

TWELFTH DAY

Bismarck, January 18, 1972

The Convention was called to order at 9:00 a.m., with Vice President Saugstad presiding in the absence of President Wenstrom.

Prayer was offered by Rev. John Miller, Pastor, Baptist Temple, Mandan.

"Our Father, we call upon You in prayer knowing that You will hear us if we come before You with a hunger to know Your will.

"We give thanks for Your creation which You have allowed us to enjoy.

"We thank You for Your presence always — for Your love that is always directed toward us through Jesus Christ.

"We give thanks for Your gifts to our bountiful state of North Dakota and its people.

"Lord, these delegates are making decisions about a constitution that will guide the people of North Dakota for a long time. We ask for Your divine direction with these delegates.

"We ask that You would give the delegates an ability to listen to You and an ability to listen to each other as they make decisions.

"Above all we ask that You give us the ability to put together a constitution that will help us live in peace and harmony with freedom to complete Your will in our lives."

Roll was called, and all Delegates were present except Delegates Benz, Hoghaug, Hubrig, Kelsch, McIntyre, Sinner, Thompson and Wenstrom.

A quorum was declared by the President.

REPORT OF A PROCEDURAL COMMITTEE

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following:

Committee Proposal No. 1-23

And find the same correctly re-engrossed.

DELEGATE ERICKSON, Chairman

Delegate Aubol moved that the report be adopted, which motion prevailed, and the report was adopted.

REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 14th of January, 1972, and recommends that the same be corrected as follows:

On page 187, line 2, following the word "accordingly" insert the following " , which motion prevailed"

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

Delegate Dobson moved that the report be adopted, which motion prevailed.

MOTION

Delegate Hernettt moved that Committee Proposal 1-25 be referred to the Committee on Executive Functions.

Delegate Dobson requested permission to withdraw the proposed amendment to Committee Proposal 1-25, which request was granted.

The question then was on the motion of Delegate Hernettt to refer Committee Proposal 1-25 to the Committee on Executive Functions, which motion prevailed.

ANNOUNCEMENT

Delegates Sinner, Kelsch and McIntyre reported their presence at the Convention.

REPORTS OF SUBSTANTIVE COMMITTEES
MAJORITY REPORT

January 17, 1972

Mr. President: A majority of your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-11 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete lines 17 through 25

On page 2 delete 1 through 35

On page 3 delete lines 1 through 20 and insert in lieu thereof:

Section 1. Judicial Power.

The judicial power of the state is vested in a unified judicial system consisting of a supreme court, district court, and such other courts as provided by law.

Section 2. Supreme Court Jurisdiction.

The supreme court shall be the highest court of this state. It shall have appellate jurisdiction and the authority to issue, hear, determine and enforce such writs as may be necessary in the proper exercise of its jurisdiction. The supreme court shall consist of five justices, one of whom shall be designated chief justice as provided by law. The chief justice shall exercise general superintending control over all courts. The supreme court shall make rules for the government of all courts and for the procedures applicable therein. In no case shall any legislative enactment of the state be declared unconstitutional unless at least four of the justices shall so decide.

Section 3. Decisions in Writing.

When a judgment or decree is reversed, modified or confirmed by the supreme court the reasons therefor shall be concisely stated in writing, signed by the justices concurring, filed in the office of the clerk of the supreme court and preserved with a record of the case. Any justice dissenting therefrom may give the reason for his dissent in writing over his signature.

Section 4. Appeals.

Appeals may be allowed from the decisions of the lower courts to the supreme court under such regulations as may be provided by law or by rule of court.

Section 5. Election and Terms of Justices.

The justices of the supreme court shall be elected by the electorate of the state for a term of ten years. They shall hold their offices until their successors are duly qualified and shall receive compensation as provided by law.

Section 6. District Court Jurisdiction.

The district court shall have original jurisdiction of all justiciable causes, except as otherwise provided by law, and such appellate

jurisdiction as may be provided by law or rules of the supreme court. The judges thereof shall have authority to issue such writs as may be necessary to the proper exercise of its jurisdiction.

Section 7. Districts — Election and Terms of Judges.

The state shall be divided into judicial districts as provided by order of the supreme court. In each district one or more district court judges shall be elected for a term of six years by the electorate of the district to be served. They shall hold office until their successors are duly qualified and shall receive compensation as provided by law.

Section 8. Qualifications.

