

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on March 14, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Ann Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Upon motion by Senator Ranson, seconded by Senator Barone, the Minutes of the March 10, 2000 meeting were unanimously approved.

HB 2580 - Telephone solicitations; automated dialing machines

HB 2891 - Telemarketer no-call list

SB 539 - Telemarketers required to honor call list

The Chair recalled the Committee's action on **HB 2580**, stating there is presently a substitute motion by Senator Barone before the Committee which would amend modifications to **SB 539 into HB 2580. (Attachment 1)** The question was asked and a requested roll call vote was taken. **The motion failed on a vote of Yes - 3; No - 8. Senators Barone, Feleciano and Steineger voting Yes.**

The Committee considered the original motion made by Senator Ranson that **HB 2580 be amended by directing the Kansas Corporation Commission to adopt rules and regulations reflected in (Attachment 2).**

Senator Umbarger made a substitution motion, seconded by Senator Steffes, that HB 2580 be amended by inserting a New Section 1 which reads as follows: "No later than July 1, 2001, the State Corporation Commission shall adopt rules and regulations that: (a) Require all local exchange carriers and telecommunications carriers to collectively develop a method or methods for annually notifying residential subscribers of their rights and remedies available to them under the Kansas Consumer Protection Act, the Telephone Consumer Protection Act and Telemarketing and Consumer Fraud and Abuse Prevention Act and the availability of the Direct Marketing Association's Telephone Preference Service. (b) Require the information provided to residential subscribers in (a)(1) to specify, at a minimum, the following: the method of registering with the telephone preference service at no cost to the subscribers; the frequency with which the data base maintained by the telephone preference service is updated; the types of calls registered subscribers should still expect to receive; the measures subscribers must take to register if they move or receive a new telephone number; the duration for registration and the procedures for registration renewals; and the remedies available to registered subscribers if they receive unsolicited consumer telephone calls pursuant to K.S.A. 1999 Supp. 50-670, and amendments thereto. (c) Establish guidelines for acceptable methods to inform all telephone solicitors in Kansas of: the requirements for membership in the Direct Marketing Association; charges for members and non-members of the Direct Marketing Association to access the data base of the telephone preference service; and options available to telephone solicitors for accessing Kansas-specific portions of the data base." and renumber Section 1 as Section 2. The voice vote was unanimous in favor of the substitute motion.

Senator Umbarger moved, seconded by Senator Steffes, that HB 2580 be amended on

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Page 2, by striking Lines 22, 23, 24, 25, 26 and 27, and inserting the following: “a live operator or, for the sole purpose of identifying the telephone solicitor, an automated dialing-announcing device shall answer the line within five seconds of the beginning of the call. It shall not be a violation of this act if the response to a completed call is delayed beyond five seconds due to equipment limitations, equipment failures or a live operator’s physical inability to respond.” The motion failed on a voice vote.

Senator Brownlee moved, seconded by Senator Donovan, that HB 2580 be amended on Page 2, at Line 24, following the word”call” inserting a period (.); strike the balance of the line, strike all of Line 25, 26 and 27 and insert the following: “If answered by an automated dialing-announcing device, the message provided shall include only the information required in section (b)(1) and (2) above, but shall not include any unsolicited advertisement.” The voice vote was in favor of the motion.

Senator Ranson moved, seconded by Senator Brownlee, that a Substitute for HB 2580 be recommended favorably for passage. The recorded vote was unanimous in favor of the motion.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for March 15, 2000