

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1428

5 By: Representative Eaves
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING UNCLAIMED
9 PROPERTY; TO AUTHORIZE USE OF THE STATE TREASURY
10 MONEY MANAGEMENT TRUST BY THE AUDITOR OF STATE; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING UNCLAIMED
15 PROPERTY; AND TO AUTHORIZE USE OF THE
16 STATE TREASURY MONEY MANAGEMENT TRUST BY
17 THE AUDITOR OF STATE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 18-28-213(a), concerning the deposit of
24 unclaimed property funds, is amended to read as follows:

25 (a) (1) ~~All The~~ funds received under this subchapter, including the
26 proceeds from the sale of abandoned property, shall be deposited by the
27 administrator into a special trust fund to be known as the "Unclaimed
28 Property Proceeds Trust Fund", from which he or she shall make prompt payment
29 of claims ~~duly~~ allowed by him or her as ~~hereinafter~~ provided under this
30 subchapter.

31 (2) ~~Such The~~ funds shall be deposited into accounts in one (1)
32 or more financial institutions authorized to do business in this state and
33 may then be transferred into the State Treasury Money Management Trust to be
34 administered in accordance with the laws of this state ~~pertaining to the~~
35 ~~appropriation, administration, and expenditure of cash funds~~.

36 (3)(A) Before making the deposit, ~~he or she~~ the administrator



1 shall record;

2 (i) ~~the~~ The name and last known address of each
 3 person appearing from the holder's reports to be entitled to the abandoned
 4 property, ~~and;~~

5 (ii) ~~the~~ The name and last known address of each
 6 insured or annuitant,~~;~~ and

7 (iii) ~~, with respect to each policy or contract~~
 8 ~~listed in the report of a life insurance corporation, its~~ The policy or
 9 contract number, the name of the life insurance corporation, and the amount
 10 due under each policy or contract listed in the report of a life insurance
 11 corporation.

12 (B) The record shall be available for public inspection at
 13 all reasonable business hours.

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15 SECTION 2. Arkansas Code § 18-28-403(a)(1)(C), concerning the
 16 disposition of funds from abandoned mineral proceeds is amended to read as
 17 follows:

18 (C) ~~Such~~ The funds shall be deposited into accounts in one
 19 (1) or more financial institutions authorized to do business in this state,
 20 and may then be transferred into the State Treasury Money Management Trust to
 21 be administered in accordance with the laws of this state ~~pertaining to the~~
 22 ~~appropriation, administration, and expenditure of cash funds.~~

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24 SECTION 3. Arkansas Code § 19-3-603 is amended to read as follows:
 25 19-3-603. Authorized deposits.

26 ~~Any~~ An entity listed below may deposit money to the State Treasury
 27 Money Management Trust for the purpose of investment:

28 (1) State agency's cash funds as defined in § 19-4-801;

29 (2) Local governments:

30 (A) Any city, county, school district, or community
 31 college district of this state; and

32 (B) Any department, instrumentality, or agency of these
 33 entities; ~~and~~

34 (3) The Treasurer of State may invest in the State Treasury
 35 Money Management Trust to the extent State Treasury funds are not being
 36 utilized for certificates of deposit under the State Treasury Certificate of

1 Deposit Investment Program or for trust certificates of deposit pursuant to
 2 the State Treasury Management Law, § 19-3-501 et seq.; and

3 (4) The Auditor of State may invest funds subject to the
 4 unclaimed property provisions of the Unclaimed Property Act, § 18-28-201 et
 5 seq., in the State Treasury Money Management Trust.

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 7 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
 8 General Assembly of the State of Arkansas that under the current provisions
 9 of the Unclaimed Property Act, § 18-28-201 et seq., the Auditor of State may
 10 not deposit unclaimed property funds with the State Treasurer for investment
 11 purposes; and that the unclaimed property funds are currently held in the
 12 Unclaimed Property Proceeds Trust Fund accruing minute interest; that the
 13 authority to invest funds in the State Treasury Money Management Trust will
 14 generate a greater financial return to be used for the benefit of the state.
 15 Therefore, an emergency is declared to exist, and this act being immediately
 16 necessary for the preservation of the public peace, health, and safety shall
 17 become effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,
 20 the expiration of the period of time during which the Governor may veto the
 21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is
 23 overridden, the date the last house overrides the veto.

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 26 **APPROVED: 3/6/19**
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