

SEVENTEENTH DAY

Bismarck, January 25, 1972

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

Prayer was offered by Rev. David Knecht, Pastor, McCabe United Methodist Church, Bismarck.

"We seek Your face, Almighty Father, at the beginning of a new day's labor, lest in its busyness, its frustrations, and its confusions we lose the meaning of our lives.

"You hold in Your hands our past, our present, and our future. Keep us from being so enamored with the romance of yesterday that we miss the urgent claims of today and tomorrow. But keep us also from being so enthralled with newness and change that we sell for pottage the hard-earned birthright of our fathers.

"We both confess, and rejoice in our humanness, but acknowledge our need of Thee, that you might equip our minds with stringent honesty, our hearts with reckless courage, and our souls with fervent sensitivity that we might, this day, offer up our fitting service, and celebrate Life. Amen."

Roll was called, and all Delegates were present except Delegates Benz, Butler, Gipp, Paulson and Sullivan.

A quorum was declared by the President.

REPORTS OF PROCEDURAL COMMITTEES

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

Committee Proposal No. 1-97

And find the same correctly engrossed.

DELEGATE ERICKSON, Chairman

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

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

Committee Proposal No. 1-14

And find the same correctly re-engrossed.

DELEGATE ERICKSON, Chairman

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

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

Committee Proposal No. 1-29

And find the same correctly 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 21st day of January, 1972, and recommends that the same be corrected as follows:

On page 244, in line 16, delete the word "Minority" and insert in lieu thereof the word "Majority"

On page 247, following line 8, insert the following:

"Committee on Preamble, Bill of Rights and Suffrage introduced;"

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 Kwako moved that Delegate Proposal 2-77 be returned to the convention from the Committee on Legislative Functions, which motion prevailed.

Delegate Kwako requested unanimous consent of the Convention to withdraw Delegate Proposal 2-77, which request was granted.

Delegate Geelan requested unanimous consent to withdraw Delegate Proposal 2-2, which request was granted.

POINT OF PERSONAL PRIVILEGE

Delegate Rundle requested that the following remarks be printed in the Journal.

Delegate Rundle:

"Mr. President, Ladies and Gentlemen of the Convention:

"In the last session of the legislature the Political Subdivisions Committee of the House, of which I was chairman, worked on legislative reapportionment and passed a bill to the Senate. The Senate committee, with Senator and now Delegate Hernet, as chairman, passed a bill out. These plans were both rejected by the other body and a conference committee worked on the matter for many hours.

"When it became apparent that no reapportionment bill would pass, I promised my committee that I would introduce a proposal at this Constitutional Convention which would have the Supreme Court of the state doing the actual reapportionment. The Proposal 3-21 was the result.

"I thought I fought a good fight and got beat in Judiciary Committee by a one-vote margin. It also lost in a subcommittee of Legislative Functions. It became apparent that it wouldn't pass when several Justices of the Supreme Court said they did not want the job. The reasons given were: 1. We do not have the time nor the staff; 2. We do not want to get the courts involved in politics; 3. In case of litigation, we would not be in a position to finally rule because we had drawn the plan.

"In this case as well as some others, I cannot help wonder if we were being more solicitous of the rights and wishes of the judges than we were of the rights and wishes of the other citizens of the state.

"However, the fact that the Supreme Court Justices did not want to involve themselves in more work, nor in ordinary politics, should exclude the involvement of Judges of any kind in any reapportionment plan.

"Therefore, I ask that I be given the right to give Delegate Proposal 3-21 a decent burial in file 13 or in the creek.

"Mr. President, I ask that Delegate Proposal 3-21 be withdrawn. I thank you."

CONSIDERATION OF AMENDMENTS

Delegate Longmire has moved that the amendments to Committee Proposal 1-12, as recommended by the Committee on Judicial Functions and Political Subdivisions and as printed on pages 255, 256, and 257 of the Journal, be adopted.

Delegate Longmire moved to dispense with the reading of the amendment to Committee Proposal 1-12, which motion prevailed.

The question then was on the adoption of the amendments to Committee Proposal 1-12, which motion prevailed.

ANNOUNCEMENT

Delegate Gipp reported his presence at the Convention.

Delegate Sullivan reported his presence at the Convention.

REPORTS OF SUBSTANTIVE COMMITTEES

In regard to Committee Proposal 1-83, which had been laid over two convention days, the Reports of the Majority and the Minority of the Committee on Preamble, Bill of Rights and Suffrage, which reports are shown on page 245 of the Journal, were considered.

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

The question then was on the motion of Delegate Maxwell to adopt the Report of the Majority of the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

President Wenstrom declared the Convention at ease for five minutes.

REPORTS OF SUBSTANTIVE COMMITTEES

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 lines 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 justices 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 rule 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 justices 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 of the majority be adopted.

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 same be amended as follows:

On page 1 delete lines 17 through 25

On page 2 delete lines 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. 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 rule 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 6. Districts.

