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Senate JOINT RESOLUTION NO. 14

INTRODUCED BY *Rep. McCarthy Shea* BENEDICT Deherty

Carlson *Heitel* *Anderson* *Bohlinger* *Thomson*

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO STUDY
6 THE EFFECTS OF AND POSSIBLE REMEDIES TO TELEMARKETING FRAUD; AND REQUIRING A REPORT
7 OF THE FINDINGS OF THE STUDY TO THE 56TH LEGISLATURE.

9 WHEREAS, telemarketing fraud is an increasing problem in this state and throughout the country,
10 with serious financial consequences for Montana citizens; and

11 WHEREAS, the perpetrators of telemarketing fraud prey on senior citizens, as well as others, using
12 sophisticated methods of deception; and

13 WHEREAS, other states have enacted laws designed to deter and prosecute abuses by
14 telemarketing firms and have met with mixed success; and

15 WHEREAS, federal laws and regulations aimed at protecting consumers from telemarketing fraud
16 may be inadequate to the task of preventing and punishing this type of crime; and

17 WHEREAS, members of the Montana Legislature have introduced bills in this and previous sessions
18 to counter telemarketing fraud, but none have been passed into law.

19
20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
21 STATE OF MONTANA:

- 22 That the Legislative Council be requested to designate an appropriate interim committee to:
- 23 (1) identify the types, frequency, and consequences of telemarketing fraud that are occurring in
- 24 Montana;
- 25 (2) consider the pace of technological change and the constitutional protection afforded to free
- 26 speech and interstate commerce and the effects these conditional elements may have on available methods
- 27 of countering telemarketing fraud;
- 28 (3) examine and evaluate the methods adopted in other states to curb and punish telemarketing
- 29 fraud;
- 30 (4) consider the value and effectiveness of federal laws and regulations with respect to various



1 types of telemarketing;

2 (5) explore practical methods of deterring and prosecuting telemarketing fraud; and

3 (6) analyze the feasibility of legislation that would effectively enforce restrictions on telemarketing
4 in Montana.

5 BE IT FURTHER RESOLVED, that the interim committee seek and welcome information and other
6 constructive input from the Department of Commerce, the Department of Justice, the Public Service
7 Commission, telecommunications companies, senior citizens' groups, federal agencies, and other interested
8 persons in the process of evaluation and before reaching conclusions and making recommendations for
9 future legislative action.

10 BE IT FURTHER RESOLVED, that the committee report its findings, conclusions, and
11 recommendations to the 56th Legislature.

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INTRODUCED BY *Rep. McCarthy Shea* BENEDICT Deeb

Chloris Hertz *Ernstson* *Bohlinger Thomas*

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WHEREAS, telemarketing fraud is an increasing problem in this state and throughout the country, with serious financial consequences for Montana citizens; and

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WHEREAS, other states have enacted laws designed to deter and prosecute abuses by telemarketing firms and have met with mixed success; and

WHEREAS, federal laws and regulations aimed at protecting consumers from telemarketing fraud may be inadequate to the task of preventing and punishing this type of crime; and

WHEREAS, members of the Montana Legislature have introduced bills in this and previous sessions to counter telemarketing fraud, but none have been passed into law.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee to:

(1) identify the types, frequency, and consequences of telemarketing fraud that are occurring in Montana;

(2) consider the pace of technological change and the constitutional protection afforded to free speech and interstate commerce and the effects these conditional elements may have on available methods of countering telemarketing fraud;

(3) examine and evaluate the methods adopted in other states to curb and punish telemarketing fraud;

(4) consider the value and effectiveness of federal laws and regulations with respect to various

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1 SENATE JOINT RESOLUTION NO. 14

2 INTRODUCED BY MCCARTHY, SHEA, BENEDICT, DOHERTY, TUSS, PAVLOVICH, HERTEL, EMERSON,
3 CRISMORE, BOHLINGER, THOMAS, SIMON

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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
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APPROVED BY COM ON
STATE ADMINISTRATION

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CRISMORE, BOHLINGER, THOMAS, SIMON

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