

EIGHTEENTH DAY

Bismarck, January 26, 1972

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

Prayer was offered by Rev. Fr. Marvin J. Klemmer, Chancellor of the Catholic Diocese of Bismarck.

"O heavenly Father, the possessor of all wisdom and the maker of all law, we thank You for allowing us to see the beginning of another day. In Your goodness, please, may it be a good day in service of You.

"Continue to share Your wisdom with us. You granted this favor to Your servant, King Solomon. Now as Your humble servants at this Constitutional Convention, we too, above all else ask this gift so that we may best serve You, this great State and its people.

"We ask this favor in the name of Jesus, Your Son, who lives and reigns with You, Father, in union with the Holy Spirit, forever and ever. Amen."

Roll was called, and all Delegates were present except Delegates Benz, Hill and Paulson.

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. 1-12

Committee Proposal No. 1-11

And find the same correctly engrossed.

DELEGATE ERICKSON, 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 24th day of January, 1972, and recommends that the same be corrected as follows:

On page 260, line 2, delete the numeral "76" and insert in lieu thereof numeral "77"

On page 260, line 3, delete the numeral "4" and insert in lieu thereof numeral "3"

On page 260, in line 31, delete the name "Hartl"

On page 261, following line 13, beneath the name "Hardmeyer" insert the name "Hartl"

On page 262, following line 13, insert the following: "which motion prevailed."

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

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 page 275 of the Journal, be adopted, which motion prevailed.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-80, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 276 of the Journal, be adopted.

Delegate Litten moved that Committee Proposal 1-80 be moved to the foot of the Sixth Order, which motion prevailed.

Delegate Hernett has moved that the amendments to Committee Proposal 1-102, as recommended by the Committee on Executive Functions and as printed on page 279 of the Journal, be adopted, which motion prevailed.

Delegate Maxwell has moved that the amendments to Delegate Proposal 2-12, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 278 of the Journal, be adopted, which motion prevailed.

The question then was on the motion of Delegate Maxwell to adopt the amendments to Committee Proposal 1-80, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 276 of the Journal, which motion prevailed.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-74 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete lines 10 through 12 and insert in lieu thereof the following:

"STATE DEBT. The state may issue bonds and make loans, and guarantee the payment of such bonds and loans and interest thereon. A statewide property tax based on value shall not be used to retire or guarantee such bonds or loans."

And renumber the lines accordingly.

And when so amended recommends 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 Legislative Functions to whom was referred Committee Proposal No. 1-75 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.

ANNOUNCEMENT

Delegate Hill reported his presence at the Convention.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: A Majority of your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-87 has had the same under consideration and recommends that the same do pass.

Delegate McElroy
Delegate Aas
Delegate Haugen
Delegate Burke
Delegate Binek
Delegate Ketchum
Delegate Lerberg
Delegate Miller
Delegate Nicholas
Delegate Quam
Delegate Saugstad

DELEGATE HAUGEN, Chairman

Delegate McElroy moved that the Majority report be adopted.

Mr. President: A Minority of your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-87 has had the same under consideration and recommends that the same be amended as follows:

On line 20 after the period delete the remainder of the line and delete all of lines 21 and 22

Delegate Trenbeath
Delegate Unruh
Delegate Erickson
Delegate Cart

And when so amended recommends the same do pass.

DELEGATE HAUGEN, Chairman

Delegate Trenbeath moved that the report of the Minority be substituted for the report of the Majority, which motion prevailed on a division vote.

President Wenstrom declared the Convention would be in recess for fifteen minutes.

The Convention reconvened with President Wenstrom presiding.

MOTIONS

Delegate Hoffner moved that the following committee proposals be returned from the Legislative Functions Committee to the floor of the Convention and be held at the desk: Committee Proposals 1-31, 1-35, 1-41, 1-42 and 1-69, which motion prevailed.

Delegate Hoffner moved that the following Delegate Proposals be returned from the Legislative Functions Committee to the floor of the Convention and be held at the desk: Delegate Proposals 2-7, 2-16, 2-51, 2-52, 2-73, 2-58, 2-59, 2-72, 2-8, 2-13 and 2-76, which motion prevailed.

Delegate Hoffner moved that Committee Proposal 1-8 be returned to the Convention floor from the Committee on Legislative Functions, which motion prevailed.

Delegate Hoffner requested unanimous consent to withdraw Committee Proposal 1-8, which request was granted.

