

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0450 Public Service Commission, Arkansas**

**ACT#: 111**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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

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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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**0450 Public Service Commission, Arkansas**

**ACT#: 111**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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.

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**EXECUTIVE RECOMMENDATION**

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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.