

January 24, 2019

The Honorable Joe Seiwert, Chairperson  
House Committee on Energy, Utilities and Telecommunications  
Statehouse, Room 481-W  
Topeka, Kansas 66612

Dear Representative Seiwert:

**SUBJECT:** Fiscal Note for HB 2004 by Representative Rhiley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2004 is respectfully submitted to your committee.

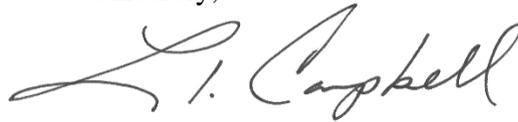
HB 2004 would amend the No-Call Act to require any telephone solicitor who makes an unsolicited consumer telephone call to ensure a live operator answers the line within five seconds. The bill would prohibit any person or entity using an automatic dialing-announcing device to make calls to a mobile telephone number or resident unless:

1. The person being called consented to such calls;
2. The call is in connection to an existing debt, contract, payment, or performance that had not been completed at the time of the call;
3. The call is with an individual who has an established business relationship with the caller; and
4. The call is between 9:00 a.m. and 8:00 p.m.

The bill would prohibit the use of an automatic dialing-announcing device to make calls to a hospital, ambulatory surgical center, recuperation center, ambulance service, emergency medical service facility, mental health center, psychiatric hospital, state institution for the intellectually disabled, law enforcement agency, or a public or private fire department. Additionally, the bill would prohibit the sale, rent, or conveyance of a telephone number to any out-of-state person or entity unless the source of the telephone number can be determined by contacting a telecommunications provider. The bill would also prohibit the transmission of misleading or inaccurate caller information with the intent to defraud, cause harm, or wrongfully obtain anything of value. These provisions would not apply to law enforcement agencies or when a court order authorizes the use of caller identification manipulation.

According to the Office of the Attorney General, enactment of HB 2004 could result in it issuing additional penalties of up to \$10,000 per violation of the No-Call Act. However, the agency indicates that the fiscal effect cannot be estimated because the calls described in the bill generally originate from overseas call centers, beyond the jurisdiction of the agency. Any fiscal effect associated with HB 2004 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Larry L. Campbell  
Director of the Budget

cc: Willie Prescott, Office of the Attorney General