Delegate Longmire moved that the following Delegate Proposals be returned to the floor of the Convention from the Committee on Judicial Functions and Political Subdivisions: Delegate Proposal 2-18, 2-37, 2-46 and 2-75, which motion prevailed.

Delegate Tudor requested unanimous consent to withdraw Delegate Proposal 2-18, which request was granted.

Delegate Hubrig requested unanimous consent to withdraw Delegate Proposal 2-37, which request was granted.

Delegate Dobson requested unanimous consent to withdraw Delegate Proposal 2-46, which request was granted.

Delegate Omdahl requested unanimous consent to withdraw Delegate Proposal 2-75, which request was granted.

Delegate Hill moved that Delegate Proposal 2-22 be returned

to the Floor of the Convention from the Committee on Education, Resources and Public Lands, which motion prevailed.

Delegate Hill requested unanimous consent to withdraw Delegate Proposal 2-22, which request was granted.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-88 has had the same under consideration and recommends that the same be amended as follows:

On line 1 before the numeral "44" insert the numerals "38, 40, 43," and also in line 1 delete the numeral "53,"

On line 5 before the numeral "44" insert the numerals "38, 40, 43," and also in line 5 delete the numeral "53,"

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 Finance and Taxation to whom was referred Committee Proposal No. 1-96 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 Judicial Functions and Political Subdivisions to whom was referred Delegate Proposal No. 2-28 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-11.

DELEGATE LONGMIRE, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Delegate Proposal No. 2-41 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-36.

DELEGATE HOFFNER, Chairman

Delegate Hoffner moved that the report be adopted.

Delegate Sinner requested that the following statement be printed in the Journal:

Delegate Sinner:

"May the Journal of the Convention show that the Legislative Functions Committee hereby expresses its gratitude to Delegate Lamb for the ideas presented in Delegate Proposal 2-41. We regret that the final expression of this idea cannot bear his name, but the extensive implications in other areas made it imperative to place the idea in Committee Proposal 1-36."

The question then was on the motion of Delegate Hoffner to adopt the Committee Report on Delegate Proposal 2-41, which motion prevailed, and Delegate Proposal 2-41 was indefinitely postponed.

Mr. President: Your Committee on Judicial Functions and Political Subdivisions to whom was referred Delegate Proposal No. 2-56 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE LONGMIRE, Chairman

Delegate Longmire 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. 1-21 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposals Nos. 1-23, 1-74, 1-77, 1-87, and 1-96.

DELEGATE HAUGEN, Chairman

Delegate Haugen 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. 1-103 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 Delegate Proposal No. 2-63 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.

MOTION

Delegate Longmire moved that Committee Proposals 1-11 and 1-12 be placed at the head of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

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.

EXPLANATION OF VOTE

Delegate Aubol: "I intend to vote No against this proposal only because there is substantial strength in this Convention for another system of selection of judges, and I would urge that others also vote No."

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 72; nays, 22; absent and not voting, 4.

Those voting in the affirmative were:

Baker	Dobson	Ketchum	Quam
Bender	Engelter	Knudson	Roney
Benson	Engstrom	Kretschmar	Rude
Berg	Erickson	Kwako	Rundle
Billey	Fallgatter	Lander	Sanstead
Binek	Fiedler	Litten	Saugstad
Brakke	Fritzell	Longmire	Scheel
Burbidge	Geelan	McElroy	Schmit
Burke	Gipp	McIntyre	Solberg
Butler	Griffin	Meidinger	Stanton
Byrne	Hartl	Miller	Sullivan
Cart	Hernettt	Nething	Trenbeath
Chase	Hildebrand	Nicholas	Tudor
Christensen	Hougen	O'Toole	Unruh
Dawson	Hubrig	Pearce	Urdahl

Decker	Huckle	Peters	Wallin
Devine	Kelsch	Peterson	Warner
Diehl	Kessel	Poulson	Mr. President

Those voting in the negative were:

Aubol	Hendrickson	Larsen	Sinner
Bassingthwaite	Hill	Maxwell	Sondreal
Birkeland	Hoffner	Omdahl	Thompson
Daniels	Hoghaug	Rosendahl	Vogel
Hardmeyer	Jestrab	Simonson	Wicks
Haugen	Lamb		

Absent and not voting:

Aas	Benz	Lerberg	Poulson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-11 was referred to the Committee on Style and Drafting.

