

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:40 a.m. on February 19, 2003, in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

John Gann, Kansas Association of Insurance Finance Advisors (written only)
Joe Molina, Asst. Attorney General for Consumer Protection/Antitrust Division, Attorney General's Office
Niki Christopher, Citizens' Utility Ratepayer Board (CURB)
Barbara Withee, AARP
Ted Walters, Kansas Association of Retired School Personnel
Robert E. Geers (written only)
Shannon Jones, Statewide Independent Living Council of Kansas (written only)
Bill Kennedy, Riley County Attorney
Marlee Carpenter, Kansas Chamber of Commerce & Industry

Others attending: see attached list

SB 126 - Exemption to no-call act for purpose of arranging a face-to-face meeting

Chairman Vratil opened the hearing on **SB 126**. Conferee Gann, Kansas Association of Insurance Finance Advisors, submitted written testimony in support of **SB 126**. ([Attachment 1](#))

Joe Molina, representing the Attorney General's Office, testified in opposition of **SB 126** and the proposed exemptions to the No-Call Act. Mr. Molina related that Attorney General Kline believes that the Legislature approved a strong workable No-Call Act, and amending the Act to include numerous exemptions will only weaken the law. He stated that the Attorney General opposes this bill that attempts to exempt unsolicited consumer telephone calls made for the sole purpose of arranging a subsequent fact-to-face meeting between a salesperson and the consumer. ([Attachment 2](#))

Conferee Christopher spoke in opposition to **SB 126**, and stated that CURB does not think that substantive changes should be made right now to the No-Call Act. She said that this proposed bill creates an unnecessary large loophole in the Do Not Call protections. ([Attachment 3](#))

Conferee Withee testified in opposition to **SB 126** on behalf of AARP Kansas. She asked the Committee to oppose this bill, and maintain no-call legislation that protects the privacy and well being of Kansans. ([Attachment 4](#))

Conferee Walters testified against **SB 126**, and said his organization believed that consumers have a right to personal privacy and should be able to reject unwanted intrusive marketing practices and communications. He stated that the Kansas No-Call law was effective and did believe it should be left alone for a couple of years before any exceptions or modifications are made. ([Attachment 5](#))

Robert E. Geers submitted written testimony in opposition of **SB 126**. ([Attachment 6](#))

Shannon Jones submitted written testimony in opposition of **SB 126**. ([Attachment 7](#))

Chairman Vratil closed the hearing on **SB 126**.

SB 188 - Amending the No-Call Act to include the FTC No-Call list

Chairman Vratil opened the hearing on **SB 188**. Conferee Molina testified in support of this proposed legislation which would allow cellular telephone numbers to be registered on the Kansas No-Call list, provide for the transfer of information of the Kansas No-Call list to the national No-Call list and specify that the consumer registration information shall not be considered a public record under the Kansas Open Records Act. He stated that the Attorney General also supported the amendment that specifies the

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consumer registration information on the Kansas No-Call list shall not be considered a public record under the Kansas Open Records Act. (Attachment 8)

Committee questions and discussion followed concerning how residential phone numbers and business numbers would be distinguished between each other on cell phones. Question was asked in regard to why there is a sunset provision for the No-Call list in 2008, and the Revisor advised that the No-Call list was good for five years and it was a requirement by the Open Records Act. Senator O'Connor questioned the fiscal note regarding the possibility of GovConnect incurring an extra cost when adding the cellular phone numbers. (Attachment 9)

Conferee Christopher testified as neutral on behalf of CURB, and again stated that giving the program more time would be prudent before making changes to the rules of the No-Call program. She suggest a provision be added in Section 1 that defines what kind of phone numbers are eligible for Do No Call protection. Her written testimony on **SB 188** was included with her previous testimony on **SB 126**. (See Attachment 3)

There being no opponents appearing before the Committee, the Chairman closed the hearing on **SB 188**.

SB 171 - Changes the lower dollar limit of felony theft

Chairman Vratil opened the hearing on **SB 171**. Bill Kennedy testified in support of **SB 171** to increase the threshold cost of felonies in various nonperson statutes from the current threshold of \$500 to that of \$2,000. He said that changing the threshold to \$2,000 will eventually lower the prison population by changing criminal history, plus lower the costs of prosecution. (Attachment 10)

Conferee Carpenter submitted written testimony on behalf of the Kansas Chamber of Commerce and Industry and the Kansas Retail Council. (Attachment 11)

The Chair closed the hearing on **SB 171**.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is February 20, 2003.