

Approved 1-31-91
Date

MINUTES OF THE SENATE COMMITTEE ON SENATE PUBLIC HEALTH & WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./p.m./ on January 17, 1991 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

- Emalene Correll, Legislative Research
- Bill Wolff, Legislative Research
- Norman Furse, Revisor's Office
- Jo Ann Buntten, Committee Secretary

Conferees appearing before the committee:

- Frances Kastner, Kansas Physical Therapy Association
- Orville L. Voth, Kansas Silver Haired Legislature
- Stuart M. Frager, Chairman, Council of Administrative Psychologists
- Jim Snyder, Kansas Funeral Directors Association

Chairman Ehrlich called the meeting to order at 10:00 a.m. asking for committee bill requests.

Frances Kastner, representing the Kansas Physical Therapy Association, asked the committee to introduce a bill regarding direct access to physical therapists. (Attachment 1)

The wishes of the committee were asked, and Senator Langworthy made a motion to introduce the bill, seconded by Senator Hayden. The motion carried.

Orville L. Voth, (SHL), presented his request regarding shifting of the homemaker program from SRS to KDOA. (Attachment 2)

Senator Vidricksen moved to introduce the bill, seconded by Senator Burke. Discussion on the motion: question by Senator Hayden regarding the relationship between this request and the SRS Task Force recommendation. Senator Burke stated the Task Force has been studying SRS organization. The motion carried.

Dr. Frager, (THS), presented his request for proposed changes to statutes regulating registration of masters level psychologists. (Attachment 3)

Revisor Norman Furse inquired what agency or group requested this proposal, and Dr. Frager stated the Council of Administrative Psychologists made the recommendation. Senator Hayden asked if Dr. Frager was aware of SB 35 which is almost identical to his proposal. Chairman Ehrlich stated that after the committee reviews both bills, they would consider compiling them into one bill. Senator Hayden made a motion to introduce the bill and Senator Langworthy seconded the motion. The motion carried.

Jim Snyder requested the introduction of legislation designed to clean up some parts of the funeral pre-need law and to repeal a section that is contained in an existing statute. (Attachment 4)

After committee discussion, Senator Vidricksen moved and Senator Hayden seconded the motion to introduce the bill. The motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE,
room 526-S, Statehouse, at 10:00 a.m./p.m. on January 17, 1991

Revisor Norman Furse briefed the committee on:

SB 1 - An Act concerning laboratory testing; relating to approval and regulation of laboratories; amending K.S.A. 1990 Supp. 65-1,108 and repealing the existing section.

No discussion followed.

Briefing was also done on:

SB 35 - An Act concerning the registration of masters level psychologists; amending K.S.A. 1990 Supp. 74-5363 and repealing the existing section.

No discussion was held.

The meeting was adjourned at 10:35 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1/17/91

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

FRANCES KASTNER

Ks Physical Therapy Assn

Theresa Hodges

KDHE - Topeka

Orville Voyn

Silver Haired Legislature

Stuart Frager

Council of Administrative Psychologists

Kesa Zagor

Sen Salisbury

Mary Ann Wabel

BSRB

Jim Snyder

KFDA

Chip Wheelers

Ks Medical Society

Tom Bell

Ks. Hosp. Inc Assn

Mack Smith

Mortuary Arts Bd

John Clifton

Ks Assn of Prof Psychologists

I am Frances Kastner, representing the Kansas Physical Therapy Association, and appreciate the opportunity to appear before you today. We are asking this Committee to introduce a bill amending KSA 65-2901 and 2912 which would permit the public to seek physical therapy treatments WITHOUT PHYSICIAN REFERRAL.

In amending K.S.A. 65-2901 (b) we ask that a portion of the language remain the same -- "Physical Therapist" means a person who practices physical therapy as defined in this act and delegates selective forms of treatment to supportive personnel under the supervision of such person. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist and may designate or describe oneself as a physical therapist, physiotherapist, registered physical therapist, P.T., Ph.T., or R.P.T."

The rest of that sub-section would need to be OMITTED: "Physical therapists may evaluate patients without physician referral but may initiate treatment only after consultation with and approval by a physician licensed to practice medicine and surgery, a registered podiatrist or a licensed dentist in appropriately related cases.

Then replace "omitted language" with the following by ADDING:

Physical therapy evaluation and treatment may be rendered by a physical therapist without referral.

