

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:08 a.m. on March 6, 2002 in Room 526-S of the Capitol.

All members were present.

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: Representative Nile Dillmore
Representative Dean Newton
Steve Rarrick, Office of the Attorney General
Barbara Withee, AARP
J. Ted Walters, Kansas Association of Retired School Persons
Matt Fletcher, InterHab
Bob Geers, ARC of Kansas
Kevin Walker, Heart Association
Gary White, Kansas Trial Lawyers Association

Others attending: See Attached List

Chairman Holmes announced the schedule for working bills and asked for a motion to introduce a resolution regarding a national no call list. Representation Compton moved to introduce a resolution to be sent to the Federal Trade Commission to establish a national 'do not call' registry. Representative Kuether seconded the motion. The motion carried.

HB 2100 - Unsolicited consumer telephone calls; do-not call list

HB 2903 - Telemarketer no-call list

Chairman Holmes opened the hearing on **HB 2100** and **HB 2903**. As previously announced, testimony may include reference to any bill currently dealing with no call legislation.

Representative Nile Dillmore, 92nd District and **HB 2903** sponsor, encouraged the committee to pass effective no call legislation (Attachment 1). Representative Dillmore stated that current law is weak and ineffectual in stopping unwanted calls. He detailed the provisions needed in a no call bill and rebutted objections.

Representative Dean Newton, 21st District, appeared as a proponent of no call legislation (Attachment 2). Representative Newton outlined what the legislation would accomplish if the language in **SB 538** was adopted. He stated that the Direct Marketing Association's (DMA) list is not sufficient to protect Kansas consumers. He told the committee to not wait to see what happens at the federal level, but to pass a clean no call list with few exemptions. Representative Newton responded to questions from the committee.

Steve Rarrick, Deputy Attorney General for the Consumer Protection Division, appeared on behalf of the Attorney General in support of no call legislation (Attachment 3). Mr. Rarrick stated that while the Attorney General's office supports no call legislation, it opposes the exclusive use of the DMA list. He posed several possible constitutional problems with **SB 296**. Mr. Rarrick urged the committee to pass no call legislation that is based on **SB 538** and the use of INK for the database.

Barbara Withee, on behalf of AARP, spoke in support of no call legislation (Attachment 4). Ms. Withee stated they had no objections to allowing a private contractor to maintain the list, but the state's oversight, investigatory, and enforcement ability should not be compromised. Ms. Withee included, with her testimony, AARP's Privacy Policy, a printout from the DMA's website, and a statement about conflict of interest and the DMA.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:08 a.m. on March 6, 2002.

J. Ted Walters, Kansas Association of Retired School Personnel, testified in support of no call legislation (Attachment 5). Mr. Walters told the committee that people shouldn't have to give up their privacy just because they have a telephone. Hanging up on the telemarketer is not a good argument, especially for some of our older people who may have difficulty hanging up on callers. Screening calls with caller ID systems also doesn't work as this could incur additional cost to the consumer for equipment.

Matt Fletcher, on behalf of InterHab, addressed the committee in support of no call legislation (Attachment 6). Mr. Fletcher stated that a do not call list maintained by the Attorney General's office would be an effective way to help disabled consumers. He stated that the unsolicited intrusion of a telemarketer into the life of a person with developmental disabilities could represent a significant challenge to their ability to successfully live independently.

Bob Geers, on behalf of the ARC of Kansas, spoke to the committee supporting **SB 538** and other no call legislation (Attachment 7). Mr. Geers said that the use of the telephone by telemarketers confuses the population represented by ARC.

Kevin Walker, advocate for the Heart Association, spoke to the committee in support of no call legislation.

Gary White, Kansas Trial Lawyers Association, appeared in support of the creation of a do not call list (Attachment 8). Mr. White explained that they supported the creation of the list to protect the privacy of Kansas consumers and to provide an effective means to prevent unwanted telemarketing calls. He also stated that the legislation would only be effective if the Attorney General's office managed the list.

The conferees responded to questions from the committee.

The hearing on **HB 2100** and **HB 2903** was suspended until March 7, 2002.

The meeting adjourned at 10:55 a.m.

The next meeting will be March 7, 2002.