

1 **SENATE FLOOR VERSION**

2 February 10, 2022

3 SENATE BILL NO. 1297

By: Stanley

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5
6 An Act relating to the Oklahoma Accountancy Act;
7 creating the Oklahoma Accountancy Board Revolving
8 Fund; providing for deposits and expenditures;
9 requiring certain percentage be paid to the General
10 Revenue Fund; stating purpose of revolving fund;
11 allowing for transfer of certain funds for certain
12 program; amending 59 O.S. 2021, Sections 15.7,
13 15.14B, and 15.24, which relate to disbursement of
14 monies, acts subject to penalties, and penalties;
15 updating references; modifying language; authorizing
16 a student scholarship and grant program for certain
17 purpose; stating eligibility requirements; directing
18 promulgation of rules, forms, fee, and procedures by
19 Board; authorizing the Board to set amount of awards,
20 application fees, and additional criteria for the
21 program; limiting funding for program to collection
22 of administrative fines; directing Board to determine
23 program funding annually; providing for transfer of
24 monies from revolving fund to certain account;
stating administrator of certain account; providing
for expenditures; making certain funding subject to
availability of certain funds; prohibiting transfer
or expenditure of certain funds without Board
approval; providing for repayments and reimbursements
of certain funds; directing deposit; providing
certain exemption for certain percentage to be paid
to General Revenue Fund; requiring certain report;
directing certain distribution of report; stating
content of report; providing for codification; and
providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15.17A of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Accountancy Board to be designated the "Oklahoma Accountancy Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Oklahoma Accountancy Act. All monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Board for the purposes of implementing and enforcing the provisions of the Oklahoma Accountancy Act. Expenditures from this fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The Board shall pay into the General Revenue Fund of the state ten percent (10%) of all annual registration fees deposited to this fund. From the monies deposited to this fund from administrative fines the Board shall periodically transfer such amounts as the Board determines to fund the student scholarship and grant program established in Section 5 of this act provided such funds are available and not otherwise encumbered.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 15.7, is amended to read as follows:

1 Section 15.7. All fees and other monies ~~except the fines as~~
2 ~~provided in Section 15.24 of this title~~ received by the Oklahoma
3 Accountancy Board pursuant to the provisions of the Oklahoma
4 Accountancy Act shall be expended solely for effectuating the
5 purposes of the Oklahoma Accountancy Act and shall be deposited to
6 the credit of the ~~Board with the Oklahoma State Treasurer~~
7 Accountancy Board Revolving Fund created in Section 1 of this act.
8 After the close of each fiscal year the Board shall file with the
9 Governor a report of all fees charged, collected and received and
10 all disbursements during the previous fiscal year. The Board shall
11 pay into the General Revenue Fund of the state ten percent (10%) of
12 all annual registration fees so charged, collected and received, and
13 no other portion shall ever revert to the General Revenue Fund or
14 any other fund of the state.

15 All salaries, fees, and other expenses incurred by the Board in
16 the performance of the duties imposed by the provisions of the
17 Oklahoma Accountancy Act shall be paid from the ~~Board's~~ Oklahoma
18 Accountancy Board Revolving Fund and none of ~~said~~ such expenses
19 shall be a charge against the general funds of this state.

20 SECTION 3. AMENDATORY 59 O.S. 2021, Section 15.14B, is
21 amended to read as follows:

22 Section 15.14B. After notice and hearing, the Oklahoma
23 Accountancy Board may impose any one or more of the penalties and
24 administrative fines authorized in Section 15.24 of this title on a

1 certified public accountant or a public accountant for any one or
2 more of the following causes:

3 1. Fraud or deceit in obtaining a certificate, license,
4 practice privilege or permit;

5 2. Dishonesty, fraud~~7~~ or gross negligence in accountancy or
6 financially related activities;

7 3. Conviction, plea of guilty~~7~~ or plea of nolo contendere of a
8 felony in a court of competent jurisdiction of any state or federal
9 court of the United States if the acts involved would have
10 constituted a felony under the laws of this state;

11 4. Conviction, plea of guilty~~7~~ or plea of nolo contendere of
12 any misdemeanor, an element of which is dishonesty or fraud,
13 pursuant to the laws of the United States or any jurisdiction if the
14 acts involved would have constituted a misdemeanor under the laws of
15 this state;

16 5. Failure to comply with professional standards in the Board's
17 professional code of conduct to the attest and/or compilation
18 competency requirement for those who supervise attest and/or
19 compilation engagements and sign the report on financial statements
20 or other compilation communications with respect to financial
21 statements; and

22 6. Violation of any of the provisions of the Oklahoma
23 Accountancy Act and rules promulgated for its implementation by the
24 Board.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 15.24, is amended to read as follows:

Section 15.24. A. In the event an individual, certified public accountant, public accountant, firm or entity, after proper notice and hearing, is found to have violated one or more provisions of the Oklahoma Accountancy Act, the Board may impose one or more of the following penalties on the offending individual, firm or entity:

1. Revoke any certificate, license, practice privilege or permit issued pursuant to the provisions of the Oklahoma Accountancy Act;

2. Suspend any certificate, license, practice privilege or permit for not more than five (5) years, subject to such terms, conditions, or limitations as deemed appropriate by the Board;

3. Reprimand a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title;

4. Place a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title on probation for a specified period of time, which may be shortened or lengthened, as the Board deems appropriate;

5. Limit the scope of practice of a registrant, an individual granted practice privileges under Section 15.12A of this title, or a

1 firm exempt from the permit and registration requirements under
2 Section 15.15C of this title;

3 6. Deny renewal of a permit;

4 7. Require a preissuance review or accelerated peer review of
5 the registrant subject to such procedures as the Board deems
6 appropriate;

7 8. Require successful completion of continuing professional
8 educational programs deemed appropriate;

9 9. Assess ~~a~~ an administrative fine not to exceed Ten Thousand
10 Dollars (\$10,000.00) for each separate offense; and

11 10. Require the registrant, individual or entity to pay all
12 costs incurred by the Board as a result of hearings conducted
13 regarding accountancy actions of the registrant, individual~~r~~ or
14 entity~~r~~ including, but not limited to, attorney fees, investigation
15 costs, hearing officer costs, renting of special facilities costs~~r~~
16 and court reporter costs.

