

FOURTEENTH DAY

Bismarck, January 20, 1972

The Convention was called to order at 9:00 a.m., by President Wenstrom.

Prayer was offered by Rev. Phillip Lint, Pastor McCabe United Methodist Church, Bismarck.

"Lord our God, You give us hearts and minds and feelings, and Your wisdom is poured out upon those who seek it. We bow as we begin this day's work and ask You to deliver our hearts from self deceit, clear our minds for sound thinking, and make us sensitive to one another and to the needs of those we are here to serve.

"Grant to us the wisdom to learn from the past, to anticipate the future, and to use wisely the present moment.

"In Christ's name we offer this prayer, Amen."

Roll was called, and all Delegates were present except Delegates Benz, Devine, Dobson, Fritzell, Longmire, Miller, Nething, Nicholas, Quam, and Simonson.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 18th day of January, 1972 and recommends that the same be corrected as follows:

Page 201, line 29, delete the word "Renewal" and insert in lieu thereof the word "Removal"

On page 204, last line, delete "Longmore" and insert in lieu thereof "Longmire"

On page 208, following line 33, insert the following: "Section 2 of Committee Proposal 1-23 was declared lost."

On page 209, following line 7, insert the following: "Section 3 of Committee Proposal 1-23 was declared passed."

On page 209, following line 42, insert the following: "Section 4 of Committee Proposal 1-23 was declared passed."

On page 210, following line 16, insert the following: "Section 5 of Committee Proposal 1-23 was declared passed."

On page 210, following line 50, insert the following: "Section 6 of Committee Proposal 1-23 was declared passed."

On page 211, following line 36, insert the following: "Section 1 of Committee Proposal 1-23 was declared passed."

And when so corrected recommends that the same be approved.

DELEGATE DOBSON, Chairman

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

ANNOUNCEMENT

Delegate Dobson reported his presence at the Convention.

CONSIDERATION OF AMENDMENTS

Delegate Hoffner has moved that the amendments to Committee Proposal 1-37, as recommended by the Committee on Legislative Functions and as printed on pages 213 and 214 of the Journal, be adopted, which motion prevailed.

Delegate Burbidge has moved that the amendments to Committee Proposal 1-53, as recommended by the Committee on the Preamble, Bill of Rights and Suffrage and as printed on page 215 of the Journal, be adopted, which motion prevailed.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-57, as recommended by the Committee on the Preamble, Bill of Rights and Suffrage, and as printed on page 225 of the Journal, be adopted.

Delegate Sinner moved that the amendments to Committee Proposal 1-57 be placed at the bottom of the Sixth Order, which motion prevailed.

ANNOUNCEMENT

Delegates Devine and Nicholas reported their presence at the Convention.

CONSIDERATION OF AMENDMENTS

Delegate Maxwell has moved that the amendments to Committee Proposal 1-60, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on pages 225 and 226 of the Journal, be adopted, which motion prevailed on a division vote.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-79, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 226 of the Journal, be adopted, which motion prevailed on a division vote.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-89, as recommended by the Committee on Preamble, Bill of Rights and Suffrage, and as printed on page 226 of the Journal, be adopted, which motion prevailed.

Delegate Maxwell has moved that the amendments to Delegate Proposal 2-23, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 227 of the Journal, be adopted, which motion prevailed.

MOTIONS

Delegate Sinner moved that Committee Proposal 1-57 be laid over one Convention day, which motion prevailed.

Delegate Hernett moved that the following Delegate Proposals be returned to the Convention from the Committee on Executive Functions:

- Delegate Proposal No. 2-1
- Delegate Proposal No. 2-25
- Delegate Proposal No. 2-27
- Delegate Proposal No. 2-32
- Delegate Proposal No. 2-33
- Delegate Proposal No. 2-29

which motion prevailed.

Delegate Tudor requested unanimous consent of the Convention to withdraw Delegate Proposal 2-1, which request was granted.

Delegate Rundle requested unanimous consent of the Convention to withdraw Delegate Proposal 2-29, which request was granted.

Delegate Vogel requested unanimous consent of the Convention to withdraw Delegate Proposal 2-25, which request was granted.

Delegate Byrne requested unanimous consent of the Convention to withdraw Delegate Proposal 2-27, which request was granted.

Delegate Hill requested unanimous consent of the Convention to withdraw Delegate Proposal 2-33, which request was granted.

Delegate Chase requested unanimous consent of the Convention to withdraw Delegate Proposal 2-32, which request was granted.

MOTION

Delegate Roney moved that Committee Proposal 1-11 be referred to the Committee on Judicial Functions and Political Subdivisions, which motion prevailed.

ANNOUNCEMENT

Delegate Nething reported his presence at the Convention.

INTRODUCTION OF A COMMITTEE PROPOSAL

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-104. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to governmental immunity, be created.

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

MOTION

Delegate Litten moved that Committee Proposal 1-14 be laid over one Convention Day, which motion prevailed.

ANNOUNCEMENT

Delegate Longmire reported his presence at the Convention.

Delegate Fritzell reported her presence at the Convention.

REPORTS OF SUBSTANTIVE COMMITTEES

In regard to Committee Proposal 1-97, which had been laid over one Convention day, the Reports of the Majority and the Minority of the Committee on Preamble, Bill of Rights and Suffrage, which reports are shown on pages 226 and 227 of the Journal, were considered.

The motion of Delegate Cart that the Minority Report be substituted for the report of the Majority failed on a division vote.

The motion of Delegate Unruh to adopt the Report of the Majority Committee prevailed.

President Wenstrom declared a fifteen-minute recess.

The Convention reconvened with President Wenstrom presiding.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-36 has had the same under consideration and recommends that the same be amended as follows:

Delete everything after the word "That" in line 1 and insert in lieu thereof the following:

"section 202 of Article XV of the constitution of the state of North Dakota, and Article 88 of the amendments thereto, be repealed; and that sections 25 and 26 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the manner in which the constitution may be altered.

SECTION 1. REPEAL.) Section 202 of Article XV of the constitution of the state of North Dakota, and Article 88 of the amendments thereto, are hereby repealed.

SECTION 2.) Sections 25 and 26 of Article II to the constitution of the state of North Dakota are hereby created to read as follows:

ARTICLE II

Section 25. Any constitutional amendment may be proposed by the legislative assembly and, if the same shall be agreed upon by a roll call vote of two-thirds of the members elected to each house, it shall be submitted to the electors at the next general election. If a majority of votes cast thereon are affirmative, the amendment shall be effective thirty days after the election.

Section 26. The legislative assembly may by law at any time submit for a vote of the people the question: "Shall a constitutional convention be called?" If the question has not been submitted once in any thirty year period, the secretary of state shall place it on the ballot at the next general election."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-45 has had the same under consideration and recommends that the same be amended as follows:

On line 1 delete the word "section" and insert the word "sections" and after the numeral "28" insert "and 34"

On line 4 delete the word "both" and insert the word "all"

On line 6 delete the second word "Section" and insert the word "Sections" and after the numeral "28" insert "and 34"

On line 7 delete the word "is" and insert the word "are"

On line 11 delete the words "member of" and insert in lieu thereof the words "person elected to" and also delete the word "shall" and insert in lieu thereof the words "must be"

On line 12 after the comma delete the word "be"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE HOFFNER, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-55 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-61 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and

Suffrage to whom was referred Committee Proposal No. 1-72 has had the same under consideration and recommends that the same be amended as follows:

Delete all of line 14

Delete all of line 15

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-76 has had the same under consideration and recommends that the same do pass.

DELEGATE HOFFNER, Chairman

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

January 20, 1972

Mr. President: Your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-77 has had the same under consideration and recommends that the same do pass.

DELEGATE HAUGEN, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-86 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-92 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-98 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 19, 1972

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-101 has had the same under consideration and recommends that the same do pass.

DELEGATE MEIDINGER, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-2 has

had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-98.

DELEGATE MAXWELL, Chairman

Delegate Maxwell moved that the report be adopted, which motion failed on a division vote.

MOTIONS

Delegate Saugstad moved that Delegate Proposal 2-2 be placed on the calendar, which motion prevailed.

