

2011 -- H 5329

LC00926

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT

Introduced By: Representatives Williams, McCauley, Slater, Silva, and Handy

Date Introduced: February 15, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-6-3.10 of the General Laws in Chapter 40-6 entitled "Public  
2 Assistance Act" is hereby amended to read as follows:

3 **40-6-3.10. Funeral and burial expenses.** -- (a) The department may provide for vendor  
4 payment of reasonable funeral and burial expenses of deceased residents of this state who are  
5 found eligible in accordance with rules and regulations of the department. The department shall,  
6 from time to time, establish cost standards for the reasonable funeral and burial expenses, which  
7 cost standards shall establish the maximum amount payable by this department for the expenses  
8 and the maximum total allowable funeral and burial costs. The amount payable under this section  
9 shall be determined with due regard to the income and resources of the deceased and his or her  
10 legally-liable relatives, if any, and shall be reduced dollar-for-dollar by contributions of friends or  
11 other kindred in excess of the maximum total allowable funeral and burial costs established by  
12 the department.

13 (b) Application for payment of funeral and burial expenses shall be made on behalf of a  
14 decedent before final funeral arrangements with a funeral director are concluded. Provided, that  
15 any legally liable relative and/or agent of the decedent may make an application under this  
16 section within thirty (30) days after the death of the decedent.

17 (c) In determining either eligibility for benefits and/or the amount of any reduction in  
18 benefits paid under this section, the department shall exclude any of the following forms of  
19 income:

1 (1) veterans' benefits; and/or

2 (2) social security lump sum benefits.

3 (d) The department's standard basic allowance payment shall be set at nine hundred  
4 dollars (\$900).

5 (e) The amount of the contribution which friends or other kindred, except for legally-  
6 liable relatives, may make for upgraded services and merchandise, without affecting eligibility for  
7 the basic allowance, shall be set at ~~one thousand six hundred dollars (\$1,600)~~ three thousand five  
8 hundred dollars (\$3,500).

9 (f) Whenever the person having custody of an unclaimed deceased body as specified in  
10 section 23-18.1-1 contacts the department of human services to report the unclaimed body of a  
11 deceased person, the department shall deem this referral as an application of payment for funeral  
12 and burial expenses, and the department shall process that application in accordance with the  
13 provisions of this section.

14 (g) In the event that the department determines that the unclaimed deceased body is not  
15 eligible for a vendor payment of reasonable funeral and burial expenses because of the  
16 availability of the decedent's assets, the director of the department may nonetheless authorize the  
17 burial of the person and he or she may notify the specified funeral home of the existence of the  
18 decedent's assets.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT

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1           This act would increase and upgrade the amount which friends or other kindred, other  
2 than legally-liable relatives may make to persons receiving public assistance without affecting  
3 eligibility from one thousand six hundred dollars (\$1,600) to three thousand five hundred dollars  
4 (\$3,500).

5           This act would take effect upon passage.

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