

IN THE SENATE

SENATE BILL NO. 1006

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-302, IDAHO
2 CODE, TO REVISE THE REQUIREMENTS FOR NOTICE FILINGS FOR CERTAIN FEDERAL
3 COVERED SECURITIES AND TO MAKE A TECHNICAL CORRECTION.
4

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

6 SECTION 1. That Section 30-14-302, Idaho Code, be, and the same is
7 hereby amended to read as follows:

8 30-14-302. NOTICE FILING. (a) Required filing of records. With re-
9 spect to a federal covered security, as defined in section 18(b)(2) of the
10 securities act of 1933 (15 U.S.C. 77r(b)(2)), that is not otherwise exempt
11 under sections 30-14-201 through 30-14-203, Idaho Code, a rule adopted or an
12 order issued under this chapter may require the filing of any or all of the
13 following records:

14 (1) Before the initial offer of a federal covered security in this
15 state, all records that are part of a federal registration statement
16 filed with the securities and exchange commission under the securities
17 act of 1933 and a consent to service of process complying with section
18 30-14-611, Idaho Code, signed by the issuer and the payment of a fee of
19 three hundred dollars (\$300) for mutual funds and one hundred dollars
20 (\$100) for unit investment trusts;

21 (2) After the initial offer of the federal covered security in this
22 state, all records that are part of an amendment to a federal registra-
23 tion statement filed with the securities and exchange commission under
24 the securities act of 1933; and

25 (3) To the extent necessary or appropriate to compute fees, a report
26 of the value of the federal covered securities sold or offered to per-
27 sons present in this state, if the sales data are not included in records
28 filed with the securities and exchange commission; and

29 (4) Each series or portfolio of an investment company offering shall be
30 required to make a separate notice filing. Separate notice filings for
31 classes of an investment company are not required ~~se~~ as long as classes
32 are used solely as a method of distinguishing payment plans within a se-
33 ries or portfolio.

34 (b) Notice filing effectiveness and renewal. A notice filing under
35 subsection (a) of this section is effective for one (1) year commencing on
36 the later of the notice filing or the effectiveness of the offering filed
37 with the securities and exchange commission. On or before expiration, the
38 issuer may renew a notice filing by filing a copy of those records filed by
39 the issuer with the securities and exchange commission that are required
40 by rule or order under this chapter to be filed and by paying a renewal fee
41 of three hundred dollars (\$300) for mutual funds and one hundred dollars
42 (\$100) for unit investment trusts. A previously filed consent to service of

1 process complying with section 30-14-611, Idaho Code, may be incorporated by
2 reference in a renewal. A renewed notice filing becomes effective upon the
3 expiration of the filing being renewed.

4 (c) Notice filings for federal covered securities under section
5 18(b)(4)(D) and (F). With respect to a security that is a federal covered
6 security under section 18(b)(4)(D) and (F) of the securities act of 1933 (15
7 U.S.C. 77r(b)(4)(D) and (F)), a rule or order under this chapter may require
8 a notice filing by or on behalf of an issuer ~~to~~ and may include a copy of form
9 D, or other filing requirements as determined by the director of the depart-
10 ment of finance, and the payment of a fee of fifty dollars (\$50.00).

11 (d) Stop orders. Except with respect to a federal security under sec-
12 tion 18(b)(1) of the securities act of 1933 (15 U.S.C. 77r(b)(1)), if the ad-
13 ministrator finds that there is a failure to comply with a notice or fee re-
14 quirement of this section, the administrator may issue a stop order suspend-
15 ing the offer and sale of a federal covered security in this state. If the
16 deficiency is corrected, the stop order is void as of the time of its issuance
17 and no penalty may be imposed by the administrator.