Under K.S.A. 65-2912 -- Grounds for refusal, suspension or revocation of registration or certificate;

Sub section (7) should remain in the current law to give statutory protection protection to the consumer and assurance that they will not be treated for conditions outside the scope of expertise of physical therapists and referred to appropriate health care providers. It reads---

"(7) failure to refer patients to other health care providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the registered physical therapist;" then ADD the word "and" at the end of the sentence, omit (8) and proceed to (9).

Sub section (8) would need to be omitted to conform with 65-1901 since the current language prohibits -- "(8) initiating treatment without prior consultation and approval by a physician licensed to practice medicine and surgery, by a registered podiatrist or a licensed dentist; and"

We have no objection to any "cleanup" deemed necessary by the Revisor of Statutes since the original act was passed in the early '60's and may contain obsolete language. We would appreciate introduction of this as a Committee Bill and referred back here for your consideration.

Frances Kastner

Frances Kastner, Lobbyist for KANSAS PHYSICAL THERAPY ASSN.
2201 SW Wilmington Court, Topeka, Ks. 66606 (913) 232-3310

(As Amended by SHL Committee on Taxation-A)

SILVER HAIREED LEGISLATURE BILL NO. 706

By PSA 7 and PSA 10

1 AN ACT concerning the department on aging; relating to homecare
2 and in-home services; transferring certain powers, duties
3 and functions from the secretary and department of social
4 and rehabilitation services to the secretary of and
5 department on aging; designating the department on aging as
6 the official state agency for purposes of compliance with
7 certain federal acts and programs; amending K.S.A. 75-5928,
8 75-5929, 75-5931, 75-5932 and 75-5933 and K.S.A. 1990 Supp.
9 46-922, and repealing the existing sections; also repealing
10 K.S.A. 75-5935.

11 Be it enacted by the Silver Haired Legislature of the State of
12 Kansas:

13 New Section 1. (a) (1) All of the powers, duties and
14 functions of the secretary of social and rehabilitation services
15 and the department of social and rehabilitation services which
16 relate to the income eligible homecare program and which were
17 exercised by the secretary of social and rehabilitation services
18 and the department of social and rehabilitation services
19 immediately prior to the effective date of this act are hereby
20 transferred to and conferred upon the secretary of aging and the

1 department on aging.

2 (2) All of the powers, duties and functions of the secretary
3 of social and rehabilitation services and the department of
4 social and rehabilitation services which relate to application
5 for, receipt, administration, and utilization of grants and other
6 financial assistance that the federal department of health and
7 human services makes available under federal acts and programs,
8 and that other public or private entities make available for
9 homecare programs, are hereby transferred to and conferred upon
10 the secretary of aging and the department on aging.

11 (b) The secretary of aging and the department on aging shall
12 be the successors in every way to the powers, duties and
13 functions which are specified in this section and which were
14 vested in the secretary of social and rehabilitation services and
15 the department of social and rehabilitation services prior to the
16 effective date of this act.

17 (c) Whenever the secretary of social and rehabilitation
18 services or the department of social and rehabilitation services,
19 or words of like effect, is referred to or designated by statute,
20 contract or other document with regard to the powers, duties and
21 functions which are specified in this section, such reference or
22 designation shall be deemed to apply to the secretary of aging
23 and the department on aging.

24 (d) Officers and employees who immediately prior to the
25 effective date of this act were engaged in the exercise and
26 performance of the powers, duties and functions specified in this

1 section and who, in the opinion of the secretary of aging, are
2 necessary to perform the powers, duties and functions transferred
3 under this section shall become officers and employees of the
4 department on aging. Any such officer or employee shall retain
5 all retirement benefits and all rights of civil service which had
6 accrued to or vested in such officer or employee prior to the
7 effective date of this act. The service of each such officer and
8 employee so transferred shall be deemed to have been continuous.
9 All transfers and any abolition of personnel positions in the
10 classified service under the Kansas civil service act shall be in
11 accordance with civil service laws and any rules and regulations
12 adopted thereunder.

13 New Sec. 2. Whenever the designation of a state agency is
14 required by any federal act or program under which federal
15 financial assistance is made available for the income eligible
16 homecare program, the department on aging shall serve as the
17 officially designated state agency of Kansas and such department
18 shall be responsible for exercising the powers and performing the
19 functions and duties required of state agencies under such
20 federal acts and programs.

