Chapter 297

1991 EDITION

Audits of Public Funds and Financial Records

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DIVISION OF AUDITS OF THE SECRETARY OF STATE'S OFFICE

297.010 Division of Audits; director and staff. There is established the Division of Audits to be maintained under the supervision and control of the Secretary of State and operated as one of the divisions of the secretary's office. The Secretary of State shall assign or appoint a director of the division and such other assistants, accountants, auditors and clerks, upon such terms and for such compensation, as the secretary deems advantageous and necessary to carry out the duties and functions of the division. [1985 c.509 §1]

297.020 Functions and duties of Division of Audits; moneys available for use by division. (1) The Division of Audits shall have the function and duty of carrying out the provisions of ORS 297.210, 297.230, 297.405 to 297.555, 297.990 and this section.

(2) All moneys received under authority of the sections listed in subsection (1) of this section and moneys appropriated for use by the Secretary of State in carrying out the provisions of those sections hereby are made available for use by the Division of Audits. [Amended by 1977 c.774 §19; 1979 c.286 §6]

297.030 Audits, reviews and investigations authorized to be made by the Secretary of State may be assigned to Division of Audits. The audits, reviews or investigations authorized to be made by the Secretary of State may be assigned to the Division of Audits as a part of its functions and duties. [Amended by 1955 c.287 §18; 1987 c.143 §1]

297.040 Payment of costs and expenses of audits authorized by ORS 297.030. The costs and expenses of conducting audits authorized by ORS 297.030 shall be paid from whatever funds are appropriated by law for use in carrying out the provisions of the respective laws relating thereto. The costs and expenses shall be charged and billed to such funds or activities in the same manner as are costs and expenses charged and billed for audits, reviews, investigations and system installations to municipal corporations and the various state departments, boards and commissions. [Amended by 1987 c.143 §2]

297.050 Copy of audit reports to be supplied Legislative Fiscal Officer. The Division of Audits of the office of the Secretary of State shall supply the Legislative Fiscal Officer with a copy of each audit report made by or for the Division of Audits. [1959 c.70 §10]

297.060 Confidentiality of tax records; penalty for disclosure. Information furnished to the Secretary of State by the Department of Revenue and made confidential by ORS 314.835 shall be used by the Secretary of State and the officers and employees of the Secretary of State solely for the purposes of performing the functions of the office of Auditor of Public Accounts as required by section 2, Article VI of the Oregon Constitution, and shall not be used or disclosed for any other purpose. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided by ORS 314.991 (2). [1979 c.690 §17]

INVESTIGATING LOSSES OF PUBLIC FUNDS OR PROPERTY

297.110 Definition for ORS 297.120. As used in ORS 297.120, "public officer" means any elected or appointed state officer, including members of boards and commissions. [1963 c.617 §1]

297.120 Investigating loss of public funds or property by state agency when public officer involved; report to Governor. When a state agency sustains a loss of public funds or property under circumstances involving a public officer who is entrusted with the custody of the funds or property or who is charged with the duty to account for the funds or property, the agency shall report the loss to the Division of Audits. The division may investigate the loss and prepare a report respecting the accountability of the public officer for the loss. The report shall be presented to the Governor. [1963 c.617 §2; 1969 c.199 §48; 1991 c.219 §2]

AUDITING ACCOUNTS OF STATE AND STATE-AIDED INSTITUTIONS AND AGENCIES

297.210 Auditing accounts of state agencies and state-aided institutions and agencies; subpoena; auditing on retirement of executive head of institution or department; terms and compensation of auditors. (1) The Secretary of State, as State Auditor, shall have the accounts and financial affairs of all state departments, boards, commissions, institutions and state-aided institutions and agencies of the state reviewed or audited not less often than once for each three-year period. The Secretary of State may subpoena witnesses, require the production of books and papers and rendering of reports in such manner and form as the Secretary of State requires and may do all things necessary to secure a full and thorough investigation. The Secretary of State shall report, in writing, to the Governor. The report shall include a copy of the report on each audit.

(2) An audit or review shall be made of any institution or department of the state government at any time the executive head of the institution or department, for any reason, retires from the head's office or position.

