

SENATE BILL NO. 1008

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

4708S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 333.315, 333.320, 333.330, 436.460, and 436.470, RSMo, and to enact in lieu thereof five new sections relating to preneed contracts, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 333.315, 333.320, 333.330, 436.460, and 436.470, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 333.315, 333.320, 333.330, 436.460, and 436.470, to read as follows:

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (4) Identify the name and address of each seller
19 authorized by the provider to sell preneed contracts in
20 which the provider is designated or obligated as the
21 provider;

22 (5) File with the state board a written consent
23 authorizing the state board **and the secretary of state** to
24 inspect or order an investigation, examination, or audit of
25 the provider's books and records which contain information
26 concerning preneed contracts sold for or on behalf of a
27 seller [or in which the applicant is named] **for which the**
28 **applicant serves or has served** as a provider; and

29 (6) If the applicant is a corporation, each officer,
30 director, manager, or controlling shareholder shall be
31 eligible for licensure if they were applying for licensure
32 as an individual.

33 3. Each preneed provider shall apply to renew his or
34 her license on or before October thirty-first of each year
35 or a date established by the division of professional
36 registration pursuant to section 324.001. A license which
37 has not been renewed prior to the renewal date shall
38 expire. Applicants for renewal shall:

39 (1) File an application for renewal on a form
40 established by the board by rule;

41 (2) Pay a renewal fee in an amount established by the
42 board by rule, however no renewal fee shall be required for
43 any funeral establishment whose Missouri license is current
44 and active;

45 (3) Be authorized and registered with the Missouri
46 secretary of state to conduct business in Missouri;

47 (4) File an annual report with the state board which
48 shall contain:

49 (a) The name and address of a custodian of records
50 responsible for maintaining the books and records of the
51 provider relating to preneed contracts;

52 (b) The business name or names used by the provider
53 and all addresses from which it engages in the practice of
54 its business;

55 (c) The name and address of each seller with whom it
56 has entered into a written agreement since last filing an
57 annual report with the board authorizing the seller to
58 designate or obligate the licensee as the provider in a
59 preneed contract; and

60 (d) Any information required by any other applicable
61 statute or regulation enacted pursuant to state or federal
62 law.

63 4. A license which has not been renewed as provided by
64 this section shall expire. A licensee who fails to apply
65 for renewal may apply for reinstatement within two years of
66 the renewal date by satisfying the requirements of
67 subsection 3 of this section and paying a delinquent fee as
68 established by the board by rule.

 333.320. 1. No person shall sell, perform, or agree
2 to perform the seller's obligations under, or be designated
3 as the seller of, any preneed contract unless, at the time
4 of the sale, performance, agreement, or designation, such
5 person is licensed by the board as a seller and authorized
6 and registered with the Missouri secretary of state to
7 conduct business in Missouri.

8 2. An applicant for a preneed seller license shall:

9 (1) File an application on a form established by the
10 board and pay an application fee in an amount established by
11 the board by rule;

12 (2) Be an individual resident of Missouri who is
13 eighteen years of age or older, or a business entity
14 registered with the Missouri secretary of state to transact
15 business in Missouri;

16 (3) If the applicant is a corporation, each officer,
17 director, manager, or controlling shareholder, shall be
18 eligible for licensure if they were applying for licensure
19 as an individual;

20 (4) Meet all requirements for licensure;

21 (5) Identify the name and address of a custodian of
22 records responsible for maintaining the books and records of
23 the seller relating to preneed contracts;

24 (6) Identify the name and address of each licensed
25 provider that has authorized the seller to designate such
26 person as a provider under a preneed contract;

27 (7) [Have established, as grantor, a preneed trust or
28 an agreement to utilize a preneed trust with terms
29 consistent with sections 436.400 to 436.520.] **Maintain**

30 **documents showing that the applicant is the grantor of a**
31 **preneed trust as contemplated in this chapter and chapter**
32 **436.** A trust shall not be required if the applicant
33 certifies to the board that the seller will only sell
34 insurance-funded or joint account-funded preneed contracts;

35 (8) Identify the name and address of a trustee or, if
36 applicable, the financial institution where any preneed
37 trust or joint accounts will be maintained; and

38 (9) File with the board a written consent authorizing
39 the state board **and the secretary of state** to inspect or
40 order an investigation, examination, or audit of the
41 seller's books and records which contain information
42 concerning preneed contracts sold by or on behalf of the
43 seller.