21 Sec. 3. K.S.A. 75-5928 is hereby amended to read as follows:
22 75-5928. (a) Within the limitations of appropriations therefor,
23 the secretary of aging is hereby authorized to establish a
24 program of in-home services for residents of Kansas ~~60--years--of~~
25 ~~age-or-older~~ who have functional limitations which restrict their
26 ability to carry out activities of daily living and impede their

1 ability to live independently.

2 (b) The secretary of aging shall establish and administer,
3 pursuant to the provisions of this act, a program of in-home
4 services as authorized under subsection (a). The secretary shall
5 designate area agencies on aging to administer the program in
6 their respective planning and service areas. The secretary shall
7 designate an area agency on aging to receive funds only after the
8 area agency on aging has submitted an acceptable program plan.
9 The plan must be developed with support of a local or regional
10 coordinating committee comprised of representatives of senior
11 organizations, home health agencies and health departments,
12 department of social and rehabilitation services offices and
13 other interested groups.

14 (c) The program of in-home services authorized under
15 subsection (a) shall serve such planning and service areas and
16 provide such services as may be specified by the secretary and as
17 are consistent with this act and with appropriation acts relating
18 thereto. The secretary shall establish by rules and regulations
19 the priority of services to be offered under this program. Such
20 services shall include, but not be limited to, homemaker
21 services, and attendant care services, ~~transportation for care~~
22 ~~services, chore services and care management services.~~ The
23 secretary shall follow the established priorities established in
24 specifying services under this act, ~~but any such service or~~
25 ~~services, or combination of services, to be provided under this~~
26 ~~act shall be consistent with appropriations for such program.~~

1 (d) In establishing a program of in-home services authorized
2 under subsection (a) and the provisions of this act, the
3 secretary of aging may:

4 (1) Make grants to area agencies on aging;

5 (2) fix, charge and collect fees for services provided as
6 part of such program, such fees to be fixed on a sliding scale
7 based on the recipient's ability to pay for the services;

8 (3) adopt rules and regulations necessary to establish the
9 program under this act and to administer the provisions of such
10 program and shall adopt rules and regulations as provided under
11 K.S.A. 75-5931;

12 (4) enter into contracts as necessary to carry out the
13 provisions of this act; and

14 (5) take such other action as may be necessary to carry out
15 the provisions of this act.

16 Sec. 4. K.S.A. 75-5929 is hereby amended to read as follows:

17 75-5929. ~~{a} After July 1, 1990, all funds granted to an area~~
18 ~~agency on aging under this act shall be matched with funds from~~
19 ~~other than the federal or state government on a dollar-for-dollar~~
20 ~~basis at a level governed by rules and regulations adopted by the~~
21 ~~secretary. Client fees may be used to meet this requirement.~~
22 ~~Funds shall only be granted to area agencies on aging based on~~
23 ~~plans approved by the secretary.~~

24 {b} Funds for purchase of service under this act shall be
25 spent only when other sources of support for service provision
26 are not available. The funds shall not replace medicaid, older

1 Americans act, community services block grant, medicare and other
2 state or federal funding sources that may be used to pay for
3 needed services.

4 Sec. 5. K.S.A. 75-5931 is hereby amended to read as follows:
5 75-5931. The secretary shall adopt rules and regulations to
6 govern:

7 (a) The eligibility of persons receiving the services;

8 (b) the level of payments to providers and funds spent for
9 each client;

10 (c) sliding fee scales based on ability to pay for services
11 provided under this act;

12 (d) reports to be made to the secretary by the area agencies
13 on aging;

14 ~~(e) -- the -- level -- of -- local -- match -- required -- to -- participate -- in -- the~~
15 ~~program -- during -- fiscal -- year -- 1990;~~

16 ~~(f)~~ (e) the selection of clients who are most in need of the
17 program's benefits; and

18 ~~(g)~~ (f) such other matters as the secretary deems necessary
19 for the administration of this act.

