



**House
Legislative
Analysis
Section**

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**TELEPHONE SOLICITATIONS:
STATE DO-NOT-CALL LIST**

House Bill 4861

Sponsor: Rep. Mark Schauer

House Bill 4862

Sponsor: Rep. Samuel Buzz Thomas

House Bill 4863

Sponsor: Rep. Ken Bradstreet

Committee: Energy and Technology

Complete to 9-11-01

A SUMMARY OF HOUSE BILLS 4861, 4862, AND 4863 AS INTRODUCED 6-5-01

The bills would amend the Michigan Campaign Finance Act (MCL 169.205 et al.), the Public Safety Solicitation Act (MCL 14.302), and the Charitable Organizations and Solicitations Act (MCL 400.272), respectively, to prohibit certain “professional fund-raisers”—i.e., professional political fund-raisers, professional public safety fund-raisers, and professional charitable fund-raisers—from soliciting by telephone people whose names were on a state do-not-call list. The bills would do this by requiring the Public Service Commission to establish or adopt a state do-not-call list and prohibiting professional fund-raisers from calling individuals on the list. Professional fund-raisers would still be permitted to solicit contributions from individuals who had given prior express invitation or permission to be contacted or those who had made a contribution to the candidate, committee, organization, or other person within the previous two years. The bills would also set forth certain requirements for professional fund-raisers who made authorized telephone solicitations.

More specifically, the bills would do the following:

State do-not-call list. All three bills would require the Public Service Commission (PSC), within 90 days after the bills took effect, to either establish a state do-not-call list or designate an existing do-not-call list as the authorized state do-not-call list. In deciding whether to establish or designate a do-not-call list, the bills would require the PSC to consider comments from individuals, professional fund-raisers, or any other person.

If the PSC established a state do-not-call list, it would have to publish that list quarterly for use by telephone solicitors (that is, professional fund-raisers). The PSC could at any time stop keeping an established state do-not-call list and instead designate an existing national do-not-call list as the authorized list.

If the PSC chose to designate an existing national do-not-call list as the authorized list, the bills would require the PSC to first investigate any national do-not-call lists then in existence to consider each list’s accessibility to professional fund-raisers as well as the ease and cost of

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registration to individuals who sought to be included on the list. After investigating existing national do-not-call lists and considering their accessibility and the ease and cost of registration, the PSC could designate an existing national do-not-call list as the “authorized” do-not-call list for the state. The PSC could review and designate a different list at any time if either (a) the PSC determined that an alternative do-not-call list provided superior accessibility to professional fund-raisers and ease and cost of registration to individuals seeking inclusion or (b) the organization maintaining the previously designated do-not-call list engaged in activities the commission considered to be contrary to the public interest. The PSC also could at any time discontinue a designated do-not-call list and instead establish and maintain its own state do-not-call list.

Use of state do-not-call list. Beginning 90 days after the Public Service Commission established or designated a do-not-call list, professional fund-raisers would be prohibited from making a telephone solicitation to anyone whose name was on the then-current version of the list. The bills also would prohibit professional fund-raisers from using a do-not-call list for any purpose other than not calling people on the list.

If the PSC established and kept its own state do-not-call list, the bills would prohibit it from selling or transferring the list to any person for any purpose unrelated to the bills (that is, for any purpose other than using it as a list for not calling people).

Requirements for telephone solicitors and telephone solicitations. The bills would require “telephone solicitors” (that is, professional fund-raisers), at the beginning of a telephone solicitation, to state their names and the full name of the candidate, committee, organization, or other person on whose behalf the fund-raiser had initiated the call.

The bills also would require the telephone solicitor to provide a telephone number, on request, of the candidate, committee, organization, or other person, and a live (“natural”) person would have to be available to answer that telephone number at any time when telephone solicitations were being made. The person answering the telephone number would have to provide the caller with information describing the candidate, committee, organization, or other person on whose behalf the telephone solicitation had been made to the caller and would have to describe the telephone solicitation.

Caller ID blocking. The bills would prohibit professional fund-raisers from intentionally blocking or otherwise interfering with the caller ID of individuals called, so that the telephone number of the professional fund-raiser was not displayed on the telephone of the individual being solicited.

Recorded messages. The bills would prohibit professional fund-raisers making telephone solicitations from using recorded messages, in whole or in part.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.