

Approved: May 1, 2002  
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 12:30 p.m. on March 28, 2002 in Room 526-S of the Capitol.

All members were present except: Representative Jerry Williams

Committee staff present: Robert Chapman, Legislative Research  
Dennis Hodgins, Legislative Research  
Mary Torrence, Revisor of Statutes  
Jo Cook, Administrative Assistant

Conferees appearing before the committee: Doug Smith, Direct Marketing Association  
George Barbee, Kansas Association of Financial Services  
Ernest Pogge, AARP  
Leslie Kaufman, Kansas Farm Bureau  
Steve Rarrick, Office of the Attorney General

Others attending: See Attached List

**Sub SB 296 - Unsolicited consumer telephone calls; no-call list**

Chairman Holmes opened the hearing on **Substitute for SB 296**. The chairman stated that due to the committee having already spent several days on no call legislation, testimony would be limited.

Doug Smith, on behalf of the Direct Marketing Association and the other industry members, spoke to the committee in support of **Sub SB 296**,

George Barbee, representing the Kansas Association of Financial Services, appeared in support of **Sub SB 296 (Attachment 1)**. Mr. Barbee stated they support no call legislation and urged the committee to amend the bill to include the language in **Sub HB 2100**.

Ernie Pogge, AARP, appeared in opposition to **Sub SB 296 (Attachment 2)**. Mr. Pogge requested the committee consider no call legislation that put the Attorney General's office in charge of oversight and enforcement.

Leslie Kaufman, Associate Director of Public Policy Division for Kansas Farm Bureau, testified in opposition to **Sub SB 296 (Attachment 3)**. Ms. Kaufman stated they had concerns regarding the impact the bill would have on their affiliates' ability to pursue memberships.

Steve Rarrick, Deputy Attorney General for the Consumer Protection Division of the Office of the Attorney General, testified against **Sub SB 296 (Attachment 4)**, however, he stated they are in support of no call legislation that is effective and enforceable. In response to a request from the Chairman, Mr. Rarrick provided amendments for the proposal to replace the language in the bill with that of **Sub HB 2100**.

Written testimony in opposition to **Sub SB 296** was submitted by Terry Humphrey, Kansas Trial Lawyers Association (Attachment 5).

Chairman Holmes closed the hearing on **Sub SB 296** and opened debate on the bill.

Representative Sloan moved to do a 'gut and go' and substitute the language from Sub HB 2100 into the bill. Representative McLeland seconded the motion. Motion carried. Representative Sloan moved to adopt the language contained in the proposed balloon distributed by the Attorney General's Office (Attachment 4) on pages 1, 3, 4 (except the first two sentences) and 5. Representative Myers seconded the motion. Representative Krehbiel moved to divide the motion by pages. On motion for page one, motion carried. On motion for page two, motion carried. On motion for page 4, request to divide, part 1, motion carried, part 2, motion carried; part 3, motion carried and part 4, motion carried. On motion for page 5, motion carried. Representative Loyd moved to add the first sentence on page 4 from the Attorney General's balloon. Representative Kuether seconded the motion. The motion failed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 12:30 p.m. on March 28, 2002.

Representative Sloan moved to recommend **House Substitute for Substitute SB 296**, as amended, favorable for passage. Representative Lightner seconded the motion. Motion carried. Representative Loyd will carry the bill.

**SB 547 - Rural Kansas self-help gas act**

Chairman Holmes opened the debate on **SB 547**. Representative Sloan distributed a proposed balloon amendment (Attachment 6) and moved to adopt. Representative Lightner seconded the motion. Motion failed. Representative Loyd moved to recommend **SB 547** favorable for passage. Representative Krehbiel seconded the motion. Motion carried. Representative Loyd will carry the bill.

Meeting adjourned at 1:28 p.m.

The next meeting will be March 29, 2002.