

## Arkansas Attorney General Opinion: Does the Arkansas Unclaimed Property Act Apply to a Public Water Authority?



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

01/12/2022

Arkansas Attorney Leslie Rutledge addressed in a December 28th Opinion the following question:

Would the Arkansas Unclaimed Property Act apply to a “public water authority” as it would a “public utility”?

The question was posed by State Representative Stu Smith of Batesville, Arkansas.

The Opinion clarifies that it is addressing a water authority formed under the Water Authority Act. See Ark Code Ann. § 4-35-101 et seq.

The Unclaimed Property Act (“UPA”) is noted to apply to a:

. . . deposit or refund owed to a subscriber by a utility. . .

See Ark. Code Ann. § 18-28-202(a)(12).

The term “Utility” is referenced as defining “persons and corporations, or their lessees, trustees, and receivers, owning or operating in this state equipment or facilities as provided in § 23-1-101.”

The Arkansas Code cited encompasses public utilities subject to the regulatory authority of the Arkansas Public Service commission (“PSC”). The Water Authority Act specifically exempts water authorities from the jurisdiction of the PSC.

As a result, the Attorney General concludes that a water authority is not a “public utility” for purposes of the UPA.

The Attorney General therefore concludes that the UPA would not apply to a water authority formed under the Water Authority Act.

A copy of the Opinion can be downloaded [here](#).