Rate Fiscal Year 2014-2015 |
|----------|-----------------------|-------------------------------------|--------------------------|-----------------------------------|
| 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 | |

15

16 SECTION 5. EXTRA HELP - TAX DIVISION. There is hereby authorized, for
 17 the Arkansas Public Service Commission - Tax Division for the 2014-2015
 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.

24

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 2015, the following:

30

| ITEM NO. | FISCAL YEAR 2014-2015 |
|------------------------------------|-----------------------|
| 33 (01) REGULAR SALARIES | \$744,014 |
| 34 (02) EXTRA HELP | 38,238 |
| 35 (03) PERSONAL SERVICES MATCHING | 241,157 |
| 36 (04) OVERTIME | 5,000 |

| | | |
|---|------------------------------|---------------------------|
| 1 | (05) MAINT. & GEN. OPERATION | |
| 2 | (A) OPER. EXPENSE | 201,359 |
| 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>\$1,742,268</u></u> |

9

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 2014-2015 fiscal year, the following maximum number of
 13 regular employees.

14

| 15 | | | Maximum Annual |
|----|--|------------------|------------------|
| 16 | | Maximum | Salary Rate |
| 17 | Item Class | No. of | Fiscal Year |
| 18 | <u>No. Code Title</u> | <u>Employees</u> | <u>2014-2015</u> |
| 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 | 4 | GRADE C120 |
| 22 | (4) C037C ADMINISTRATIVE ANALYST | 1 | GRADE C115 |
| 23 | (5) X144C CORROSION INSPECTOR | <u>3</u> | GRADE C115 |
| 24 | MAX. NO. OF EMPLOYEES | 10 | |

25

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, 2015, the following:

31

| 32 | ITEM | FISCAL YEAR |
|----|---------------------------------|------------------|
| 33 | <u>NO.</u> | <u>2014-2015</u> |
| 34 | (01) REGULAR SALARIES | \$552,904 |
| 35 | (02) PERSONAL SERVICES MATCHING | 170,563 |
| 36 | (03) MAINT. & GEN. OPERATION | |

| | | |
|---|---------------------------|-------------------------|
| 1 | (A) OPER. EXPENSE | 105,000 |
| 2 | (B) CONF. & TRAVEL | 25,620 |
| 3 | (C) PROF. FEES | 2,229 |
| 4 | (D) CAP. OUTLAY | 25,000 |
| 5 | (E) DATA PROC. | <u>0</u> |
| 6 | TOTAL AMOUNT APPROPRIATED | <u><u>\$881,316</u></u> |

7
 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, 2015, the following:

| | | |
|----|------------------|---------------------------|
| 14 | ITEM | FISCAL YEAR |
| 15 | <u>NO.</u> | <u>2014-2015</u> |
| 16 | (01) CONTINGENCY | <u><u>\$1,000,000</u></u> |

17
 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, ~~2012~~
27 2014 through June 30, ~~2013~~ 2015.

28
29 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

31 CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional
32 appropriations become necessary that are not authorized or contemplated in
33 the Tax Division appropriation of this Act and specific cases, situations,
34 and/or programs make it necessary that the Arkansas Public Service Commission
35 - Tax Division receives additional appropriations to carry out the objectives
36 of the Division, the Chairman of the Arkansas Public Service Commission is

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

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

29 The provisions of this section shall be in effect only from July 1, ~~2012~~
30 2014 through June 30, ~~2013~~ 2015.

31

32 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
34 HIGH COST FUND. To ensure that telecommunications rates are reasonable and
35 affordable, the Arkansas Public Service Commission should take all reasonable
36 steps necessary to reduce the Arkansas High Cost Fund (AHCF), and avoid

1 mandating any additional charges or expenses for telecommunications services
2 that could increase AHCF assessments which would result in higher AHCF
3 surcharges to customers.
4

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

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

24 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly, that the Constitution of the State of Arkansas prohibits
26 the appropriation of funds for more than a one (1) year period; that the
27 effectiveness of this Act on July 1, 2014 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the legislative session, the delay in the
30 effective date of this Act beyond July 1, 2014 could work irreparable harm
31 upon the proper administration and provision of essential governmental
32 programs. Therefore, an emergency is hereby declared to exist and this Act
33 being necessary for the immediate preservation of the public peace, health
34 and safety shall be in full force and effect from and after July 1, 2014.
35
36