

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB774 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Preston Stinson

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 774

By: Murdock and Dossett (J.J.)
of the Senate

and

Stinson of the House

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10 FLOOR SUBSTITUTE

11 An Act relating to the Oklahoma Accountancy Act;
12 creating the Oklahoma Accountancy Board Revolving
13 Fund; providing for deposits and expenditures;
14 requiring certain percentage be paid to the General
15 Revenue Fund; stating purpose of revolving fund;
16 allowing for transfer of certain funds for certain
17 program; amending 59 O.S. 2021, Sections 15.7,
18 15.14B, and 15.24, which relate to disbursement of
19 monies, acts subject to penalties, and penalties;
20 updating references; modifying language; authorizing
21 a student scholarship and grant program for certain
22 purpose; stating eligibility requirements; directing
23 promulgation of rules, forms, fee, and procedures by
24 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;

1 directing certain distribution of report; stating
2 content of report; providing for codification; and
3 providing an effective date.
4

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

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

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

1 Board determines to fund the student scholarship and grant program
2 established in Section 5 of this act provided such funds are
3 available and not otherwise encumbered.

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

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

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

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

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

8 1. Fraud or deceit in obtaining a certificate, license,
9 practice privilege or permit;

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

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

16 4. Conviction, plea of guilty~~7~~ or plea of nolo contendere of
17 any misdemeanor, an element of which is dishonesty or fraud,
18 pursuant to the laws of the United States or any jurisdiction if the
19 acts involved would have constituted a misdemeanor under the laws of
20 this state;

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

1 or other compilation communications with respect to financial
2 statements; and

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

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

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

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

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

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

23 4. Place a registrant, an individual granted practice
24 privileges under Section 15.12A of this title, or a firm exempt from

1 the permit and registration requirements under Section 15.15C of
2 this title on probation for a specified period of time, which may be
3 shortened or lengthened, as the Board deems appropriate;

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

8 6. Deny renewal of a permit;

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

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

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

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

22 B. Upon application in writing, the Board may reinstate a
23 certificate, license, practice privilege or permit which has been
24 revoked, or may modify, upon good cause as to why the individual or

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 fines being enforceable in the district courts of this state, shall
4 be 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 examination. To be eligible for consideration and
15 application for any scholarship, grant, or award authorized in this
16 section, the student must be currently enrolled in and attending, as
17 a full-time student with passing grades, an Oklahoma public
18 institution of higher education and such student applying for a
19 scholarship, grant, or award must have completed at least one
20 hundred thirty (130) semester hours, or the equivalent thereof as
21 determined by the Board, of college or university course curriculum
22 in an accounting concentration applicable for a baccalaureate or
23 higher degree in accounting or public finance.

24

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

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

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