MOTION

Delegate Omdahl moved that Committee Proposal 1-12 be moved to the foot of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-101. Be it resolved by the North Dakota Constitutional Convention that section 139 of the constitution of the state of North Dakota be repealed; and that article XVII to the constitution of the state of North Dakota be created, both of which pertain to public utilities.

Which has been read.

Delegate Peterson moved that Committee Proposal 1-101 be amended as follows:

On page 1, delete lines 12 through 15, inclusive, and insert in lieu thereof the following:

“Section 1. No law shall be passed by the legislative assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes.”

And renumber the lines accordingly.

Which motion failed.

Delegate Sinner moved that Committee Proposal 1-101 be placed at the foot of the calendar, which motion failed.

Delegate Omdahl moved that Committee Proposal 1-101 be amended as follows:

In line 2, following the word “repealed” delete the balance of the line. Delete lines 3 and 4.

Delete lines 8 through 15, inclusive.

Re-number the lines accordingly.

Which motion prevailed on a division vote requested by the President.

Delegate Haugen moved that the rules be suspended, and that Committee Proposal 1-101 be deemed properly engrossed and placed on the calendar for first passage, which motion failed.

Delegate Saugstad moved that the Convention stand recessed until 1:30 p.m., which motion prevailed.

The Convention reconvened at 1:30 with President Wenstrom presiding.

COMMUNICATIONS

Delegate Unruh moved that the following communication be printed in the Journal, which motion prevailed.

WEDNESDAY, JANUARY 26, 1972

287

HARVARD LAW SCHOOL LIBRARY
LANGDELL HALL, CAMBRIDGE, MASS. 02138

January 20, 1972

Dr. Robert B. Tudor
Quain and Ramstad Clinic
221 North Fifth Street
Bismarck, North Dakota 58501

Dear Dr. Tudor,

We have received the two reprints of the proceedings of the Plenary Session of the North Dakota Constitutional Convention for January 5, 1972, which included your very lovely tribute to Professor James Bradley Thayer, the position he has held in American legal education, and his broader concerns as a constitutional lawyer and as a responsible citizen.

Thank you for sending us these two copies of the Journal of your convention. According with your wishes, I have placed one copy in the box with Mr. Thayer's original draft; the other copy will be mailed to Mr. Thayer's descendants. Several members of our faculty are assisting me in locating such descendants of J. B. Thayer.

Thank you again for your courtesies.

Sincerely yours,
Erika S. Chadbourn
Mrs. James H. Chadbourn
Curator of Manuscripts
and Archives

ESC:emc

Delegate Haugen moved that the following Delegate Proposals be returned to the floor of the Convention from the Committee on Finance and Taxation to be held at the desk: Delegate Proposals 2-35, 2-42, 2-47, 2-50, 2-60, 2-62, 2-66, 2-67, and 2-70, which motion prevailed.

Delegate Maxwell moved that Delegate Proposal 2-69 be returned from the Committee on Preamble, Bill of Rights and Suffrage to the floor of the Convention and be held at the desk until consideration of Committee Proposal 1-82 on the calendar, which motion prevailed.

INTRODUCTION OF A RESOLUTION

Committee on Resolutions introduced:

Resolution No. D. A resolution expressing sympathy to the family of Delegate Binek.

Was read the first time.

Delegate Scheel moved that the rules be suspended, and that Resolution No. D not be referred to committee, and be placed before the Convention for final passage, which motion prevailed.

RESOLUTION No. D

Introduced by Committee on Resolutions

- 1 A resolution expressing sympathy to the family of Delegate
- 1a Binek.
- 2
- 3 WHEREAS, God in His infinite wisdom has seen fit to
- 3a summon
- 4 from our midst Steve Binek, the brother of our colleague,
- 4a Delegate
- 5 A. L. Binek; and
- 6 WHEREAS, Delegate Binek is held in high esteem by all
- 6a members
- 7 of this Constitutional Convention, who share with him his
- 7a sorrow;

8 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH
8a DAKOTA

9 CONSTITUTIONAL CONVENTION:

10 That we express our sorrow and extend our sincere
10a sympathy
11 and condolences to Delegate Binek and all members of his
11a family;

12 and

13 BE IT FURTHER RESOLVED, that this resolution be
13a entered in the

14 Journal and the Clerk is hereby directed to present an
14a enrolled

15 copy to Delegate Binek and members of his family.