44 3. Each seller shall apply to renew his or her license
45 on or before October thirty-first of each year or a date
46 established by the division of professional registration
47 pursuant to section 324.001. A license which has not been
48 renewed prior to the renewal date shall expire. Applicants
49 for renewal shall:

50 (1) File an application for renewal on a form
51 established by the board by rule;

52 (2) Pay a renewal fee in an amount established by the
53 board by rule; and

54 (3) File annually with the board a signed and
55 notarized annual report as required by section 436.460.

56 4. Any license which has not been renewed as provided
57 by this section shall expire. A licensee who fails to apply
58 for renewal within two years of the renewal date may apply
59 for reinstatement by satisfying the requirements of
60 subsection 3 of this section and paying a delinquent fee as
61 established by the board by rule.

333.330. 1. The board may refuse to issue any
2 certificate of registration or authority, permit, or license
3 required under this chapter for one or any combination of
4 causes stated in subsection 2 of this section. The board
5 shall notify the applicant in writing of the reasons for the
6 refusal and shall advise the applicant of his or her right
7 to file a complaint with the administrative hearing
8 commission as provided by chapter 621.

9 2. The board may cause a complaint to be filed with
10 the administrative hearing commission as provided by chapter
11 621 against any holder of any certificate of registration or
12 authority, permit, or license required by this chapter, or
13 any person who has failed to renew or has surrendered his or
14 her certificate of registration or authority, permit, or

15 license for any one or any combination of the following
16 causes:

17 (1) Use of any controlled substance, as defined in
18 chapter 195, or alcoholic beverage to an extent that such
19 use impairs a person's ability to perform the work of any
20 profession licensed or regulated by this chapter;

21 (2) The person has been finally adjudicated and found
22 guilty, or entered a plea of guilty or nolo contendere, in a
23 criminal prosecution under the laws of any state or of the
24 United States, for any offense reasonably related to the
25 qualifications, functions, or duties of any profession
26 licensed or regulated under this chapter, for any offense
27 involving a controlled substance, or for any offense an
28 essential element of which is fraud, dishonesty, or an act
29 of violence;

30 (3) Use of fraud, deception, misrepresentation, or
31 bribery in securing any certificate of registration or
32 authority, permit, or license issued under this chapter or
33 in obtaining permission to take any examination given or
34 required under this chapter;

35 (4) Obtaining or attempting to obtain any fee, charge,
36 tuition, or other compensation by fraud, deception, or
37 misrepresentation;

38 (5) Incompetency, misconduct, gross negligence, fraud,
39 misrepresentation, or dishonesty in the performance of the
40 functions or duties of any profession licensed or regulated
41 by this chapter;

42 (6) Violation of, or assisting or enabling any person
43 to violate, any provision of this chapter, or of any lawful
44 rule or regulation adopted pursuant thereto;

45 (7) Impersonation of any person holding a certificate
46 of registration or authority, permit, or license or allowing

47 any person to use his or her certificate of registration or
48 authority, permit, license, or diploma from any school;

49 (8) Disciplinary action against the holder of a
50 license or other right to practice any profession regulated
51 by this chapter granted by another state, territory,
52 federal agency, or country upon grounds for which revocation
53 or suspension is authorized in this state;

54 (9) **Disciplinary action against the holder of a**
55 **license or other right to practice any profession regulated**
56 **by the department of commerce and insurance or the secretary**
57 **of state;**

58 (10) A person is finally adjudged mentally incompetent
59 by a court of competent jurisdiction;

60 [(10)] (11) Misappropriation or theft of preneed funds;

61 [(11)] (12) Assisting or enabling any person to
62 practice or offer to practice any profession licensed or
63 regulated by this chapter regulating preneed who is not
64 licensed or registered and currently eligible to practice
65 thereunder;