(3) The Secretary of State shall employ auditors upon such terms and for such compensation as the Secretary of State determines are advantageous and advisable.

(4) If a person fails to comply with any subpoena issued under subsection (1) of this section, a judge of the circuit court of any county, on application of the Secretary of State, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the circuit court. [Amended by 1969 c.135 §1; 1971 c.748 §3; 1983 c.154 §1; 1987 c.143 §3]

297.220 [Repealed by 1969 c.135 §3]

297.230 Payment of cost and expense of audit; crediting moneys to Division of Audits Account. (1) The cost and expense of each and every audit authorized by ORS 297.210 shall be paid pro rata from the appropriation for, or funds under the control of, the office, department, board, commission or institution audited.

(2) All moneys received from the various state departments, boards, commissions, institutions and state-aided institutions and agencies of the state in the payment of the costs of audits and reviews under ORS 297.210 and 297.230 shall be credited to the Division of Audits Account. [Amended by 1977 c.774 §20; 1987 c.143 §4]

297.240 [Repealed by 1977 c.774 §27]

MUNICIPAL AUDIT LAW

297.405 Definitions for ORS 297.020, 297.230, 297.405 to 297.740 and 297.990. As used in ORS 297.020, 297.230, 297.405 to 297.740 and 297.990:

(1) "Accountants" means and indicates all accountants whose names are included in the roster prepared and maintained by the board as required by ORS 297.670.

(2) "Accounts" means and includes all books, papers, files, letters and records of any nature or in any form used in conducting the affairs of the municipal corporation or in recording the transactions thereof.

(3) "Board" means the State Board of Accountancy.

(4) "Fiscal affairs" means and includes all activities of any nature giving rise to or resulting from financial transactions, including compliance with legal requirements applicable to the operation of a municipal corporation.

(5) "Municipal corporation" means a county, city, district or other corporation upon which is conferred powers of the state for the purpose of local government or a public corporation, including a cooperative body formed between municipal corporations, except in a city which by charter establishes a board or commission with responsibility for operating a water and electric utility of the city, which is governed by a board elected by the people, both the city and the board or commission shall be separate municipal corporations within the meaning of ORS 297.405 to 297.555 and 297.990.

(6) "Public corporation" means a corporation the operation of which is subject to control by local government or its officers and which, at least in part, is organized to serve a public purpose of, and receives public funds or other support having monetary value from, such government. [1977 c.774 §2; 1979 c.286 §7; 1987 c.423 §1]

297.410 [Repealed by 1977 c.774 §27]

297.415 Periodic financial reports required. The Secretary of State shall require that periodic reports of financial condition and financial operations be prepared and submitted to the Secretary of State by municipal corporations in such form and at such times as the Secretary of State considers necessary. The periodic reports may be required of all municipal corporations. [1977 c.774 §3]

297.420 [Repealed by 1977 c.774 §27]

297.425 Annual audits required; contracts for audits; expenses; subjects of audit. (1) Except as provided in ORS 297.435, the accounts and fiscal affairs of every municipal corporation shall be audited and reviewed at least once each calendar or fiscal year, and more often if considered advisable by the governing body or managing or executive officer of the municipal corporation. The audits and reviews shall be made by accountants pursuant to contracts entered into by the governing body, or managing or executive officer, and accountants, or by the Secretary of State pursuant to a duly adopted ordinance or resolution, a copy of which shall be furnished to the Secretary of State.

(2) Municipal corporations may contract with accountants, or by ordinance or resolution request the Secretary of State, to develop or revise and install accounting systems.

(3) All contracts for conducting audits and reviews or for developing or revising and installing accounting systems shall be in a form prescribed or approved by the Secretary of State. A copy of each completed contract shall be furnished the Secretary of State.

(4) The compensation for audits and reviews, and installation of accounting systems performed by accountants shall be as agreed upon between the governing body, or managing or executive officer of the municipal corporation, and the accountant, and shall be paid in the same manner as other claims against the municipal corporation are paid.

(5) All expenses and costs incurred by the Secretary of State in conducting audits and reviews, and installing accounting systems for municipal corporations shall be borne by the municipal corporation for which a particular audit, review or installation is made. The expenses and costs shall be paid to the Secretary of State in the same manner as other claims against the municipal corporation are paid.