The question then was on the final adoption of Resolution No. D, which was adopted on a voice vote.

Delegate Binek thereupon expressed the following:

"Thank you for your recognition and your kind words of sympathy. On behalf of my brother's wife and family, all of my brothers and sisters, your expressions are appreciated and they shall never be forgotten. Thank you so much."

FIRST READING OF PROPOSALS

Delegate Proposal No. 2-23. Be it resolved by the North Dakota Constitutional Convention that a new section be created to the constitution of the state of North Dakota, pertaining to a recognition of veterans' contributions to the state.

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, 85; nays, 9; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aas	Lamb	O'Toole	Sinner
Kelsch	Lerberg	Omdahl	Vogel
Ketchum			

Absent and not voting:

Benz	Gipp	Longmire	Paulson
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So the proposal passed and the title was agreed to, and Dele-

gate Proposal 2-23 was referred to the Committee on Style and Drafting.

Delegate Proposal No. 2-26. Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota, which pertains to the establishment of an independent government agency which shall receive complaints against state agencies and officials, 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, 69; nays, 26; absent and not voting, 3.

Those voting in the affirmative were:

Aubol	Geelan	Larsen	Saugstad
Bassingthwaite	Gipp	Lerberg	Scheel
Bender	Griffin	Longmire	Schmit
Benson	Hardmeyer	Maxwell	Simonson
Birkeland	Hendrickson	Miller	Sinner
Brakke	Hernett	Nicholas	Solberg
Burbidge	Hildebrand	O'Toole	Sondreal
Burke	Hill	Omdahl	Sullivan
Christensen	Hoffner	Pearce	Trenbeath
Daniels	Hoghaug	Peters	Tudor
Decker	Hougen	Peterson	Unruh
Devine	Hubrig	Poulson	Urdahl
Dobson	Jestrab	Quam	Vogel
Engelter	Kelsch	Roney	Wallin
Engstrom	Kessel	Rosendahl	Warner
Erickson	Lamb	Rude	Wicks
Fiedler	Lander	Sanstead	Mr. President
Fritzell			

Those voting in the negative were:

Aas	Chase	Ketchum	McIntyre
Baker	Dawson	Knudson	Meidinger
Berg	Diehl	Kretschmar	Nething
Billey	Fallgatter	Kwako	Rundle
Binek	Hartl	Litten	Stanton
Butler	Haugen	McElroy	Thompson
Cart	Huckle		

Absent and not voting:

Benz	Byrne	Paulson
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So the proposal passed and the title was agreed to, and Delegate Proposal 2-26 was referred to the Committee on Style and Drafting.

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

Delete all of lines 8 through 10 and insert in lieu thereof the following:

"Where a substantial personal right of an indigent person is involved, such person shall have the right to counsel at public expense in all court proceedings in which the state, its agency or subdivision is an adverse party."

And renumber the lines accordingly.

Delegate Hubrig requested that his remarks and those of Delegate Maxwell be printed in the Journal.

Delegate Hubrig: "Mr. President:

"I might say I was the advocate of this proposal, and it was getting overhauled several times, and we might run out of mechanics. I still firmly believe that something should be done in this area. I was advocating from the beginning, and I still advocate that a person shall have the right if he cannot afford — I was not talking about appeal cases — I was talking about cases where a case would go through court, and I still strongly favor this type of proposal in some form. I am not an attorney, but some of the words or questions that have arisen here now would amount to how far-reaching this has been, but I want something so that the people who cannot afford to argue with the governmental agency can be defended."

Delegate Maxwell: "Mr. President:

"When this proposal was before this body the other day, it suffered defeat by a 38-54 vote, and then the Convention sent it back to the Committee, presumably for another look. We certainly didn't view the action of the body as a rebuke at that time, but rather that we take it back for another look.

"The debate at that time was presumably directed against that paragraph that would provide counsel at administrative hearings. We deleted that, and we made it very much more restrictive. Maybe I misinterpreted the action the other day, and perhaps it is the intention of the convention to deny poor people the defense of action of the court. I don't think so. I think this body has a heart, and as Delegate Burbidge a little while ago pointed out this body will see to it that acceptance of the Constitution of this state will not deny the poor people defense in court because they cannot come up with the fee to pay a lawyer to get there."

