

SENATE BILL No. 330

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22-2-38; IC 25-2.1-2-16.

Synopsis: Certified public accountants. Permits the board of accountancy or the executive director of the licensing agency on behalf of the board to adopt a rule that brings another rule into conformity with nationally recognized professional standards governing the competent practice of accountancy by submitting the rule to the publisher of the Indiana Register.

Effective: Upon passage.

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January 9, 2012, read first time and referred to Committee on Public Policy.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 330



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

- 1 SECTION 1. IC 4-22-2-38, AS AMENDED BY P.L.123-2006,
- 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 38. (a) This section applies to a rulemaking
- 4 action resulting in any of the following rules:
- 5 (1) A rule that brings another rule into conformity with section 20
- 6 of this chapter.
- 7 (2) A rule that amends another rule to replace an inaccurate
- 8 reference to a statute, rule, regulation, other text, governmental
- 9 entity, or location with an accurate reference, when the inaccuracy
- 10 is the result of the rearrangement of a federal or state statute, rule,
- 11 or regulation under a different citation number, a federal or state
- 12 transfer of functions from one (1) governmental entity to another,
- 13 a change in the name of a federal or state governmental entity, or
- 14 a change in the address of an entity.
- 15 (3) A rule correcting any other typographical, clerical, or spelling
- 16 error in another rule.
- 17 (4) **A rule under IC 25-2.1-2-16 that brings another rule into**



1 **conformity with professional standards governing the**
 2 **competent practice of accountancy that are:**

3 **(A) enacted in a federal or state statute, rule, or regulation;**
 4 **or**

5 **(B) adopted by an agent of the United States, a state, or a**
 6 **nationally recognized organization or association.**

7 (b) Sections 24 through 37.1 of this chapter do not apply to rules
 8 described in subsection (a).

9 (c) Notwithstanding any other statute, an agency may adopt a rule
 10 described by subsection (a) without complying with any statutory
 11 notice, hearing, adoption, or approval requirement. In addition, the
 12 governor may adopt a rule described in subsection (a) for an agency
 13 without the agency's consent or action.

14 (d) A rule described in subsection (a) shall be submitted to the
 15 publisher for the assignment of a document control number. The
 16 agency (or the governor, for the agency) shall submit the rule in the
 17 form required by section 20 of this chapter and with the documents
 18 required by section 21 of this chapter. The publisher shall determine
 19 the number of copies of the rule and other documents to be submitted
 20 under this subsection.

21 (e) After a document control number is assigned, the agency (or the
 22 governor, for the agency) shall submit the rule to the publisher for
 23 filing. The agency (or the governor, for the agency) shall submit the
 24 rule in the form required by section 20 of this chapter and with the
 25 documents required by section 21 of this chapter. The publisher shall
 26 determine the format of the rule and other documents to be submitted
 27 under this subsection.

28 (f) Subject to section 39 of this chapter, the publisher shall:

29 (1) accept the rule for filing; and

30 (2) electronically record the date and time that it is accepted.

31 (g) Subject to subsection ~~(h)~~; **(i)**, a rule described in subsection ~~(a)~~
 32 **(a)(1), (a)(2), or (a)(3)** takes effect on the latest of the following dates:

33 (1) The date that the rule being corrected by a rule adopted under
 34 this section becomes effective.

35 (2) The date that is forty-five (45) days from the date and time
 36 that the rule adopted under this section is accepted for filing
 37 under subsection (f).

38 **(h) Subject to subsection (i), a rule described in subsection (a)(4)**
 39 **takes effect on the latest of the following dates:**

40 **(1) The date and time that the rule is accepted for filing under**
 41 **subsection (f).**

42 **(2) The effective date stated by the adopting agency in the rule**

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1 **or stated in a professional standard incorporated by reference**
 2 **into the rule.**

3 ~~(h)~~ **(i)** The governor or the attorney general may file an objection to
 4 a rule that is adopted under this section before the date that is forty-five
 5 (45) days from the date and time that the rule is accepted for filing
 6 under subsection (f). When filed with the publisher, the objection has
 7 the effect of invalidating the rule.

8 SECTION 2. IC 25-2.1-2-16 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 10 **UPON PASSAGE]: Sec. 16. (a) The board may adopt a rule under**
 11 **IC 4-22-2-38 to bring another rule into conformity with part or all**
 12 **of the professional standards governing the competent practice of**
 13 **accountancy that are:**

14 **(1) enacted in a federal or state statute, rule, or regulation; or**
 15 **(2) adopted by an agent of the United States, a state, or a**
 16 **nationally recognized organization or association, including**
 17 **the AICPA, the International Accounting Standards Board,**
 18 **and the Public Company Accounting Oversight Board.**

19 **(b) The board may, by resolution, authorize the executive**
 20 **director of the Indiana professional licensing agency to adopt one**
 21 **(1) or more rules described in subsection (a) on behalf of the board.**
 22 **The authorization may be limited as determined by the board. The**
 23 **board may revise or terminate an authorization by resolution. The**
 24 **executive director of the Indiana professional licensing agency shall**
 25 **adopt rules under IC 4-22-2-38 in conformity with the resolution**
 26 **adopted by the board. A rule adopted on behalf of the board by the**
 27 **executive director must:**

28 **(1) be signed by the executive director;**
 29 **(2) specify on the signature page that the executive director is**
 30 **acting on behalf of the board; and**
 31 **(3) be submitted to the publisher of the Indiana Register**
 32 **under IC 4-22-2-38 with a copy of the resolution authorizing**
 33 **the rulemaking.**

34 **A rule adopted by the executive director in conformity with this**
 35 **subsection shall be treated as a rule of the board.**

36 **(c) A rule described in subsection (a) or (b) expires on the later**
 37 **of the date:**

38 **(1) specified in the rule; or**
 39 **(2) that another rule becomes effective that amends or repeals**
 40 **the previously issued rule.**

41 **SECTION 3. An emergency is declared for this act.**

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