

1 (1) The purpose of the UCP Permanent Trust Fund is to ensure a source of
2 payment of claims made by owners of unclaimed property. Notwithstanding the
3 allocation of money to the Bond Security and Redemption Fund as provided in
4 Article VII, Section 9(B) of this constitution, the treasurer shall at least annually
5 deposit in and credit to the UCP Permanent Trust Fund, the net amount of all monies
6 received as a result of the Uniform Unclaimed Property Act as established in R.S.
7 9:151 et seq. No appropriation shall be made from the UCP Permanent Trust Fund.

8 (2) The purpose of the UCP Support Fund is to provide a source of funds for
9 the unclaimed property revolving loan commission, established by law.
10 Notwithstanding the allocation of money to the Bond Security and Redemption Fund
11 as provided in Article VII, Section 9(B) of this constitution, the treasurer shall
12 deposit in and credit to the UCP Support Fund, the following:

13 (a) Interest income earned on investment of monies in the UCP Permanent
14 Trust Fund.

15 (b) Realized capital gains on investment of the UCP Permanent Trust Fund.

16 (c) Dividend income earned on investment of the UCP Permanent Trust
17 Fund.

18 (d) All monies received as repayment of loans made through the unclaimed
19 property revolving loan commission, as established by law.

20 (e) All proceeds from the sale of securities held by Unclaimed Property.

21 (3) All monies shall be credited to the respective funds as provided in
22 Subparagraphs (1) and (2) of this Paragraph until the balance in the UCP Permanent
23 Trust Fund equals the amount of the state's potential liability to unclaimed property
24 claimants as reported in the previous fiscal year by the state treasurer. All money
25 received above the state's potential liability to unclaimed property claimants as
26 reported by the state treasurer shall be deposited into the UCP Support Fund.

27 (B) Investment and Administration. The money credited to the UCP
28 Permanent Trust Fund pursuant to Paragraph (A) of this Section shall be permanently
29 credited to the UCP Permanent Trust Fund and shall be invested by the treasurer.

1 Notwithstanding any provision of this constitution or other law to the contrary, a
2 portion of money in the UCP Permanent Trust Fund, not to exceed fifty percent, may
3 be invested in equities. The legislature shall provide for procedures for the
4 investment of such monies by law. The treasurer may contract, subject to the
5 approval of the State Bond Commission, for the management of such investments.
6 The amounts in the UCP Support Fund shall be available for appropriation to pay
7 expenses incurred in the investment and management of the UCP Permanent Trust
8 Fund.

9 (C) Reports; Allocation. (1) The state treasurer shall annually submit to the
10 legislature and the governor, not less than sixty days prior to the beginning of each
11 regular session of the legislature, a report of the following:

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

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

16 (2) If unclaimed property claims exceed receipts, the state treasurer shall
17 certify such and allocate sufficient funds from the UCP Permanent Trust Fund to pay
18 the amount that claims have exceeded receipts, and immediately notify the
19 legislature and governor of the amount transferred from the UCP Permanent Trust
20 Fund and amount remaining in the UCP Permanent Trust Fund.

21 (D) Public Purposes; Disbursement. (1) Property received by the state
22 pursuant to the Uniform Unclaimed Property Act as established in R.S. 9:151 et seq.,
23 and deposited into the UCP Permanent Trust Fund is private property held in trust
24 until a claim is made for it by the owner.

25 (2) The legislature shall establish by law an unclaimed property revolving
26 loan commission, which shall administer a revolving loan program for the benefit of
27 local governmental subdivisions, political subdivisions, or municipalities as defined
28 in Article VI, Section 44 of this constitution.

1 (3) Money in the UCP Support Fund may be transferred by the state treasurer
2 for use by the unclaimed property revolving loan commission to make loans.

3 (4) The monies disbursed from the UCP Support Fund for use as revolving
4 loans shall not displace, replace, or supplant appropriations from the state general
5 fund (direct) or any other specific constitutional or statutory dedication to local
6 governmental subdivisions, political subdivisions, or municipalities in existence on
7 July 1, 2020.

8 Section 2. Be it further resolved that the provisions of the amendment contained in
9 this Joint Resolution shall become effective July 1, 2020.

10 Section 3. Be it further resolved that this proposed amendment shall be submitted
11 to the electors of the state of Louisiana at the statewide election to be held on October 12,
12 2019.

13 Section 4. Be it further resolved that on the official ballot to be used at the election,
14 there shall be printed a proposition, upon which the electors of the state shall be permitted
15 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
16 follows:

17 Do you support an amendment to create the Louisiana Unclaimed Property
18 Permanent Trust Fund to protect money owed to citizens and to create the
19 Louisiana Unclaimed Property Support Fund to fund a revolving loan
20 commission for local government infrastructure? (July 1, 2020) (Adds Article
21 VII, Section 28)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 291 Reengrossed 2019 Regular Session Barras

Abstract: Creates the La. Unclaimed Property Permanent Trust Fund (UCP Permanent Trust Fund) to fund claims made by owners of unclaimed property, and the La. Unclaimed Property Support Fund (UCP Support Fund) to fund a revolving loan commission for local government infrastructure.

Proposed constitutional amendment creates the UCP Permanent Trust Fund and credits all monies received as a result of the unclaimed property pursuant to present law and the

Unclaimed Property Leverage Fund into the UCP Permanent Trust Fund after making deposits pursuant to present law. The UCP Permanent Trust Fund is to be used solely for the payment of claims made by owners. Proposed constitutional amendment prohibits appropriation from the fund.

Proposed constitutional amendment also creates the UCP Support Fund to provide a source of funds for the unclaimed property revolving loan commission for local government infrastructure. The UCP Support Fund shall be funded by interest income, realized capital gains, and dividend income from the UCP Permanent Trust Fund, all monies received as repayment of loans made by the unclaimed property revolving loan commission, and proceeds from sales of securities.

Proposed constitutional amendment requires monies to be deposited into both funds until the UCP Permanent Trust Fund balance equals the state's potential liability for all unclaimed property, then additional monies shall be deposited into the UCP Support Fund.

Proposed constitutional amendment authorizes the state treasurer to invest up to 50% of the monies in the UCP Permanent Trust Fund as provided by the legislature and authorizes the treasurer to contract for the management of the funds.

Proposed constitutional amendment requires the state treasurer to submit an annual report including the balance of the funds and the state's potential liability of unclaimed property to the legislature and governor.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 12, 2019.

Effective July 1, 2020.

(Adds Const. Art. VII, §28)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Change "the state capital outlay revolving loan bank" to "the unclaimed property revolving loan commission".

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Make a technical amendment to the ballot language.