20 Sec. 6. K.S.A. 75-5932 is hereby amended to read as follows:
21 75-5932. Plans shall not be found acceptable unless they contain:

22 (a) Evidence of support by a broadly representative
23 committee of representatives of the planning and service area to
24 be served;

25 (b) identification of service providers to be reimbursed for
26 services; and

1 (c) ~~evidence--that--no--in-home--services--will--be--directly~~
2 ~~provided-by-an-area-agency-on-aging,-and~~

3 (d) a means acceptable for selecting clients who are most in
4 need of the program's benefits.

5 Sec. 7. K.S.A. 75-5933 is hereby amended to read as follows:
6 75-5933. (a) The secretary shall develop, wherever practicable,
7 sliding fee scales based on people's ability to pay for in-home
8 services provided pursuant to this act.

9 (b) The secretary may approve use of funds for any of ~~three~~
10 four purposes:

11 (1) To purchase services;

12 (2) to defray start-up expenses of providers of needed and
13 insufficiently provided services;

14 (3) to screen and assess clients; and

15 ~~(3)~~ (4) to administer the program.

16 (c) Area agencies on aging may purchase services through
17 purchase of service contracts, preferably with existing local
18 service providers.

19 Sec. 8. K.S.A. 1990 Supp. 46-922 is hereby amended to read
20 as follows: 46-922. (a) As used in this section and in K.S.A.
21 46-923 and amendments thereto, the term "state agency" shall have
22 the meaning ascribed thereto in K.S.A. 75-3701 and amendments
23 thereto.

24 (b) The head of any state agency is authorized to make
25 payment to the officers or employees of such state agency for
26 property damage or loss occurring while that officer or employee

1 is acting within the scope of such office or employment if such
2 property loss or damage, in the opinion of the state agency head,
3 did not occur as a result of negligence of the claimant.

4 (c) The head of any state agency is authorized to make
5 payment to any other person for personal injury or property
6 damage or loss occurring under circumstances which establish, in
7 the state agency head's opinion, that such damage or loss was
8 caused by the negligence of the state or any agency, officer or
9 employee thereof. The secretary of ~~social--and--rehabilitation~~
10 ~~services~~ aging is authorized to make payment from funds
11 appropriated to the secretary for the ~~homemaker~~ homecare program
12 to any person for personal injury or property damage or loss
13 caused by an act of a ~~homemaker~~ homecare worker or manager
14 employed by the secretary.

15 (d) No payment shall be made under this section on any claim
16 for an amount in excess of \$500 or in any amount on a claim by a
17 person who is an insurer and who is making the claim as a
18 subrogee for all or part of any amount paid to such person's
19 insured.

20 Sec. 9. K.S.A. 75-5928, 75-5929, 75-5931, 75-5932, 75-5933
21 and 75-5935 and K.S.A. 1990 Supp. 46-922 are hereby repealed.

22 Sec. 10. This act shall take effect and be in force from and
23 after July 1, 1992, and its publication in the statute book.

PROPOSED CHANGES TO STATUTES REGULATING
REGISTRATION OF MASTERS LEVEL PSYCHOLOGISTS
(Proposed changes are underlined and in bold)

74-5363. Registration; application for; qualifications; waiver of certain requirements, when.

New (b)(2) has received at least a master's degree in clinical psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas or has received at least a master's degree in psychology and during such master's and/or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology or has met all the requirements for a Ph.D. or Psy.D. in psychology with the exception of the dissertation or final Psy.D. paper and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

Stuart M. Frager, Ph.D.
Chair, Council of
Administrative Psychologists
Psychology Department
Topeka State Hospital
2700 West 6th
Topeka, Kansas 66606

Senate PH&W
Attachment #3
01-17-91

REQUEST FOR INTRODUCTION OF LEGISLATION
JIM SNYDER, EXECUTIVE DIRECTOR
KANSAS FUNERAL DIRECTORS ASSOCIATION

JANUARY 17, 1991
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

Mr. Chairman, members of the Committee. My name is Jim Snyder. I am the Executive Director of the Kansas Funeral Directors Association which represents more than 95% of the funeral homes in the State of Kansas.

I appear today requesting the introduction of legislation designed to clean up some parts of the funeral pre-need law and to repeal one section that has been found to be duplicated by other working legislation in our State.

First, let me address the duplicative legislation. It is KSA 16-310 and provides for permissive auditing of funeral pre-need accounts by the Secretary of States Office. Auditing of this type presently is being done by the Board of Mortuary Arts and a number have occurred this year due to some Consumer concerns. In fact, funeral homes send a list of their preneed accounts to the Board of Mortuary Arts each two years when they apply for their Establishment License renewal. The section, 16-310, was added at the same time as the "Casket" bills of a few years ago--of which I am sure most of you remember.