(6) Audits and reviews required by this section shall inquire into:

(a) The principles of accounting and methods followed by the municipal corporation in recording, summarizing and reporting its financial transactions and financial condition;

(b) The accuracy and legality of the transactions, accounts, records, files and financial reports of the officers and employees of the municipal corporation as they relate to its fiscal affairs; and

(c) Compliance with requirements, orders and regulations of other public officials which pertain to the financial condition or financial operations of the municipal corporation. [1977 c.774 §4; 1987 c.143 §5]

297.430 [Repealed by 1977 c.774 §27]

297.435 Exemption from audit; financial statement and bonding required. (1) Subject to ORS 297.445, the provisions of ORS 297.425 shall not apply to any municipal corporation, except a county or a school district, if, with respect to any one calendar year or fiscal year, the municipal corporation meets all the conditions in either subsection (2) or (3) of this section.

(2)(a) Total receipts from all sources and expenditures for all purposes, including money obtained from borrowing and money expended for debt retirement, did not exceed $100,000 for the year;

(b) The municipal corporation has submitted financial statements for the year to the Secretary of State within 90 days following the end of the year; and

(c) A certificate has been submitted with the financial statements stating that the principal responsible official of the municipal corporation was covered during the entire year by a fidelity or faithful performance bond in an amount at least equal to the total amount of money received by the municipal corporation during the year.

(3)(a) Total receipts from all sources and expenditures for all purposes, including money obtained from borrowing and money expended for debt retirement, exceeded $100,000 but did not exceed $500,000 for the year;

(b) The municipal corporation has submitted financial statements for the year to the Secretary of State within 180 days following the end of the year, and the financial statements have been reviewed by an accountant or the Secretary of State in accordance with standards prescribed by the Secretary of State; and

(c) A certificate has been submitted with the financial statements stating that the official responsible for receiving and disbursing moneys on behalf of the municipal corporation was covered during the entire year by a fidelity or faithful performance bond in an amount at least equal to 10 percent of the total receipts for the year, but not less than $10,000.

(4) The financial statements required by this section shall be in a form prescribed by the Secretary of State and shall be considered audit reports for the purpose of the filing fee required by ORS 297.485.

(5) The provisions of ORS 297.466 apply to financial statements for cities reviewed under subsection (3) of this section. [1977 c.774 §5; 1981 c.245 §1]

297.440 [Repealed by 1977 c.774 §27]

297.445 Petition to audit municipal corporation exempt under ORS 297.435; notice to corporation; audit. (1) ORS 297.435 shall not apply to a municipal corporation for any calendar or fiscal year if a petition requesting an audit, signed by 10 residents of the municipal corporation who are subject to taxes, fees, assessments or other charges levied by the municipal corporation, is filed with the Secretary of State within six months of the end of the fiscal year for which the audit is requested. The Secretary of State shall give notice of the petition to the governing body of the municipal corporation within 10 days of its receipt. Upon receipt of notice of the petition from the Secretary of State, the governing body or managing or executive officer of the municipal corporation shall immediately comply with the provisions of ORS 297.425. If a copy of a signed contract between the governing body or managing or executive officer and an accountant, or a duly authorized ordinance or resolution requesting an audit by the Secretary of State, is not received within 30 days of the dispatch of notice of petition, the Secretary of State shall cause an audit and review to be made of the accounts and fiscal affairs of the municipal corporation designated in the petition.

(2) The costs incurred by the Secretary of State in making the audit and review shall be borne by the municipal corporation, and shall be paid to the Secretary of State in the same manner as other claims against the

municipal corporation. [1977 c.774 §6; 1987 c.143 §6]

297.450 [Repealed by 1977 c.774 §27]

297.455 Audits by Federal Government; review and approval by Secretary of State. If the accounts and fiscal affairs of a municipal corporation are audited and reviewed for a calendar or fiscal year, in accordance with the requirements of ORS 297.465, by auditors provided by the Federal Government, the Secretary of State may accept for review and filing the audit reports of such federal auditors if the reports also comply with the requirements set forth in ORS 297.465. Any such audit reports filed with the Secretary of State shall be subject to the filing fee required by ORS 297.485. If the audits and reviews and resulting audit reports are found by the Secretary of State to comply with ORS 297.465, the municipal corporation will be considered in compliance with ORS 297.425. [1977 c.774 §7; 1987 c.143 §7]