66 [(12)] (13) Issuance of a certificate of registration
67 or authority, permit, or license based upon a material
68 mistake of fact;

69 [(13)] (14) Failure to display a valid certificate or
70 license if so required by this chapter regulating preneed or
71 any rule established thereunder;

72 [(14)] (15) Violation of any professional trust or
73 confidence;

74 [(15)] (16) Making or filing any report required by
75 sections 436.400 to 436.520 regulating preneed which the
76 licensee knows to be false or knowingly failing to make or
77 file a report required by such sections;

78 [(16)] (17) Use of any advertisement or solicitation
79 which is false, misleading, or deceptive to the general
80 public or persons to whom the advertisement or solicitation
81 is primarily directed; or

82 [(17)] (18) Willfully and through undue influence
83 selling a funeral;

84 [(18)] (19) Willfully and through undue influence
85 selling a preneed contract;

86 [(19)] (20) Violation of any of the provisions of
87 chapter 193, 194, 407, or 436;

88 [(20)] (21) Presigning a death certificate or signing
89 a death certificate on a body not yet embalmed by, or under
90 the personal supervision of, the licensee;

91 [(21)] (22) Failure to execute and sign the death
92 certificate on a body embalmed by, or under the personal
93 supervision of, a licensee;

94 [(22)] (23) Failure to refuse to properly guard
95 against contagious, infectious, or communicable diseases or
96 the spread thereof;

97 [(23)] (24) Refusing to surrender a dead human body
98 upon request by the next of kin, legal representative, or
99 other person entitled to the custody and control of the body.

100 3. After the filing of such complaint, the proceedings
101 shall be conducted in accordance with the provisions of
102 chapter 621. Upon a finding by the administrative hearing
103 commission that the grounds, provided in subsection 2 of
104 this section, for disciplinary action are met, the board
105 may, singly or in combination, censure or place the person
106 named in the complaint on probation on such terms and
107 conditions as the board deems appropriate for a period not
108 to exceed five years, or may suspend, for a period not to
109 exceed three years, or revoke any certificate of

110 registration or authority, permit, or license issued under
111 this chapter. **The board may also impose a fine not to**
112 **exceed one thousand dollars per occurrence for each act**
113 **subject to disciplinary action. The board also, as part of**
114 **any settlement agreement or disciplinary order, require any**
115 **person to pay moneys into a preneed trust or preneed joint**
116 **account that were improperly omitted from such trust or**
117 **account.**

118 4. In addition to all other powers and authority
119 granted by the board, the board may seek an injunction,
120 restraining order or other order from the circuit court of
121 Cole County to enjoin any seller from engaging in preneed
122 sales upon a showing by the board that the seller has failed
123 to make deposits into the preneed trust, has obtained funds
124 out of the trust to which the seller is not entitled or has
125 exercised influence or control over the trustee or has
126 engaged in any other act that has resulted in a shortage in
127 any preneed trust or joint account which exceeds twenty
128 percent of the total amount required to be held or deposited
129 into the trust or joint account under the provisions of
130 sections 436.400 to 436.520. In addition to the power to
131 enjoin for this conduct, the circuit court of Cole County
132 shall also be entitled to suspend or revoke the preneed
133 seller's license and any other license issued pursuant to
134 this chapter, held by the seller.

135 5. An individual whose certificate of registration or
136 authority, permit, or license has been revoked shall wait
137 three years from the date of revocation to apply for any
138 certificate of registration or authority, permit, or license
139 under this chapter, either as an individual or as a manager,
140 director, shareholder, or partner of any business entity.
141 Any certificate of registration or authority, permit, or

142 license shall be issued at the discretion of the board after
143 compliance with all the requirements of this chapter
144 relative to the licensing or registration of the applicant
145 for the first time.

146 6. Use of the procedures set out in this section shall
147 not preclude the application of the provisions of subsection
148 2 of section 333.335.