The question then was on the motion of Delegate Lamb to amend Committee Proposal 1-84.

Delegate Warner requested a recorded roll call vote on the adoption of the amendment, which request was granted.

ROLL CALL

The roll was called and there were ayes, 41; nays, 55; absent and not voting, 2.

Those voting in the affirmative were:

Aubol	Fritzell	Lamb	Sanstead
Bassingthwaite	Geelan	Larsen	Saugstad
Bender	Gipp	Longmire	Schmit
Brakke	Griffin	McIntyre	Sinner
Burbidge	Hardmeyer	Maxwell	Sondreal
Cart	Haugen	O'Toole	Tudor
Daniels	Hoffner	Omdahl	Urdahl
Dawson	Hubrig	Peterson	Vogel
Decker	Jestrab	Poulson	Warner
Dobson	Kelsch	Rosendahl	Wicks
Fiedler			

Those voting in the negative were:

Aas	Engelter	Knudson	Roney
Baker	Engstrom	Kretschmar	Rude
Benson	Erickson	Kwako	Rundle
Berg	Fallgatter	Lander	Scheel
Billey	Hartl	Lerberg	Simonson
Binek	Hendrickson	Litten	Solberg
Birkeland	Hernett	McElroy	Stanton
Burke	Hildebrand	Meidinger	Sullivan
Butler	Hill	Miller	Thompson
Byrne	Hoghaug	Nething	Trenbeath

Chase	Hougen	Nicholas	Unruh
Christensen	Huckle	Pearce	Wallin
Devine	Kessel	Peters	Mr. President
Diehl	Ketchum	Quam	

Absent and not voting:
Benz Paulson

The motion failed.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 28; nays, 68; absent and not voting, 2.

Those voting in the affirmative were:

Bassingthwaite	Griffin	Lamb	Poulson
Bender	Hardmeyer	Larsen	Sanstead
Daniels	Hendrickson	McIntyre	Sinner
Dobson	Hoffner	Maxwell	Sondreal
Fiedler	Hubrig	O'Toole	Tudor
Geelan	Jestrab	Omdahl	Urdahl
Gipp	Kelsch	Peterson	Warner

Those voting in the negative were:

Aas	Decker	Ketchum	Rosendahl
Aubol	Devine	Knudson	Rude
Baker	Diehl	Kretschmar	Rundle
Benson	Engelter	Kwako	Saugstad
Berg	Engstrom	Lander	Scheel
Billey	Erickson	Lerberg	Schmit
Binek	Fallgatter	Litten	Simonson
Birkeland	Fritzell	Longmire	Solberg
Brakke	Hartl	McElroy	Stanton
Burbidge	Haugen	Meidinger	Sullivan
Burke	Hernett	Miller	Thompson
Butler	Hildebrand	Nething	Trenbeath
Byrne	Hill	Nicholas	Unruh
Cart	Hoghaug	Pearce	Vogel
Chase	Hougen	Peters	Wallin
Christensen	Huckle	Quam	Wicks
Dawson	Kessel	Roney	Mr. President

Absent and not voting:
Benz Paulson

So the proposal lost.

President Wenstrom declared a fifteen minute recess.

Convention reconvened with President Wenstrom presiding.

Delegate Litten moved that Delegate Proposals 2-49, 2-44, and 2-65 be returned to the floor of the Convention from the Committee on Education, Resources and Public Lands, which motion prevailed.

Delegate Peterson requested that the following remarks be printed in the Journal:

"The following represents the consensus of the Committee on Education, Resources and Public Lands, and I ask that these remarks be printed in the Journal:

"It is the clear intent of the Committee on Education, Resources and Public Lands that the phrase 'to provide for special education' of Committee Proposal 1-15, Part One, shall include the following:

- "1. Education of the handicapped
- "2. Education of all visually impaired and audibly impaired educable residents of North Dakota
- "3. Education of 'all persons' who in future years may be classified as a type of handicapped, or impaired educable person

"4. Education of the gifted

"In other words, 'special education' shall include every educable person"

"It is also the consensus of the Committee on Education, Resources and Public Lands that the phrase 'to prevent illiteracy' of Committee Proposal 1-15 shall be a directive for the legislature to provide for library services."

Delegate Peterson requested unanimous consent to withdraw Delegate Proposal 2-49, which request was granted.

Delegate Billey requested unanimous consent to withdraw Delegate Proposal 2-44, which request was granted.