The Secretary of State's Office has no objection to this legislation, and no doubt will testify either personally or with correspondence at the appropriate time.

The change in 16-302 and some of 16-303 are to clarify the language. 16-302's proposed language to be stricken has given misleading language to some banking firms in the state. The purpose originally was to have the financial institutions name on the

contract so the purchaser would know where the money was. However, some banks have read this to put their names on the Certificates of Deposit--along with the purchaser and the funeral home--thus creating confusion. Since the purchaser is responsible for taxes on earnings on the money...and the funeral home is responsible for taxes on the income after they have provided the funeral services, there is a definite need for their names on the CD. However, having the name of the financial institution on the CD has only created confusion, and we have been told that only corrective legislative action will cure this problem.

Deletion of subparagraph (b) in 16-303 is recommended as it is impossible to get any kind of credit life insurance on a preneed contract as no debt has occurred. Since its enactment in 1973, I can assure you our Association, financial groups, and a number of attorneys have looked at this subparagraph. And, since it is impossible to use, we see no need to keep it as part of the law.

The other recommended change in KSA 16-303 is to increase the amount of money people can put aside in an irrevocable preneed account--money that will not be counted against them should circumstances require they apply for some sort of public assistance, medicare or medicaid, later in their life. This money is theirs--it does not come from any tax supported entity--and, for the most part, the only crime these people have committed, is outliving their savings. The \$2,000 amount was placed in 1983, and in those 8 years, funeral expenses usually attributed to services has certainly increased more than \$1,000 on the average. We feel this is a reasonable request, and I repeat, this is private money and merely provides that Kansas citizens can place more of their money in an account which shall be used strictly for funeral expenses.

I shall be happy to answer any questions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 16-302 is hereby amended to read as follows:
16-302. Except as authorized by K.S.A. 16-308, and amendments thereto, all such money shall be deposited in such bank, trust company, credit union or savings and loan association and shall be held by such bank, trust company, credit union or savings and loan association in a separate account in the name or names of the purchaser of the merchandise or services and the name of the seller ~~and the financial institution concerned,~~ until released as herein provided.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 16-303 is hereby amended to read as follows:
16-303. (a) Except as authorized by K.S.A. 16-308, and amendments thereto, all payments made under such agreement, contract or plan, and any earnings or interest thereon, shall remain with such bank, trust company, credit union or savings and loan association until the death of the person for whose service the funds were paid or, except as provided in subsection ~~(e)~~ (b), until demand for payment is made by the purchaser of the merchandise or services to the bank, trust company, credit union or savings and loan association, and upon such payment to the purchaser, the contract shall terminate.

~~(b) At the option of a purchaser, any installment contract may provide for additional payments by the purchaser for the cost of group credit life insurance at such rate as is approved from time to time by the insurance commissioner. In the event of the death of the purchaser, the proceeds shall be treated as funds in accordance with K.S.A. 16-304, and amendments thereto.~~

~~(e)~~ (b) At the option of the purchaser, such agreement, contract or plan may be made irrevocable as to the first ~~\$2,000~~ \$3,000 of the funds paid plus any interest and earnings accumulated under the agreement, contract or plan. This option shall not prohibit the purchaser to designate a different funeral home at any time prior to death, after written notice to the current funeral home, and upon such notification all documents and funds shall be transferred as necessary.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 16-310 is hereby repealed.

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§ 4; July 1.

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 K.S.A. 60-308.
 6; July 1.

16-310. Secretary of state to audit prear-
 ranged funeral agreements; redeposit of im-
 properly paid moneys; actions by attorney
 general; funds held under agreements not sub-
 ject to legal process; notice of intent to sell
 and engage in agreements; obstructing or re-
 fusing to submit to examination; audit fee. (a)
 The secretary of state, or the secretary's rep-
 resentative, may audit whenever and as often
 as deemed necessary by the secretary of state
 all accounts or trusts of each prearranged fu-
 neral agreement, plan or contract entered into
 pursuant to K.S.A. 16-301 *et seq.*, and amend-
 ments thereto. For such purposes, the secre-
 tary of state or the secretary's representative
 is authorized to administer oaths and to ex-
 amine under oath the directors, officers, em-
 ployees and agents of any seller of personal
 property or funeral or burial merchandise.
 Such examination may be reduced to writing
 by the person taking it and the examiner may
 make findings as to the condition of each ac-
 count or trust examined. Accounting records
 and information required by this section shall
 be maintained in a format approved by the
 secretary of state. For the purposes of such
 audits, the secretary of state may require any
 person or officer of a partnership, association,
 firm or corporation who sells such merchandise
 to furnish and submit the books, records, pa-
 pers and instruments of such partnership, as-
 sociation, firm or corporation for examination.

