

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 7

BY BUSINESS COMMITTEE

AN ACT

1
2 RELATING TO THE DEPARTMENT OF FINANCE; AMENDING SECTION 67-2754, IDAHO CODE,
3 TO GRANT THE DIRECTOR OF THE DEPARTMENT OF FINANCE THE AUTHORITY TO AP-
4 PROVE A MULTISTATE LICENSING PROGRAM FOR USE BY CERTAIN PERSONS AND TO
5 PROVIDE REQUIREMENTS FOR SUCH PERSONS USING AN APPROVED MULTISTATE LI-
6 CENSING SYSTEM.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 67-2754, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-2754. POWERS OF DIRECTOR. The director shall have the following
11 powers and authority under this act:

12 (1) Investigations. The director may make such public or private in-
13 vestigations within or without this state as he deems necessary to deter-
14 mine whether any person has violated this act or is attempting or conspir-
15 ing to violate this act. The investigative powers of the director under this
16 act shall include, but not be limited to, participating in joint or multi-
17 state investigations with any regulatory or law enforcement agencies of this
18 state, any other state, the federal government or authorized agency thereof,
19 or any regulatory or law enforcement agency of another country. The direc-
20 tor may also participate in any antifraud or criminal information network or
21 service available to the director or the department.

22 (2) Statements. The director may require or permit any person to file
23 a statement in writing, under oath, to appear before the director and give
24 testimony, or otherwise, as the director may determine, as to all the facts
25 and circumstances concerning the matter to be investigated.

26 (3) Publication. The director may publish information concerning any
27 violation or attempted violation of this act, or any rule or order hereunder.

28 (4) Subpoenas and production. Either in the course of an investiga-
29 tion, or in any administrative proceeding brought pursuant to this act, in
30 addition to the powers and penalties set forth in section 67-2717, Idaho
31 Code, the director may subpoena documents and witnesses, take evidence,
32 require the production of any books, papers, correspondence, memoranda,
33 agreements or other documents or records in any form or on any media, which
34 the director, in his discretion, deems material or relevant.

35 (a) Failure to comply. In case of contumacy or refusal to obey a sub-
36 poena or order to compel production issued to any person, any court of
37 competent jurisdiction, upon application by the director, may issue
38 to that person an order requiring him to appear before the director or
39 the officer designated by him, to produce documentary evidence if so
40 ordered, to appear and produce testimony if so ordered, or to give evi-
41 dence relating to the matter under investigation or proceeding and any

1 failure to obey such order of the court may be punished by the court as a
2 contempt of court.

3 (b) Use of evidence or testimony. No person is excused from attending
4 and testifying, from producing any document or record before the direc-
5 tor or obeying the subpoena of the director or any officer designated by
6 him or in any proceeding instituted by the director on the ground that
7 the testimony or evidence, documentary or otherwise, required of him
8 may tend to incriminate him or subject him to a penalty or forfeiture;
9 but no individual may be prosecuted or subjected to any penalty or for-
10 feiture for or on account of any transaction, matter or thing concerning
11 which he is compelled, after claiming his privilege against self-in-
12 crimination, to testify, except that the individual so testifying shall
13 not be exempt from prosecution and punishment for perjury committed in
14 so testifying.

15 (5) Licensing and registration. The director may approve a multistate
16 licensing system for use by persons seeking to obtain, maintain and retain
17 a license under the laws administered by the department of finance. A per-
18 son who chooses to use an approved multistate licensing system for licensure
19 shall comply with all procedures, requirements and policies of that licens-
20 ing system including, but not limited to, fees, renewal dates, reinstatement
21 periods, reports and deadlines and may not convert to an alternative licens-
22 ing system without the prior written consent of the director.