436.460. 1. Each seller shall file an annual report
2 with the board which shall contain the following information:

3 (1) The contract number of each preneed contract sold
4 since the filing of the last report with an indication of,
5 and whether it is funded by a trust, insurance or joint
6 account;

7 (2) The total number and total face value of preneed
8 contracts sold since the filing of the last report;

9 (3) The contract amount of each preneed contract sold
10 since the filing of the last report, identified by contract;

11 (4) The name, address, and license number of all
12 preneed agents authorized to sell preneed contracts on
13 behalf of the seller;

14 (5) The date the report is submitted and the date of
15 the last report;

16 (6) The list including the name, address, contract
17 number and whether it is funded by a trust, insurance or
18 joint account of all Missouri preneed contracts fulfilled,
19 cancelled or transferred by the seller during the preceding
20 calendar year;

21 (7) The name and address of each provider with whom it
22 is under contract;

23 (8) The name and address of the person designated by
24 the seller as custodian of the seller's books and records
25 relating to the sale of preneed contracts;

26 (9) Written consent authorizing the board to order an
27 investigation, examination and, if necessary, an audit of
28 any joint or trust account established under sections
29 436.400 to 436.520, designated by depository or account
30 number;

31 (10) Written consent authorizing the board to order an
32 investigation, examination and if necessary an audit of its
33 books and records relating to the sale of preneed contracts;
34 and

35 (11) Certification under oath that the report is
36 complete and correct attested to by an officer of the
37 seller. The seller or officer shall be subject to the
38 penalty of making a false affidavit or declaration.

39 2. A seller that sells or has sold trust-funded
40 preneed contracts shall also include in the annual report
41 required by subsection 1 of this section:

42 (1) The name and address of the financial institution
43 in which it maintains a preneed trust account and the
44 account numbers of such trust accounts;

45 (2) The trust fund balance as reported in the previous
46 year's report;

47 (3) The current face value of the trust fund;

48 (4) Principal contributions received by the trustee
49 since the previous report;

50 (5) Total trust earnings and total distributions to
51 the seller since the previous report;

52 (6) Authorization of the board to request from the
53 trustee a copy of any trust statement, as part of an
54 investigation, examination or audit of the preneed seller;

55 (7) Total expenses, excluding distributions to the
56 seller, since the previous report; and

57 (8) Certification under oath that the information
58 required by subdivisions (1) to (7) of this subsection is
59 complete and correct and attested to by a corporate officer
60 of the trustee. The trustee shall be subject to the penalty
61 of making a false affidavit or declaration.

62 3. A seller that sells or who has sold joint account-
63 funded preneed contracts shall also include in the annual
64 report required by subsection 1 of this section:

65 (1) The name and address of the financial institution
66 in Missouri in which it maintains the joint account and the
67 account numbers for each joint account;

68 (2) The amount on deposit in each joint account;

69 (3) The joint account balance as reported in the
70 previous year's report;

71 (4) Principal contributions placed into each joint
72 account since the filing of the previous report;

73 (5) Total earnings since the previous report;

74 (6) Total distributions to the seller from each joint
75 account since the previous report;

76 (7) Total expenses deducted from the joint account,
77 excluding distributions to the seller, since the previous
78 report; and

79 (8) Certification under oath that the information
80 required by subdivisions (1) to (7) of this subsection is
81 complete and correct and attested to by an authorized
82 representative of the financial institution. The affiant
83 shall be subject to the penalty of making a false affidavit
84 or declaration.

85 4. A seller that sells or who has sold any insurance-
86 funded preneed contracts shall also include in the annual
87 report required by subsection 1 of this section:

88 (1) The name and address of each insurance company
89 issuing insurance to fund a preneed contract sold by the
90 seller during the preceding year;

91 (2) The status and total face value of each policy;

92 (3) The amount of funds the seller directly received
93 on each contract and the date the amount was forwarded to
94 any insurance company; and

95 (4) Certification under oath that the information
96 required by subsections 1 to 3 of this section is complete
97 and correct attested to by an authorized representative of
98 the insurer. The affiant shall be subject to the penalty of
99 making a false affidavit or declaration.

100 5. **(1)** Each seller shall remit an annual reporting
101 fee in an amount established by the board by rule for each
102 preneed contract sold in the year since the date the seller
103 filed its last annual report with the board. This reporting
104 fee shall be paid annually and may be collected from the
105 purchaser of the preneed contract as an additional charge or
106 remitted to the board from the funds of the seller. The
107 reporting fee shall be in addition to any other fees
108 authorized under sections 436.400 to 436.520.

