

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

A Bill

SENATE BILL 683

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

For An Act To Be Entitled

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

Subtitle

12
13 TO PROVIDE FOR AN ARKANSAS PLAN PORTAL.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 11 is amended to add an additional
20 chapter to read as follows:
21

CHAPTER 16

ARKANSAS PLAN PORTAL

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

(a) As used in this section:

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

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

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



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

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

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

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

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

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

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

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

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

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

35 (b) The Treasurer of State shall:

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

1 (A) Known as the "Arkansas Plan Portal"; and
 2 (B) Used for the purpose of connecting one (1) or more
 3 small businesses with an investment advisor located near or in the same area
 4 as the small business;

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

8 (3) Report bi-annually on the usage of the portal and the number
 9 of connections between small businesses and investment advisors made through
 10 the portal to the:

11 (A) House Committee on State Agencies and Governmental
 12 Affairs;

13 (B) Senate Committee on State Agencies and Governmental
 14 Affairs; and

15 (C) Joint Committee on Public Retirement and Social
 16 Security Programs; and

17 (4) Create and annually update a small business listing and
 18 investment advisor listing.

19 (c) The portal shall:

20 (1) Enable the submission of:

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

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

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

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

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

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

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

3 (1) The small business does not find an investment advisor that
4 meets the needs of the small business after entering the basic information of
5 the small business into the portal; or

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

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

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

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19 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

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

22 (2) Upon completion of the creation and implementation of the
23 portal, the Treasurer of State shall coordinate a demonstration of the portal
24 for the:

25 (A) House Committee on State Agencies and Governmental
26 Affairs;

27 (B) Senate Committee on State Agencies and Governmental
28 Affairs; and

29 (C) Joint Committee on Public Retirement and Social
30 Security Programs.

31 (b) The first biannual report on the usage of the portal and the
32 number of connections between small businesses and investment advisors made
33 through the portal shall be provided to the House Committee on State Agencies
34 and Governmental Affairs, Senate Committee on State Agencies and Governmental
35 Affairs, and Joint Committee on Public Retirement and Social Security
36 Programs at the first scheduled meetings of the House Committee on State

1 Agencies and Governmental Affairs, Senate Committee on State Agencies and
2 Governmental Affairs, and Joint Committee on Public Retirement and Social
3 Security Programs that are held six (6) months after the date on which the
4 portal is demonstrated to the House Committee on State Agencies and
5 Governmental Affairs, Senate Committee on State Agencies and Governmental
6 Affairs, and Joint Committee on Public Retirement and Social Security
7 Programs.

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