

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1409

"AN ACT CONCERNING THE RIGHTS TO CONTROL THE FINAL DISPOSITION OF A
DECEASED PERSON."

Amendment No. 1 to House Bill No. 1409.

Amend House Bill No. 1409 as engrossed, H2/18/09 (version: 02-18-2009 09:30):

Page 1, add Senator Bookout as a co-sponsor to the bill.

AND

Page 4, delete lines 16 through 29 and substitute:

"(C) Any person who possesses the right of disposition, but who is unwilling to assume the liability for the costs of such arrangements and disposition if sufficient resources are not available in the decedent's estate to pay such costs at the time the costs become due and payable;

(D)(i) Where the person entitled to the right of disposition and the decedent were estranged at the time of death.

(ii)(a) As used in this section, "estranged" means a physical and emotional separation from the decedent at the time of death which has existed for a period of time that clearly demonstrates an absence of due affection, trust, and regard for the decedent;

(b) This shall also include the filing of a complaint for divorce by either party that remains pending at the time of the decedent's death or the separation by living apart of the decedent and spouse for a period of more than ninety (90) days preceding the decedent's death; and

(E) Where the Department of Human Services has custody of the decedent and a person authorized under subsection (d)(1) of this section has not claimed the right to possession of the decedent's remains within forty-eight (48) hours following the decedent's death."



The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Bookout
BPG/BCS - 02-25-2009 09:30
BPG213

Secretary