109 **(2) There is hereby created in the state treasury the**
110 **"Preneed Audit Fund". All reporting fees collected under**
111 **this section shall be deposited in the fund. The state**
112 **treasurer shall be custodian of the fund. In accordance**
113 **with sections 30.170 and 30.180, the state treasurer may**
114 **approve disbursements. The fund shall be a dedicated fund**
115 **and money in the fund shall be used solely by the board to**
116 **pay for the expenses of conducting preneed audits,**
117 **examinations, and inspections. The board or the secretary**
118 **of state may, as part of any disciplinary process under**
119 **chapter 333 or sections 436.400 to 436.520, require the**

120 person that is found to be subject to discipline to pay any
121 portion of the expenses of the audit, examination, or
122 inspection. Such payments shall be deposited in the fund.
123 Notwithstanding the provisions of section 33.080 to the
124 contrary, any moneys remaining in the fund at the end of the
125 biennium shall not revert to the credit of the general
126 revenue fund until the amount in the fund at the end of the
127 biennium exceeds three times the amount of the appropriation
128 from the fund for the preceding fiscal year. The state
129 treasurer shall invest moneys in the fund in the same manner
130 as other funds are invested. Any interest and moneys earned
131 on such investments shall be credited to the fund.

132 6. All reports required by this section shall be filed
133 by the thirty-first day of October of each year or by the
134 date established by the board by rule. Annual reports filed
135 after the date provided herein shall be subject to a late
136 fee in an amount established by rule of the board.

137 7. If a seller fails to file the annual report on or
138 before its due date, his or her preneed seller license shall
139 automatically be suspended until such time as the annual
140 report is filed and all applicable fees have been paid.

141 8. This section shall apply to contracts entered into
142 before August 28, 2009.

436.470. 1. Any person may file a complaint with the
2 board to notify the board of an alleged violation of this
3 chapter. The board shall investigate each such complaint.

4 2. The board shall have authority to conduct
5 inspections [and], investigations, and audits of providers,
6 sellers, and preneed agents [and]. In addition, the
7 secretary of state shall conduct financial examinations of
8 the books and records of providers, sellers, and preneed
9 agents and any trust or joint account to determine

10 compliance with sections 436.400 to 436.520, [or to
11 determine whether grounds exist for disciplining a person
12 licensed or registered under] **and relevant portions of**
13 sections 333.310 to 333.340, at [the discretion of the board
14 and with or without cause] **any time as determined by either**
15 **the secretary of state or as requested by the board.** The
16 [board] **secretary of state** shall conduct a financial
17 examination of the books and records of each seller as
18 authorized by this section at least once every five years[,
19 subject to available funding]. **The secretary of state shall**
20 **forward a copy of the completed financial examination report**
21 **to the board.**

22 3. [Upon determining that an inspection,
23 investigation, examination, or audit shall be conducted, the
24 board shall issue a notice authorizing an employee or other
25 person appointed by the board to perform such inspection,
26 investigation, examination, or audit. The notice shall
27 instruct the person appointed by the board as to the scope
28 of the inspection, investigation, examination or audit.]

29 **The financial examination of each preneed seller shall**
30 **include, but not be limited to, an inquiry and determination**
31 **of each preneed seller's compliance with the relevant**
32 **provisions of this chapter and chapter 333, and a**
33 **determination that consumer funds are properly tracked and**
34 **managed and paid out in accordance with this chapter and**
35 **chapter 333. The preneed seller shall provide the following**
36 **items when requested for the financial examination:**

37 (1) **A listing of all preneed contracts sold during the**
38 **requested period;**

39 (2) **A listing of all outstanding preneed contracts;**

40 (3) **A listing of all preneed contracts cancelled or**
41 **transferred during the requested period;**

42 (4) Documents from the financial institution or
43 institutions and insurance companies that show the consumer
44 name, account number or numbers, the amount on deposit, the
45 date the deposit was made, any distributions from the
46 account, and the date of these transactions, for all
47 outstanding preneed contracts;

48 (5) A copy of the preneed contract currently being
49 used;

50 (6) A copy of the trust agreement with the trustee; and

51 (7) A copy of the agreement with providers or agents.

