

MINUTES OF THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE.

The meeting was called to order by Chairperson Al Lane at 9:02 a.m. on February 22, 2000 in Room 521-S of the Capitol.

All members were present except:   Rep. Bob Grant - excused  
  Rep. Mike O'Neal - excused  
  Rep. Rick Rehorn - excused

Committee staff present:       Bob Nugent, Revisor of Statutes  
  Jerry Donaldson, Legislative Research Department  
  Dennis Hodgins, Legislative Research Department  
  Bev Adams, Committee Secretary

Conferees appearing before the committee: Michael Murray, Sprint

Others attending:       See attached list

Handout from Susan Somers, Board of Accountancy, showing the 20% paid into the State General Fund. (Attachment 1)

**Final Action on HB 2938 - Relaxation of restrictions on interstate practice of public accountancy**

Rep. Humerickhouse made a motion to pass out the bill favorably. It was seconded by Rep. Beggs. Rep. Ruff made a motion to adopt the amendments as written in the balloon in the testimony by T. C. Anderson. (Attachment 1, February 18, 2000) It was seconded by Rep. Beggs. The motion carried. The original motion was changed to be passed out favorably as amended. The motion carried.

**Final Action on HB 2580 - Telephone solicitations; automated dialing machines.**

A motion was made by Rep. Welshimer and seconded by Rep. Henry to pass out the bill favorably. Rep. Welshimer made a motion to adopt the amendments contained in the balloon. (Attachment 2) It was seconded by Rep. Ruff. During discussion the bill was amended beginning on page 2, line 22, by striking "8" and changing to "5" in both places. The motion carried. The original motion was changed to be passed out favorably as amended. The motion passed.

Mike Murray, Sprint, answered questions pertaining to the balloon on **HB 2580** during discussion on the motion to amend the bill.

The meeting was adjourned at 9:15 a.m. The next meeting will be announced.

HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE  
GUEST LIST

DATE: February 22, 2000

NAME	REPRESENTING
<i>Sta. Parsons</i>	<i>Snood &amp; Associates</i>
<i>did not get passed</i>	

KANSAS BOARD OF ACCOUNTANCY REVENUE JOURNAL

**FY00 (AS OF 1/31/00)**

PERMITS TO PRACTICE	\$121,953
RECIPROCITY CERTIFICATE	10,575
KANSAS CERTIFICATES	1,175
ADMINISTRATIVE FINES	3,250
MISCELLANEOUS FEES	<u>340</u>
TOTAL GROSS RECEIPTS:	\$137,293
20% TO STATE GENERAL FUND AS OF 1/31/00	\$ 27,411

**FY99**

RECEIPTS:

PERMITS TO PRACTICE	\$ 165,310
RECIPROCITY CERTIFICATES	19,350
KANSAS CERTIFICATES	1,975
ADMINISTRATIVE FINES	2,250
MISCELLANEOUS FEES	184
FURNITURE SALES	<u>90</u>
TOTAL RECEIPTS:	\$189,159
	=====
20% TO STATE GENERAL FUND FOR FY 99	\$ 37,814

**FY98**

EXAM FEES	\$ 1,842
PERMITS TO PRACTICE	145,690
RECIPROCITY CERTIFICATES	27,800
KANSAS CERTIFICATES	1,075
MISCELLANEOUS FEES	365
FURNITURE SALES	<u>1,194</u>
TOTAL GROSS RECEIPTS:	\$177,966
	=====
20% TO GENERAL FUND FOR FY 98	\$ 35,271

*Susan Somers*

HOUSE BUSINESS, COMMERCE & LABOR  
2-22-2000  
Attachment 1

## HOUSE BILL No. 2580

By Representative Johnston

8-5

9 AN ACT concerning consumer protection; relating to automated an-  
10 nouncing devices; amending K.S.A. 1999 Supp. 50-670 and repealing  
11 the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1999 Supp. 50-670 is hereby amended to read as  
15 follows: 50-670. (a) As used in this section:

16 (1) "Consumer telephone call" means a call made by a telephone  
17 solicitor to the residence of a consumer for the purpose of soliciting a  
18 sale of any property or services to the person called, or for the purpose  
19 of soliciting an extension of credit for property or services to the person  
20 called, or for the purpose of obtaining information that will or may be  
21 used for the direct solicitation of a sale of property or services to the  
22 person called or an extension of credit for such purposes;

23 (2) "unsolicited consumer telephone call" means a consumer tele-  
24 phone call other than a call made:

25 (A) In response to an express request of the person called;

26 (B) primarily in connection with an existing debt or contract, payment  
27 or performance of which has not been completed at the time of such call;

28 (C) to any person with whom the telephone solicitor or the telephone  
29 solicitor's predecessor in interest had an existing business relationship if  
30 the solicitor is not an employee, a contract employee or an independent  
31 contractor of a provider of telecommunications services; or

32 (D) by a newspaper publisher or such publisher's agent or employee  
33 in connection with such publisher's business;

34 (3) "telephone solicitor" means any natural person, firm, organiza-  
35 tion, partnership, association or corporation who makes or causes to be  
36 made a consumer telephone call, including, but not limited to, calls made  
37 by use of automatic dialing-announcing device;

38 (4) "automatic dialing-announcing device" means any user terminal  
39 equipment which:

40 (A) When connected to a telephone line can dial, with or without  
41 manual assistance, telephone numbers which have been stored or pro-  
42 grammed in the device or are produced or selected by a random or se-  
43 quential number generator; or

2-2

1 (B) when connected to a telephone line can disseminate a recorded  
 2 message to the telephone number called, either with or without manual  
 3 assistance;

4 (5) "negative response" means a statement from a consumer indicat-  
 5 ing the consumer does not wish to listen to the sales presentation or  
 6 participate in the solicitation presented in the consumer telephone call.

7 (b) Any telephone solicitor who makes an unsolicited consumer tel-  
 8 ephone call to a residential telephone number shall:

9 (1) Identify themselves;

10 (2) identify the business on whose behalf such person is soliciting;

11 (3) identify the purpose of the call immediately upon making contact  
 12 by telephone with the person who is the object of the telephone  
 13 solicitation;

14 (4) promptly discontinue the solicitation if the person being solicited  
 15 gives a negative response at any time during the consumer telephone call;  
 16 and

17 (5) hang up the phone, or in the case of an automatic dialing-an-  
 18 nouncing device operator, disconnect the automatic dialing-announcing  
 19 device from the telephone line within 25 seconds of the termination of  
 20 the call by the person being called; and

21 (6) a live operator or an automated dialing-announcing device shall  
 22 answer the line within 15 seconds of the beginning of the call.

23 (c) A telephone solicitor shall not withhold the display of the tele-  
 24 phone solicitor's telephone number from a caller identification service  
 25 when that number is being used for telemarketing purposes and when  
 26 the telephone solicitor's service or equipment is capable of allowing the  
 27 display of such number.

28 (d) A telephone solicitor shall not transmit any written information  
 29 by facsimile machine or computer to a consumer after the consumer  
 30 requests orally or in writing that such transmissions cease.

31 (e) A telephone solicitor shall not obtain by use of any professional  
 32 delivery, courier or other pickup service receipt or possession of a con-  
 33 sumer's payment unless the goods are delivered with the opportunity to  
 34 inspect before any payment is collected.

35 (f) Local exchange carriers and telecommunications carriers shall not  
 36 be responsible for the enforcement of the provisions of this section.

37 (g) Any violation of this section is an unconscionable act or practice  
 38 under the Kansas consumer protection act.

39 (h) This section shall be part of and supplemental to the Kansas con-  
 40 sumer protection act.

41 Sec. 2. K.S.A. 1999 Supp. 50-670 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its  
 43 publication in the statute book.

8 seconds of the beginning of the call when the telephone solicitor's service or equipment is able to provide a live operator or an automated dialing-announcing device within 8 seconds of the beginning of the call.