Supreme court justices and district court judges shall be citizens of the United States and of this state, shall be admitted to the bar in this state, and shall possess any additional qualifications provided by law. Judges of other courts shall be selected for such terms, and with such qualifications as may be provided by law.

Section 9. Restrictions.

No justice of the supreme court or judge of the district court shall engage in the practice of law, nor hold any public office, elective or appointive, other than judicial in nature.

Section 10. Disqualifications.

Whenever a justice of the supreme court or a judge of any other court shall be in any way interested in a cause pending before said court or be unable to sit in court because he is physically or mentally incapacitated the supreme court shall assign a judge or retired justice or judge to sit on the hearing of said cause pursuant to rules of the court.

Section 11. Removal.

The legislature shall provide by law for the removal of supreme court justices and judges of district and other courts for physical or mental disability, for misconduct in office, for the willful failure to perform his duties or for incompetence in office.

Section 12. Retirement.

The legislature may provide by law for the retirement of supreme court justices and judges of district and other courts.

Section 13. Vacancies.

Any vacancy in the office of supreme court justice or district judge shall be filled by appointment by the governor, from a list of nominees furnished by a judicial nominating committee provided by the legislature, which appointment shall continue until the first general election thereafter when the office shall be filled by election; or the governor may, in his discretion, call a special election to fill a vacancy.

Section 14. Confirmation.

In the event no candidate, other than the incumbent justice of supreme court or judge of district court has been nominated for such office, then at the general election the ballot shall contain the following question: "Shall (name of justice or judge) be retained in the office of (justice of supreme court or judge of the district court)? Yes /...../ No /...../". Unless a majority of those voting on the question cast "yes" votes, the office shall be deemed vacant and shall be filled as provided by this article.

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

Delegate Longmire

Delegate Roney

Delegate Engelter

Delegate Fallgatter
Delegate Gipp
Delegate Hartl
Delegate Hougen
Delegate Kessel
Delegate Kretschmar
Delegate Rundle
Delegate Wallin
Delegate Warner

DELEGATE LONGMIRE, Chairman
Delegate Longmire moved that the report be adopted.

MINORITY REPORT

January 17, 1972

Mr. President: A minority of your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-11 has had the same under consideration and recommends that the report of the majority be amended as follows:

Delete section 5 of the majority report and insert in lieu thereof:

Section 5. Appointment and terms of Justices.

The justices of the supreme court shall be appointed for terms of ten years. Each shall hold office until his successor is duly qualified and shall receive compensation provided by law.

Delete section 7 of the majority report and insert in lieu thereof:

Section 7. Districts — Appointment and terms of Judges.

The state be divided into judicial districts as provided by order of the supreme court. In each district one or more district court judges shall be appointed for terms of six years. Each shall hold office until his successor is duly qualified and shall receive compensation provided by law.

Delete section 8 of the majority report and insert in lieu thereof:

Section 8. Vacancies.

Vacancies, as defined by law, occurring in the office of justice of the supreme court or judge of the district court shall be filled by the governor from a list of three nominees presented to him by a judicial nominating commission consisting of the chief justice of the supreme court, who shall act as chairman; one member of the legal profession from each judicial district, selected as provided by law; and one citizen, not a member of the bar, appointed by the governor from each judicial district. No member of the commission shall hold an elective office in federal, state or local government, or an office in a political party.

Delete section 9 of the majority report and insert in lieu thereof:

Section 9. Approval of Electorate.

At the first general election after the expiration of three years from the date of appointment justices of the supreme court and judges of the district court shall be subject to approval by a majority vote of the electorate voting upon the question. If any justice or judge does not receive approval of the electorate his office shall be deemed vacant and the governor shall make an appointment in accordance with section 8 hereof and the appointee shall serve the balance of the vacated term.

Delete section 10 of the majority report and insert in lieu thereof:

Section 10. Qualifications

Supreme court justices and district court judges shall be citizens of the United States and of this state, shall be admitted to the bar in this state, and shall possess any additional qualifications pro-

vided by law. Judges of other courts shall be selected for such terms, and with such qualifications as may be provided by law.

Delete section 11 of the majority report and insert in lieu thereof:

Section 11. Restrictions.

No justice of the supreme court or judge of the district court shall engage in the practice of law, nor hold any public office, elective or appointive, other than judicial in nature.

Delete section 12 of the majority report and insert in lieu thereof:

Section 12. Disqualifications.