Delegate Meidinger requested unanimous consent to withdraw Delegate Proposal 2-65, which request was granted.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-36. Be it resolved by the North Dakota Constitutional Convention that 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.

Which has been read.

Delegate Hendrickson moved that Committee Proposal 1-36 be amended as follows:

Following the word "election." in line 25 of the engrossed proposal, add the following: "**If a majority of the votes cast thereon are affirmative, the legislative assembly shall provide for the election of delegates to, and the holding of, such convention.**"

Which motion prevailed.

Delegate Hendrickson moved that the rules be suspended, and that Committee Proposal 1-36 be deemed properly re-engrossed and placed on the calendar for first passage, which motion was subsequently withdrawn.

Delegate Chase moved that Committee Proposal 1-36 be amended as follows:

In line 17 of the engrossed proposal, after the words "vote of" delete the words "two-thirds" and insert in lieu thereof the words "**three-fifths**"

Which motion prevailed.

Delegate Dobson moved that Committee Proposal 1-36 be amended as follows:

In line 23 of the engrossed proposal, following the words "called?" delete the balance of the line, and delete Lines 24 and 25.

Which motion failed.

Delegate Omdahl moved that Committee Proposal 1-36 be amended as follows:

In line 17 of the engrossed bill, after the words "vote of" delete the words "three-fifths" and insert in lieu thereof the words "a majority"

Which motion failed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-45. Be it resolved by the North Dakota Constitutional Convention that sections 28 and 34 of Article II of the constitution of the state of North Dakota be repealed; and that section 3 of Article II to the constitution of the state of North Dakota be created; all of which pertain to qualifications for legislative office.

Which has been read.

Delegate Berg moved that Committee Proposal 1-45 be amended as follows:

On line 14 of the engrossed proposal after the period insert the following language: **"Each person shall at that time be at least twenty-one years old if a candidate for the house of representatives and at least twenty-one years old if a candidate for the senate."**

Which motion failed on a division vote.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 84; nays, 11; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

Berg	Cart	Diehl	Stanton
Burke	Dawson	Peters	Unruh
Butler	Decker	Rundle	

Absent and not voting:

Benz	Paulson	Peterson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-45 was referred to the Committee on Style and Drafting.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: A Majority of your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-15 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete lines 13 through 25

On page 2 delete lines 1 through 22, and insert in lieu thereof the following:

"Section 1. The legislative assembly shall provide for a uniform system of free public education.

The legislative assembly shall take other steps necessary to prevent illiteracy and to provide for special education and vocational education.

Schools and institutions so established shall be free from sectarian control. No money raised for support of public schools of the state shall be appropriated to or used for support of any sectarian school.

Section 2. There shall be a state board of public education which shall supervise a uniform system of elementary and secondary public education, and shall perform other duties as provided by law.

The board shall consist of nine members, with staggered seven-year terms, appointed by the governor, and confirmed by the senate in a manner provided by law. The members of the board may be removed for the same reasons and in the same manner provided for removal of the governor.

The board shall appoint an executive officer whose term and duties shall be prescribed by the board.

Section 3. There shall be a state board of higher education which shall have full power, responsibility and authority to supervise, operate and control programs and state institutions of higher learning, and shall perform other duties as provided by law.

The legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

The board shall consist of nine members, with staggered seven-year terms, appointed by the governor, and confirmed by the senate in a manner prescribed by law. The members of the board may be removed for the same reasons and in the same manner provided for removal of the governor.

The board shall have control of the expenditure of all funds belonging to and appropriated to such institutions and shall present a single unified budget request to the legislative assembly. Appropriations for all the institutions and for the board shall be contained in one legislative measure. The legislative assembly shall not reduce appropriations by the amount of any gift.

The budgets and appropriation measure for the agricultural experiment stations and their substations and the cooperative extension divisions may be separate from those of state educational institutions.

The board shall have the power to delegate to its employees details of administration of the institutions under its control.

The board shall appoint an executive officer whose term and duties shall be prescribed by the board."

And renumber the lines and sections accordingly.

And when so amended recommends the same do pass.

Delegate Devine
 Delegate Engstrom
 Delegate Fritzell
 Delegate Jestrab
 Delegate Lander
 Delegate Larsen
 Delegate Litten
 Delegate Meidinger
 Delegate Sanstead
 Delegate Sullivan

DELEGATE MEIDINGER, Chairman

Delegate Meidinger moved that the report of the majority be adopted.

