

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

# A Bill

SENATE BILL 825

4  
5 By: Senators Wilkins, Crumbly  
6 By: Representatives Blount, E. Brown, Davis, Harrelson, House, W. Lewellen, J. Roebuck, L. Smith  
7

## For An Act To Be Entitled

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9  
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.

## Subtitle

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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.

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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 by the Governor as follows:

3               (1) One (1) at-large member;

4               (2) Two (2) members who are residents of Regional District I;

5               (3) Two (2) members who are residents of Regional District II;

6 and

7               (4) Two (2) members who are residents of Regional District III;

8 and

9               (5) Two (2) members who are residents of Regional District IV.

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

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

12 (e)(1) A majority of the membership of the board shall constitute a  
13 quorum.

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

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

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

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22 17-29-805. Final Act Program Board of Directors – Powers and duties.

23 The Final Act Program Board of Directors shall:

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

27                       (A) The number of persons eligible for the Final Act  
28 Program in the six (6) demonstration counties;

29                       (B) The number of eligible persons in the six (6)  
30 demonstration counties who wish to participate in the final act program; and

31                       (C) The projected cost of funeral services for the  
32 eligible persons in the six (6) demonstration counties who wish to  
33 participate in the Final Act Program;

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

36               (3) Conduct a continuing study to assess the need for Final Act

1 Program services; and

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

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 5 17-29-806. Eligibility for Final Act Program insurance.

6 Eligibility for the Final Act Program insurance requires that the  
 7 person:

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

10 (2) Be a resident of Arkansas; and

11 (3)(A) Pay a membership fee of two dollars (\$2.00) per person.

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

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

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

21 (b) The actual establishment and operation of the Final Act Program  
 22 Benefit Fund is contingent upon the recommendations of in the final report  
 23 from the Final Act Program Board of Directors.

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

26 (d) The two-dollar membership fee required under § 17-29-805(3) shall  
 27 be used only for the following purposes:

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

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

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

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

36

1 17-29-808. Local agents.

2 (a) A local agent may receive a monthly stipend of twenty-five cents  
3 (25¢) for each individual enrolled by the local agent in the Final Act  
4 Program.

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

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

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10 17-29-809. Local enrollment sites – Responsibilities.

11 A local enrollment site shall:

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

14 (2) Receive program membership fees; and

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

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18 17-29-810. Regional processing centers – Responsibilities.

19 A regional processing center shall:

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

22 (2) Receive program membership fees; and

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

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26 17-29-811. State certification office.

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

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31 17-29-812. Insurance Commissioner – Powers and duties.

32 The Insurance Commissioner shall:

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

36 (2) Set premiums for insurance policies to be issued under this

1 subchapter; and

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

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5 17-29-813. Department of Health and Human Services – Assistance.

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

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10 17-29-814. Service providers.

11 Services under this subchapter may be provided by:

12 (1) Funeral Homes;

13 (2) Faith-based institutions;

14 (3) Community development corporations; and

15 (4) Nonprofit organizations.

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