

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:30 a.m. on February 28, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present:

April Holman, Legislative Research Department
Bob Nugent, Revisor of Statutes
Lea Gerard, Secretary

Conferees appearing before the committee:

April Holman, Legislative Research Department
Steve Rarrick, Deputy Attorney General
Rob Hodges, President, Kansas Tele. Industry Assoc.
Dr. Ernest C. "Ernie" Pogge, AARP
Scott Killingsworth, Pekañitor Productions

Others attending:

See attachment list.

Steve Rarrick, Deputy Attorney General, Consumer Protection Division, testified on behalf of the Attorney General in support of **HB 2099** stating the Attorney General, Kansas Corporation Commission and members of the telecommunications industry have been working together over the past two sessions to amend the current slamming law that was passed in 1998. This bill includes clean-up language and also includes a private slamming cause of action for non-consumers entities but does not contain the controversial cramming provisions that permitted this bill from passing last session. This bill will allow organizations that have no protection under Kansas law currently to bring their own private cause of action for slamming (Attachment 1).

Dr. Ernest Pogge, Volunteer member of the AARP State Legislative Committee testified in support of **HB 2099** stating that slamming and cramming are two of the most frequent problems cited by older telephone consumers. Slamming takes place in the context of high-pressure telephone contacts or as part of a contest in which participants are not fully informed that they have authorized a change in their long distance carrier. Cramming occurs when an elderly consumer is charged for subscription services without proper authorization to do so (Attachment 2).

Scott Killingsworth, Pekañitor Productions testified in support of **HB 2099** stating slamming is a real problem in that his business brings in a lot of dollars through their 800 number. The business publishes a comic book that reaches out nation-wide, world-wide with subscribers in Canada and Italy. This is an extremely important bill to his business to be protected from slamming. Mr. Killingsworth summarized the history his business has had in the past without his authorization to change the company's long distance carrier. In one instance, his business lost their 800 number service for 19 days. This bill would give their company a cause of action for slamming (Attachment 3).

Rob Hodges, President of the Kansas Telecommunications Industry Association testified in support of **HB 2099** (Attachment 4).

Senator Steineger moved, seconded by Senator Emler that HB 2099 be recommended favorably for passage and placed on the consent calendar. The voice vote was in favor of the motion. Senator Steineger will carry the bill.

The Chair requested that April Holman, Legislative Research Department and Bob Nugent, Revisor of Statutes provide information regarding the changes on **HB 2004**.

April Holman, Legislative Research Department briefed the committee on **SB 298** and **HB 2034** that deal with emergency wireless 911 service. Comparison of E911 bills attached (Attachment 5).

Senator Emler requested information on the fiscal notes for both bills and why the difference. **SB 298** has a fiscal note of 6 million dollars and **HB 2034** is a 10 million dollar positive note.

Meeting adjourned.

Next meeting scheduled March 01, 2001 at 8:30 a.m.