

CHAPTER 64

PROFESSIONS AND OCCUPATIONS

SENATE BILL 05-145

BY SENATOR(S) McElhany;
also REPRESENTATIVE(S) Paccione.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF ACCOUNTANTS BY THE STATE BOARD OF ACCOUNTANCY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-2-117 (1) (b), Colorado Revised Statutes, is amended to read:

12-2-117. Partnerships, professional corporations, and limited liability companies composed of certified public accountants - registration thereof - definitions. (1) A partnership, professional corporation, or limited liability company engaged, in this state, in the practice of public accounting as certified public accountants shall register once every three years with the board as a partnership, professional corporation, or limited liability company of certified public accountants and must meet the following requirements; and, as used in this article, "partnership" includes a registered limited partnership, limited liability partnership, and limited liability limited partnership and a foreign limited partnership, limited liability partnership, and limited liability limited partnership:

(b) (I) ~~Notwithstanding any other provision of law to the contrary,~~ A simple majority of the ownership of a certified public accounting firm doing business as a public accounting firm in Colorado, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, shall be licensed certified public accountants ~~in this state~~ **IN THIS STATE OR ANOTHER STATE.**

(II) ~~Notwithstanding any other provision of law, a simple majority of the ownership of the registrant, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of a certificate who are licensed in some state. Such partners, officers, shareholders,~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~members, or managers whose principal place of business is in Colorado and who perform professional services in Colorado shall hold a valid certificate issued pursuant to section 12-2-108. The registrant and its ownership, licensed or otherwise, shall comply with rules promulgated by the board.~~

SECTION 2. 12-2-119 (6) (a), Colorado Revised Statutes, is amended to read:

12-2-119. Continuing education. (6) The board shall promulgate rules and regulations governing the following:

(a) The basic requirements for continuing education; except that the board shall not require continuing education of more than eighty hours every two years; ~~with a minimum of twenty hours in any year;~~

SECTION 3. 12-2-121 (2), Colorado Revised Statutes, is amended to read:

12-2-121. Exceptions - acts not prohibited - rules. (2) Nothing in this article shall prohibit a certified public accountant or a registered public accountant of another state or any accountant who holds a certificate, degree, or license in a foreign country, constituting a recognized qualification for the practice of public accounting in such country, from temporarily practicing in this state on professional business incident to his OR HER regular practice outside this state, ~~Such temporary practice shall be conducted in conformity with the regulations and rules of professional conduct promulgated by the board~~ AS DEFINED BY RULES PROMULGATED BY THE BOARD. THE BOARD IS AUTHORIZED TO ISSUE TEMPORARY PRACTICE PERMITS TO OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS IN GOOD STANDING. SUCH TEMPORARY PRACTICE SHALL BE CONDUCTED IN CONFORMITY WITH THE RULES OF PROFESSIONAL CONDUCT PROMULGATED BY THE BOARD.

SECTION 4. 12-2-126 (1) (c), Colorado Revised Statutes, is amended to read:

12-2-126. Investigations, examinations, and cease and desist orders against unlawful act. (1) (c) Complaints of record that are not dismissed by the board and are the results of investigations of such complaints shall be closed to public inspection AND ANY MEETING CONCERNING SUCH COMPLAINTS SHALL BE CLOSED TO THE PUBLIC during the investigatory period and until a stipulated agreement is reached between the applicant or certificate holder and the board or until notice of hearing and charges are filed and served on an applicant or certificate holder. Except for confidential books of account, financial records, advice, reports, or working papers provided by the client, the certified public accountant, or the certified public accounting firm, the board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204, C.R.S., regarding public records and confidentiality.

SECTION 5. 12-2-132 (1), Colorado Revised Statutes, is amended to read:

12-2-132. Repeal of article. (1) This article is repealed, effective July 1, ~~2005~~ 2010.

SECTION 6. Repeal. 24-34-104 (36) (b), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(b) ~~The state board of accountancy, created by article 2 of title 12, C.R.S.;~~

SECTION 7. 24-34-104 (41), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

(p) THE STATE BOARD OF ACCOUNTANCY, CREATED BY ARTICLE 2 OF TITLE 12, C.R.S.

SECTION 8. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to licenses issued or renewed on or after said date.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2005