

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 608

5 By: Senator K. Hammer
6 By: Representative Warren
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR AN ARKANSAS RETIREMENT PLAN
10 PORTAL; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO PROVIDE FOR AN ARKANSAS RETIREMENT
15 PLAN PORTAL.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 11 is amended to add an additional
21 chapter to read as follows:
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CHAPTER 16

ARKANSAS RETIREMENT PLAN PORTAL

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11-16-101. Arkansas Retirement Plan Portal – Definitions.

(a) As used in this section:

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27 (1)(A) "Investment advisor" means any person that, for
28 compensation, engages in the business of advising others, either directly or
29 through publications or writings, as to the value of securities or as to the
30 advisability of investing in, purchasing, or selling securities, or that, for
31 compensation and as part of a regular business, issues or promulgates
32 analyses or reports concerning securities.

33 (B) "Investment adviser" includes a financial planner or
34 other person that, as an integral component of other financially related
35 services, provides or holds himself, herself, or itself out as providing
36 investment advice to others for compensation and as part of a business.



1 (C) "Investment adviser" does not include:

2 (i) A bank, savings and loan association, credit
3 union, or trust company;

4 (ii) A lawyer, accountant, engineer, or teacher
5 whose performance of the services described in subdivision (a)(1)(A) of this
6 section is solely incidental to the practice of his or her profession;

7 (iii) A broker-dealer whose performance of the
8 services described in subdivision (a)(1)(A) of this section is solely
9 incidental to the conduct of his or her business as a broker-dealer and who
10 receives no special compensation for them;

11 (iv) A publisher of any bona fide newspaper, news
12 column, newsletter, news magazine, or business or financial publication or
13 service of general, regular, and paid circulation, whether communicated in
14 hard copy form, by electronic means, or otherwise, that does not consist of
15 the rendering of advice on the basis of the specific investment situation of
16 each client;

17 (v) A person who has no place of business in this
18 state if:

19 (a) His or her only clients in this state are
20 other investment advisers, broker-dealers, banks, savings institutions, trust
21 companies, insurance companies, investment companies as defined in the
22 Investment Company Act of 1940, pension or profit-sharing trusts, or other
23 financial institutions or institutional buyers, whether acting for themselves
24 or as trustees; or

25 (b) During the preceding twelve-month period
26 he or she has had fewer than six (6) clients who are residents of this state,
27 other than those persons specified in subdivision (a)(1)(C)(v)(a) of this
28 section; or

29 (vi) Any person not within the intent of this
30 subdivision (a)(1) as determined by the Treasurer of State; and

31 (2)(A) "Small business" means a business enterprise with fewer
32 than five hundred (500) employees and less than eighty million dollars
33 (\$80,000,000) in gross sales or receipts.

34 (B) "Small business" includes without limitation a sole
35 proprietorship.

36 (b) The Treasurer of State shall:

1 (1) Create a web-based portal that shall be:

2 (A) Known as the "Arkansas Retirement Plan Portal"; and

3 (B) Used for the purpose of connecting one (1) or more
4 small businesses with an investment advisor located near or in the same area
5 as the small business;

6 (2) Partner with the Department of Finance and Administration to
7 create a listing that contains the contact information of each employer in
8 this state, including sole proprietorships;

9 (3) Report bi-annually on the usage of the portal and the
10 number of connections between small businesses and investment advisors made
11 through the portal to the Joint Committee on Public Retirement and Social
12 Security Programs; and

13 (4) Create and annually update a small business listing and
14 investment advisor listing.

15 (c) The portal shall:

16 (1) Enable the submission of:

17 (A) A small business's information in order for the small
18 business to be listed on the portal; and

19 (B) An investment advisor's information in order for the
20 investment advisor to be listed on the portal;

21 (2) Enable a small business that is listed on the portal to
22 enter basic information in order to be connected with one (1) or more
23 investment advisors included on a list that is generated as a result of the
24 basic information entered;

25 (3) Enable an investment advisor that is listed on the portal to
26 enter basic information in order to be connected with one (1) or more small
27 businesses included on a list that is generated as a result of the basic
28 information entered;

29 (4) Enable an email containing information on a small business
30 that selects an investment advisor to be sent to the investment advisor; and

31 (5) Include information concerning the Setting Every Community
32 Up for Retirement Enhancement Act of 2019, Pub. L. No. 116-94.

33 (d) Information concerning a small business shall be sent to a state-
34 sponsored retirement financial planning option if:

35 (1) The small business does not find an investment advisor that
36 meets the needs of the small business after entering the basic information of

1 the small business into the portal; or

2 (2)(A) None of the investment advisors selected by the small
3 business contact the small business within forty-five (45) days of the email
4 described in subdivision (c)(4) of this section's being sent to the
5 investment advisor.

6 (B) A state-sponsored retirement financial planning option
7 shall not contact a small business until fifteen (15) days after the forty-
8 five-day time period described in subdivision (d)(2)(A) of this section has
9 lapsed for each investment advisor selected by the small business.

10 (e) The state shall not be liable for a data breach, the actions of an
11 investment advisor, the actions of a small business, or any loss incurred by
12 a small business or investment advisor or an employee of a small business or
13 investment advisor.

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15 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

16 (a)(1) The Treasurer of State shall create and implement the Arkansas
17 Retirement Plan Portal within six (6) months of the effective date of this
18 act.

19 (2) Upon completion of the creation and implementation of the
20 portal, the Treasurer of State shall coordinate a demonstration of the portal
21 for the Joint Committee on Public Retirement and Social Security Programs.

22 (b) The first biannual report on the usage of the portal and the
23 number of connections between small businesses and investment advisors made
24 through the portal shall be provided to the Joint Committee on Public
25 Retirement and Social Security Programs at the first scheduled meeting of the
26 Joint Committee on Public Retirement and Social Security Programs that is
27 held six (6) months after the date on which the portal is demonstrated to the
28 Joint Committee on Public Retirement and Social Security Programs.

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