17 B. Upon application in writing, the Board may reinstate a
18 certificate, license, practice privilege or permit which has been
19 revoked, or may modify, upon good cause as to why the individual or
20 entity should be reinstated, the suspension of any certificate,
21 license, practice privilege or permit.

22 C. Before reinstating or terminating the suspension of a
23 certificate, license, practice privilege or permit, or as a
24 condition to such reinstatement or termination, the Board may

1 require the applicant to show successful completion of specified
2 continuing professional education courses.

3 D. Before reinstating or terminating the suspension of a
4 certificate, license, practice privilege or permit, or as a
5 condition to such reinstatement or termination, the Board may make
6 the reinstatement of a certificate, license, or permit conditional
7 and subject to satisfactory completion of a peer review conducted in
8 such fashion as the Board may specify.

9 E. Before reinstating or terminating the suspension of a
10 certificate or license or as a condition to such reinstatement or
11 termination, the Board may require the applicant to submit to a
12 national criminal history records search. The costs associated with
13 the national criminal history records search shall be paid by the
14 applicant.

15 F. The provisions of this section shall not be construed to
16 preclude the Board from entering into any agreement to resolve a
17 complaint prior to a formal hearing or before the Board enters a
18 final order.

19 G. All monies, excluding costs, collected from ~~civil penalties~~
20 administrative fines authorized in this section, such ~~penalties~~
21 fines being enforceable in the district courts of this state, shall
22 be deposited ~~with the State Treasurer to be paid into the General~~
23 ~~Revenue Fund of the state~~ into the Oklahoma Accountancy Board
24 Revolving Fund created in Section 1 of this act.

1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 15.17B of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Accountancy Board shall have the power and
5 authority to establish a student scholarship and grant program to
6 financially assist eligible students who are qualified under Section
7 15.8 of Title 59 of the Oklahoma Statutes to take the certified
8 public accountant examination. To be eligible for consideration and
9 application for any scholarship, grant, or award authorized in this
10 section, the student must be currently enrolled in and attending, as
11 a full-time student with passing grades, an Oklahoma public
12 institution of higher education and such student applying for a
13 scholarship, grant, or award must have completed at least one
14 hundred thirty (130) semester hours, or the equivalent thereof as
15 determined by the Board, of college or university course curriculum
16 in an accounting concentration applicable for a baccalaureate or
17 higher degree in accounting or public finance.

18 B. The Board shall promulgate rules, forms, fees, and
19 procedures to implement the provisions of subsection A of this
20 section. The Board shall set and determine the amount of each
21 scholarship, grant, or award; set a reasonable application fee;
22 create application forms and processes; establish additional
23 eligibility qualifications or criteria for determining a student's
24 eligibility for a scholarship, grant, or award and determining the

1 amount and term of each scholarship, grant, or award; and establish
2 whether any grant shall be repaid or reimbursed to the Board, in
3 whole or part, by the recipient.

4 C. All funding for the student scholarship and grant program
5 shall be derived from and limited to administrative fines imposed
6 and collected by the Board for violations of the Oklahoma
7 Accountancy Act and deposited into the Oklahoma Accountancy Board
8 Revolving Fund created in Section 1 of this act. All funds made
9 available for and credited to the student scholarship and grant
10 program shall be determined by the Board annually and transferred
11 from the Oklahoma Accountancy Board Revolving Fund to a student
12 scholarship account established by the State Treasurer. The student
13 scholarship account shall be administered by the Board for the
14 purposes of providing scholarships, grants, and awards pursuant to
15 the provisions of this section and the rules relating thereto.
16 Expenditures from the student scholarship account shall be made upon
17 warrants issued by the State Treasurer against claims filed as
18 prescribed by law with the Director of the Office of Management and
19 Enterprise Services for approval and payment. All funding for the
20 student scholarship and grant program shall be subject to funds
21 available in the Oklahoma Accountancy Board Revolving Fund that are
22 derived from administrative fines, as determined by the Board. No
23 funds shall be transferred to or expended from the student
24 scholarship account without Board approval.

1 D. Any grant funds received as a repayment or reimbursement, in
2 whole or part, by the Board from a student who was originally
3 awarded such funds as authorized in this section and the rules
4 related thereto, shall be deposited and credited to the student
5 scholarship account and may be subsequently distributed and
6 disbursed to another student at the Board's discretion. All funds
7 received as a grant repayment or reimbursement and all funds
8 transferred and deposited into the student scholarship account under
9 the provisions of this section shall be exempt from the requirement
10 provided in Section 211 of Title 62 of the Oklahoma Statutes
11 requiring ten percent (10%) to be paid into the General Revenue Fund
12 of the state.

13 E. Annually at the end of each fiscal year, the Board shall
14 provide a written report to the Governor, President Pro Tempore of
15 the Senate, and Speaker of the House of Representatives on the
16 scholarship and grant program. The report shall include, for the
17 fiscal year being reported, the amount of funds transferred into the
18 account; the starting and ending balances of the account; the
19 scholarship, grant, and award amounts given to students; total
20 number of students served; repayments or reimbursements received;
21 and other information deemed pertinent by the Board for the report.

22 SECTION 6. This act shall become effective November 1, 2022.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
24 February 10, 2022 - DO PASS