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 serve.

Section 7. Appointment.

Justices of the supreme court and judges of the district court shall be appointed, shall hold their office until their successors are duly qualified and shall receive compensation provided by law.

Section 8. Judicial Nominating Commission.

There shall be a judicial nominating commission which shall select the nominees for appointment to the office of justice of the supreme court and judge of the district court. The membership of such commission shall consist 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.

Section 9. Vacancy.

A vacancy 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 the judicial nominating commission.

At the next general election after the expiration of three years from the date of appointment and every ten years thereafter, justices of the supreme court shall be subject to approval by a majority vote of the electorate voting upon the question. At the next general election after the expiration of three years from the date of appointment and every six years thereafter, judges of the district court shall be subject to approval by a majority vote of the electorate voting upon the question. In the case of a justice of the supreme court, the electorate of the state shall vote on the question of approval. In the case of a judge of the district court, only the electorate of that judicial district shall vote on the question of approval.

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

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.

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.

Section 13. 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 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 Bassingthwaite

Delegate Hoghaug

DELEGATE LONGMIRE, Chairman

Delegate Aubol moved that the report of the Minority be substituted for the Report of the Majority.

The question was on the motion of Delegate Aubol that the report of the Minority be substituted for the Report of the Majority, which motion failed on a division vote.

In consideration of the rules, as shown on page 248 of the Journal, under which this Proposal was to be handled, the Report of the Majority was deemed adopted, and Committee Proposal 1-11 was deemed properly engrossed, and placed on the calendar for first passage.

FIRST READING OF A PROPOSAL

Committee Proposal No. 1-11. Be it resolved by the North Dakota Constitutional Convention that sections 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120 of the constitution of the state of North Dakota be repealed; and that article IV of the constitution of the state of North Dakota be created; all of which pertain to the judicial branch of government.

Which has been read.

Delegate Hoffner moved that Committee Proposal 1-11 be amended as follows:

Delete Section 13 and insert in lieu thereof the following:

"Section 13. Whenever a vacancy occurs in the office of judge of any court of this state and whenever such office is open to election according to the intervals established in this article, such vacancy or office shall be filled in the following manner: the governor shall appoint, as candidate for the particular office of judge in question, one of three persons possessing the qualifications for such office, which three shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as provided by law. The name of the nominee appointed pursuant to this selection process shall be placed on the ballot and submitted at the next succeeding general election to the electors eligible to vote within the geographic jurisdictional limit of the court in question. Other candidates for the same office of judge may file declarations of candidacy for election thereto as provided by law, and their names shall be placed on the same ballot as that of the nominee."

And renumber the lines accordingly.

Delegate Chase moved that Committee Proposal 1-11 be laid over one convention day, which motion failed.

ANNOUNCEMENT

In accordance with the Rules, President Wenstrom announced the following Committee on Constitutional Ballot:

Elected Members:

Legislative Functions:

Jeannette Stanton District 21
 J. K. Benson District 6

Preamble, Bill of Rights and Suffrage:

Joseph S. Lamb District 17
 H. Jackson Fiedler District 11

Executive Functions:

Earl W. Chase District 8
 James R. Dawson District 21

Finance and Taxation:

Gary L. Lerberg District 4
 John McElroy District 29

Judicial Functions and Political Subdivisions:

Theodore F. Kessel District 27
 Fred Hoghaug District 15

Education, Resources and Public Lands:

James O. Billey District 28
 Edward K. Lander District 18

Presidential Appointments:

Allen McIntyre District 39
 Sylvan Hubrig District 5
 LeRoy Erickson District 26

Delegate Aubol moved that the Convention stand recessed until 2:00 p.m.

Delegate Saugstad moved that the motion to recess be amended in order that the Convention recess until 1:30 p.m., which motion prevailed.

Convention reconvened at 1:30 p.m., with President Wenstrom presiding.

Consideration of First Reading of Committee Proposals 1-11 continued.

Delegate Hoffner requested unanimous consent to withdraw his proposed amendment to Committee Proposal 1-11, which request was granted.

Delegate Hoffner moved that Committee Proposal 1-11 be amended as follows:

Delete section 14 of the Majority Committee amendment and insert in lieu thereof the following:

“Section 14. Nomination for election to the office of justice of the Supreme Court or judge of the District Court of this state shall be made as follows: The governor shall nominate one of three persons submitted to the governor by a nonpartisan judicial nominating commission established by law. If the commission recommends retention of the incumbent, the governor shall nominate such incumbent. The name of the governor’s nominee shall automatically be placed on the ballot at the next succeeding general election with appropriate designation. At the general election the name of the nominee named by the governor and not more than one candidate nominated by law shall be placed on the ballot.

And renumber the lines accordingly.

Which motion failed.

Delegate Pearce moved that Committee Proposal 1-11 be amended as follows:

In Section 2 of the Majority Committee amendments, after the words "**provided by law. The**" delete "**chief justice**" and insert in lieu thereof "**supreme court**"

Which motion failed.

Delegate Kelsch moved that Committee Proposal 1-11 be amended as follows:

Delete all of Section 11 of the Majority Committee amendments and insert in lieu thereof the following:

"Section 11. The legislature shall establish by law a procedure for removal of judges for misconduct in office, or inability to perform the duties of office, whether wilful or because of physical or mental disability, or incompetency. The supreme court shall have original, exclusive and final jurisdiction in judicial removal proceedings. A supreme court justice proceeded against shall be disqualified from acting in such proceedings and a district judge selected by the remaining judges shall act in his stead."

Renumber the sections and lines accordingly.

Delegate Kelsch moved to amend the amendment as follows:

In Section 11, after the words "**mental disability, or incompetency.**" delete "**The**" and insert in lieu thereof "**Except for impeachment proceedings the**"

And renumber the lines accordingly.

Which motion prevailed.

The question then was on the motion of Delegate Kelsch to adopt the amendment as now amended, which motion prevailed.

Delegate Hill moved to amend Committee Proposal 1-11 as follows:

Create new section 15 as follows:

"Section 15. When the incumbent judge is not a candidate for re-election, nomination for election to the office of justice of the Supreme Court or judge of the District Court of this state shall be made as follows: the governor shall nominate one of three persons submitted to the governor by a nonpartisan judicial nominating commission established by law. The name of the governor's nominee shall automatically be placed on the ballot at the primary election with appropriate designation, with the consent of the nominee."

And renumber the lines accordingly.

Which motion failed on a division vote.

Delegate Longmire moved that the rules be suspended, and Committee Proposal 1-11 be deemed properly re-engrossed and placed on the calendar for first passage, which motion failed on a division vote.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-60 has had the same under consideration and recommends that the same be amended as follows:

Delete all of lines 10 through 15 and insert in lieu thereof the following:

"INDICTMENT OR INFORMATION. No person shall for a felony, be proceeded against criminally, otherwise than by indictment, or by information, except in cases arising in the military forces, when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system."

Renumber the lines accordingly.

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 Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-80 has had the same under consideration and recommends that the same be amended as follows:

In line 2 of the Title, following the word "repealed" delete the "semi-colon" and insert in lieu thereof a "period" and delete the remainder of the line.

Delete all of lines 3 and 4.

Delete all of lines 8 through 18 of the proposal.

Renumber the lines accordingly.

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 Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-90 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.

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-93 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.

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-104 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.

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-105 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. 1-106 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. 1-107 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. 1-108 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. 1-109 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. 1-110 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. 1-111 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. 1-112 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. 1-113 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. 1-99 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 Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-118 has had the same under consideration and recommends that the same be returned to the Floor without recommendation.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-119 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.

Mr. President: Your Committee on Legislative Functions to whom was referred Delegate Proposal No. 2-9 has had the same

under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-37.

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 Delegate Proposal No. 2-10 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-37.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-12 has had the same under consideration and recommends that the same be amended as follows:

In line 7 delete the word "All" and insert in lieu thereof "The" and after "of" delete "public or" and insert in lieu thereof "all" and following the word "governmental" insert the words "and executive"

Renumber the lines accordingly.

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 Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-14 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.

Mr. President: Your Committee on Legislative Functions to whom was referred Delegate Proposal No. 2-34 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-34.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-64 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.

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-74 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.

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-9 has had the same under

consideration and recommends that the same be indefinitely postponed.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-91 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-100 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-102 has had the same under consideration and recommends that the same be amended as follows:

In line 11 after the word "governor" delete the comma

In line 22 after the comma delete "with" and insert in lieu thereof "within"

And when so amended recommends the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Delegate Proposal No. 2-30 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE HERNETT, Chairman

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

MOTIONS

Delegate Omdahl moved that Delegate Proposal 2-38 be returned to the Convention from the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

Delegate Omdahl requested unanimous consent of the convention to withdraw Delegate Proposal 2-38, which request was granted.

Delegate Maxwell moved that Delegate Proposal 2-40 be returned to the Convention from the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

Delegate Lamb requested unanimous consent of the convention to withdraw Delegate Proposal 2-40, which request was granted.

Delegate Maxwell moved that Delegate Proposals 2-39, 2-24, 2-6 and 2-61 be returned to the Convention from the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

Delegate Thompson requested unanimous consent of the convention to withdraw Delegate Proposal 2-39, which request was granted.

Delegate Hubrig requested unanimous consent of the Convention to withdraw Delegate Proposal 2-24, which request was granted.

Delegate Tudor requested unanimous consent of the convention to withdraw Delegate Proposal 2-6, which request was granted.

Delegate Trenbeath requested unanimous consent of the convention to withdraw Delegate Proposal 2-61, which request was granted.

280 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Delegate Hoffner moved that Committee Proposal 1-29 be referred to the Committee on Legislative Functions, which motion prevailed.

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., January 26, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk