

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3596-01  
Bill No.: HB 1587  
Subject: State Attorney General; Business and Commerce; Consumer Protection;  
Telecommunications  
Type: Original  
Date: March 4, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2005	FY 2006	FY 2007
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005	FY 2006	FY 2007
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

### FISCAL IMPACT - Small Business

This proposal could have a fiscal impact on small businesses who use telemarketing.

### DESCRIPTION

The proposed legislation would add a definition for “ADAD” (automatic dialing and announcing device) and definitions for “consumer,” “established business relationship,” “seller,” and “telemarketer” in the Telemarketing No-Call Law.

The proposal would also modify the definition of “telephone solicitation” as it pertains to the telemarketing no-call list. In current law, communications made by or on behalf of an entity with whom the residential subscriber has had a business contact within the past 180 days or a current business or personal relationship are not considered telephone solicitations. In the proposal, only communications made by or on behalf of any person or entity with whom a residential subscriber has an established business relationship or personal relationship would not be considered telephone solicitations.

In current law, the definition of the term “telephone solicitation” also excludes communications made by or on behalf of entities regulated by federal agencies if: (1) the entity is licensed or certified to sell the merchandise being offered; and (2) the entity is required by law or rule to maintain a no-call list. This exclusion would be eliminated by the proposal.

The proposal also would eliminate exclusions for communications by a natural person responding to a referral or working from his or her primary residence or by a person licensed by the state in a trade, occupation, or profession who is trying to make an appointment relating to the licensed activity.

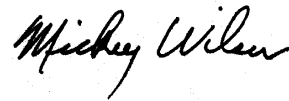
The proposal contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of the Attorney General  
Office of State Courts Administrator

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 4, 2004