297.459 Furnishing county audit reports to Department of Revenue. An accountant who furnishes an audit report to a county pursuant to ORS 297.465 shall, at the same time, furnish a copy of the audit report to the Department of Revenue. [1989 c.796 §9]

Note: 297.459 was added to and made a part of 297.405 to 297.740 by legislative action but was not added to any other series in ORS chapter 297. See Preface to Oregon Revised Statutes for further explanation.

297.460 [Amended by 1977 c.774 §21; renumbered 297.535]

297.465 Standards for audits; form; filing. (1) The Secretary of State, in cooperation with the State Board of Accountancy, and in consultation with the Oregon Society of Certified Public Accountants, shall prescribe the minimum standards for conducting audits of municipal corporations, preparing the resulting audit reports and expressing opinions upon the financial condition and results of operation for the period under audit. The expression of opinion shall be signed by the accountant signing the contract, or in the case of a partnership or professional corporation, by a partner or stockholder who is an accountant as defined in ORS 297.405, who has personally conducted the audit to an extent satisfactory to the Secretary of State and to the municipal corporation.

(2) The municipal corporation shall be furnished with a written audit report, containing a signed expression of opinion, in the form prescribed by the Secretary of State. A copy of the audit report shall be furnished to each person who was a member of the governing body at the end of the calendar or fiscal year and to each member of the current governing body. Other copies shall be furnished the municipal corporation as are requested by the chairman of the governing body or the managing or executive officer. The accountant shall furnish the audit report to the municipal corporation within six months after the close of the calendar or fiscal year under audit, except that the Secretary of State, for good cause shown, may grant to the accountant a reasonable extension of time.

(3) The municipal corporation shall file one copy of its audit report with the Secretary of State. The report shall be subject to review by the Secretary of State, who may also require submission of the working papers and audit programs of the accountant. If an audit, audit report or expression of opinion is found by the Secretary of State not to be in accordance with the prescribed standards, the Secretary of State shall request compliance. If the accountant fails to comply with the request, the Secretary of State shall so report to the State Board of Accountancy, which thereupon may remove or suspend the name of the accountant from the roster required by ORS 297.670.

(4) Audit reports or financial statements filed with the Secretary of State as required by ORS 297.405 to 297.555 shall include the names, mailing addresses and titles of the officers and members of the governing board of the municipal corporation. The report or statement of a special district shall include the name of its registered agent and the address of its registered office as provided by ORS 198.335 to 198.365. [1977 c.774 §8; 1979 c.646 §3]

297.466 Auditor statement required; procedure for determining and correcting deficiencies; withholding of state funds. (1) In performing an audit and review required under ORS 297.425, the accountant under contract with the municipal corporation or the Secretary of State, whoever performs the audit and review, shall determine if the municipal corporation has, or has not, followed generally accepted governmental accounting principles in reporting its financial condition and operations, established appropriate accounting systems and internal controls and substantially complied with legal requirements in conducting its financial affairs. The determination shall either be included in the signed expression of opinion or otherwise disclosed in the audit report required under ORS 297.465.

(2) Upon receipt of an audit report under ORS 297.465 the governing body of a county or city shall determine the measures it considers necessary to correct any deficiencies disclosed in the report. The governing body shall adopt a resolution setting forth the corrective measures it proposes and the period of time estimated to complete them.

(3) Within 30 days after a county or city files a copy of its audit report with the Secretary of State under ORS 297.465 a copy of the resolution prepared under subsection (2) of this section shall also be filed. Upon receipt of the audit report and the resolution, the Secretary of State shall either acknowledge the city or county's plans to correct deficiencies cited in the audit report or notify the county or city of those deficiencies which, if not corrected, could result in withholding of funds under this section. At the request of the governing body of the city or county the Secretary of State shall make suggestions for correcting those deficiencies. If the governing body of the county or city does not agree with the notification by the Secretary of State, it shall be granted an opportunity for a conference regarding the notification, audit determinations or corrective measures to be taken.

(4) If the Secretary of State concurs with determinations made under subsection (1) of this section in two successive audits and reviews of the same county or city, and determines that the governing body of the county or city has not taken adequate action to correct the deficiencies cited in the notifications given under subsection (3) of this section, the Secretary of State may certify these facts to the State Treasurer, the Director of the Department of Revenue, the Director of Transportation and the Director of the Executive Department. The certificate of the Secretary of State shall only be issued after notice, opportunity to be heard and hearing pursuant to the provisions of ORS 183.310 to 183.550, governing contested cases. The hearing shall be held within the jurisdiction of the county or city.

(5) Upon receipt of a certificate from the Secretary of State under subsection (4) of this section, the State Treasurer, the Director of the Department of Revenue, the Director of Transportation and the Director of the Executive Department shall withhold from distribution to the county or city 10 percent of the moneys otherwise to be distributed to it under ORS 221.770, 323.455, 366.525 to 366.540, 366.785 to 366.820 and 471.805 and 471.810. The moneys withheld shall be disbursed to the county or city only after the officer responsible for disbursement has received notice from the Secretary of State that the governing body of the county or city has taken action to follow generally accepted governmental accounting principles in reporting financial condition and operations and establish appropriate accounting systems and internal controls and will substantially comply with legal requirements in conducting its financial affairs.

(6) The Secretary of State shall not issue a certificate under subsection (4) of this section for failure to follow generally accepted governmental accounting principles if a county or city has followed accounting practices authorized by state law.

(7) As used in this section, "generally accepted governmental accounting principles" means those accounting principles sanctioned by recognized authoritative bodies such as the National Council on Governmental Accounting, the American Institute of Certified Public Accountants, the Financial Accounting Standards Board or their successors. [1979 c.646 §2; 1981 c.245 §3; 1987 c.143 §8]

297.470 [Repealed by 1977 c.774 §27]

297.475 Cancellation of request for Secretary of State assistance. Whenever any municipal corporation has made a request to the Secretary of State, pursuant to ORS 297.425, for the audit of its accounts and fiscal affairs, or for the installation of accounting systems, or both, the municipal corporation may cancel that request by ordinance or resolution adopted and furnished to the Secretary of State at least 90 days prior to the end of a calendar or fiscal year. [1977 c.774 §9]

297.480 [Repealed by 1977 c.774 §27]

297.485 Filing fees. (1) At the time an audit report, prepared by an accountant, is filed with the Secretary of State, as required by ORS 297.465, the municipal corporation shall pay to the Secretary of State a filing fee. The filing fee shall be determined by the total expenditures made by the municipal corporation for any and all purposes during the calendar or fiscal year audited, except that expenditures for principal of bonded debt, principal of short-term loans, principal of warrants redeemed which were issued during prior audit periods, transfers or loans between funds and turnovers of taxes or other trust moneys to other municipal corporations shall not be included in the total expenditures upon which the amount of the fee is based.

(2) The filing fee to be paid shall be as indicated for those municipal corporations whose total expenditures fall within the classifications as follows:

Over	Not Over	Fee
	$ 20,000	$ 10
$ 20,000	50,000	30
50,000	100,000	40
100,000	200,000	50
200,000	350,000	70
350,000	500,000	90
500,000	1,000,000	120
1,000,000	5,000,000	160

5,000,000	200

(3) Audit reports filed by the administrative office of the county, under ORS 328.465 (2), for school districts with less than 1,000 children according to the latest school census in the county, shall be considered one report for purposes of the filing fee required by this section. The filing fee shall be paid by the county administrative office and deducted pro rata from moneys due to the several school districts. [1977 c.774 §10]

297.490 [Repealed by 1977 c.774 §27]

297.495 Extraordinary costs. Any extraordinary work required to be performed by the Secretary of State in connection with any of the audits or the reports thereon filed pursuant to ORS 297.465 shall be compensated by an additional payment to be agreed upon by the Secretary of State and the municipal corporation for which the audit is made or to be made. [1977 c.774 §11]

297.500 [Repealed by 1977 c.774 §27]

297.505 Rules. The Secretary of State, subject to ORS 183.310 to 183.550, may adopt, amend and repeal rules necessary to carry out the provisions of ORS 297.020, 297.230, 297.405 to 297.555 and 297.990. [1977 c.774 §12; 1979 c.286 §9]

297.515 County audits include judicial and law enforcement agencies and officers. The audits of counties required under ORS 297.425 shall include circuit, district and justice courts, their officers and employees, district attorneys and their employees, sheriffs, constables and all other officers and officials elected by the residents of a county or appointed by an official elected by the residents of a county and transacting public business. [1977 c.774 §13]

297.520 [1969 c.518 §3; repealed by 1977 c.774 §27]

297.525 Annual audit of county road work. The annual audit required to be made of the accounts and fiscal affairs of a county shall include a cost audit of the cost account for county road work. [1977 c.774 §13a]

297.530 Subpoena authority of Secretary of State; enforcement; costs. (1) The Secretary of State may subpoena witnesses, require the production of accounts and do all things necessary to assure that the accounts and fiscal affairs of a municipal corporation are subject to a complete audit. If an accountant is denied access to any of the accounts or other information pertaining to the fiscal affairs of a municipal corporation, the accountant may request the Secretary of State to subpoena the accounts, or witnesses who may be able to furnish the necessary information. The accountant shall furnish to the Secretary of State such information as the Secretary of State determines necessary to carry out the provisions of subsections (1) and (2) of this section.

(2) If a person fails to comply with any subpoena issued under subsection (1) of this section, a judge of the circuit court of any county, on application of the Secretary of State, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the circuit court.

(3) All costs necessarily incurred by the Secretary of State or an accountant in carrying out subsections (1) and (2) of this section shall be paid by the municipal corporation. [1983 c.794 §§2, 3]

297.535 Disposition of receipts; Division of Audits Account. (1) All moneys received by the Secretary of State under ORS 297.210, 297.230, 297.425 and 297.445 shall be immediately turned over to the State Treasurer who shall deposit the moneys in the General Fund to the credit of an account to be known as the Division of Audits Account.

(2) The moneys in the Division of Audits Account hereby are appropriated for use in payment of salaries and other expenses or costs of the Division of Audits.

(3) The Secretary of State may use the moneys to the credit of the Division of Audits Account, or any part thereof, for cash advances for travel expenses necessary in carrying out the provisions of ORS 297.020 to 297.555 and 297.990. Any moneys received in reimbursement of these cash advances shall be deposited in the Division of Audits Account. [Formerly 297.460; 1979 c.286 §10]

297.545 Division of Audits Municipal Account. (1) All filing fees received by the Secretary of State under ORS 297.405 to 297.555 shall be immediately turned over to the State Treasurer who shall deposit the moneys in the General Fund to the credit of an account to be known as the Division of Audits Municipal Account.

(2) The moneys in the Division of Audits Municipal Account hereby are appropriated for use in payment of salaries and other expenses or costs incurred by the Division of Audits of the office of the Secretary of State in connection with the carrying out of the provisions of ORS 297.020, 297.230, 297.405 to 297.740 and 297.990. [Formerly 297.660; 1979 c.286 §11]

297.555 Short title. ORS 297.405 to 297.555 and 297.990 may be cited as the Municipal Audit Law. [1977 c.774 §1; 1979 c.286 §12]

297.610 [Amended by 1959 c.238 §1; 1963 c.518 §1; 1965 c.332 §1; repealed by 1977 c.774 §27]

297.620 [Amended by 1961 c.555 §1; 1963 c.301 §1; repealed by 1977 c.774 §27]

297.622 [1963 c.301 §3; 1975 c.450 §1; repealed by 1977 c.774 §27]

297.624 [1963 c.301 §4; repealed by 1977 c.774 §27]

297.626 [1965 c.332 §9; repealed by 1977 c.774 §27]

297.630 [Amended by 1965 c.332 §2; repealed by 1977 c.774 §27]

297.635 [1971 c.267 §2; repealed by 1977 c.774 §27]

297.640 [Amended by 1961 c.555 §3; 1967 c.67 §2; repealed by 1977 c.774 §27]

297.650 [Repealed by 1977 c.774 §27]

297.660 [Amended by 1977 c.774 §22; renumbered 297.545]

ROSTER OF AUTHORIZED ACCOUNTANTS

297.670 Board of Accountancy to prepare and maintain roster of authorized accountants. The State Board of Accountancy shall prepare and maintain a roster of accountants authorized to conduct the municipal audits required by ORS 297.425. [Amended by 1981 c.83 §1]

297.680 Qualifications for authorized accountants; rules for establishing roster of those qualified. (1) Any person residing or having an office for the regular transaction of the business of auditing or accounting in Oregon and holding a permit issued under ORS 673.150 shall be eligible to make application for admission to the roster of authorized accountants referred to in ORS 297.670.

(2) The board shall adopt by rule:

(a) Procedures and qualifications for admitting applicants to the roster;

(b) Procedures for reviewing the qualifications of accountants admitted to the roster for continuance on the roster;

(c) Fees payable upon application for admission to the roster; and

(d) Procedures for making the roster available to municipal corporations described in ORS 297.405 (5) which are subject to the Municipal Audit Law. [Amended by 1959 c.238 §2; 1965 c.332 §3; 1987 c.455 §1]

297.690 [Amended by 1965 c.332 §4; 1973 c.832 §2; repealed by 1987 c.455 §5]

297.700 [Repealed by 1959 c.238 §4]

297.701 Persons on roster on August 5, 1959; removal. Notwithstanding the repeal of ORS 297.700, any person who is on the roster referred to in ORS 297.670 on August 5, 1959, shall remain thereon subject only to removal under ORS 297.710. [1959 c.238 §5]

297.710 Removal of accountant from roster; reinstatement. (1) The board, for cause, may remove from the roster the name of any person appearing thereon and may provide for the reinstatement thereof.

(2) The board shall remove from the roster the name of any person appearing thereon if the person ceases to possess the qualifications described in ORS 297.680. If after such removal the board determines that such person later possesses such qualifications, the board may provide for the reinstatement of that person's name on the roster without an examination. [Amended by 1965 c.332 §5]

297.720 Biennial fee of accountants included on roster. Every auditor or accountant whose name is included on the roster of authorized accountants referred to in ORS 297.670 shall pay to the board biennially a fee for continuance thereon. The fee shall be in an amount not to exceed $100 as determined by the board by rule. [Amended by 1971 c.217 §1; 1981 c.89 §13; 1987 c.455 §2]

297.730 Disposition of fees of board. The fees collected by the board under ORS 297.670 to 297.740 shall be turned over to the State Treasurer who shall deposit the moneys in the General Fund to be credited to the State Board of Accountancy for its use in carrying out the provisions of ORS 297.405 to 297.555 and 297.670 to 297.740. [Amended by 1981 c.83 §2]

297.740 Rules of board. The State Board of Accountancy may promulgate rules necessary to exercise its powers and duties provided in ORS 297.405 to 297.555 and 297.670 to 297.740. [Amended by 1981 c.83 §3]

297.750 [Repealed by 1977 c.774 §27]

297.810 [Repealed by 1967 c.359 §704]

297.820 [Repealed by 1967 c.359 §704]

297.830 [Repealed by 1967 c.359 §704]

297.910 [Formerly 190.120; repealed by 1965 c.351 §4]

297.920 [1961 c.108 §§6, 7; renumbered 190.260]

PENALTIES

297.990 Penalties. In addition to all other penalties, any county court, board of county commissioners or managing or executive officers of any municipal corporation, who violate any of the provisions of ORS 297.405 to 297.555 or fail to have the audits and examinations required by those sections made, upon such violation or failure shall forfeit to the county or other municipality their salaries and fees due them from the county or other municipality; and it shall be unlawful for any officer of such county or municipality to draw any warrant in favor of the members of such court, or such commissioners, or managing or executive officers of such corporation, in payment of such salaries or fees, or to pay the same in any manner. [Amended by 1977 c.774 §23; 1979 c.286 §13]

CHAPTERS 298 TO 304

[Reserved for expansion]