

## SIXTEENTH DAY

Bismarck, January 24, 1972

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

Prayer was offered by Rev. Gerald Mertz, Pastor, Faith Lutheran Church, Bismarck.

"Heavenly Father, we pray for these representatives of this Constituting Convention. We are thankful for establishing in our midst law-making powers dedicated to upholding order and liberty. Bless this group of people who have selected to perform these duties. Grant that they might ever be mindful of the welfare of all the people in North Dakota. Endow them with such wisdom for their duties that true purpose of government may prevail, to the end that we may live soberly and uprightly in Your sight. May we never forget the great privileges that our State gives to its citizens. May we its citizens have high regard for all that goes on within these walls. We pray this in the name of Christ Our Lord. Amen."

Roll was called and all Delegates were present except Delegates Benz, Butler, Hartl, Paulson and Sanstead.

A quorum was declared by the President.

## REPORT OF PROCEDURAL COMMITTEE

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

Committee Proposal No. 1-36

Committee Proposal No. 1-45

Committee Proposal No. 1-72

Committee Proposal No. 1-53

And find the same correctly engrossed.

DELEGATE ERICKSON, Vice Chairman

Delegate Kwako 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 20th day of January, 1972, and finds the same to be correct.

DELEGATE SIMONSON, Chairman

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

## REPORTS OF SUBSTANTIVE COMMITTEES

January 21, 1972

Mr. President: A majority of your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-16 has had the same under consideration and recommends that the same do pass.

Delegate Devine  
Delegate Engstrom  
Delegate Fritzell  
Delegate Griffin  
Delegate Jestrab  
Delegate Larsen  
Delegate Litten  
Delegate Meidinger  
Delegate Poulson  
Delegate Sanstead  
Delegate Sullivan

DELEGATE MEIDINGER, Chairman

Delegate Meidinger moved that the majority report be adopted.

January 21, 1972

Mr. President: A minority of your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-16 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete lines 14 through 18

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Delegate Billey  
Delegate Christensen  
Delegate Knudson  
Delegate Lander  
Delegate Peterson

DELEGATE MEIDINGER, Chairman

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

#### MOTION

Delegate Jestrab moved that Committee Proposal 1-16 be laid over until such time as Delegate Sanstead is present, which motion prevailed.

#### REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-38 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.

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-44 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.

Mr. President: Your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-116 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.

Mr. President: Your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-117 has had the

same under consideration and recommends that the same be returned without recommendation.

DELEGATE HAUGEN, Chairman

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

Mr. President: Your Committee on Finance and Taxation to whom was referred Delegate Proposal No. 2-17 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-23.

DELEGATE HAUGEN, Chairman

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

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Delegate Proposal No. 2-54 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MEIDINGER, Chairman

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

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Delegate Proposal No. 2-55 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MEIDINGER, Chairman

Delegate Meidinger 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 Delegate Proposal No. 2-57 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Delegate Proposal No. 2-71 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MEIDINGER, Chairman

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

Mr. President: Your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-12 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete the lines 13 through 25

On page 2 delete the lines 1 through 35

On page 3 delete the lines 1 through 35

On page 4 delete line 1 and insert in lieu thereof:

**Section 1. Purpose.**

**The purpose of this article is to provide for maximum local self-government by all political subdivisions with a minimum of functional duplications.**

**Section 2. Political Subdivisions.**

**The legislature shall provide by law for the establishment of all political subdivisions and provide for the government thereof. Each political subdivision shall have and exercise such powers as provided by law.**

**Section 3. Counties.**

The several counties of the state of North Dakota as they now exist are hereby declared to be counties of the state of North Dakota.

**Section 4. County Seats.**

The legislature shall provide by law for changing county seats within organized counties, but it shall have no power to remove the county seat of any organized county.

**Section 5. Boundaries.**

Methods and standards by which all or any portion of a county or counties may be annexed, merged, consolidated, reclassified or dissolved, shall be as provided by law. No portion of any county or counties shall be annexed, merged, consolidated, or dissolved unless a majority of the electors of each such affected county or counties voting on such question shall approve of the annexation, merger, consolidation, or dissolution.

**Section 6. Home Rule.**

The legislature shall provide by law for the establishment of home rule in counties and cities. The legislature shall not be restricted in granting of home rule powers to home rule counties and cities by limitation on debts of counties and cities contained in this constitution.

**Section 7. Optional Forms.**

The legislature shall also provide by law for optional forms of government for counties, but no such optional form of government shall become operative in any county until submitted to the electors thereof at a special or general election, and approved by a majority of those voting thereon.

Until one of the optional forms of county government is adopted by any county, the fiscal affairs of the county shall be transacted by a board of county commissioners as provided by law.

**Section 8. County Services.**

Each county shall provide the functions of law enforcement, administrative and fiscal services, recording and registration services, education services and such other governmental services or functions as may be provided by law.

All elective county offices, or any combinations thereof, as they now exist shall continue to be elective county offices for four year terms until any such offices shall be eliminated at a countywide referendum by a majority vote of the electors voting on the question.

Such referendum elections shall be provided for by law, and shall be mandatory in each county at the first statewide election next following two years after the effective date of this constitution and at least every ten years thereafter.

Whenever any office is eliminated, the county governing body may provide for such services.

**Section 9. Referendum.**

Questions as to the form of government to be adopted by any county or as to the elimination of county offices may be placed upon a referendum ballot either by a vote of not less than two-thirds of the county governing board or upon petition of electors of the county equal to at least fifteen percent of the total number of voters of the county who voted for governor at the last gubernatorial election, or as otherwise provided by law.

**Section 10. Service Agreements.**

Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any political sub-

division with any other political subdivision, with the state or with the United States, unless otherwise provided by law or home rule charter. A political subdivision may transfer to the county in which it is located any of its powers or functions unless prohibited by law or home rule charter, and may in like manner revoke the transfer.

**Section 11. Mutual Services.**

The right to enter into mutually beneficial service arrangements between the Indian Tribes and state agencies or political subdivisions of the state shall be recognized.

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

DELEGATE LONGMIRE, Chairman

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

**CONSIDERATION OF AMENDMENTS**

Delegate Longmire has moved that the amendments to Committee Proposal 1-14, as recommended by the Majority of the Committee on Judicial Functions and Political Subdivisions and appearing on pages 203 and 204 of the Journal, be adopted, which motion prevailed.

Delegate Hoffner has moved that the amendments to Committee Proposal 1-29, as recommended by the Committee on Legislative Functions and appearing on page 246 of the Journal, be adopted, which motion prevailed, on a division vote.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-55.** Be it resolved by the North Dakota Constitutional Convention that section 212 of the constitution of the state of North Dakota, which pertains to blacklists, 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, 89; nays, 2; absent and not voting, 7.

Those voting in the affirmative were:

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

Those voting in the negative were:

Nething Rundle

Absent and not voting:

Benz Hartl Paulson Sanstead  
Butler Litten Pearce

So the proposal passed and the title was agreed to, and Committee Proposal 1-55 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-71.** Be it resolved by the North Dakota Constitutional Convention that section 6 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to bail.

Which has been read.

Delegate Decker moved that Committee Proposal No. 1-71 be amended as follows:

On line 10, before the word "Excessive", insert the following: **"All persons shall be bailable."**

And renumber the lines accordingly, which motion prevailed.

Delegate Decker moved that the rules be suspended, and Committee Proposal 1-71 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

#### ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 92; nays, 0; absent and not voting, 6.

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	Saugstad
Benson	Fritzell	Lander	Scheel
Berg	Geelan	Larsen	Schmit
Billey	Gipp	Lerberg	Simonson
Binek	Griffin	Longmire	Sinner
Birkeland	Hardmeyer	McElroy	Solberg
Brakke	Haugen	McIntyre	Sondreal
Burbidge	Hendrickson	Maxwell	Stanton
Burke	Hernett	Meidinger	Sullivan
Byrne	Hildebrand	Miller	Thompson
Cart	Hill	Nething	Trenbeath
Chase	Hoffner	Nicholas	Tudor
Christensen	Hoghaug	O'Toole	Unruh
Daniels	Hougen	Omdahl	Urdahl
Dawson	Hubrig	Pearce	Vogel
Decker	Huckle	Peters	Wallin
Devine	Jestrab	Peterson	Warner
Diehl	Kelsch	Poulson	Wicks
Dobson	Kessel	Quam	Mr. President

Absent and not voting:

Benz Hartl Paulson Sanstead  
Butler Litten

So the proposal passed and the title was agreed to, and Committee Proposal 1-71 was referred to the Committee on Style and Drafting.

#### MOTION

Delegate Hoffner moved that Committee Proposal 1-76 be laid over two convention days, which motion prevailed.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-77.** Be it resolved by the North Dakota Constitutional Convention that sections 183 and 184 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; all of which pertain to political subdivision debt.

Which has been read.

Delegate Landers moved that Committee Proposal 1-77 be amended as follows:

On Line 12, delete the word "By" and insert in lieu thereof the following: "A school district, by a majority vote, or any other political subdivision by"

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

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 89; nays, 5; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Cart	O'Toole	Omdahl
Baker			

Absent and not voting:

Benz	Butler	Hartl	Paulson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-77 was referred to the Committee on Style and Drafting.

ANNOUNCEMENT

Delegate Sanstead reported his presence at the Convention.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-79.** 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 keep arms, be created.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, as

amended, the roll was called and there were ayes, 77; nays, 18; absent and not voting, 3.

**Those voting in the affirmative were:**

Aas	Engstrom	Ketchum	Roney
Baker	Erickson	Knudson	Rude
Bassingthwaite	Fallgatter	Kretschmar	Sanstead
Bender	Fiedler	Kwako	Saugstad
Berg	Fritzell	Lander	Scheel
Billey	Geelan	Larsen	Schmit
Binek	Griffin	Lerberg	Simonson
Birkeland	Hardmeyer	Litten	Sinner
Brakke	Hartl	McElroy	Solberg
Burbidge	Haugen	McIntyre	Sondreal
Byrne	Hendrickson	Maxwell	Stanton
Cart	Hernett	Meidinger	Thompson
Chase	Hildebrand	Miller	Trenbeath
Christensen	Hoghaug	Nething	Tudor
Daniels	Hougen	Pearce	Unruh
Dawson	Hubrig	Peters	Urdahl
Decker	Huckle	Peterson	Wallin
Devine	Jestrab	Poulson	Warner
Diehl	Kelsch	Quam	Mr. President
Engelter			

**Those voting in the negative were:**

Aubol	Hill	Nicholas	Rundle
Benson	Hoffner	O'Toole	Sullivan
Burke	Kessel	Omdahl	Vogel
Dobson	Lamb	Rosendahl	Wicks
Gipp	Longmire		

**Absent and not voting:**

Benz	Butler	Paulson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-79 was referred to the Committee on Style and Drafting.

President Wenstrom declared a fifteen minute recess.

Convention re-convened with President Wenstrom presiding.

#### CONSIDERATION OF REPORTS OF SUBSTANTIVE COMMITTEES

In accordance with the motion of Delegate Jestrab to delay consideration of Committee Reports on Proposal 1-16 until Delegate Sanstead was present, the Convention then considered the Committee Reports on Proposal 1-16 as read earlier in the day.

The question was on the adoption of the motion of Delegate Lander to substitute the report of the minority for the report of the majority committee on Committee Proposal 1-16, which motion failed on a division vote requested by the President.

The question then was on the motion of Delegate Meidinger to adopt the report of the majority committee on Committee Proposal 1-16, which motion prevailed.

Delegate Maxwell moved that the Convention stand recessed until 3:30 p.m., which motion prevailed.

The Convention reconvened at 3:30 p.m., with President Wenstrom presiding.

#### INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Executive Functions introduced:

**Committee Proposal No. 1-120.** Be it resolved by the North Dakota Constitutional Convention that two new sections to the constitution of the state of North Dakota, both of which pertain to the executive branch of government, be created.



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

**ANNOUNCEMENTS**

Delegate Hartl reported his presence at the Convention.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-86.** 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 making all persons over eighteen years of age adults for all purposes, be created.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 73; nays, 20; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Dobson	Jestrab	Quam
Aubol	Engelter	Kelsch	Roney
Baker	Engstrom	Ketchum	Rosendahl
Bassingthwaite	Fallgatter	Kretschmar	Rude
Bender	Fiedler	Lamb	Rundle
Benson	Fritzell	Lander	Sanstead
Binek	Geelan	Larsen	Saugstad
Birkeland	Gipp	Lerberg	Schmit
Brakke	Griffin	Litten	Sinner
Burbidge	Hardmeyer	Longmire	Solberg
Burke	Hartl	McIntyre	Sondreal
Byrne	Haugen	Miller	Sullivan
Cart	Hendrickson	Nicholas	Thompson
Chase	Hernett	O'Toole	Trenbeath
Christensen	Hildebrand	Pearce	Tudor
Daniels	Hoffner	Peters	Urdahl
Decker	Hoghaug	Peterson	Wicks
Devine	Huckle	Poulson	Mr. President
Diehl			

Those voting in the negative were:

Berg	Hubrig	Meidinger	Stanton
Billey	Kessel	Nething	Unruh
Erickson	Knudson	Omdahl	Vogel
Hill	Kwako	Scheel	Wallin
Hougen	Maxwell	Simonson	Warner

Absent and not voting:

Benz	Dawson	McElroy	Paulson
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-86 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Trenbeath moved that Committee Proposal 1-89 be laid over one Convention Day, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-92.** Be it resolved by the North Dakota Constitutional Convention that section 19 of the constitution of the state of North Dakota be repealed; and a new section to the constitution of the state of North Dakota be created; both of which pertain to treason against the state.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-92 be amended as follows:

On page 1, delete all of lines 1 through 12 and insert in lieu thereof the following:

“That section 19 of the constitution of the state of North Dakota be repealed; and a new section to the constitution of the state of North Dakota be created; both of which pertain to treason against the state.

SECTION 1. REPEAL.) Section 19 of the constitution of the state of North Dakota is hereby repealed.

SECTION 2.) A new section to the constitution of the state of North Dakota is hereby created to read as follows:

**There shall be no crime of treason against the state of North Dakota.”**

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-92 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 73; nays, 21; absent and not voting, 4.

Those voting in the affirmative were:

Aubol	Engelter	Knudson	Roney
Baker	Engstrom	Kretschmar	Rosendahl
Bassingthwaite	Erickson	Kwako	Rude
Bender	Fallgatter	Lamb	Rundle
Benson	Fritzell	Lander	Sanstead
Billey	Geelan	Larsen	Saugstad
Binek	Gipp	Lerberg	Scheel
Birkeland	Griffin	McElroy	Schmit
Brakke	Hardmeyer	McIntyre	Simonson
Burbidge	Hartl	Miller	Sinner
Byrne	Haugen	Nicholas	Solberg
Cart	Hendrickson	O'Toole	Sondreal
Chase	Hernett	Omdahl	Sullivan
Christensen	Hoffner	Pearce	Thompson
Daniels	Huckle	Peters	Trenbeath
Decker	Jestrab	Peterson	Vogel
Devine	Kelsch	Poulson	Wicks
Diehl	Ketchum	Quam	Mr. President
Dobson			

Those voting in the negative were:

Aas	Hoghaug	Longmire	Tudor
Burke	Hougen	Maxwell	Unruh
Dawson	Hubrig	Meidinger	Urdahl
Fiedler	Kessel	Nething	Wallin
Hildebrand	Litten	Stanton	Warner
Hill			

Absent and not voting:

Benz	Berg	Butler	Paulson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-92 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-95.** Be it resolved by the North Dakota Constitutional Convention that section 135 of the constitution of the state of North Dakota, which pertains to cumulative voting in 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, 94; nays, 0; absent and not voting, 4.

## Those voting in the affirmative were:

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

## Absent and not voting:

Benz	Butler	Byrne	Paulson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-95 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-97.** Be it resolved by the North Dakota Constitutional Convention that section 176 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to tax uniformity and exemptions.

Which has been read.

Delegate Sinner moved that Committee Proposal 1-97 be amended as follows:

In line 14, delete the following **"Property used exclusively for school, cemetery or**

In line 15, delete the following: **"religious purposes shall be exempt from taxation."**

And re-number the lines accordingly.

Which motion failed on a division vote, requested by the President.

Delegate Hoghaug moved that Proposal 1-97 be amended as follows:

In line 14, following the word **"for"** insert: **"non-profit hospitals, non-profit nursing homes, non-profit rest or retirement homes,"**

And re-number the lines accordingly.

Which motion prevailed on a division vote.

Delegate Lamb moved that Committee Proposal 1-97 be laid over one convention day, which motion failed.

Delegate Hoghaug moved that rules be suspended, and that Committee Proposal 1-97 be deemed properly engrossed and placed on the calendar for first reading, which motion failed.

Delegate Rundle moved that Committee Proposal 1-97 be laid over one convention day, which motion prevailed.

## FIRST READING OF PROPOSALS

**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.

Which has been read.

Delegate Daniels moved that Committee Proposal 1-98 be amended as follows:

Delete all of lines 1 through 9 and insert in lieu thereof the following:

**“That section 16 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created, both of which pertain to bills of attainder and ex post facto laws.**

**SECTION 1. REPEAL.) Section 16 of the constitution of the state of North Dakota is hereby repealed.**

**Section 2.) A new section to the constitution of the state of North Dakota is hereby created to read as follows:**

**BILL OF ATTAINDER, EX POST FACTO.** No law shall be passed which would pronounce a person guilty of an alleged crime without trial or conviction according to the recognized rules of procedure. No law shall be passed which makes an action, done before the passing of the law, and which was innocent when done, criminal, and punishes such action. No law shall be passed which would impair the obligations of contracts.”

And renumber the lines accordingly.

Delegate Vogel moved to amend the amendment as follows:

In the paragraph on Bill of Attainder, Ex Post Facto, after the words “rules of procedure.” delete the following:

**“No law shall be passed which makes an action, done before the passing of the law, and which was innocent when done, criminal, and punishes such action.”** and insert in lieu thereof the following: **“No law shall be passed declaring an action to be a crime and punishing the person who committed it, if that action was not a crime at the time it was committed.”**

And renumber the lines accordingly.

Delegate Jestrab moved that the amendments be printed and placed before the Delegates before a vote is taken on it, which motion was then withdrawn.

Delegate Haugen moved that Committee Proposal 1-98 be laid over one convention day, which motion failed.

Delegate Baker moved the previous question, which motion prevailed.

The question then was on the motion of Delegate Vogel to amend the amendment, which motion failed.

The question then was on the motion of Delegate Daniels to amend Committee Proposal 1-98, which motion failed.

## ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 79; nays, 14; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Engelter	Kwako	Rosendahl
Aubol	Engstrom	Lamb	Rude
Baker	Erickson	Lander	Rundle
Bassingthwaite	Fallgatter	Larsen	Sanstead
Bender	Fiedler	Lerberg	Saugstad

Bensor	Fritzell	Litten	Scheel
Berg	Gipp	Longmire	Sinner
Billey	Griffin	McElroy	Solberg
Binek	Hardmeyer	McIntyre	Stanton
Birkeland	Hartl	Maxwell	Sullivan
Brakke	Hernett	Meidinger	Thompson
Burbidge	Hoghaug	Miller	Trenbeath
Byrne	Hougen	Nething	Tudor
Cart	Hubrig	O'Toole	Unruh
Christensen	Huckle	Pearce	Urdahl
Dawson	Jestrab	Peters	Vogel
Decker	Kelsch	Peterson	Wallin
Devine	Kessel	Poulson	Wicks
Diehl	Ketchum	Quam	Mr. President
Dobson	Kretschmar	Roney	

Those voting in the negative were:

Burke	Haugen	Knudson	Schmit
Chase	Hendrickson	Nicholas	Simonson
Daniels	Hill	Omdahl	Sondreal
Geelan	Hoffner		

Absent and not voting:

Benz	Hildebrand	Paulson	Warner
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-98 was referred to the Committee on Style and Drafting.

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

Delegte Rundle moved that the Convention be adjourned until 9:00 a.m., January 25, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk