

HOUSE COMMITTEE OF REFERENCE REPORT

April 17, 2019

Chair of Committee

Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

SB19-155 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend reengrossed bill, page 4, strike lines 13 through 26 and substitute:
 - 2 "(4)(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN INDIVIDUAL SUBJECT TO SECTION 12-2-120 (6)(a)(II) MAY USE AN ACCOUNTING DESIGNATION THAT INCLUDES THE WORD "MANAGEMENT" CONFERRED BY A BONA FIDE NATIONALLY RECOGNIZED ACCOUNTING ORGANIZATION, SUCH AS THE AMERICAN INSTITUTE OF CPAs, THE CHARTERED INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR THE INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR THEIR SUCCESSOR ORGANIZATIONS, IF THE DESIGNATION DOES NOT PURPORT TO CONFER THE RIGHT TO PERFORM AUDIT OR ATTEST SERVICES AS DEFINED BY ANY STATE OR FOREIGN JURISDICTION.".
- 12 Page 7, line 6, strike "portion; and **add** (6)(a)(II)(C) and (6)(a)(II)(D)" and substitute "portion, (6)(e), and (9); and **add** (6)(a)(II)(C), (6)(a)(II)(D), and (6)(a)(II)(E)".
- 15 Page 7, strike lines 13 and 14 and substitute "(4)(c);".
- 16 Page 7, line 17, strike everything before "IN".
- 17 Page 7, strike line 19 and substitute "TO THIS ARTICLE 2; OR (E) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, OFFER OR RENDER TAX SERVICES TO THE PUBLIC WHILE USING A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-2-115 (4)(c), UNLESS

1 DOING SO WITHIN A PARTNERSHIP, PROFESSIONAL CORPORATION, OR
2 LIMITED LIABILITY COMPANY OF CERTIFIED PUBLIC ACCOUNTANTS THAT
3 HOLDS A REGISTRATION OR PERMIT ISSUED BY THE BOARD OF THIS STATE
4 OR ANOTHER STATE.

5 (e) ~~The provisions of paragraph (a) of this subsection (6) shall~~
6 EXCEPT AS SET FORTH IN SUBSECTION (6)(a)(II)(E) OF THIS SECTION,
7 SUBSECTION (6)(a) OF THIS SECTION DOES not prohibit the performance by
8 persons other than certified public accountants of other services involving
9 the use of accounting skills, including the preparation of tax returns and
10 the preparation of financial statements without the expression of opinions
11 or assurances ~~thereon~~ ON THE RETURNS OR STATEMENTS.

12 (9) EXCEPT AS SET FORTH IN SUBSECTION (6)(a)(II)(E) OF THIS
13 SECTION, nothing in this section shall be construed to prohibit any person
14 from preparing or assisting in the preparation of any report or tax return
15 to any agency of the federal, state, or local government or other political
16 subdivision if ~~such~~ THE preparation or assistance is otherwise permissible
17 under law or under the regulations of ~~such~~ THE agency or from affixing
18 the signature of the person or firm so preparing or assisting in the
19 preparation of any such report or return to ~~said~~ THE report or return.".

20 Page 10, strike lines 14 through 27.

21 Page 11, strike line 1 and substitute:

22 "(4)(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
23 CONTRARY, AN INDIVIDUAL SUBJECT TO SECTION 12-100-116 (1)(a)(II)
24 MAY USE AN ACCOUNTING DESIGNATION THAT INCLUDES THE WORD
25 "MANAGEMENT" CONFERRED BY A BONA FIDE NATIONALLY RECOGNIZED
26 ACCOUNTING ORGANIZATION, SUCH AS THE AMERICAN INSTITUTE OF
27 CPAS, THE CHARTERED INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR
28 THE INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR THEIR SUCCESSOR
29 ORGANIZATIONS, IF THE DESIGNATION DOES NOT PURPORT TO CONFER THE
30 RIGHT TO PERFORM AUDIT OR ATTEST SERVICES AS DEFINED BY ANY STATE
31 OR FOREIGN JURISDICTION.".

32 Page 13, line 8, strike "portion;" and substitute "portion, (1)(e), and (2);".

33 Page 13, line 9, strike "(1)(a)(II)(C) and (1)(a)(II)(D)" and substitute
34 "(1)(a)(II)(C), (1)(a)(II)(D), and (1)(a)(II)(E)".

35 Page 13, strike lines 17 and 18 and substitute "(4)(c);".

1 Page 13, line 21, strike everything before "IN".

2 Page 13, strike line 23 and substitute "TO THIS ARTICLE 100; OR

3 (E) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

4 CONTRARY, OFFER OR RENDER TAX SERVICES TO THE PUBLIC WHILE USING

5 A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-100-112 (4)(c), UNLESS

6 DOING SO WITHIN A PARTNERSHIP, PROFESSIONAL CORPORATION, OR

7 LIMITED LIABILITY COMPANY OF CERTIFIED PUBLIC ACCOUNTANTS THAT

8 HOLDS A REGISTRATION OR PERMIT ISSUED BY THE BOARD OF THIS STATE

9 OR ANOTHER STATE.

10 (e) ~~The provisions of~~ EXCEPT AS SET FORTH IN SUBSECTION

11 (1)(a)(II)(E) OF THIS SECTION, subsection (1)(a) of this section ~~shall~~ DOES

12 not prohibit the performance by persons other than certified public

13 accountants of other services involving the use of accounting skills,

14 including the preparation of tax returns and the preparation of financial

15 statements without the expression of opinions or assurances ~~thereon~~ ON

16 THE RETURNS OR STATEMENTS.

17 (2) EXCEPT AS SET FORTH IN SUBSECTION (1)(a)(II)(E) OF THIS

18 SECTION, nothing in this section shall be construed to prohibit any person

19 from preparing or assisting in the preparation of any report or tax return

20 to any agency of the federal, state, or local government or other political

21 subdivision if the preparation or assistance is otherwise permissible under

22 law or under the regulations of the agency or from affixing the signature

23 of the person or firm so preparing or assisting in the preparation of the

24 report or return to the report or return".

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