

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 80

By: Senator B. Sample

## For An Act To Be Entitled

AN ACT TO REQUIRE A STATE AGENCY THAT IS AN EMPLOYER OF MEMBERS OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO MAKE CONTRIBUTION BY ELECTRONIC TRANSFER AND TO REPORT CONTRIBUTIONS ELECTRONICALLY; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE A STATE AGENCY THAT IS AN EMPLOYER OF MEMBERS OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO MAKE CONTRIBUTION BY ELECTRONIC TRANSFER AND TO REPORT CONTRIBUTIONS ELECTRONICALLY.

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

SECTION 1. Arkansas Code § 24-4-202 is amended to read as follows:

24-4-202. Arkansas Public Employees' Retirement System Fund – Contributions.

(a)(1) ~~The~~ On or after July 1, 2017, the state employer contributions made by a state agency which employs each member provided for in § 24-2-701 shall be:

(A) Reported electronically by the state agency through the Arkansas Public Employees' Retirement System portal; and

(B) paid by state warrant, bank check, or Paid by electronic transfer by the state agency ~~which employs each member.~~

(2) The employer's contribution shall be paid to the Arkansas



Public Employees' Retirement System Fund at the time and with the frequency established by the Board of Trustees of the Arkansas Public Employees' Retirement System and shall be paid concurrently with the contributions made by its employees to the Arkansas Public Employees' Retirement System Fund.

(b)(1) In the case of employees receiving part or all of their compensation from federal funds, the disbursing officer of the agency receiving the federal funds shall transmit such sums to the Arkansas Public Employees' Retirement System Fund from federal funds of the agency.

(2) These sums shall be those sums of money which are necessary to provide the employer contributions provided for in § 24-2-701, based on the portions of the employees' compensation payable from federal funds.

(c)(1) In the case of the Local Government Division of the Arkansas Public Employees' Retirement System, each participating public employer shall pay into the Arkansas Public Employees' Retirement System Fund such sums of money as are necessary to provide the participating public employer's contributions provided for in § 24-2-701.

(2)(A) The participating public employer's contributions shall be paid at the time and with the frequency established by the board and shall be paid concurrently with the contributions made by its employees to the Arkansas Public Employees' Retirement System Fund.

(B) On or after July 1, 2017, the contributions made by a participating public employer shall be made by electronic transfer.

(3) The employer's contributions shall be transmitted to the Arkansas Public Employees' Retirement System Fund in such form and manner, together with such supporting data, as the board shall prescribe from time to time.

(d) In the case of circuit court reporters, the public employer contributions shall be paid, when directed by the board, by the respective counties in the proportion that each county pays the total salaries of the circuit court reporters.

(e)(1) If any participating public employer fails to remit to the Arkansas Public Employees' Retirement System those moneys which are required by law or regulation by the date and at the frequency established by the board, the system shall impose a penalty equal to the actuarially assumed rate of return on investments of the Arkansas Public Employees' Retirement System Fund in the form of interest on an annual basis on the moneys due.

(2) This interest shall be computed on the actual days of delinquency and shall be paid to the system for the purpose of reimbursing the trust fund for the money which would have been earned on the moneys had they been paid when due.

(3) The interest penalty shall be determined by the system on the date the delinquent funds are received, and a statement of the interest shall be sent to the participating public employer.

(4) If the interest penalty or delinquent moneys are not received by the system by the last business day of the month in which the moneys were originally due, then the system shall cause the sums of moneys, including interest, to be transferred from any moneys due the participating public employer from the office of the Treasurer of State or the Department of Education as approved in § 19-5-106(a)(5).

(f)(1) If any participating public employer fails to file with the system the retirement report by the date established by the board, the system shall impose a penalty of one hundred fifty dollars (\$150) for each time the report is late.

(2) A statement of the penalty shall be sent to the participating employer.

(3) If the penalty is not received by the last business day of the month in which the report was due, then the system shall cause the amount to be transferred from any moneys due the participating public employer from the office of the Treasurer of State or the Department of Education as provided in § 19-5-106(a)(5).

(g)(1) A participating public employer shall submit a written request for a temporary waiver to the Board of Trustees of the Arkansas Public Employees' Retirement System on or before July 1, 2017, when the participating public employer is unable to:

(A) Report contributions electronically through Arkansas Public Employees' Retirement System; or

(B) Pay contributions by electronic transfer.

(2) A request for a temporary waiver shall include a timeline for when the participating public employer will be able to comply with payment and reporting requirements under this section.

~~(g)~~(h) A participating public employer shall promptly upon request by the Arkansas Public Employees' Retirement System provide all information

requested concerning the status of an employee to the system.

(i) It is the sole responsibility of the reporting participating public employer to ensure that the information provided by the employer, including without limitation the employer's wage reporting and contribution remittances, is accurate.

APPROVED: 02/13/2015