(b) In the event the secretary of state de-
 termines that moneys have been improperly
 obtained from the account or trust by the seller
 of personal property or funeral or burial mer-
 chandise during the period covered by the au-
 dit, then the secretary may order the seller of
 personal property or funeral or burial mer-
 chandise to redeposit to the account or trust
 such moneys improperly withdrawn within 60
 days.

(c) The attorney general, at the request of
 the secretary of state, may initiate an action
 to recover payments required to be redepos-
 ited to the account or trust under subsection
 (b), or to recover other moneys received or
 disbursed in violation of this act. In addition,
 the attorney general may seek to enjoin any
 violation of this act.

(d) In the absence of fraud, all funds held
 in an account or trust established pursuant to
 a prearranged funeral agreement, plan or con-
 tract shall not be subject to attachment, gar-
 nishment or other legal process, nor be seized,
 taken, appropriated or applied to pay any debt
 or liability of the seller of personal property

or funeral or burial merchandise, buyer or ben-
 efiary, by any legal or equitable process or
 by operation of law.

(e) No person, partnership, association,
 firm or corporation shall enter into any prear-
 ranged funeral agreement, plan or contract un-
 til such person, partnership, association, firm
 or corporation has filed with the secretary of
 state a notification of its intention to sell and
 engage in such prearranged agreements, plans
 or contracts. Such notice shall include the
 name of the person, partnership, association,
 firm or corporation, its principal place of busi-
 ness and the name and address of the bank,
 trust company or savings and loan association,
 trustee or trustees to be utilized under the
 provisions of this section.

(f) Whenever any person, partnership, as-
 sociation, firm or corporation refuses to submit
 the books, records, papers and instruments to
 the examination and inspection of the secretary
 of state, or of any of the secretary's represen-
 tatives, or in any manner obstruct or interfere
 with the examination or audit authorized by
 this section, or refuse to be examined under
 oath concerning any of the affairs of its prear-
 ranged funeral agreements, plans or contracts,
 the secretary of state may request the attorney
 general to institute proceedings for the ap-
 pointment of a receiver for such person, part-
 nership, association, firm or corporation.

(g) Any person, partnership, association,
 firm or corporation which refuses or neglects
 to comply with the requirements of this act for
 a period of 90 days after demand to do so is
 made upon it by the secretary of state shall be
 subject to the penalties provided in K.S.A. 16-
 305, and amendments thereto. The attorney
 general, upon the request of the secretary of
 state, shall then begin an action for the ap-
 pointment of a receiver for such person, part-
 nership, association, firm or corporation and to
 dissolve the same.

(h) Whenever an audit is made pursuant to
 this section, the person, partnership, associa-
 tion, firm or corporation so audited shall pay
 to the secretary of state such expenses as shall
 be assessed pursuant to K.S.A. 1988 Supp. 75-
 422.

History: L. 1987, ch. 77, § 2; L. 1988, ch.
 94, § 3; July 1.

16-311 to 16-319. Reserved.

CEMETERY MERCHANDISE CONTRACTS

16-320. Cemetery merchandise con-

K.S.A. 75-409 or 75-410. The treasurer at least monthly. In the remittance, the state shall credit the entire amount necessary to the credit of the cemetery service fee fund.

From the information provided, the treasurer shall be in accordance with acts upon warrants and reports issued provided by the secretary or persons designated.

Under the date of this act, the treasurer shall certify to the director the amount of money and materials and equipment of state which moneys or copies of public documents 75-409. Upon receipt of the director of accounts and the amount of money necessary for the conversion of materials and information and copy facilities of the conversion fund of the security attributable to the fees of public documents hereby transferred to the information and copy serv-

h. 363, § 4; July 1. services fund; deposits; refunds. There is hereby transferred to the state treasury the prepayments made to the cemetery by qualifying individuals transact business with the state shall be deposited to the credit of the cemetery services fund. The secretary of state shall be transferred not less than the prepaid services fund at the time services are performed shall be transferred to the cemetery services fund.

h. 363, § 17; July 1. of state authorized to the secretary of state may be transferred to the cemetery matters. ch. 166, § 126; R.S. ch. 364, § 25; Jan. 13,

Source or prior law: L. 1864, ch. 88, § 1.

75-441. Cemetery and funeral audit fee fund; fees remitted and credited; expenditures. (a) There is hereby created in the state treasury the cemetery and funeral audit fee fund.

(b) The secretary of state shall remit to the state treasurer at least monthly all fees received by the secretary of state for auditing any person, association, partnership, firm or corporation pursuant to K.S.A. 16-310 and 16-325 and K.S.A. 17-1312a, and amendments thereto. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit the amount to the cemetery and funeral audit fee fund.

(c) All expenditures from the cemetery and funeral audit fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or a person or persons designated by the secretary of state.

History: L. 1988, ch. 94, § 1; July 1.

75-442. Audits of prearranged funeral agreements and cemetery corporations, payment of expenses; fixed and charged by secretary of state. Whenever the secretary of state audits any person, association, partnership, firm or corporation pursuant to K.S.A. 16-310 or 16-325 or K.S.A. 17-1312a, and amendments thereto, such person, association, partnership, firm or corporation shall pay the expenses thereof, which shall be assessed against it by the secretary of state on a per diem basis for days or parts thereof related to a field audit in an amount not to exceed \$100 per diem.

The secretary of state shall determine the expenses of any audit and submit a bill to the person, association, partnership, firm or corporation audited. The bill shall constitute notice of such assessment and demand of payment thereof.

History: L. 1988, ch. 94, § 2; July 1.

Article 5.—STATE AUDITOR

Revisor's Note: Office of state auditor abolished, see 25-4007. Legislative post audit, see 46-1101 et seq.

75-501. History: L. 1879, ch. 166, § 36; R.S. 1923, 75-501; L. 1967, ch. 434, § 45; Repealed, L. 1974, ch. 364, § 40; Jan. 13, 1975.

Source or prior law: L. 1861, ch. 58, § 23; G.S. 1868, ch. 102, § 27.

75-502.

History: L. 1879, ch. 166, § 37; R.S. 1923, 75-502; L. 1953, ch. 374, § 1; L. 1971, ch. 185, § 16; Repealed, L. 1974, ch. 364, § 40; Jan. 13, 1975.

Source or prior law: L. 1861, ch. 58, § 24; G.S. 1868, ch. 102, § 28; L. 1871, ch. 146, § 1.

CASE ANNOTATIONS

1. Fee for certificate and seal inapplicable to registration of bonds. *Nation v. Tulley*, 86 K. 564, 566, 121 P. 507.

75-503.

History: L. 1879, ch. 166, § 38; R.S. 1923, 75-503; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 25; G.S. 1868, ch. 102, § 29.

75-504.

History: L. 1879, ch. 166, § 39; R.S. 1923, 75-504; L. 1941, ch. 351, § 1; L. 1945, ch. 317, § 1; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 26; L. 1865, ch. 68, § 1; G.S. 1868, ch. 102, § 30.

CASE ANNOTATIONS

1. Money cannot be drawn except in pursuance of specific appropriation. *Henderson v. Hovey*, 46 K. 691, 27 P. 177.

75-505.

History: L. 1879, ch. 166, § 40; R.S. 1923, 75-505; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 26; G.S. 1868, ch. 102, § 31.

75-506.

History: R.S. 1923, 75-506; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 27; G.S. 1868, ch. 102, § 32; L. 1879, ch. 166, § 41.

75-507.

History: L. 1879, ch. 166, § 42; R.S. 1923, 75-507; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 28; G.S. 1868, ch. 102, § 33.

75-508.

History: L. 1879, ch. 166, § 43; R.S. 1923, 75-508; L. 1943, ch. 269, § 17; Repealed, L. 1953, ch. 375, § 95; July 1.

Source or prior law: L. 1861, ch. 58, § 29; G.S. 1868, ch. 102, § 34.