

1 ENGROSSED SENATE
2 BILL NO. 1429

By: Stanley of the Senate

3 and

4 Hill of the House

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. 2011, Sections 15.7, 15.14B
13 and 15.24, which relate to disbursement of monies,
14 acts subject to penalties and penalties; deleting
15 language; updating references; modifying language;
16 authorizing a student scholarship and grant program
17 for certain purpose; stating eligibility
18 requirements; directing promulgation of rules, forms,
19 fee and procedures by Board; authorizing the Board to
20 set amount of awards, application fees and additional
21 criteria for the program; limiting funding for
22 program to collection of administrative fines;
23 directing Board to determine program funding
24 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; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 15.17A 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. The
16 Board shall pay into the General Revenue Fund of the state ten
17 percent (10%) of all funds deposited to this fund. From the monies
18 deposited to this fund from administrative fines the Board shall
19 periodically transfer such amounts as the Board determines to fund
20 the student scholarship and grant program established in Section 5
21 of this act provided such funds are available and not otherwise
22 encumbered.

23 SECTION 2. AMENDATORY 59 O.S. 2011, Section 15.7, is
24 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. 2011, 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. 2011, 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, or
14 entity, including, but not limited to, attorney fees, investigation
15 costs, hearing officer costs, renting of special facilities costs,
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 being enforceable in the district courts of this state, shall be
22 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 or licensed public accountant examination. To be
9 eligible for consideration and application for any scholarship,
10 grant or award authorized in this section, the student must be
11 currently enrolled in and attending, as a full-time student with
12 passing grades, an Oklahoma public institution of higher education
13 and such student applying for a scholarship, grant or award must
14 have completed at least one hundred thirty (130) semester hours, or
15 the equivalent thereof as determined by the Board, of college or
16 university course curriculum in an accounting concentration
17 applicable for a baccalaureate or higher degree in accounting or
18 public finance.

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

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

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

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

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

24 SECTION 6. This act shall become effective November 1, 2020.

1 Passed the Senate the 11th day of March, 2020.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives