

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 908

By: Dugger

AS INTRODUCED

An Act relating to the Oklahoma Accountancy Act; amending 59 O.S. 2021, Sections 15.7 and 15.14B, which relate to disbursements of monies and acts subject to penalties; updating references; modifying language; creating the Oklahoma Accountancy Board Scholarship Fund; providing for deposits and expenditures; stating purpose of revolving fund; allowing for transfer of certain funds for certain program; providing for expenditures from Fund; creating the Oklahoma Accountancy Board Revolving Fund; providing for deposits and expenditures; stating purpose; providing for expenditures from Fund; allowing for transfer of funds for certain purpose; authorizing a student scholarship and grant program for certain purpose; stating eligibility requirements; directing promulgation of rules, forms, fee, and procedures by Board; authorizing the Board to set amount of awards, application fees, and additional criteria for the program; limiting funding for program to collection of administrative fines; directing Board to determine program funding annually; providing for transfer of 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; amending 59 O.S. 2021, Section 15.24, which relates to penalties; updating

1 references; providing for codification; and providing
2 an effective date.

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

5 SECTION 1. AMENDATORY 59 O.S. 2021, Section 15.7, is
6 amended to read as follows:

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

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

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 15.14B, is
4 amended to read as follows:

5 Section 15.14B. After notice and hearing, the Oklahoma
6 Accountancy Board may impose any one or more of the penalties and
7 administrative fines authorized in Section 15.24 of this title on a
8 certified public accountant or a public accountant for any one or
9 more of the following causes:

10 1. Fraud or deceit in obtaining a certificate, license,
11 practice privilege or permit;

12 2. Dishonesty, fraud, or gross negligence in accountancy or
13 financially related activities;

14 3. Conviction, plea of guilty, or plea of nolo contendere of a
15 felony in a court of competent jurisdiction of any state or federal
16 court of the United States if the acts involved would have
17 constituted a felony under the laws of this state;

18 4. Conviction, plea of guilty, or plea of nolo contendere of
19 any misdemeanor, an element of which is dishonesty or fraud,
20 pursuant to the laws of the United States or any jurisdiction if the
21 acts involved would have constituted a misdemeanor under the laws of
22 this state;

23 5. Failure to comply with professional standards in the Board's
24 professional code of conduct to the attest and/or compilation
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1 competency requirement for those who supervise attest and/or
2 compilation engagements and sign the report on financial statements
3 or other compilation communications with respect to financial
4 statements; and

5 6. Violation of any of the provisions of the Oklahoma
6 Accountancy Act and rules promulgated for its implementation by the
7 Board.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 15.17A of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 There is hereby created in the State Treasury a revolving fund
12 for the Oklahoma Accountancy Board to be designated the "Oklahoma
13 Accountancy Board Scholarship Fund". The fund shall be a continuing
14 fund, not subject to fiscal limitations, and shall consist of all
15 monies received by the Board pursuant to the provisions of the
16 Oklahoma Accountancy Act. All monies accruing to the credit of this
17 fund are hereby appropriated and may be budgeted and expended by the
18 Board for the purposes described in Section 5 of this act.

19 Expenditures from this fund shall be made upon warrants issued by
20 the State Treasurer against claims filed as prescribed by law with
21 the Director of the Office of Management and Enterprise Services for
22 approval and payment.

1 SECTION 4. 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 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Accountancy Board to be designated the "Oklahoma
6 Accountancy Board Revolving Fund". The fund shall be a continuing
7 fund, not subject to fiscal limitations, and shall consist of all
8 monies received by the Board pursuant to the provisions of the
9 Oklahoma Accountancy Act. All monies accruing to the credit of this
10 fund are hereby appropriated and may be budgeted and expended by the
11 Board for the purposes of implementing and enforcing the provisions
12 of the Oklahoma Accountancy Act. Expenditures from this fund shall
13 be made upon warrants issued by the State Treasurer against claims
14 filed as prescribed by law with the Director of the Office of
15 Management and Enterprise Services for approval and payment. From
16 the monies deposited to this fund from administrative fines the
17 Board shall periodically transfer such amounts to the Oklahoma
18 Accountancy Board Scholarship Fund as the Board determines to fund
19 the student scholarship and grant program established in Section 5
20 of this act provided such funds are available and not otherwise
21 encumbered.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 15.17C of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

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

14 B. The Board shall promulgate rules, forms, fees, and
15 procedures to implement the provisions of subsection A of this
16 section. The Board shall set and determine the amount of each
17 scholarship, grant, or award; set a reasonable application fee;
18 create application forms and processes; establish additional
19 eligibility qualifications or criteria for determining a student's
20 eligibility for a scholarship, grant, or award and determining the
21 amount and term of each scholarship, grant, or award; and establish
22 whether any grant shall be repaid or reimbursed to the Board, in
23 whole or part, by the recipient.

