

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 As Engrossed: H1/31/07 H2/2/07 H2/13/07 H2/20/07

2 86th General Assembly

# A Bill

3 Regular Session, 2007

HOUSE BILL 1338

4

5 By: Representatives Blount, E. Brown, Davis, Harrelson, House, W. Lewellen, J. Roebuck, L. Smith

6 By: Senator Wilkins

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## For An Act To Be Entitled

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

15

16

## Subtitle

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

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23

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

25

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

28 17-29-801. Title.

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

31

32 17-29-802. Findings.

33 The General Assembly finds that:

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

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



1           (3) Unexpected funeral costs coupled with inability to pay those  
2 costs needlessly exacerbates the trauma of losing a loved one;

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

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

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

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10       17-29-803. Definitions.

11       As used in this subchapter:

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

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

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

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

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

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

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

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

34  
35       17-29-804. Final Act Program Board of Directors – Creation.

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

1       (b) The board shall consist of nine (9) voting members to be appointed  
2 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

25  
26       17-29-805. Final Act Program Board of Directors – Powers and duties.

27       The Final Act Program Board of Directors shall:

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

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

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

35                       (C) The projected cost of funeral services for the  
36 eligible persons in the seven (7) demonstration counties who wish to

1 participate in the Final Act Program;

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

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

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

8 (B) The final quarterly report shall be presented on or  
9 before October 1, 2009, and at that time the board shall cease to exist.

10 17-29-806. Eligibility for Final Act Program insurance.

11 Eligibility for the Final Act Program insurance requires that the  
12 person:

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

15 (2) Be a resident of Arkansas; and

16 (3)(A) Pay an membership fee of two dollars (\$2.00) per person  
17 per month.

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

22  
23 17-29-807. Final Act Program Benefit Fund.

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

27 (b) The fund shall consist of membership fees required under § 17-29-  
28 805(3).

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

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

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

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

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

3  
4           17-29-808. Local agents.

5           (a) A local agent may receive a monthly stipend of twenty-five cents  
6 (25¢) for each individual enrolled by the local agent in the Final Act  
7 Program.

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

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

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13           17-29-809. Local enrollment sites – Responsibilities.

14           A local enrollment site shall:

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

17           (2) Receive program membership fees; and

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

20  
21           17-29-810. Regional processing centers – Responsibilities.

22           A regional processing center shall:

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

25           (2) Receive program membership fees; and

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

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29           17-29-811. State certification office.

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

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34           17-29-812. Insurance Commissioner – Powers and duties.

35           The Insurance Commissioner shall:

36           (1) Issue death benefit cards and proof of insurance

1 contribution to each individual who is certified as a member of the Final Act  
2 Program under § 17-29-809;

3 (2) Set premiums for insurance policies to be issued under this  
4 subchapter; and

5 (3) Promulgate rules for insurance policies to be created under  
6 this subchapter.

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8 17-29-813. Department of Health and Human Services – Assistance.

9 The Department of Health and Human Services shall assist the Final Act  
10 Program Board of Directors in integrating the Final Act Program with related  
11 programs operated by the department.

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13 17-29-814. Service providers.

14 Services under this subchapter may be provided by:

15 (1) Funeral Homes;

16 (2) Faith-based institutions;

17 (3) Community development corporations; and

18 (4) Nonprofit organizations.

19  
20 17-29-815. Funding contingency.

21 Implementation of all provisions of this subchapter shall be contingent  
22 upon determination by the Chief Fiscal Officer of the State that adequate  
23 resources, including without limitation, funding, appropriations, and  
24 personnel positions, are available in all affected state agencies.

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26 */s/ Blount, et al*  
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