

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 454

5 By: Senator Hill
6 By: Representative Childress
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING UNCLAIMED PROPERTY
10 FUNDS; TO AMEND THE LAW CONCERNING THE DEPOSIT AND
11 INVESTMENT OF UNCLAIMED PROPERTY FUNDS; TO CREATE THE
12 UNCLAIMED PROPERTY INTEREST TRUST FUND; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO AMEND THE LAW CONCERNING UNCLAIMED
18 PROPERTY FUNDS; TO AMEND THE LAW
19 CONCERNING THE DEPOSIT AND INVESTMENT OF
20 UNCLAIMED PROPERTY FUNDS; TO CREATE THE
21 UNCLAIMED PROPERTY INTEREST TRUST FUND;
22 AND TO DECLARE AN EMERGENCY.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 18-28-213(b), concerning the deposit of
27 unclaimed property funds, is amended to read as follows:

28 (b)(1) At the end of each fiscal year, the administrator shall
29 withdraw from the Unclaimed Property ~~Proceeds~~ Interest Trust Fund an amount
30 necessary to reimburse the State Central Services Fund, or its successor fund
31 or fund account, for moneys expended for personal services and operating
32 expenses of administering and enforcing this subchapter.

33 (2) If there are insufficient funds available in the Unclaimed
34 Property Interest Trust Fund to reimburse the State Central Services Fund, or
35 its successor fund or fund account, in a fiscal year as required under
36 subdivision (b)(1) of this section, the administrator shall withdraw the



1 remaining amount owed to the State Central Services Fund, or its successor
 2 fund or fund account, under this subsection from the Unclaimed Property
 3 Proceeds Trust Fund.

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 5 SECTION 2. Arkansas Code § 18-28-213(c)(2), concerning the deposit of
 6 unclaimed property funds is amended to read as follows:

7 (2) At least one (1) time each fiscal year, the administrator
 8 shall transfer to the general revenues of the state eighteen million dollars
 9 (\$18,000,000) from the remaining funds that have been collected and held for
 10 a full three (3) years, less the amount transferred to the State Central
 11 Services Fund, or its successor fund or fund account, under subsection (b) of
 12 this section as required by this subchapter.

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 14 SECTION 3. Arkansas Code § 19-3-603(4), concerning the entities that
 15 may deposit money into the State Treasury Money Management Trust for the
 16 purpose of investment, is amended to read as follows:

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

20 (B) Any interest received under § 19-3-604 from the
 21 investment of funds under this subdivision (4) shall be deposited into the
 22 Unclaimed Property Interest Trust Fund.

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 24 SECTION 4. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
 25 amended to add an additional section to read as follows:

26 19-5-1161. Unclaimed Property Interest Trust Fund.

27 (a) There is created on the books of the Treasurer of State, the
 28 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
 29 be known as the "Unclaimed Property Interest Trust Fund".

30 (b) The Unclaimed Property Interest Trust Fund shall consist of:

31 (1) Interest earned from the investment of funds in the
 32 Unclaimed Property Proceeds Trust Fund and the Abandoned Mineral Proceeds
 33 Trust Fund under § 19-3-603(4);

34 (2) Any remaining fund balances carried forward from year to
 35 year; and

36 (3) Any other funds authorized or provided by law.

1 (c) The Unclaimed Property Interest Trust Fund shall be used by the
2 Auditor of State as follows, in order of priority as the amount in the
3 Unclaimed Property Interest Trust Fund permits:

4 (1) First, the amount necessary to reimburse the State Central
5 Services Fund, or its successor fund or fund account, under § 18-28-213(b)
6 shall be transferred to the State Central Services Fund, or its successor
7 fund or fund account; and

8 (2) Second, the amount necessary to reimburse the Unclaimed
9 Property Proceeds Trust Fund for any liabilities incurred during previous
10 fiscal years in which the amount in the Unclaimed Property Interest Trust
11 Fund was insufficient to reimburse the State Central Services Fund, or its
12 successor fund or fund account, under subdivision (c)(1) of this section
13 shall be transferred to the Unclaimed Property Proceeds Trust Fund.

14 (d) Moneys remaining in the Unclaimed Property Interest Trust Fund at
15 the end of each fiscal year shall carry forward and be made available for the
16 purposes stated in this section in the next fiscal year.

17 (e) The Auditor of State shall maintain accounting and other records
18 necessary to ensure compliance with this section and shall provide any
19 records maintained under this section to Arkansas Legislative Audit upon
20 request.

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22 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that the Unclaimed Property
24 Proceeds Trust Fund is used to reimburse the State Central Services Fund each
25 fiscal year for the operations and personnel costs incurred in administering
26 the unclaimed property program; that the transfer of funds from the Unclaimed
27 Property Proceeds Trust Fund to the State Central Services Fund creates a
28 liability that flows from the State Central Services Fund to the Unclaimed
29 Property Proceeds Trust Fund; that this bill would halt the growing liability
30 by segregating the privately owned principal in the Unclaimed Property
31 Proceeds Trust Fund from the state-owned interest derived from the investment
32 of the funds in the Unclaimed Property Proceeds Trust Fund; and that this act
33 is necessary because this act will enable the new Unclaimed Property Interest
34 Trust Fund to build a balance in anticipation of the required reimbursement
35 to the State Central Services Fund, which will reduce the unfunded liability
36 created under current law. Therefore, an emergency is declared to exist, and

1 this act being necessary for the preservation of the public peace, health,
2 and safety shall become effective on July 1, 2025.

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