Whenever a justice of the supreme court or a judge of any other court shall be in any way interested in a cause pending before said court or be unable to sit in court because he is physically or mentally incapacitated the supreme court shall assign a judge or retired justice or judge to sit on the hearing of said cause pursuant to rules of the court.

Delete section 13 of the majority report and insert in lieu thereof:

Section 13. Removal.

The legislature shall provide by law for the removal of supreme court justices and judges of district and other courts.

Delete section 14 of the majority report and insert in lieu thereof:

Section 14. Retirement.

The legislature may provide by law for the retirement of supreme court justices and judges of district and other courts.

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

Delegate Aubol

Delegate Hoghaug

Delegate Bassingthwaite

DELEGATE LONGMIRE, Chairman

Delegate Aubol moved that the minority report be adopted.

Delegate Longmire moved that the Committee Reports on Committee Proposal No. 1-11 be laid over one Convention Day, which motion prevailed.

Delegate Hartl moved that a copy of the Majority and Minority Reports on Committee Proposal 1-11 be placed on each desk of the Delegates prior to its consideration, which motion prevailed.

Delegate Aubol moved that the Majority and Minority Reports on Committee Proposal 1-11 be laid over until January 20, 1972, which motion prevailed.

ANNOUNCEMENT

Delegate Hubrig reported his presence at the Convention.

**REPORTS OF SUBSTANTIVE COMMITTEES
MAJORITY REPORT**

January 12, 1972

Mr. President: A majority of your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-14 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed proposal delete lines 11 through 24 and insert in lieu thereof:

NAME, BOUNDARIES, SEAL

Section 1. Name and Boundaries.

The name of this state is "North Dakota". The state of North Dakota shall consist of all the territory included within the following boundary, to-wit: Commencing at a point in the main

channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence southward up the main channel of the Red River of the North and the Bois de Sioux River to a point where the Bois de Sioux intersects the seventh standard parallel north (approximately forty-five degrees fifty-six minutes north latitude); thence westward along said parallel to a point where it intersects twenty-seven degrees of longitude west of Washington (approximately one hundred four degrees three minutes west longitude); thence northward on said longitude to a point where it intersects the forty-ninth degree of north latitude; thence eastward along said latitude to the place of beginning. The boundary on the ground is more exactly defined by astronomical measurements at points on the boundary and surveys between boundary markers.

On page 1 delete line 25 and insert in lieu thereof:

Section 2. Seal.

The following described seal is hereby declared to

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

Delegate Longmire
 Delegate Roney
 Delegate Bassingthwaite
 Delegate Engelter
 Delegate Fallgatter
 Delegate Hougen
 Delegate Kessel
 Delegate Kretschmar
 Delegate Wallin
 Delegate Warner

DELEGATE LONGMIRE, Chairman

Delegate Longmire moved that the majority report be adopted.

Mr. President: A minority of your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-14 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed proposal on line 24 after the period add the following language: **"The boundary on the ground is more exactly defined by astronomical measurements at points on the boundary and surveys between boundary markers."**

And renumber the lines accordingly.

Delegate Hoghaug
 Delegate Rundle
 Delegate Gipp
 Delegate Hartl
 Delegate Aubol

DELEGATE LONGMIRE, Chairman

Delegate Hoghaug moved that the report of the minority be substituted for the report of the majority.

Delegate Longmire moved that Committee Reports on Committee Proposal 1-14 be laid over one Convention day, which motion prevailed.

Mr. President: Your Committee on Judicial Functions and Political Subdivisions to whom was referred Delegate Proposal No. 2-11 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-11.

DELEGATE LONGMIRE, Chairman

Delegate Longmire moved that the report be adopted, which motion prevailed and the report was adopted.

INTRODUCTION OF A COMMITTEE PROPOSAL

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-98. Be it resolved by the North Dakota Constitutional Convention that section 16 of the present constitution of the state of North Dakota, which pertains to bills of attainder, ex post facto laws and obligations of contracts, be retained.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-23. Be it resolved by the North Dakota Constitutional Convention that sections 175, 178, 179 and 186 of the constitution of the state of North Dakota be repealed; and that new sections to the constitution of the state of North Dakota be created; all of which pertain to finance and taxation and state moneys.

Which has been read.

Delegate Haugen moved that the following remarks of Delegate Burke be printed in the Journal, which motion prevailed.

Delegate Burke:

"The Finance and Taxation Committee had the benefit of many citizen groups appearing, such as, North Dakota Farm Bureau, the North Dakota Farmers Union, the Stockmen's Association, the County Commissioners Association, Township Supervisors Association, League of Cities, Assessors Association, General Contractors, Greater North Dakota Association, AFL-CIO, School Boards Association, Education Association, Liquor Dealers Association and many others. From these groups our Committee not only analyzed their desires and hopes as to tax matters, but in many instances we were given suggested language for certain constitutional sections.

"In addition to citizens' groups, our Committee had the benefit of probably more experts in the field than any other committee. Because the work of the Finance and Taxation Committee is highly technical, we had the complete cooperation of the Attorney General's office, the State Tax Department, the Bank of North Dakota, a bonding expert from Minneapolis, the Chief Executive, the Lt. Governor, the Industrial Commission, the Agricultural Commissioner, the State Auditor, and many others very knowledgeable in this field. Perhaps the greatest help our Committee received in analyzing and sifting all of this material was from our hard-working staff attorney, Dave Peterson.

"Our Committee has not only looked into the future to anticipate our state's needs, such as, in the field of irrigation, but we have also looked backward and borrowed language from our present Constitution, as well as from our state's 82 years of experience of living under this Constitution.

"We believe we have anticipated and provided for all of the technical requirements needed in the field of bonding, as well as liberal provisions for our state's future.

"The Finance and Taxation Committee has unanimously arrived at a certain philosophy which we have tried to follow in all of our proposals. One element of this philosophy is that a certain amount of protection must be given to the owners of real estate from the burdens of taxation. Experts in the field of taxation testified that the real estate tax is probably the most unfair, inequitable, and least productive of all forms of taxation. Pursuant to our philosophy, we have recommended the deletion of the one-mill levy for the University Medical Center as an unfair burden on

real estate. Likewise, we are deleting the state 4-mill levy provision on real estate under old Sec. 174. We are recommending the retention of debt limits in political subdivisions to protect real estate owners from the excessive burdens of bond issues. We are recommending the 60%, or the super majority, in order to approve increased debt limits.

“Our Committee will propose that present business activities of the State and political subdivisions be protected. These would include the Bank of North Dakota, the State Mill and Elevator, as well as the various public service businesses carried on by cities. A limitation on future businesses is worded to include only those which would extend a public service, and is intended to prevent the State or its subdivisions from indiscriminately entering fields of private competitive businesses.

“Detailed analysis of each Committee proposal will be offered by a member of the Committee, but it is believed that this extensive summary of our Committee’s philosophy and goals would serve to save the time of this Convention.

“These remarks represent the combined intent of our Committee and has been authorized by the Committee.”

Delegate McElroy moved that the following remarks of Delegate Trenbeath be printed in the Journal, which motion be printed in the Journal, which motion prevailed.

Delegate Trenbeath:

“Mr. President and Delegates:

“I have been assigned the duty of explaining the Committee Proposal as far as Section 2 is concerned in the Proposal 1-23 in your books. As a delegate — first I would like to make this comment, especially in regard to Delegate Burke’s statement. It is kind of out of proportion when we see the headlines in the paper this morning that the Constitutional Convention is considering unlimited North Dakota property tax, because this is really contrary to the philosophy of the committee. We have taken the absolutely opposite philosophy, and felt that property taxes have gotten to be excessive, not only in this state but all over the nation. It is of concern to the property owners in this regard, so Section 2 of this proposal does deal with the property tax. You have an amendment in your book, and it is practically written verbatim the way Section 2 reads, but we did this for clarification purposes.

“Presently our Constitution provides that the Legislative Assembly may levy up to four mills on the state level for property taxes. It also provides another little added provision that says that this can go to pay on state debt. Now, we have pulled those words out simply because interest is generally referred to as to pay on bonded indebtedness, and we did not want any inference in this section to reflect on another section that will deal with the debt so we have pulled this wording out, but the main difference that we have provided here is that the legislature by a 2/3 vote — and when I say a 2/3 vote it is because it would be an emergency situation only, where the property tax would be implied upon the real estate owners in the state of North Dakota. We have said by the 2/3 vote they can levy any amount that they wish for any two-year period. It could be for only a one-year period, but no longer than a two-year period, and then it has to be re-enacted.

“Delegates, we had to look over our shoulders simply because of the California and Texas decisions right now that might possibly knock out property taxes at the local level for educational purposes. If this happened, and the United States Supreme Court decided that this was proper, then we could be losing our local property taxes for education. We have provided the emergency means by the language we have placed in the section whereby the Legisla-

ture can by a 2/3 vote enact a so-called unlimited property tax for educational purpose in this circumstance just to get the whole thing off until it is corrected.

"Another wording we have added is that property taxes can be based on value. Now this, the Tax Department said, should be inserted in this section simply because we do have in-lieu of taxes for property taxes, and we did not want to get this confused with the ordinary taxes that are placed on property as to value.

"Now this in essence, Delegates, is what this section is doing. It is doing away with the one-to-four mill levy which previously provided a substitute in-lieu thereof tax by the legislative assembly, by a 2/3 vote, can levy what they wish and what they feel necessary to have for the necessary expenses of the state, but for no longer than a two-year period."

Delegate Bassingthwaite called for a division of the question, in such manner that Section 2 of Committee Proposal 1-23, pertaining to raising of revenues, can be voted on separately.

President Saugstad declared a ten minute recess.

The Convention reconvened with President Saugstad presiding.

Delegate Pearce moved that Committee Proposal 1-23 be amended as follows:

On page 1 of the engrossed proposal, in line 20, delete the word "Notwith" and delete all of lines 21, 22, 23, 24 and 25, and renumber the lines accordingly, which motion failed on a division vote, requested by the chair.

Delegate Maxwell called for a division of the question, in such manner that each section of Committee Proposal 1-23 can be voted on separately.

It was agreed that a vote on Section 1 would be delayed until such time as the vote on the remaining sections had been determined.

Delegate Sinner moved that Committee Proposal 1-23 be amended as follows:

On page 1, in line 13 of the engrossed proposal, following the word "may" insert the following: "to replace property taxes already in effect"

And renumber the lines accordingly, which motion prevailed on a division vote.

Delegate Paulson moved that Committee Proposal No. 1-23 be amended as follows:

On page 1, strike the last sentence of Section 2, and insert in lieu thereof the following:

"The legislative assembly may levy no property taxes except to provide revenue for distribution among school districts on such system as may be established by law."

And renumber the lines accordingly, which motion failed on a division vote.

ANNOUNCEMENT

Delegate Thompson reported his presence at the Convention.

Delegate Omdahl moved that the rules be suspended and Committee Proposal 1-23 be deemed properly re-engrossed and placed on the calendar for first passing, which motion prevailed.

Delegate Haugen moved that Section 2 of Committee Proposal 1-23 be re-referred to the Committee on Finance and Taxation, which motion was subsequently withdrawn.

The question then was on first passage of Section 2, as amended, as contained in Committee Proposal 1-23, and references to Section 174 in lines 1 and 6 on page 1 of the engrossed proposal.

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ROLL CALL

The roll was called and there were ayes, 21; nays, 74; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Hubrig	Miller	Solberg
Binek	Ketchum	Nicholas	Sullivan
Cart	Kwako	Quam	Trenbeath
Geelan	Lerberg	Rundle	Unruh
Haugen	McElroy	Sinner	Urdahl
Hendrickson			

Those voting in the negative were:

Aubol	Diehl	Kelsch	Peterson
Baker	Dobson	Kessel	Poulson
Bassingthwaite	Engelter	Knudson	Roney
Bender	Engstrom	Kretschmar	Rosendahl
Benson	Erickson	Lamb	Rude
Berg	Fallgatter	Lander	Sanstead
Billey	Fiedler	Larsen	Saugstad
Birkeland	Fritzell	Litten	Scheel
Brakke	Gipp	Longmire	Schmit
Burbidge	Griffin	McIntyre	Simonson
Burke	Hardmeyer	Maxwell	Sondreal
Butler	Hartl	Meidinger	Stanton
Byrne	Hernett	Nething	Thompson
Chase	Hildebrand	O'Toole	Tudor
Christensen	Hill	Omdahl	Vogel
Daniels	Hoffner	Paulson	Wallin
Dawson	Hougen	Pearce	Warner
Decker	Huckle	Peters	Wicks
Devine	Jestrab		

Absent and not voting:

Benz Hoghaug Mr. President

Section 2 of Committee Proposal 1-23 was declared lost.

The question then was on first passage of Section 3, as contained in Committee Proposal 1-23, and references to Section 175 in lines 1 and 6 on page 1 of the engrossed proposal.

