Session 117 - (2007-2008)

S 1238 General Bill, By McConnell

Summary: Board of Accountancy

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-2-12 SO AS TO PROVIDE THAT THE BOARD OF ACCOUNTANCY SHALL HIRE AN EXECUTIVE DIRECTOR TO PERFORM CERTAIN FUNCTIONS AND AN INVESTIGATOR TO CONDUCT INVESTIGATIONS, AND THE SECRETARY OF STATE SHALL PROVIDE COUNSEL TO THE BOARD AND EMPLOY OTHER COUNSEL AS IT CONSIDERS NECESSARY; BY ADDING SECTION 40-2-14 SO AS TO PROVIDE THE RESPONSIBILITIES OF THE OFFICE OF THE SECRETARY OF STATE TO THE BOARD; BY ADDING SECTION 40-2-16 SO AS TO PROVIDE THE DISPOSITION OF CERTAIN REVENUE RECEIVED BY THE SECRETARY OF STATE, AND CERTAIN REQUIREMENTS FOR THE BUDGET; BY ADDING SECTION 40-2-115 SO AS TO PROVIDE THE BOARD'S JURISDICTION; BY ADDING SECTION 40-2-195 SO AS TO MAKE CERTAIN COMMUNICATIONS OF THE BOARD PRIVILEGED; BY ADDING SECTION 40-2-205 SO AS TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR SUBJECT TO CERTAIN PENALTIES; BY ADDING SECTION 40-2-515 SO AS TO PROVIDE A DISCLAIMER FOR AN ACCOUNTING PRACTITIONER TO USE WHEN ASSOCIATING HIS NAME WITH CERTAIN FINANCIAL STATEMENTS COMPILED BY HIM; TO AMEND SECTION 40-1-40, RELATING TO CERTAIN BOARDS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO REMOVE THE BOARD OF ACCOUNTANCY FROM THE LIST OF BOARDS ADMINISTERED BY THE DEPARTMENT; TO AMEND SECTION 40-2-10, AS AMENDED, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THAT THE BOARD IS CREATED UNDER THE OFFICE OF THE SECRETARY OF STATE, TO DEVOLVE THE DUTIES, RESPONSIBILITIES, AND FUNCTIONS OF THE EXISTING BOARD TO THE NEW BOARD, AMONG OTHER THINGS; TO AMEND SECTION 40-2-20, AS AMENDED, RELATING TO CERTAIN DEFINITIONS, SO AS TO REMOVE THE DEFINITION OF "DEPARTMENT" AND PROVIDE A DEFINITION FOR "SECRETARY"; TO AMEND SECTION 40-2-70, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO REMOVE LANGUAGE MAKING THE BOARD'S POWERS CUMULATIVE TO GENERAL POWERS AND DUTIES OF BOARDS DESCRIBED IN SECTION 40-1-70; TO AMEND SECTION 40-2-80, AS AMENDED, RELATING TO INVESTIGATIONS OF COMPLAINTS ALLEGING VIOLATIONS, SO AS TO SUBSTITUTE "SECRETARY OF STATE" FOR "DEPARTMENT", AND TO PROVIDE DISCIPLINARY ACTIONS THE BOARD MAY TAKE FOR A VIOLATION; TO AMEND SECTION 40-2-90, RELATING TO HEARING PROCEDURES FOR A VIOLATION, SO AS TO SUBSTITUTE "SECRETARY OF STATE" FOR "DEPARTMENT"; TO AMEND SECTION 40-2-100, AS AMENDED, RELATING TO EQUITABLE REMEDIES AVAILABLE FOR A VIOLATION; TO AMEND SECTION 40-2-110, AS AMENDED, RELATING TO REVOCATION, SUSPENSION, OR PROBATION OF A LICENSE, SO AS TO MODIFY THE PENALTIES AVAILABLE FOR A VIOLATION BY A LICENSEE; TO AMEND SECTION 40-2-170, AS AMENDED, RELATING TO THE COST OF INVESTIGATING AND PROSECUTING AN ALLEGED VIOLATION, SO AS TO PROVIDE FAILURE TO TIMELY MAKE AN ORDERED PAYMENT WILL RESULT IN COLLECTION OF RELATED COSTS IN ACCORDANCE WITH SECTION 40-2-180 RATHER THAN SECTION 40-1-180; TO AMEND SECTION 40-2-180, AS AMENDED, RELATING TO UNPAID COSTS BECOMING JUDGMENT, SO AS TO SUBSTITUTE "SECRETARY OF STATE" FOR "DEPARTMENT", AND TO REMOVE LANGUAGE PROVIDING A COST OR FINE IMPOSED MUST BE PAID IN ACCORDANCE WITH SECTION 40-1-180; TO AMEND SECTION 40-2-210, AS AMENDED, RELATING TO EQUITABLE REMEDIES AVAILABLE FOR A VIOLATION OF THE LICENSING AND REGULATION REQUIREMENTS OF THIS CHAPTER, SO AS TO REMOVE LANGUAGE REQUIRING A REMEDY BE MADE PURSUANT TO SECTION 40-1-210; TO AMEND SECTION 40-2-570, AS AMENDED, RELATING TO DISCIPLINARY ACTION AVAILABLE TO THE BOARD FOR A VIOLATION, SO AS TO REMOVE LANGUAGE REQUIRING A HEARING BE MADE PURSUANT TO SECTION 40-2-310; TO AMEND SECTION 40-2-580, AS AMENDED, RELATING TO INITIATION OF PROCEEDINGS, SO AS TO REMOVE LANGUAGE PROVIDING A PROCEDURE AVAILABLE IN ARTICLE 1, CHAPTER 40 IS APPLICABLE AND BINDING ON A PROCEDURE IN THIS ARTICLE; AND TO REPEAL SECTION 40-2-340 RELATING TO A CERTAIN DISCLAIMER.

03/27/08	Senate	Introduced and read first time SJ-12
03/27/08	Senate	Referred to Committee on Labor, Commerce and Industry SJ-12
04/01/08		Scrivener's error corrected