Delegate Kelsch moved that Delegate Proposal 2-2 and Committee Proposal 1-98 be placed on the calendar in such manner as they be considered together, which motion prevailed.

REPORTS OF SUBSTANTIVE COMMITTEES

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-3 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-58.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-4 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-89.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-53 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

Delegate Maxwell moved that the report be adopted.

Delegate Brakke requested unanimous consent of the Convention to withdraw Delegate Proposal 2-53, which request was granted.

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-68 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-78 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Rules appointed to review and recommend changes in the temporary rules has had the same under consideration and recommends that the temporary rules of the Convention be amended as follows:

Delegate Saugstad moved that only the new language of the rules be read, which motion prevailed.

RULE 13. REPORTS OF COMMITTEES

The affirmative vote of a majority of the members of a committee having the right to vote shall be necessary to report a proposal out of committee. Such report shall be signed by the chairman of the committee and shall recommend one of the following:

1. That such proposal be adopted.
2. That such proposal be amended, and when amended be adopted.
3. That no recommendation is made on such proposal.
4. That such proposal be indefinitely postponed.

Reports by subcommittees shall be considered by the entire committee before recommending any action thereon by the Convention.

The report or reports of a minority of any committee shall be received in the same manner as the majority report and treated as an amendment or substitute offered to or for the report of the committee.

Three or more members of any committee may make a minority report.

The minutes of interim committees or subcommittees shall be sent to all delegates to the Convention.

The minutes of a committee shall report its consideration of all citizen's ideas referred to it in writing.

It shall be the duty of each committee chairman during the plenary session to report to the president of the Convention each Monday, or at his request, the proposals, by number, remaining for consideration in his committee.

All delegate and committee proposals shall be reported out of the substantive committees for first reading not later than the eighteenth day of the plenary session. Any proposals re-referred to a substantive committee after the eighteenth day of the plenary session shall be returned to the Convention floor within the next two Convention days. At the close of the twenty-third day of the plenary session all proposals shall have been acted upon on first reading and first passage.

Delegate Kelsch moved that the amendments to Rule 13 as proposed by the Committee on Rules be adopted, which motion prevailed.

Delegate Saugstad moved that Rule 13 as amended by the Rules Committee be adopted, which motion prevailed.

RULE 18. INTRODUCTION OF PROPOSALS

Any citizen or group of citizens of the State of North Dakota may until the fifteenth day of the Constitutional Convention submit in writing directly to the President of the Convention any ideas for consideration by the Convention. The President shall refer all such material to an appropriate committee of the Convention. The committee may, after consideration of the ideas, prepare any proposals it deems appropriate for presentation to the entire Convention.

All other matters intended to become a part of any revised con-

stitution or constitutional amendment shall be introduced by a delegate or delegates in the form of a proposal and endorsed by the delegate or delegates introducing them or shall originate as committee proposals.

A proposal introduced by a delegate shall be designated a delegate proposal.

A proposal introduced by a committee shall be designated a committee proposal.

All proposals shall be introduced by delivery to the President of the Convention on a form prescribed by him. Proposals shall be reproduced and distributed to each delegate.

When a delegate proposal is introduced, it shall be referred by the President to the proper standing committee, which committees shall report its action on such proposal to the Convention.

No delegate proposal shall be introduced after noon, Monday, January tenth, and no committee proposal shall be introduced after the ((twentieth)) **sixteenth** day of the plenary session.

Delegate Saugstad moved that the amendments to Rules 18 as proposed by the Committee on Rules be adopted, which motion prevailed.

Delegate Saugstad moved the adoption of Rule 18 as amended by the Rules Committee, which motion prevailed.

Rule 29. MOTION FOR RECONSIDERATION

((Any delegate may move for a reconsideration of any question at the same or next two succeeding Convention days or the Committee on Style and Drafting may move for reconsideration on any subsequent day if notice of the intention to do so is given in writing to the clerk of the Convention who shall enter this notice in the journal.

The same majority shall be required to adopt a motion to reconsider as was required to take the original action.

After two succeeding Convention days, it shall take a two-thirds vote for a motion to reconsider.

The motion for reconsideration cannot be made on the same question more than once in each Convention day.))

MOTION TO RECONSIDER BY DELEGATES. Any delegate may move for reconsideration of any question. The motion for reconsideration cannot be made on the same question more than once in each Convention day.

On the same or next two succeeding Convention days, a motion to reconsider the action on a proposal shall require a majority vote of the delegates-elect (50 votes).

After the same and next two succeeding Convention days, a motion to reconsider the action on a proposal shall require a two-thirds vote of the delegates-elect (66 votes).

MOTION TO RECONSIDER BY STYLE AND DRAFTING COMMITTEE. The Committee on Style and Drafting may move for reconsideration of the action taken on a proposal at any time. A motion to reconsider the action on a proposal made by the Committee on Style and Drafting shall require a majority vote of the delegates-elect (50 votes).

MOTION TO RECONSIDER MATTERS OTHER THAN PROPOSALS. On the same or next two succeeding Convention days, a motion to reconsider matters other than proposals shall require a majority vote of the delegates voting.

After the same and next two succeeding Convention days, a motion to reconsider matters other than proposals shall require a two-thirds vote of the delegates voting.

Delegate Fallgatter moved that the amendments to Rules 29 as proposed by the Rules Committee be adopted, which motion prevailed.

Delegate Saugstad moved that Rule 29 as amended by the Committee on Rules be adopted, which motion prevailed.

Rule 33. CONVENTION FLOOR

Assignment of Seats. Except in the case of the delegates who have been elected as officers of the Convention, the seats of the delegates on the Convention floor shall be arranged in alphabetical order by surnames.

If a vacancy occurs the person selected to fill the vacancy shall continue to have the seat of the delegate who vacated the position.

Admission to Floor. No person, other than a Convention delegate, an officer, employee or news correspondent accredited by the President shall be admitted on the floor of the Convention unless by the vote of the delegates. While on the floor, employees of the Convention may answer questions or inquiries made by the President.

The words "Floor of the Convention" shall mean the space of the main floor of the Convention, excluding the space designated for visitors and for the press.

Press Representatives. The President shall assign accredited news correspondents press facilities in the Convention chamber. News correspondents using cameras, tape recorders and similar devices shall conduct themselves so as not to interfere with the orderly course of the proceedings of the session.

INTRODUCTION OF VISITORS. Recognition or introduction of visitors or guests shall be read from the desk.

DELEGATE GEELAN, Chairman

Delegate Hubrig moved that the amendments to Rules No. 33 as proposed by the Committee on Rules be adopted, which motion prevailed.

Delegate Fallgatter moved that Rule 33 as amended by the Rules Committee be adopted, which motion prevailed.

Delegate Geelan moved that the Temporary Rules as amended become the permanent rules of this Convention, which motion prevailed.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Legislative Functions introduced:

Committee Proposal No. 1-105. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 1 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-106. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 2 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-107. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 3 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-108. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 4 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-109. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 5 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-110. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 6 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-111. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 7 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-112. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 8 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-113. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 9 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-114. Be it resolved by the North Dakota Constitutional Convention that article XIX to the constitution of the state of North Dakota, which pertains to adverse possession of public lands, be created.

Was read the first time and referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-115. Be it resolved by the North Dakota Constitutional Convention that sections 153, 154, 155, 156, 157, 158, 160, 161, 163, 164 and 165 of the constitution of the state of North Dakota be repealed; and that article VII to the constitution of the state of North Dakota be created; all of which pertain to trust lands.

Was read the first time and referred to the Committee on Education, Resources and Public Lands.

The President declared the Convention would stand in recess until 1:00 p.m.

The Convention reconvened at 1:00 p.m., with President Wenstrom presiding.

EXPLANATION OF VOTE

Delegate Kelsch: "Other delegates and I who voted No on 1-73 on religious freedom would like the record to show that it was not because we were opposed to the concept of religious freedom but were opposed to deletion of other language in the repeal clause in the proposal."

Delegates Sanstead, Hartl, Peterson, Stanton, Trenbeath and Rundle agreed their vote No was not in opposition to religious freedom, but in opposition to other language used in the proposal.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-32. Be it resolved by the North Dakota Constitutional Convention that section 194 of Article II of the constitution of the state of North Dakota be repealed; and that section 22 of Article II to the constitution of the state of North Dakota be created; both of which pertain to grounds for impeachment.

Which has been read.

Delegate Stanton moved that Committee Proposal 1-32 be amended as follows:

On line 1 delete the word "section" and insert the word "sections" and after the numeral "194" insert ", 195 and 196" and after the word "Article" delete the numeral "II" and insert the numeral "XIV"

On line 4 delete the word "both" and insert the word "all"

On line 6 delete the second word "Section" and insert the word "Sections" and after the numeral "194" insert ",195 and 196" and after the word "Article" delete the numeral "II" and insert the numeral "XIV"

On line 7 delete the word "is" and insert the word "are" and renumber the lines accordingly, which motion prevailed.

Delegate Stanton moved that the rules be suspended, and that Committee Proposal 1-32 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Paulson moved that Committee Proposal 1-32 be amended as follows:

In line 15, delete the word "inability" and substitute in lieu

thereof the words "wilful failure" and renumber the lines accordingly, which motion prevailed.

Delegate Hill moved that Committee Proposal 1-32 be further amended as follows:

In line 14 delete "misdemeanor in office," and renumber the lines accordingly, which motion prevailed.

Delegate Nething moved that the rules be suspended, and that Committee Proposal 1-32 be deemed properly re-engrossed and placed on the Tenth Order for first passage on January 21, which motion prevailed.

Committee Proposal No. 1-84. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to right to counsel for indigents in civil proceedings in which the state or its subdivisions are adverse parties, be created.

Which has been read.

Delegate Sinner moved that Committee Proposal 1-84 be amended as follows:

In line 10, following "party" insert the following: ", as provided by law" which motion failed.

Delegate Butler moved that Committee Proposal 1-84 be amended as follows:

In line 8, delete the words "An indigent" and insert in lieu thereof the word "Any" which motion died for want of a second.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 39; nays, 54; absent and not voting, 5.

Those voting in the affirmative were:

Aubol	Fritzell	Kelsch	Scheel
Bassingthwaite	Geelan	Kessel	Schmit
Bender	Gipp	Lamb	Sinner
Berg	Griffin	Maxwell	Sondreal
Brakke	Hardmeyer	O'Toole	Tudor
Burbidge	Haugen	Omdahl	Urdahl
Daniels	Hoffner	Peters	Vogel
Decker	Hubrig	Peterson	Warner
Dobson	Huckle	Poulson	Wicks
Fiedler	Jestrab	Sanstead	

Those voting in the negative were:

Aas	Engelter	Kwako	Roney
Baker	Engstrom	Lander	Rosendahl
Benson	Erickson	Larsen	Rude
Billey	Fallgatter	Lerberg	Rundle
Binek	Hartl	Litten	Saugstad
Burke	Hendrickson	Longmire	Solberg
Butler	Hernett	McElroy	Stanton
Byrne	Hildebrand	McIntyre	Sullivan
Cart	Hill	Mejdinger	Thompson
Chase	Hoghaug	Nething	Trenbeath
Christensen	Hougen	Nicholas	Unruh
Dawson	Ketchum	Paulson	Wallin
Devine	Knudson	Pearce	Mr. President
Diehl	Kretschmar		
Absent and not voting:			
Benz	Miller	Quam	Simonson
Birkeland			

So the proposal lost.

Committee Proposal No. 1-94. Be it resolved by the North Dakota Constitutional Convention that section 142 of the constitution

of the state of North Dakota, which pertains to the regulation of common carrier corporations, be repealed.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 84; nays, 9; absent and not voting, 5.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Fallgatter	Lamb	Sinner
Bassingthwaite	Kwako	Rundle	Warner
Cart			

Absent and not voting:

Benz	Peterson	Quam	Simonson
Miller			

So the proposal passed and the title was agreed to, and Committee Proposal 1-94 was referred to the Committee on Style and Drafting.

Delegate Christensen moved that all absent Delegates be excused, which motion prevailed.

Delegate Rundle moved that the Convention be adjourned until 9:00 a.m., Friday, January 21, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk