

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 81

By: Stanley

AS INTRODUCED

An Act relating to the Oklahoma Accountancy Act; creating the Oklahoma Accountancy Board Revolving Fund; providing for deposits and expenditures; requiring certain percentage be paid to the General Revenue Fund; stating purpose of revolving fund; allowing for transfer of certain funds for certain program; amending 59 O.S. 2011, Sections 15.7, 15.14B and 15.24, which relate to disbursement of monies, acts subject to penalties and penalties; deleting language; updating references; modifying language; 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; providing for codification; and providing an effective date.

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

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

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

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1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 15.7, is
2 amended to read as follows:

3 Section 15.7. All fees and other monies ~~except the fines as~~
4 ~~provided in Section 15.24 of this title~~ received by the Oklahoma
5 Accountancy Board pursuant to the provisions of the Oklahoma
6 Accountancy Act shall be expended solely for effectuating the
7 purposes of the Oklahoma Accountancy Act and shall be deposited to
8 the credit of the ~~Board with the Oklahoma State Treasurer~~
9 Accountancy Board Revolving Fund created in Section 1 of this act.

10 After the close of each fiscal year the Board shall file with the
11 Governor a report of all fees charged, collected and received and
12 all disbursements during the previous fiscal year. ~~The Board shall~~
13 ~~pay into the General Revenue Fund of the state ten percent (10%) of~~
14 ~~all annual registration fees so charged, collected and received, and~~
15 ~~no other portion shall ever revert to the General Revenue Fund or~~
16 ~~any other fund of the state.~~

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

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 15.14B, is
23 amended to read as follows:

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

6 1. Fraud or deceit in obtaining a certificate, license,
7 practice privilege or permit;

8 2. Dishonesty, fraud, or gross negligence in accountancy or
9 financially related activities;

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

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

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

1 6. Violation of any of the provisions of the Oklahoma
2 Accountancy Act and rules promulgated for its implementation by the
3 Board.

4 SECTION 4. AMENDATORY 59 O.S. 2011, Section 15.24, is
5 amended to read as follows:

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

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

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

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

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

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

7 6. Deny renewal of a permit;

8 7. Require a preissuance review or accelerated peer review of
9 the registrant subject to such procedures as the Board deems
10 appropriate;

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

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

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

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

3 C. 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
6 require the applicant to show successful completion of specified
7 continuing professional education courses.

8 D. Before reinstating or terminating the suspension of a
9 certificate, license, practice privilege or permit, or as a
10 condition to such reinstatement or termination, the Board may make
11 the reinstatement of a certificate, license, or permit conditional
12 and subject to satisfactory completion of a peer review conducted in
13 such fashion as the Board may specify.

14 E. Before reinstating or terminating the suspension of a
15 certificate or license or as a condition to such reinstatement or
16 termination, the Board may require the applicant to submit to a
17 national criminal history records search. The costs associated with
18 the national criminal history records search shall be paid by the
19 applicant.

20 F. The provisions of this section shall not be construed to
21 preclude the Board from entering into any agreement to resolve a
22 complaint prior to a formal hearing or before the Board enters a
23 final order.

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

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

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

1 B. The Board shall promulgate rules, forms, fees and procedures
2 to implement the provisions of subsection A of this section. The
3 Board shall set and determine the amount of each scholarship, grant
4 or award, set a reasonable application fee, create application forms
5 and processes, establish additional eligibility qualifications or
6 criteria for determining a student's eligibility for a scholarship,
7 grant or award and determining the amount and term of each
8 scholarship, grant or award, and establish whether any grant shall
9 be repaid or reimbursed to the Board, in whole or part, by the
10 recipient.

11 C. All funding for the student scholarship and grant program
12 shall be derived from and limited to administrative fines imposed
13 and collected by the Board for violations of the Oklahoma
14 Accountancy Act and deposited into the Oklahoma Accountancy Board
15 Revolving Fund created in Section 1 of this act. All funds made
16 available for and credited to the student scholarship and grant
17 program shall be determined by the Board annually and transferred
18 from the Oklahoma Accountancy Board Revolving Fund to a student
19 scholarship account established by the State Treasurer. The student
20 scholarship account shall be administered by the Board for the
21 purposes of providing scholarships, grants and awards pursuant to
22 the provisions of this section and the rules relating thereto.
23 Expenditures from the student scholarship account shall be made upon
24 warrants issued by the State Treasurer against claims filed as

1 prescribed by law with the Director of the Office of Management and
2 Enterprise Services for approval and payment. All funding for the
3 student scholarship and grant program shall be subject to funds
4 available in the Oklahoma Accountancy Board Revolving Fund that are
5 derived from administrative fines, as determined by the Board. No
6 funds shall be transferred to or expended from the student
7 scholarship account without Board approval.

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

20 E. Annually at the end of each fiscal year, the Board shall
21 provide a written report to the Governor, President Pro Tempore of
22 the Senate and Speaker of the House of Representatives on the
23 scholarship and grant program. The report shall include, for the
24 fiscal year being reported, the amount of funds transferred into the

1 account, the starting and ending balances of the account, the
2 scholarship, grant and award amounts given to students, total number
3 of students served, repayments or reimbursements received and other
4 information deemed pertinent by the Board for the report.

5 SECTION 6. This act shall become effective November 1, 2021.

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