

**MICROFILM DIVIDER**

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1284

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*LuCosta Rickford*  
Operator's Signature

10/3/03  
Date

10

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1284

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1284

House Industry, Business and Labor Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
1		X	1414-3807

Committee Clerk Signature *Beth Leier*

Minutes: **CHAIR KEISER:** Opened hearing on HB 1284

**REP. KASPER:** Described bill. This is a strict prohibition of telephone consumer profiling.

**REP. KEISER:** Will the penalty also apply to out-of-state companies? Rep. Kasper replied that most profiling would be within ND. We cannot reach out of state boundaries.

**REP. JOHNSON:** What about the information that is already out there? Can we do anything. Rep. Keiser replied that no, we cannot do anything about previous information.

**REP. SEVERSON:** Would our citizens lose out if other states can do it? Rep. Kasper noted that ND is a unique state and the citizens have made it clear that they want protection. This would eliminate unwanted calls. This bill does more good than bad.

**REP. SEVERSON:** Would this impact in-state telemarketers? Rep. Kasper replied that he does not know if we call out-of-state.

**REP. EKSTROM:** Why is this not under wiretap statutes? Rep. Kasper said he cannot speak to wiretap laws.

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*10/3/03*  
Date

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House Industry, Business and Labor Committee

Bill/Resolution Number 1284

Hearing Date 1-28-03

**DAN KUNTZ**(Qwest Corp): Opposed with copies of federal regulations. Although Qwest is not opposed to protection, they are opposed to the bill because it is over broad and vague.

Federal law already does what the intent of the bill is, but is also inconsistent with federal regulations.

**REP. ZAISER**: Are there other exemptions from the restrictions Rep. Kasper is worried about?

Kuntz replied that he does not know. The attorneys deal with the specifics.

**REP. ZAISER**: How much information is used for marketing? Rules limit how Qwest limits their own marketing. Not sure what telemarketers get from Qwest, but they can get information from directory information.

**REP. KASPER**: Is there customer profiling within the subsidiaries of Qwest? Kuntz replied that he does not know beyond what the regulations say. If it is CPNI information, then they use it.

**REP. EKSTROM**: If someone is in violation of the regulation, what are the penalties? Kuntz did not know. Chair Keiser asked Kuntz to get the information to Rep. Thorpe, who is carrying the bill.

**DAVID CROTHERS** (ND Assoc. of Telephone Cooperatives): Said the bill is impractical because rural areas are unique. They have overlapping directories and fears this bill will prohibit that.

**REP. SEVERSON**: Do you have knowledge of customer profiling? Crothers replied that he is not aware of any and when he asked the independent companies, they assured him they do not do profiling.

**CHAIR KEISER**: Closed bill on HB 1284.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1284

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 2/04/03

Tape Number	Side A	Side B	Meter #
3		x	36.0-41.3

Committee Clerk Signature

*Judith Hammer*

Minutes: **Chairman Keiser** called for committee work on HB 1284.

**Rep. Kasper** stated that the utilities came in and made the case that this bill does not need to go forward. I regretfully move a **Do Not Pass**.

**Rep. Froseth** seconded the motion.

Results of the roll call voter were: **14-0-0**.

**Rep. Thorpe** will carry this on the floor.

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*10/3/03*  
Date

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**FISCAL NOTE**  
Requested by Legislative Council  
01/28/2003

Bill/Resolution No.: HB 1284

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Although the passage of this bill will have a fiscal impact, it is not possible at this time to predict the amount of the impact.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Although the passage of this bill will have a fiscal impact, it is not possible at this time to predict the amount of the impact.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Although the passage of this bill will have a fiscal impact, it is not possible at this time to predict the amount of the impact.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Although the passage of this bill will have a fiscal impact, it is not possible at this time to predict the amount of the impact.

<b>Name:</b>	Parrell Grossman/Kathy Roll	<b>Agency:</b>	Office of Attorney General
<b>Phone Number:</b>	701-328-3404/328-3622	<b>Date Prepared:</b>	01/31/2003

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10/3/03  
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Date: 2/4/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1284

House Industry, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Kasper Seconded By Froseth

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelser	✓		Rep.Boe	✓	
Rep. Severson, Vice-Chair	✓		Rep. Ekstrom	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Froseth	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Kasper	✓				
Rep. Klein	✓				
Rep. Nottlestad	✓				
Rep. Ruby	✓				
Rep. Tieman	✓				

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Thorpe

If the vote is on an amendment, briefly indicate intent:

La Costa Rickford 10/3/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
February 5, 2003 11:20 a.m.

Module No: HR-22-1698  
Carrier: Thorpe  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HB 1284: Industry, Business and Labor Committee (Rep. Kelsner, Chairman)**  
recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1284 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-22-1698

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2003 TESTIMONY

HB 1284

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