52 4. **Neither** the board **nor** the **secretary of state** shall
53 **[not]** appoint or authorize any person to conduct an
54 inspection, investigation, examination, or audit under this
55 section if the individual has a conflict of interest or is
56 affiliated with the management of, or owns a pecuniary
57 interest in, any person subject to inspection,
58 investigation, examination, or audit under chapter 333 or
59 sections 436.400 to 436.520.

60 5. The board **or** the **secretary of state** may request
61 that the **board, the secretary of state, the** director of the
62 division of professional registration, the director of the
63 department of commerce and insurance, or the office of the
64 attorney general designate one or more investigators or
65 financial examiners to assist in any investigation,
66 examination, or audit, and such assistance shall not be
67 unreasonably withheld.

68 6. The person conducting the inspection,
69 investigation, or audit may enter the office, premises,
70 establishment, or place of business of any seller or
71 licensed provider of preneed contracts, or any office,
72 premises, establishment, or place where the practice of
73 selling or providing preneed funerals is conducted, or where

74 such practice is advertised as being conducted for the
75 purpose of conducting the inspection, investigation,
76 examination, or audit.

77 7. Upon request by the board **or the secretary of**
78 **state**, a licensee or registrant shall make the books and
79 records of the licensee or registrant available [to the
80 board] for inspection and copying at any reasonable time,
81 including, any insurance, trust, joint account, or financial
82 institution records deemed necessary by the board to
83 determine compliance with sections 436.400 to 436.520.

84 8. The board **or the secretary of state** shall have the
85 power to issue subpoenas to compel the production of records
86 and papers by any licensee[, trustee] or registrant of the
87 board **and also of any financial institution holding preneed**
88 **funds in any preneed trust, preneed joint account, or any**
89 **other account holding funds paid for a preneed account.**
90 [Subpoenas issued under this section shall be served in the
91 same manner as subpoenas in a criminal case.]

92 9. All sellers, providers, preneed agents, and
93 trustees shall cooperate with the board **and the secretary of**
94 **state** or its designee, the division of finance, the
95 department of commerce and insurance, and the office of the
96 attorney general in any inspection, investigation,
97 examination, or audit brought under this section.

98 10. This section shall not be construed to limit the
99 board's authority to file a complaint with the
100 administrative hearing commission charging a licensee or
101 registrant with any actionable conduct or violation,
102 regardless of whether such complaint exceeds the scope of
103 acts charged in a preliminary public complaint filed with
104 the board and whether any public complaint has been filed
105 with the board.

106 11. The board, **the secretary of state**, the division of
107 finance, the department of commerce and insurance, and the
108 office of the attorney general may share information
109 relating to any preneed inspection, investigation,
110 examination, or audit.

111 12. If an inspection, investigation, examination, or
112 audit reveals a **potential** violation of sections 436.400 to
113 436.520, the office of the attorney general may initiate a
114 judicial proceeding to:

- 115 (1) Declare rights;
- 116 (2) Approve a nonjudicial settlement;
- 117 (3) Interpret or construe the terms of the trust;
- 118 (4) Determine the validity of a trust or of any of its
119 terms;
- 120 (5) Compel a trustee to report or account;
- 121 (6) Enjoin a seller, provider, or preneed agent from
122 performing a particular act;
- 123 (7) Enjoin a trustee from performing a particular act
124 or grant to a trustee any necessary or desirable power;
- 125 (8) Review the actions of a trustee, including the
126 exercise of a discretionary power;
- 127 (9) Appoint or remove a trustee;
- 128 (10) Determine trustee liability and grant any
129 available remedy for a breach of trust;
- 130 (11) Approve employment and compensation of preneed
131 agents;
- 132 (12) Determine the propriety of investments;
- 133 (13) Determine the timing and quantity of
134 distributions and dispositions of assets; or
- 135 (14) Utilize any other power or authority vested in
136 the attorney general by law.

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