AN ACT

To enact Subpart U of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.161, relative to unclaimed property; to provide for the dedication and credit of unclaimed property monies; to provide for the creation of a special fund; to provide for the investment and administration of the money in the special fund; to provide for the use of money in the special fund; to provide for reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart U of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.161, is hereby enacted to read as follows:

SUBPART U. LOUISIANA UNCLAIMED PROPERTY

PERMANENT TRUST FUND

§100.161. Louisiana Unclaimed Property Permanent Trust Fund

A. There shall be established in the state treasury as a special permanent trust fund, the Louisiana Unclaimed Property Permanent Trust Fund, referred to as the "UCP Permanent Trust Fund". No appropriation shall be made from the UCP Permanent Trust Fund.

(1) The purpose of the UCP Permanent Trust Fund is to ensure a source of payment for claims made by owners of unclaimed property. After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Louisiana Constitution, after the payment of all administrative fees, costs, and expenses as provided by law, and after the deposit of monies into the Unclaimed Property Leverage Fund, the treasurer shall annually deposit in and credit to the UCP Permanent Trust Fund the net...
amount of all monies received as a result of the Uniform Unclaimed Property Act of 1997 or its successors at least annually.

(2) Realized capital gains, dividend income, and interest income, earned on the investments in the UCP Permanent Trust Fund, net of trust fund investment and administrative expenses, shall be deposited into the state general fund.

(3) All monies shall be credited to the fund as provided in Paragraph (1) of this Subsection until the balance in the UCP Permanent Trust Fund equals the amount of the state's potential liability to unclaimed property claimants as reported in the previous fiscal year pursuant to Subsection C of this Section. All monies received in excess of the state's potential liability to unclaimed property claimants as reported by the state treasurer shall be deposited into the state general fund.

B.(1) The monies credited to the UCP Permanent Trust Fund pursuant to Subsection A of this Section shall be permanently credited to the UCP Permanent Trust Fund and shall be invested by the treasurer. Notwithstanding any provision of law to the contrary, a portion of money in the UCP Permanent Trust Fund, not to exceed fifty percent of the money in the fund, may be invested in equities. Investment earnings shall be available for appropriation to pay expenses incurred in the investment and management of the UCP Permanent Trust Fund.

(2) The monies deposited in and permanently credited to the UCP Permanent Trust Fund pursuant to Subsection A of this Section shall be invested by the state treasurer.

(3) Subject to the limitations provided in this Subsection, the state treasurer may invest the monies deposited in and credited to the UCP Permanent Trust Fund in the same manner as authorized for the Louisiana Education Quality Trust Fund as set forth in R.S. 17:3803.

(4) Subject to the approval of the State Bond Commission, the state treasurer may contract for the management of UCP Permanent Trust Fund
investments. Expenses of the fund, including but not limited to expenses
incurred for outside investment managers for the investment and management
of the fund assets and for other custody, investment, and disbursement costs
directly attributable to the fund, may be paid from fund investment earnings.

(5) Expenses attributable to the state treasurer exercising responsibility
for the custody, investment, and disbursement of the monies in the fund are
administrative costs that shall be paid by appropriation from fund investment
earnings. For the purposes of this Paragraph, the term "administrative costs"
includes but is not limited to those costs attributable to fees charged by any
financial institution for providing custodial services, which shall not exceed two
percent of the amount managed, and costs incurred for outside investment
managers for the investment and management of the fund, which shall not
exceed two percent of the amount managed.

C.(1) Not less than sixty days before the beginning of each regular
session of the legislature, the state treasurer shall submit to the legislature and
the governor a report of the following:

(a) The balance of the UCP Permanent Trust Fund as of the close of the
prior fiscal year.

(b) The state's potential liability to unclaimed property claimants as of
the close of the prior fiscal year.

(2) If unclaimed property claims exceed receipts, the state treasurer
shall certify the amount needed to pay received claims and shall allocate
sufficient funds from the UCP Permanent Trust Fund to pay that amount. The
state treasurer shall also immediately notify the legislature and governor of the
amount transferred from the UCP Permanent Trust Fund and amount
remaining in the UCP Permanent Trust Fund.

D. Property received by the state pursuant to the Uniform Unclaimed
Property Act of 1997 as established in R.S. 9:151 et seq. and deposited into the
UCP Permanent Trust Fund is private property held in trust until a claim is
made for it by the owner.
Section 2. Notwithstanding any provision of this Act to the contrary, the first report
due pursuant to R.S. 39:100.161(C) shall be submitted to the legislature and the governor
not less than sixty days prior to the beginning of the first regular session of the legislature
after this Act becomes effective and shall contain the following: the balance of the UCP
Permanent Trust Fund as of January 1, 2022, and the state's potential liability to unclaimed
property claimants as of the close of the prior fiscal year.

Section 3. This Act shall take effect and become operative on July 1, 2021, if the
proposed amendment enacting Article VII, Section 28 of the Constitution of Louisiana
contained in the Act which originated as Senate Bill No. 12 of this 2020 First Extraordinary
Session of the Legislature is adopted at a statewide election and becomes effective.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________