

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3051

2001 HOUSE JUDICIARY

HCR 3051

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3051

House Judiciary Committee

Conference Committee

Hearing Date 02-20-01

Tape Number	Side A	Side B	Meter #
TAPE I	X		2141 to 3105
Committee Clerk Signature <i>Juan Diers</i>			

Minutes: Chairman DeKrey called the committee to order on HCR 3051.

Rep Klemm: We were discussing HCR 3008, which provided for a constitutional right for an individual privacy, there were a lot of questions and concerns. People said that this was an issue that should be studied before any action was taken. What HCR 3051 does is to call for a Legislative council study of the issue, relating to individual privacy. If selected would mesh with the SCR. In the February issue of Newsweek, I was reading about Spyware, and the NECI Quick Click. Click on any word and it gives you information about that word. He then reads the paragraph out of Newsweek of February 19th. Talking about the computer revolution. "While there is a revolution going on, but it is happening outside our computers. As information gets stuff from them and gets transmitted to commercial concerns, its a silent revolution. While engaging in Internet activity, most uses are not aware that they are beaming out stuff they would prefer to leave on their desk tops. There is a word for programs that quietly transmits those nuggets. Spyware. It is fair to say that it applies to anything that is under our personal radar that

sends out personal information about us or our habits. One case in point is Quick Click. Though it does perform a neat function, creating sometimes useful links for words that are not already hooked to related web sites, it works is problematic.....All users are given a unique identifying number, that is transmitted..... So that when you use Quick Click, information about you is given back." This is the kind of thing that concerns me. I know that the concern is more than in North Dakota but nationally. If this is selected may or may not come up with some sort of constitutional amendment. I would request a DO PASS on this resolution.

Rep Eckre: Isn't the Attorney General going to do a study on privacy.

Rep Klemin: The Attorney General can go his own thing, but what has happened is at his request Senate Bill was introduced. That is limited to financial privacy.

Rep Eckre: How would this study address the issue for North Dakota and then nationally. What can we do by ourselves.

Rep Klemin: It goes back to what is stated on the dollar. "Out of many one", North Dakota can't effect anything national, but if all the states work on it, some positive impact can result.

Chairman DeKrey: Are there any further questions, if not thank you for appearing. If there is not one else to testify on HCR 3051, we will close the hearing on HCR 3051. What are the wishes of the committee.

COMMITTEE ACTION

DISCUSSION

Vice Chr Kretschmar moved a DO PASS on HCR 3051, Rep Wrangham seconded. The clerk will call the roll on a DO PASS motion on HCR 3051. The motion passes with 14 YES, 0 NO and 1 ABSENT. Carrier Rep Klemin. This will be placed on the consent calendar.

Date: 02-20-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3051

House JUDICIARY Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Vice Chm Kretschmar Seconded By Rep Wrangham

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney					
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Klemin

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

place on consent

REPORT OF STANDING COMMITTEE (410)
February 20, 2001 10:14 a.m.

Module No: HR-31-3968
Carrier: Klemin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3051: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3051 was placed on the Tenth order on the calendar.

2001 SENATE JUDICIARY

HCR 3051

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3051

Senate Judiciary Committee

Conference Committee

Hearing Date March 20th, 2001

Tape Number	Side A	Side B	Meter #
1	x		33.2-end
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 3051.

Rep. Klemin, district 47, testified for the bill. Has the impact on the right to privacy. A lot of people were concerned about privacy laws. Hot issue is individual privacy with the information age.

Senator Nelson, your specific to red flag issues, abortions don't need to be known.

Rep. Klemin, I think it would be a good study.

Senator Traynor, are you familiar with other states?

Rep. Klemin, I would say that they don't have privacy bills coming up every session.

Senator Traynor, if this was in the constitution, wouldn't the court decide what's confidential?

Rep. Klemin, they are doing it now.

Senator Traynor, but the legislature does it now with individual cases. If a privacy provision is in the constitution the legislature will not be able to do anything.

Senator Watne, couldn't this bill change the laws we passed?

Page 2
Senate Judiciary Committee
Bill/Resolution Number 3051
Hearing Date March 20th, 2001

Rep. Klemín, that would be a state concern.

Senator Traynor, closed the hearing on HCR 3051.

**SENATOR TRENBEATH MOTIONED TO DO PASS, SECONDED BY SENATOR
LYSON. VOTE INDICATED 3 YEAS, 3 NAYS AND 1 ABSENT AND NOT VOTING.
SENATOR NELSON MOTIONED TO SEND TO FLOOR WITHOUT
RECOMMENDATION. SENATOR LYSON SECONDED. VOTE INDICATED 5 YEAS,
1 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR TRAYNOR VOLUNTEERED
TO CARRY THE BILL.**

Date: 3/20/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3051

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Trenbeath Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman		x	Bercier, D.		
Watne, D. Vice Chairman		x	Nelson, C.		x
Dever, D.	x				
Lyson, S.	x				
Trenbeath, T.	x				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3/20/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3651

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Sent to floor w/out recommendation

Motion Made By Nelson Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.		X			
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
March 20, 2001 3:00 p.m.

Module No: SR-48-6191
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3051: Judiciary Committee (Sen. Traynor, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3051 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HCR 3051

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3008

Introduced by

Representatives Klemin, Keiser

Senatc. Kilzer

1 A concurrent resolution to create and enact a new section to article I of the Constitution of
2 North Dakota, relating to the right of privacy.

3 **STATEMENT OF INTENT**

4 This amendment would provide that the right of individual privacy is essential and may not be
5 infringed without the showing of a compelling state interest. The amendment also would
6 provide that the right of privacy would not prohibit or invalidate statutory provisions restricting or
7 regulating abortion and assisted suicide.

8 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
9 **SENATE CONCURRING THEREIN:**

10 That the following proposed new section to article I of the Constitution of North Dakota
11 is agreed to and must be submitted to the qualified electors of North Dakota at the primary
12 election to be held in 2002, in accordance with section 16 of article IV of the Constitution of
13 North Dakota.

14 **SECTION 1.** A new section to article I of the Constitution of North Dakota is created
15 and enacted as follows:

16 The right of individual privacy is essential to the well-being of a free society and may not
17 be infringed without the showing of a compelling state interest. This section may not be
18 construed to invalidate any legislation regulating or restricting abortion or assisted suicide.