

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H1/31/07 H2/2/07

A Bill

HOUSE BILL 1338

5 By: Representative Blount
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE ASSISTANCE WITH FUNERAL COSTS
10 FOR NEEDY ARKANSANS; TO CREATE A BOARD OF
11 DIRECTORS TO STUDY METHODS FOR PROVIDING FUNERAL
12 ASSISTANCE TO NEEDY ARKANSANS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

16 AN ACT TO PROVIDE ASSISTANCE WITH
17 FUNERAL COSTS FOR NEEDY ARKANSANS AND TO
18 CREATE A BOARD OF DIRECTORS TO STUDY
19 METHODS FOR PROVIDING FUNERAL ASSISTANCE
20 TO NEEDY ARKANSANS.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 17, Chapter 29 is amended to add an
26 additional subchapter to read as follows:

27 17-29-801. Title.

28 This subchapter shall be known and may be cited as the "Final Act
29 Program Law".
30

31 17-29-802. Findings.

32 The General Assembly finds that:

33 (1) Funeral costs have increased rapidly during the past decade;

34 (2) The state's neediest citizens are most affected by rising
35 funeral costs;

36 (3) Unexpected funeral costs coupled with inability to pay those



1 costs needlessly exacerbates the trauma of losing a loved one;

2 (4) Even those needy people with funeral insurance policies find
3 that those polices have fallen behind the pace of rising costs;

4 (5) States such as Illinois have developed programs to assist
5 their neediest citizens with the costs of funerals; and

6 (6) A state-supported funeral benefit fund for the needy should
7 be implemented in Arkansas.

8
9 17-29-803. Definitions.

10 As used in this subchapter:

11 (1) "Development corporation" means a community development
12 corporation that is a tax-exempt organization under § 501(a) of the Internal
13 Revenue Code of 1986, as in effect on January 1, 2007;

14 (2) "Faith-based institution" means a religious organization,
15 such as a church or other church-sponsored entity;

16 (3) "Local agent" means a funeral establishment, community
17 development corporation, and a nonprofit organization that participates in
18 enrolling individuals in the Final Act Program;

19 (4) "Local enrollment site" means a place designated by the
20 Final Act Program Board of Directors for the purpose of enrolling members of
21 the Final Act Program;

22 (5) "Nonprofit organization" means a nonprofit organization that
23 is a tax-exempt organization under § 501(a) of the Internal Revenue Code of
24 1986, or other person with a similar eligibility under the two (2) acts
25 specified in subdivision (c)(1)(B) of this section;

26 (6) "Regional district" means one (1) of the four (4)
27 congressional districts of the state;

28 (7) "Regional processing center" means a place within a regional
29 district that is designated by the board to receive reports from local
30 agents; and

31 (8) "State certification office" means the state agency that is
32 designated by the board to receive reports from the regional centers.

33
34 17-29-804. Final Act Program Board of Directors – Creation.

35 (a) The Final Act Program Board of Directors is created.

36 (b) The board shall consist of nine (9) voting members to be appointed

1 as follows:

2 (1) One (1) at-large member appointed by the Governor;

3 (2) Two (2) members who are residents of Regional District I
4 appointed by the Governor;

5 (3) Two (2) members who are residents of Regional District II
6 appointed by the Speaker of the House of Representatives;

7 (4) One (1) member who is a resident of Regional District III
8 appointed by the Speaker of the House of Representatives;

9 (5) One (1) member who is a resident of Regional District III
10 appointed by the President Pro-Tempore of the Senate; and

11 (6) Two (2) members who are residents of Regional District IV
12 appointed by the President Pro-Tempore of the Senate.

13 (c) The Governor shall select a chair from its membership.

14 (d) The board shall meet at least one (1) time each month.

15 (e)(1) A majority of the membership of the board shall constitute a
16 quorum.

17 (2) A majority vote of those members present shall be required
18 for any action of the board.

19 (f) Vacancies on the board due to death, resignation, removal, or
20 other causes shall be filled in the same manner as the original appointment
21 for the unexpired portion of the term.

22 (g) Each member shall receive expense reimbursement and stipends in
23 accordance with § 25-16-904.

24
25 17-29-805. Final Act Program Board of Directors – Powers and duties.

26 The Final Act Program Board of Directors shall:

27 (1) Initiate in Crittenden, Cross, St. Francis, Lee,
28 Mississippi, Monroe, and Phillips counties, a demonstration Final Act Program
29 of interview surveys to determine:

30 (A) The number of persons eligible for the Final Act
31 Program in the seven (7) demonstration counties;

32 (B) The number of eligible persons in the seven (7)
33 demonstration counties who wish to participate in the final act program; and

34 (C) The projected cost of funeral services for the
35 eligible persons in the seven (7) demonstration counties who wish to
36 participate in the Final Act Program;

1 (2) Assist the Department of Health and Human Services in
2 linking the Final Act Program to existing programs;

3 (3) Conduct a continuing study to assess the need for Final Act
4 Program services; and

5 (4) Prepare quarterly reports on data collected by the board to
6 be presented to the Governor and the cochairs of the Legislative Council.

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8 17-29-806. Eligibility for Final Act Program insurance.

9 Eligibility for the Final Act Program insurance requires that the
10 person:

11 (1) Complete an application developed and supplied by the Final
12 Act Program Board;

13 (2) Be a resident of Arkansas; and

14 (3)(A) Pay an enrollment fee of two dollars (\$2.00) per person
15 per month.

16 (B) For a person that has an income below the federal
17 poverty level, as it exists on January 1, 2007, the Department of Health and
18 Human Services may pay up to fifty percent (50%) of the fee required under
19 subdivision (3)(A) of this section.

20
21 17-29-807. Final Act Program Benefit Fund.

22 (a) There is established on the books of the Treasurer of State,
23 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
24 the "Final Act Benefit Fund".

25 (b) The fund shall consist of membership fees required under § 17-29-
26 805(3).

27 (c) The two-dollar membership fee required under § 17-29-806(3) shall
28 be used only for the following purposes:

29 (1) One dollar (\$1.00) of each membership fee payment for co-
30 payments authorized under § 17-29-805(3);

31 (2) Fifty cents (50¢) of each membership fee payment to pay for
32 local enrollment sites;

33 (3) Twenty-five cents (25¢) of each membership fee payment to
34 pay local agents; and

35 (4) Twenty- five cents (25¢) of each membership fee payment to
36 pay the state certification office.

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17-29-808. Local agents.

(a) A local agent may receive a monthly stipend of twenty-five cents (25¢) for each individual enrolled by the local agent in the Final Act Program.

(b) A local agent may receive a monthly stipend under subsection (a) of this section for as long as an enrolled individual lives.

(c) Once a claim is made under the Final Act Program, the agent shall cease to receive the monthly stipend relating to the deceased individual.

17-29-809. Local enrollment sites – Responsibilities.

A local enrollment site shall:

(1) Issue Final Act Program application forms and receive completed applications;

(2) Receive program membership fees; and

(3) Process program applications and forward the applications to regional processing centers.

17-29-810. Regional processing centers – Responsibilities.

A regional processing center shall:

(1) Receive and process completed Final Act Program applications;

(2) Receive program membership fees; and

(3) Forward completed program applications and membership fees to the state certification office.

17-29-811. State certification office.

The state certification office shall certify to the Insurance Commissioner the completion of a Final Act Program application and the receipt of the appropriate membership fee for each program membership.

17-29-812. Insurance Commissioner – Powers and duties.

The Insurance Commissioner shall:

(1) Issue death benefit cards and proof of insurance contribution to each individual who is certified as a member of the Final Act Program under § 17-29-809;