ROLL CALL

The roll was called and there were ayes, 85; nays, 9; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Diehl	Huckle	Poulson
Aubol	Dobson	Jestrab	Quam
Baker	Engelter	Kelsch	Roney
Bassingthwaite	Engstrom	Kessel	Rosendahl
Bender	Erickson	Ketchum	Rude
Benson	Fallgatter	Knudson	Sanstead
Berg	Fiedler	Kretschmar	Saugstad
Billey	Fritzell	Lamb	Scheel
Binek	Geelan	Lander	Schmit
Birkeland	Gipp	Lerberg	Simonson
Brakke	Griffin	Litten	Sinner
Burbidge	Hardmeyer	Longmire	Sondreal
Burke	Hartl	McElroy	Sullivan
Butler	Haugen	McIntyre	Trenbeath
Byrne	Hendrickson	Meidinger	Tudor
Cart	Hernett	Miller	Unruh
Chase	Hildebrand	Nicholas	Urdahl
Christensen	Hill	O'Toole	Vogel
Daniels	Hoffner	Omdahl	Wallin
Dawson	Hougen	Peters	Warner
Decker	Hubrig	Peterson	Wicks
Devine			

Those voting in the negative were:

Kwako	Paulson	Rundle	Stanton
Maxwell	Pearce	Solberg	Thompson
Nothing			

Absent and not voting:

Benz	Hoghaug	Larsen	Mr. President
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Section 3 of Committee Proposal 1-23 was declared passed.

The question then was on the first passage of Section 4, as contained in Committee Proposal 1-23, and references to Section 178 in lines 1 and 6 on page 1 of the engrossed proposal.

ROLL CALL

The roll was called and there were ayes, 89; nays, 3; absent and not voting, 6.

Those voting in the affirmative were:

Aas	Engelter	Kessel	Quam
Aubol	Engstrom	Ketchum	Roney
Baker	Erickson	Knudson	Rosendahl
Bassingthwaite	Fallgatter	Kretschmar	Rude
Bender	Fiedler	Kwako	Rundle
Benson	Fritzell	Lamb	Sanstead
Berg	Geelan	Lander	Saugstad
Billey	Gipp	Lerberg	Scheel
Binek	Griffin	Litten	Schmit
Birkeland	Hardmeyer	Longmire	Simonson
Brakke	Hartl	McElroy	Sinner
Burbidge	Haugen	McIntyre	Solberg
Burke	Hendrickson	Maxwell	Sondreal
Butler	Hernett	Meidinger	Stanton
Cart	Hildebrand	Miller	Sullivan
Chase	Hill	Nicholas	Tudor
Christensen	Hoffner	O'Toole	Unruh
Daniels	Hougen	Paulson	Urdahl
Dawson	Hubrig	Pearce	Vogel
Decker	Huckle	Peters	Wallin
Devine	Jestrab	Peterson	Warner
Diehl	Kelsch	Poulson	Wicks
Dobson			

Those voting in the negative were:

Nothing	Omdahl	Thompson
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Absent and not voting:

Benz	Hoghaug	Trenbeath	Mr. President
Byrne	Larsen		

Section 4 of Committee Proposal 1-23 was declared passed.

The question then was on the first passage of Section 5, as contained in Committee Proposal 1-23, and references to Section 179 in lines 1 and 6 on page 1 of the engrossed proposal.

ROLL CALL

The roll was called and there were ayes, 93; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Engelter	Ketchum	Roney
Aubol	Engstrom	Knudson	Rosendahl
Baker	Erickson	Kretschmar	Rude
Bassingthwaite	Fallgatter	Kwako	Rundle
Bender	Fiedler	Lamb	Sanstead
Benson	Fritzell	Lander	Saugstad
Berg	Geelan	Lerberg	Scheel
Billey	Gipp	Litten	Schmit
Binek	Griffin	Longmire	Simonson
Birkeland	Hardmeyer	McElroy	Sinner
Brakke	Hartl	McIntyre	Solberg
Burbidge	Haugen	Maxwell	Sondreal
Burke	Hendrickson	Meidinger	Stanton

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Butler	Hernett	Miller	Sullivan
Byrne	Hildebrand	Nething	Thompson
Cart	Hill	Nicholas	Trenbeath
Chase	Hoffner	O'Toole	Tudor
Christensen	Hougen	Paulson	Unruh
Daniels	Hubrig	Pearce	Urdahl
Dawson	Huckle	Peters	Vogel
Decker	Jestrab	Peterson	Wallin
Devine	Kelsch	Poulson	Warner
Diehl	Kessel	Quam	Wicks
Dobson			

Those voting in the negative were:
Omdahl

Absent and not voting:

Benz Hoghaug Larsen Mr. President

Section 6 of Committee Proposal 1-23 was declared passed.

The question then was on first passage of Section 6, as contained in Committee Proposal 1-23, and references to Section 186 in lines 1 and 6 on page 1 of the engrossed proposal.

ROLL CALL

The roll was called and there were ayes, 82; nays, 12; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Dobson	Kretschmar	Rude
Baker	Engelter	Kwako	Rundle
Bassingthwaite	Engstrom	Lamb	Sanstead
Bender	Erickson	Lander	Saugstad
Benson	Fallgatter	Lerberg	Scheel
Berg	Fiedler	Litten	Schmit
Billey	Fritzell	Longmire	Simonson
Binek	Geelan	McElroy	Sinner
Birkeland	Griffin	Meidinger	Solberg
Brakke	Hardmeyer	Miller	Sondreal
Burbidge	Haugen	Nicholas	Stanton
Burke	Hendrickson	O'Toole	Sullivan
Butler	Hernett	Omdahl	Thompson
Byrne	Hildebrand	Pearce	Trenbeath
Cart	Hoffner	Peters	Tudor
Chase	Hougen	Peterson	Unruh
Christensen	Hubrig	Poulson	Urdahl
Daniels	Huckle	Quam	Vogel
Dawson	Jestrab	Roney	Wallin
Decker	Ketchum	Rosendahl	Wicks
Diehl	Knudson		

Those voting in the negative were:

Aubol	Hartl	Kessel	Nething
Devine	Hill	McIntyre	Paulson
Gipp	Kelsch	Maxwell	Warner

Absent and not voting:

Benz Hoghaug Larsen Mr. President

Section 5 of Committee Proposal 1-23 was declared passed.

EXPLANATION OF VOTE

Delegate Warner: "It was my understanding that there is going to be a recommendation to remove the Office of State Treasurer from the Constitution, and we have just adopted a proposal that money be deposited in that office."

Delegate Haugen moved that Committee Proposal 1-23 be amended as follows:

On page 1 of the engrossed bill, delete the number "174," in lines 1 and 6, which motion prevailed.

Delegate Kelsch moved that the rules be suspended and Committee Proposal 1-23 be deemed properly re-engrossed, and Section

1 of the Proposal be placed on the calendar for first passage, which motion prevailed.

The question then was on first passage of Section 1 as contained in Committee Proposal 1-23, as amended.

ROLL CALL

The roll was called and there were ayes, 93; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Engelter	Knudson	Quam
Aubol	Engstrom	Kretschmar	Roney
Baker	Erickson	Kwako	Rosendahl
Bassingthwaite	Fallgatter	Lamb	Rude
Bender	Fiedler	Lander	Rundle
Benson	Fritzell	Larsen	Sanstead
Berg	Geelan	Lerberg	Saugstad
Billey	Gipp	Litten	Scheel
Binek	Griffin	Longmire	Schmit
Birkeland	Hardmeyer	McElroy	Simonson
Brakke	Hartl	McIntyre	Solberg
Burbidge	Haugen	Maxwell	Sondreal
Burke	Hendrickson	Meidinger	Stanton
Butler	Hernett	Miller	Sullivan
Byrne	Hildebrand	Nething	Thompson
Cart	Hill	Nicholas	Trenbeath
Chase	Hoffner	O'Toole	Tudor
Christensen	Hougen	Omdahl	Unruh
Daniels	Huckle	Paulson	Urdahl
Dawson	Jestrab	Pearce	Vogel
Decker	Kelsch	Peters	Wallin
Devine	Kessel	Peterson	Warner
Diehl	Ketchum	Poulson	Wicks
Dobson			

Absent and not voting:

Benz	Hubrig	Sinner	Mr. President
Hoghaug			

Section 1 of Committee Proposal 1-23 was declared passed.

Committee Proposal 1-23 was referred to Committee on Style and Drafting.

Delegate Kelsch moved that the Convention reconsider the action by which Committee Proposal 1-28 passed on first reading, which motion prevailed.

Delegate Hernett moved that Committee Proposal 1-28 be placed on the foot of the calendar, which motion prevailed.

Delegate Diehl moved that the absent Delegates be excused, which motion prevailed.

Delegate Rundle moved that the Convention be adjourned until 9:00 a.m., January 19, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk