

Approved: February 21, 2001

Date

Carl Dean Holmes

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:05 a.m. on January 30, 2001 in Room 526-S of the Capitol.

All members were present.

Committee staff present: Lynne Holt, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Committee Secretary

Conferees appearing before the committee: Steve Rarrick, Attorney General's Office
Ernest Pogge, AARP
Mike Murray, Sprint
Doug Smith, Direct Marketing Association

Others attending: See Attached List

Chairman Holmes asked for bill introductions from the committee. Rep. Alldritt requested that a committee bill be introduced that would revoke the service portability charge that local exchange carriers levy where there is no local portability. Rep. Alldritt moved that this bill be introduced, Rep. O'Brien seconded the motion, motion carried. Rep. Alldritt requested that the committee introduce a House Concurrent Resolution asking the governor to declare an energy resource emergency, under K.S.A. 74-619. Rep. Alldritt moved that this resolution be introduced. Rep. O'Brien seconded the motion, motion carried. Chairman Holmes requested that a resolution be introduced that would allow the utility companies to operate a loan program for insulation going into attics. Rep. Sloan moved that the resolution be introduced. Rep. Alldritt seconded the motion, motion carried.

HB 2100 -Telemarketer no-call list

Steve Rarrick, Deputy Attorney General- Consumer Protection Division of the Attorney General's office, testified in support of **HB 2100 (Attachment 1)**. Mr. Rarrick stated there are 23 states that have do-not-call laws in place. He also stated that the Attorney General supports the bill as drafted, but would not support it if additional exemptions were added.

Dr. Ernest Pogge, appearing on behalf of AARP in Kansas, appeared as a proponent of **HB 2100 (Attachment 2)**. Dr. Pogge stated they believe that consumers have a right to personal privacy and should be able to reject intrusive marketing practices and communications.

Mike Murray, Director of Governmental Affairs for Sprint, spoke to the committee in opposition to **HB 2100 (Attachment 3)**. Mr. Murray outlined activities that would have to be done if this bill is passed. He also included with his testimony a Direct Marketing Association Telephone Preference Service form, a proposed balloon amendment and a copy of the Session 2000 **House Bill 2580**.

Doug Smith, appearing on behalf of the Direct Marketing Association (D.M.A.), spoke against **HB 2100 (Attachment 4)**. Mr. Smith stated that the D.M.A. is not opposed to do-not-call lists, but is opposed to state specific lists as outlined in the bill. Mr. Smith cited the expense and duplicate paper work that could be involved with **HB 2100**.

The conferees responded to questions from the committee.

Chairman Holmes reminded the committee that they would work **HB 2034** on Thursday. He also set the agenda for Wednesday. The entire committee will meet at the regular time, with sub-committee assignments made. At approximately 10:15, the sub-committees will adjourn and the whole committee will reconvene to introduce any bills recommended.

Meeting adjourned at 10:34 a.m. Next meeting will be Wednesday, January 31, 2001.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: January 30, 2001

NAME	REPRESENTING
Ernest C. Pogge	AARP
Bill Sneed	SW Bell
Doug Smith	Dehart, Darr & Associates
Colleen Harrell	KCC
Michelle Whit	Kearney Law Office
Dan Helton	CR
Steve Miller	Sunflower
Clare Gustin	Sunflower
Rob Holjes	KTIA
Tom Gleason	Independent Telecom Group
Erik Santorius	K.C. Regional Assoc. of Realtors
BILL YANEK	KS Assn of REALTORS
Ernie Troth	KFB
Frank Van Fleet	KBB
Mary Jo Van Fleet	KFB
Jessie J. Jackson	✓ In Co.
Dwight J. Jackson	✓ In Co.
Nancy Blaghenessy	Federal Consulting
JANET BUCHANAN	KCC
GARY MORAN	KFB

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: January 30, 2001

NAME	REPRESENTING
DENNY KOCH	SWB
Mike Rogus	
Jon Miles	KEC
Kelly Kullala	City of Overland Park
Phil Clubine	Montgomery Co.
Frank Clubine	Allen Co
Harry Clubine	Allen Co F.B.
Tom Norris	Sumner Co. F.B.
Helen Norris	Ka Farm Bureau (Su Co)
WALKER HENDRIX	CUKB
Steve Montgomery	MEIUW
Nancy Lindberg	AG office
Ann Salt	AG office
Mike Murray	Sprint
Wayne Kitchen	Western Resources
Jay Wilson	MCPHERSON CU FARM BUREAU
BRUCE GRAHAM	KEPCO
DOUG LAWRENCE	Connect KANSAS
Gail Bright	A.G.
Nelson Krueger	Western Wireless
Cynthia Smith	KEPC



State of Kansas

Office of the Attorney General

CONSUMER PROTECTION/ANTITRUST DIVISION

120 S.W. 10TH AVENUE, 2ND FLOOR, TOPEKA, KANSAS 66612-1597
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CARLA J. STOVALL
ATTORNEY GENERAL

Testimony of
Steve Rarrick, Deputy Attorney General
Consumer Protection Division
Office of Attorney General Carla J. Stovall
Before the House Utility Committee
RE: HB 2100
January 30, 2001

CONSUMER HOTLINE
1-800-432-2310

Chairperson Holmes and Members of the Committee:

Thank you for the opportunity to appear before you this morning on behalf of Attorney General Carla J. Stovall to testify in support of HB 2100. My name is Steve Rarrick and I am the Deputy Attorney General for Consumer Protection.

Last session, I spent considerable time before legislative committees testifying about telemarketing, and specifically, "do-not-call" or "no call" legislation. The purpose of these laws is simply to allow citizens to put a stop to unwanted and unsolicited telemarketing calls. Do-not-call legislation is sweeping the country. At this time last year, 17 states had do-not-call laws in place. Now, 23 states have do-not-call laws in place to protect their citizens from unwanted telemarketing calls. The popularity of these laws became apparent when 47,000 Missouri residents signed up in the first two days of registration for their new do-not-call law, with approximately 252,000 signing up since December 11, 2000.

The Consumer Protection Division receives countless inquiries and complaints about telemarketing by phone, at the State Fair, and when office representatives give educational presentations throughout the State. Consumers are always asking how to stop telemarketing calls and regularly express support for a do-not-call law to Consumer Protection staffers as we speak to groups across the State.

It appears that Kansans overwhelmingly support the enactment of a do-not-call law. Last September, the Consumer Protection Division conducted a survey at the Kansas State Fair. Of the 801 Kansans who participated in our survey, 800 supported a do-not-call law. The one person who said he would oppose such a law just happened to be a manager at a telemarketing company.

You may hear that there is already a means for consumers to stop telemarketing calls by participating in the Direct Marketing Association (DMA) do-not-call list. While participating in the DMA list will reduce calls to a consumer's residence, unlike the 23 state do-not-call laws currently in place, the DMA program is a voluntary program run by one private industry association, with

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ATTACHMENT 1

absolutely no enforcement mechanism. It is only members of the DMA who voluntarily agree to access and abide by the list, and even these members are not subject to any sanctions for calling consumers on the DMA list. Consumers on the DMA list continue to receive calls from telemarketers who are not members of the DMA. Finally, there is no remedy for consumers who are called by DMA members who have ignored the list, nor are these companies subject to prosecution.

There has also been discussion about creating a do-not-call law in Kansas using the DMA list. Unfortunately, we see many problems with such a proposal. Such a law would expose individuals and companies to a civil penalty based on a list created and maintained by a private association, with no statutory guidelines set by the legislature, which may constitute an unlawful delegation. The fees charged for access to the DMA list, which are not set by statute, are significantly higher than the access fees charged in the Oregon model used to draft HB 2100. It was our understanding last year that the DMA charged between \$400 and \$750 for companies to access their list, as opposed to approximately \$120 charged under the Oregon model used to draft HB 2100. In addition, HB 2100 would allow trade associations to access the Kansas list for approximately \$120, and distribute it to its members for free, bringing the cost down even more for small businesses. To the best of my knowledge, the DMA does not allow trade associations to access the DMA list to distribute to their membership at a reduced or no cost.

You may also hear that there are do-not-call protections under the FTC Telemarketing Sales Rule, which allow consumers to ask each individual telemarketer to take their name off their calling list. Unfortunately, this protection does very little to curb telemarketing calls to an individual consumer's home. First, the consumer must receive the call from each telemarketer, ask the telemarketer to remove his/her name from it's calling list, and then keep a record/log of each telemarketer that he/she has asked to remove his/her name from the calling list. If the consumer receives a call from that telemarketer again, he/she must be able to verify from his/her record/log to prove that this telemarketer was previously instructed to remove his/her name from the calling list. Finally, the consumer must repeat this process for every telemarketer in the country in order to eliminate telemarketing calls. As you can imagine, consumers cannot successfully eliminate calls using the Telemarketing Sales Rule method.

