

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 608

By: Senator K. Hammer
By: Representative Warren

For An Act To Be Entitled

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

Subtitle

TO PROVIDE FOR AN ARKANSAS RETIREMENT
PLAN PORTAL.

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

SECTION 1. Arkansas Code Title 11 is amended to add an additional
chapter to read as follows:

CHAPTER 16

ARKANSAS RETIREMENT PLAN PORTAL

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

(a) As used in this section:

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

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



(C) "Investment adviser" does not include:

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

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

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

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

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

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

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

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

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

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

(b) The Treasurer of State shall:

- (1) Create a web-based portal that shall be:
- (A) Known as the "Arkansas Retirement Plan Portal"; and
 - (B) Used for the purpose of connecting one (1) or more small businesses with an investment advisor located near or in the same area as the small business;
- (2) Partner with the Department of Finance and Administration to create a listing that contains the contact information of each employer in this state, including sole proprietorships;
- (3) Report bi-annually on the usage of the portal and the number of connections between small businesses and investment advisors made through the portal to the Joint Committee on Public Retirement and Social Security Programs; and
- (4) Create and annually update a small business listing and investment advisor listing.
- (c) The portal shall:
- (1) Enable the submission of:
 - (A) A small business's information in order for the small business to be listed on the portal; and
 - (B) An investment advisor's information in order for the investment advisor to be listed on the portal;
 - (2) Enable a small business that is listed on the portal to enter basic information in order to be connected with one (1) or more investment advisors included on a list that is generated as a result of the basic information entered;
 - (3) Enable an investment advisor that is listed on the portal to enter basic information in order to be connected with one (1) or more small businesses included on a list that is generated as a result of the basic information entered;
 - (4) Enable an email containing information on a small business that selects an investment advisor to be sent to the investment advisor; and
 - (5) Include information concerning the Setting Every Community Up for Retirement Enhancement Act of 2019, Pub. L. No. 116-94.
- (d) Information concerning a small business shall be sent to a state-sponsored retirement financial planning option if:
- (1) The small business does not find an investment advisor that meets the needs of the small business after entering the basic information of

the small business into the portal; or

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

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

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

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

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

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

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