1 C. All funding for the student scholarship and grant program
2 shall be derived from fines by the Board and deposited into the
3 Oklahoma Accountancy Board Scholarship Fund created in Section 3 of
4 this act. All disbursements made available for and credited to the
5 student scholarship and grant program shall be determined by the
6 Board annually and is not to exceed the administrative fines each
7 year. The student scholarship account shall be administered by the
8 Board for the purposes of providing scholarships, grants, and awards
9 pursuant to the provisions of this section and the rules relating
10 thereto. Expenditures from the student scholarship account shall be
11 made upon warrants issued by the State Treasurer against claims
12 filed as prescribed by law with the Director of the Office of
13 Management and Enterprise Services for approval and payment. All
14 funding for the student scholarship and grant program shall be
15 subject to funds available in the Oklahoma Accountancy Board
16 Scholarship Fund that are derived from administrative fines, as
17 determined by the Board. No funds shall be transferred to or
18 expended from the student scholarship account without Board
19 approval.

20 D. Any grant funds received as a repayment or reimbursement, in
21 whole or part, by the Board from a student who was originally
22 awarded such funds as authorized in this section and the rules
23 related thereto, shall be deposited and credited to the appropriate
24 fund and may be subsequently distributed and disbursed to another

1 student at the Board's discretion. All funds received as a grant
2 repayment or reimbursement and all funds transferred and deposited
3 into the scholarship fund under the provisions of this section shall
4 be exempt from the requirement provided in Section 211 of Title 62
5 of the Oklahoma Statutes requiring ten percent (10%) to be paid into
6 the General Revenue Fund of the state.

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

16 SECTION 6. AMENDATORY 59 O.S. 2021, Section 15.24, is
17 amended to read as follows:

18 Section 15.24. A. In the event an individual, certified public
19 accountant, public accountant, firm or entity, after proper notice
20 and hearing, is found to have violated one or more provisions of the
21 Oklahoma Accountancy Act, the Board may impose one or more of the
22 following penalties on the offending individual, firm or entity:
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1 1. Revoke any certificate, license, practice privilege or
2 permit issued pursuant to the provisions of the Oklahoma Accountancy
3 Act;

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

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

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

16 5. Limit the scope of practice of a registrant, an individual
17 granted practice privileges under Section 15.12A of this title, or a
18 firm exempt from the permit and registration requirements under
19 Section 15.15C of this title;

20 6. Deny renewal of a permit;

21 7. Require a preissuance review or accelerated peer review of
22 the registrant subject to such procedures as the Board deems
23 appropriate;

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

3 9. Assess a fine not to exceed Ten Thousand Dollars
4 (\$10,000.00) for each separate offense; and

5 10. Require the registrant, individual or entity to pay all
6 costs incurred by the Board as a result of hearings conducted
7 regarding accountancy actions of the registrant, individual, or
8 entity, including, but not limited to, attorney fees, investigation
9 costs, hearing officer costs, renting of special facilities costs,
10 and court reporter costs.

11 B. Upon application in writing, the Board may reinstate a
12 certificate, license, practice privilege or permit which has been
13 revoked, or may modify, upon good cause as to why the individual or
14 entity should be reinstated, the suspension of any certificate,
15 license, practice privilege or permit.

16 C. Before reinstating or terminating the suspension of a
17 certificate, license, practice privilege or permit, or as a
18 condition to such reinstatement or termination, the Board may
19 require the applicant to show successful completion of specified
20 continuing professional education courses.

21 D. Before reinstating or terminating the suspension of a
22 certificate, license, practice privilege or permit, or as a
23 condition to such reinstatement or termination, the Board may make
24 the reinstatement of a certificate, license, or permit conditional
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1 and subject to satisfactory completion of a peer review conducted in
2 such fashion as the Board may specify.

3 E. Before reinstating or terminating the suspension of a
4 certificate or license or as a condition to such reinstatement or
5 termination, the Board may require the applicant to submit to a
6 national criminal history records search. The costs associated with
7 the national criminal history records search shall be paid by the
8 applicant.

9 F. The provisions of this section shall not be construed to
10 preclude the Board from entering into any agreement to resolve a
11 complaint prior to a formal hearing or before the Board enters a
12 final order.

13 G. All monies, excluding costs, collected from ~~civil penalties~~
14 administrative fines authorized in this section, such ~~penalties~~
15 fines being enforceable in the district courts of this state, shall
16 be deposited ~~with the State Treasurer to be paid into the General~~
17 ~~Revenue Fund of the state~~ into the Oklahoma Accountancy Board
18 Scholarship Fund created in Section 3 of this act.

19 SECTION 7. This act shall become effective November 1, 2023.
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21 59-1-886 MR 1/19/2023 10:32:49 AM
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