Finally, you may hear that creating a do-not-call list in Kansas will impose unreasonable costs on national telemarketers. However, we have been told it was opposition by the telemarketing industry that prevented the creation of one national do-not-call list (maintained by the Federal Trade Commission) several years ago. Now, rather than paying to access one national list, national telemarketers must pay to access 23 separate state do-not-call lists, and the number of states enacting do-not-call lists is increasing each year. With this trend in mind, one would think the telemarketing industry would want to re-think their opposition to a single national list.

HB 2100 would do the following:

- Amend the current business relationship exemption in K.S.A. 50-670 from an "existing" business relationship, to "a business relationship within the last 36 months" (page 1, lines 31-32). This will give a reasonable limitation to the exemption, yet still allow businesses to offer extended warranties, etc., to customers who have bought products or services within the last 36 months.
- Prohibit telephone solicitors from making unsolicited telephone calls to a consumer on the then-current do-not-call list. The list would be updated monthly. A 15-day grace period is provided for telemarketers after publication of each monthly list. We would oppose any grace period longer than 15 days, as today's modern technology will allow telemarketers to integrate the list into their systems within that time frame.
- Define "qualified trade association" (page 2, lines 8-12) and allows them to access the list and distribute it to members. This provision will allow small Kansas businesses to access the list through a trade association rather than purchasing the list directly, thus substantially decreasing the cost to small businesses.
- Direct the Attorney General to advertise and contract for maintenance of the do-not-call database with an outside administrator. The company maintaining the list will be paid from fees paid by telemarketers accessing the list and consumers signing onto the list (page 4, lines 35-37). This funds the maintenance of the list without taxpayer dollars. In Oregon, telemarketers pay \$120 a year to access the list on a monthly basis. Consumers pay \$6.50 for the first year, and \$3.00 for renewals each year thereafter.
- Authorize the Attorney General to implement rules and regulations regarding the operation and administration of the do-not-call program (page 4, lines 38-40).
- Require the Kansas Corporation Commission to implement rules and regulations requiring notice by telecommunications providers and wireless telecommunications service providers to inform consumers of the do-not-call law and how a consumer can register (page 4, lines 41-43).
- Once the program is successfully bid and in place, the Attorney General's responsibility is primarily enforcement.

Finally, we would point out to the committee and the revisor that the word "of" should be replaced with the word "to" at page three, line one.

The Attorney General supports HB 2100 as drafted, but would not support it if additional exemptions are added. Some of our colleagues in other states with do-not-call laws have warned us that their laws are ineffective because of numerous exemptions for selected segments of industry. For example, Kentucky's "do-not-call" law has twenty-two exemptions. The Kentucky Attorney General's web site warns consumers that, "[u]nfortunately, it is estimated that over 95% of the businesses or non-profit organizations which conduct telemarketing sales are exempt under the act and will not be required to honor the no-call list." As a result, if this legislature chooses to pass a do-not-call law, the Attorney General urges it to do so without adding exemptions to those currently set forth in K.S.A. 50-670.

On behalf of Attorney General Stovall, I urge your favorable consideration of House Bill 2100. I would be happy to answer any questions of the chair or the members. Thank you.



in Kansas

AARP Kansas Business Center
Southwest Plaza Office Building
3601 SW 29th Street, Suite 125
Topeka, KS 66614
(785) 228-2557
(785) 228-2531 Fax

January 30, 2001

Good morning Representative Holmes and Members of the House Utilities Committee. My name is Dr. Ernest Pogge and I am a volunteer member of the AARP Kansas State Legislative Committee. The State Legislative Committee represents the views of our more than 350,000 members in the state. Thank you for this opportunity to express our views in support of House Bill 2100.

We believe that consumers have a right to personal privacy and should be able to reject intrusive marketing practices and communications. The federal Telemarketing Sales Rule requires each telemarketer to develop a do-not-call list. If a consumer asks the telemarketer to be placed on the list, the telemarketer is prohibited from calling the consumer again. Unfortunately for consumers, they have to receive the call from the telemarketer before they can be placed on the list. This has not been satisfactory for consumers who do not want to receive calls.

Several states have enacted do-not-call legislation that permits consumers to place their name on a state list. Telemarketers are usually required to obtain the list, and are prohibited from calling anyone whose name appears on the list. These laws in FL, GA, OR and twenty other states have started a trend in the development of such laws at the state level.

AARP supports HB 2100 .

- We support the concept of a Kansas administered do-not-call list that regulates the practices of telephone solicitors.
- As rules and regulations are developed, we ask that you ensure the entity responsible for updating the list should do so monthly.
- We believe the bulk of the financial responsibility should never fall on the consumer.

Thank you again for this opportunity. I stand ready to answer questions.

601 E Street, NW Washington, DC 20049 (202) 434-2277
Esther "Tess" Canja, President Horace B. Deet

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ATTACHMENT 2



Before the House Utilities Committee
Tuesday, January 30, 2001
HB 2100
Mike Murray
Director of Governmental Affairs

Thank you Mr. Chairman for the opportunity to appear today in opposition to HB 2100 which would establish and require use of a state-specific do not call list.

HB 2580, KCC Do Not Call Rules and Regulations

As you are aware, the 2000 Legislature passed HB 2580 which ordered the KCC to adopt rules and regulations requiring notification of consumers by telecommunications providers of their rights under current Kansas and federal law, and of the remedies available now through the Direct Marketing Association's Telephone Preference List. The legislation set a deadline of July 1, 2001, for the KCC to act, and that process is still ongoing. The telecommunications providers have cooperated with the KCC and have acted in good faith. We believe this process should be allowed to reach its conclusion before any state do not call legislation is considered further.

HB 2100

A state-specific Do Not Call list is no silver bullet to get rid of unwanted telemarketing calls. There is a lot of bureaucratic paperwork associated with a state Do Not Call list as is contemplated in HB 2100. The State would have to:

- accurately collect the consumer information including date of request, full name, address, city, state, zip code and telephone number (with all 10 digits).
- store the data in a secure facility,
- output updated files on a consistent basis for telemarketing firms to access,
- keep the list up-to-date as consumers move within the state or change their telephone numbers,
- correct area code changes when splits occur,
- remove telephone numbers that are recycled by the local telephone company, and
- remove consumers' records who move out of state or are deceased.

Telemarketers cannot be held responsible for telephone numbers that are no longer owned by the original consumers who requested to be put on the list. In fact, the new owners of the telephone numbers have a right to receive telemarketing solicitations.

For the State to distribute monthly the updated Do Not Call list, it will need at least 30 days to add new requests to the file, update incorrect information, perform maintenance on area code changes, and output the files for shipping.

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Telemarketing companies realistically require about 90 days from the receipt of the most recent state Do Not Call list to stop calling a specific consumer. The telemarketer needs about 30 days to receive the newly updated file and remove the consumer from all calling lists being loaded for calling. It takes another 60 days to call through an entire list of names. Of course, most consumers are called very early in the 60 day period, but a few percent will take longer to reach.

Consumers who are added to the list should expect to see a significant reduction in the number of telemarketing calls they receive in the first 30 days after the telemarketing company receives the updated list and a complete cessation of calls 90 days after the list is updated and received.

In order for the state to enforce compliance and investigate complaints by consumers who have received calls after this 90 day period has elapsed, the state must keep a record of three dates:

- The date the consumer requested to be added to the Do Not Call list.
- The date the consumer's complete record was made available to the telemarketing companies for suppression.
- The required "compliance date" beyond which no calls should be made to that consumer.

Without this information it is impossible to tell if a telemarketing company has broken the law.

Any list that is not properly maintained will soon be outdated with incorrect information making it useless for enforcement of Do Not Call violations

There are other pitfalls inherent in a government-run state do not call list which can lead to customer and constituent dissatisfaction.

- When a person asks to have their name and number on the Do Not Call list, the request may not be complete. For instance, many times they forget to submit their phone number or their area code or both.
- Some are completely illegible.
- Some people think they mailed them, but didn't. Others are lost in the mail.
- Some register their phone number today, then they move and forget to register the new number.
- Some register only one phone number and forget to register the other phone numbers in their household.
- Some people are impatient, and while their request is being processed, they get called and they are unhappy.
- And finally, there are human data entry errors.

Consumers, as do constituents, have high expectations. They expect to send in their request to sign up for the Do Not Call list and have their phone stop ringing in a few days. When that doesn't happen, due to processing time and updating cycles, the State is likely to be criticized for not processing requests fast enough. And this is especially true if the consumer has paid a fee to be placed on the list.

When a request is incomplete, illegible, or lost in the mail, and unwanted telemarketing calls continue, the consumer is going to blame someone, and that someone is going to be the State of Kansas.

Sprint's Current Do Not Call Procedures and Policies

Sprint utilizes the Direct Marketing Association Telephone Preference Service List in its telemarketing. There are about 35,000 Kansans on this list.

Sprint maintains its own internal list of consumers who have told Sprint directly that they do not wish to receive telemarketing calls. Creation and maintenance of such an internal list is an FCC requirement. Sprint is subject to fines and lawsuits if consumers continue to be called by Sprint after adding their name and number to this list.

A Proposed Amendment to HB 2100

As we did last year, we ask the Committee to amend New Section 2 of HB 2100 to exclude from the provisions of the bill any entity which utilizes the Direct Marketing Association Telephone Preference Service List and which maintains and utilizes the FCC-required internal company-specific do not call list.

Thank you, and I'd be happy to respond to questions.



The DMA Telephone Preference Service

If you want to reduce the number of unsolicited national telemarketing calls you receive at home, you may register with TPS, a free service, by printing out this form, filling it in and mailing it to:

TELEPHONE PREFERENCE SERVICE
 DIRECT MARKETING ASSOCIATION
 P. O. BOX 9014
 FARMINGDALE, NY 11735-9014

The DMA does not provide marketers with consumer telemarketing lists. The TPS file is available to companies for the sole purpose of removing your name, address and home telephone number from their calling lists. Your information will remain on TPS for 5 years. This service does not apply to telemarketing calls coming to your business phone.

After several months you will begin receiving fewer telemarketing calls. Local businesses and organizations usually do not use this program. You will continue to receive calls from companies with which you already do business.

Not all companies use TPS to purge their calling lists, therefore, you may continue to receive some companies' calls. If you are sure you do not want to do business with the company now or in the near future, ask to be placed on the company's do-not-call file.

PLEASE REGISTER MY NAME WITH TELEPHONE PREFERENCE SERVICE.

NAME: _____

STREET: _____ APT#: _____

CITY: _____

STATE: _____ ZIP CODE: _____ - _____

TELEPHONE NUMBER: _____

SIGNATURE: _____

3-4

5-2

1 (1) Annual inserts in billing statements mailed to consumers which
2 shall contain the specified notice form; or

3 (2) conspicuous publication of the specified notice form in the con-
4 sumer information pages of local telephone directories.

5 Sec. 3. K.S.A. 2000 Supp. 50-670 is hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.

(i) Telephone solicitors who utilize the Direct Marketing Association Telephone Preference Service List and who maintain and utilize company-specific do not call lists as required by the Federal Communications Commission are exempt from the provisions of this Section.

As Amended by Senate Committee

As Amended by House Committee

Session of 2000

HOUSE BILL No. 2580

By Representative Johnston

8-5

12 AN ACT concerning consumer protection; relating to ~~automated an-~~
13 ~~nouncing devices~~ *unsolicited consumer telephone calls*; amending
14 K.S.A. 1999 Supp. 50-670 and repealing the existing section.
15

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

17 *New Section 1. No later than July 1, 2001, the state corporation*
18 *commission shall adopt rules and regulations that:*

19 (a) *Require all local exchange carriers and telecommunications*
20 *carriers to collectively develop a method or methods for annually*
21 *notifying residential subscribers of their rights and remedies avail-*
22 *able to them under the Kansas consumer protection act, the tele-*
23 *phone consumer protection act and the telemarketing and consumer*
24 *fraud and abuse prevention act and the availability of the direct*
25 *marketing association's telephone preference service.*

26 (b) *Require the information provided to residential subscribers*
27 *in subsection (a) to specify, at a minimum, the following: The*
28 *method of registering with the telephone preference service at no*
29 *cost to the subscribers; the frequency with which the data base*
30 *maintained by the telephone preference service is updated; the*
31 *types of calls registered subscribers should still expect to receive;*
32 *the measures subscribers must take to register if they move or re-*
33 *ceive a new telephone number; the duration for registration and the*
34 *procedures for registration renewals; and the remedies available to*
35 *registered subscribers if they receive unsolicited consumer tele-*
36 *phone calls pursuant to K.S.A. 1999 Supp. 50-670, and amendments*
37 *thereto.*

38 (c) *Establish guidelines for acceptable methods to inform all tel-*
39 *ephone solicitors in Kansas of: The requirements for membership in*
40 *the direct marketing association; charges for members and nonmem-*
41 *bers of the direct marketing association to access the data base of*
42 *the telephone preference service; and options available to telephone*
43 *solicitors for accessing Kansas-specific portions of the data base.*

3-6

Direct Marketing Association

TESTIMONY HOUSE UTILITIES COMMITTEE HOUSE BILL NO. 2100 January 30, 2001

Dear Chairman Holmes and Honorable Members of the House Utilities Committee:

Thank you for the opportunity to appear before you this morning. My name is Doug Smith. I appear on behalf of the Direct Marketing Association (DMA), which serves as a professional trade association for direct marketers, with over 4,700 members. The DMA is the oldest and largest national trade association, serving the direct marketing industry since 1917. Our representative membership includes such businesses as IBM, Time Inc., Proctor & Gamble, Microsoft and many others.

We have many member companies with headquarters in Kansas and other member companies with extensive operations in Kansas. The employment opportunities and financial impact generated by this industry is important to the Kansas economy.

Do not call lists are not a new phenomenon. Many states have struggled with the issue. While 23 states have some form of a do not call list (6 states have their list maintained by telemarketers) at least 14 states have rejected these types of proposals since 1999.

While the DMA is not opposed to do not call lists, we are opposed to state specific lists as provided for in House Bill No. 2100.

We know that there are consumers in Kansas who desire the goods and services provided by our members. Yet, we are also aware of consumers who do not want telephone solicitations in their home. If we can identify these consumers in advance we won't call, and if they tell us not to call anymore we can't - it's the law. Two federal laws require that businesses involved in telemarketing maintain an in-house suppression list - that is a list of consumers who have requested removal of their name from calling lists. The names on this list must remain there for a period of at least ten years. There is no cost to the consumer to be placed on an in-house suppression list.

A state specific do not call list can be expensive, especially if an annual renewal is required. Most states require the consumer to pay an annual fee to place their name on the state specific list.

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ATTACHMENT 4

The Direct Marketing Association sponsors, at no cost to consumers, three national name-removal services - the Mail Preference Service (MPS) for direct mail marketers, Email Preference Service (EPS) and the Telephone Preference Service (TPS). The TPS is a compilation of telephone numbers from consumers nationwide, over 2.5 million names reside on the TPS list, who desire to receive fewer telephone-marketing calls at home. The DMA's Telephone Preference Service is a private service, free to consumers, paid for by the industry and provided to subscribing members for the past 20 years. Consumers on the TPS list remain for a five-year period.

This TPS list is just one of two free options available to consumers wanting to reduce the number of telemarketing calls they receive. The other option is the in-house suppression list, which is maintained by telephone solicitors as required by FCC's "Telephone Consumer Protection Act of 1991" and FTC's "Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994". We would also note that once the consumer asks to be on the in-house suppression lists the exemptions under the federal acts for existing relationships terminate. The language regarding the "36 month business relationship" in Section 1(2)(C) of the bill may not be necessary because of these provisions.

A state specific do not call list is duplicative of already effective efforts - the DMA's TPS and in-house suppression lists.

No list or program is going to eliminate all unsolicited telephone calls. The bad actors, those who fail to follow the federal law are not going to adhere to Kansas law. The Direct Marketing Association feels very strongly that all states should continue to increase their consumer education programs, informing consumers of federal law and the no cost options available. Only when consumers are educated and know how to handle these unscrupulous telemarketers will these bad actors follow the law. House Bill No. 2580 passed by the 2000 legislature was an alternative method for consumer education. The Kansas Corporation Commission is still in the process of collecting information and developing the administrative rules necessary to implement this legislative policy. It is far too early to judge the success or failure of this action.

It is our desire to continue working with the State of Kansas to ensure that there will be fair implementation and enforcement of the laws without impeding fair trade practices.

We would oppose the do not call list as outlined by House Bill No. 2100. However, we are aware of legislation being drafted in the Kansas Senate, which is yet to be introduced, that may be a good compromise and provide satisfactory results for consumers in Kansas.

Thank you for your consideration.

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