Mr. President: A Minority of your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal 1-15 has had the same under consideration and recommends that the majority report be amended as follows:

Delete all of Sections 2 and 3 and insert in lieu thereof the following:

"Section 2. There shall be a State Commission of Education consisting of not less than fifteen nor more than twenty-one members which shall be appointed or elected. The qualifications, terms of office, manner of selection and number of members shall be established by law. Members shall be selected to serve on a particular board of the commission. Members may be removed for the same reasons and in the same manner provided for removal of the governor.

The commission shall be equally divided into three boards which shall be known as the Public Education Board, the Vocational and Junior College Board, and the University and State College Board. Joint committees in areas of common interest may also be established.

The commission shall appoint a commissioner of education to serve as its executive secretary and to administer the State Department of Education. The term and duties of the commissioner shall be prescribed by the commission. An assistant commissioner shall be appointed to serve as executive secretary to each board and to administer the corresponding branch of the Department of Education. Each assistant shall be responsible to the commissioner and to his particular board.

The commission shall establish goals, set standards, and provide planning, coordination and evaluation of educational programs. Each board shall exercise general supervision over its specific area of education. The legislative assembly may require the commission to perform other educational duties and may increase at any time the powers of any board.

The legislative assembly by law shall assign, and may reassign at any time, the responsibility for operation and management of state educational institutions to the appropriate board. Each board shall have full power, responsibility and authority to supervise, operate and control the assigned state educational institutions. Each board shall have control of the expenditure of all funds belonging to and appropriated to such institutions. Each board shall have the power to delegate to its employees details for the administration of the institutions under its control.

A combined budget shall be presented to the governor and the legislative assembly by the commission. Appropriations for the State Commission, Department of Education, and state educational institutions shall be contained in one legislative measure. Budgets and appropriations for the agricultural experiment stations and their substations and the cooperative extension division may be separate from those of state educational institutions.

The legislative assembly may authorize tuition, fees and service charges to assist in financing public schools of higher learning."

And renumber the lines and sections accordingly.

And when so amended recommends the same do pass.

Delegate Billey

Delegate Christensen

Delegate Griffin

Delegate Knudson

Delegate Peterson

Delegate Poulson

DELEGATE MEIDINGER, Chairman

Delegate Billey moved that the report of the minority be adopted.

Delegate Lander moved that Committee Proposal 1-15 be held at the desk for consideration until after the time of the consideration of Committee Proposals 1-100, and 1-102, and that copies of the Majority and Minority reports be placed on the Delegates' desks, which motion prevailed.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-25 has had the same under consideration and recommends that the same be amended as follows:

In line 15 after "may" delete ", by" and after "veto" delete ", strike" and insert in lieu thereof "or reduce" and after "bills" delete the comma and insert in lieu thereof a period

Delete all of lines 16 and 17

In line 18 delete "agencies." and after "vetoed" insert "or reduced"

In line 19 after "vetoed" delete "bill or item" and insert in lieu thereof "item or bill"

In line 23 after "passes" delete "the" and insert in lieu thereof "a vetoed item or"

On page 2 in line 1 after the period insert the following: "Any reduced item shall follow the same procedure as a vetoed item or bill, except if it is passed by a record vote of a majority of the elected members of both houses it shall become law."

Renumber the lines accordingly.

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 Committee Proposal No. 1-26 has had the same under consideration and recommends that the same be amended as follows:

On page 1 line 19 after "or" delete "is disqualified" and insert in lieu thereof "fails to qualify"

On page 2 line 4 after the period delete the remainder of the line

Delete all of lines 5 through 7 and insert in lieu thereof the following:

"The supreme court shall have original, exclusive and final jurisdiction to determine absence and disability of the governor or governor-elect and to determine the existence of a vacancy in the office of governor and all questions concerning succession to the office or to its powers and duties."

Renumber the lines accordingly.

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 Legislative Functions to whom was referred Committee Proposal No. 1-29 has had the same under consideration and recommends that the same be amended as follows:

On page 1 line 15 of the engrossed proposal delete the words "a majority vote of"

On line 18 delete the comma after the word "senators" and insert a period and delete the remainder of the line and insert in lieu thereof the following: "The commission shall guarantee that, as nearly as practicable, every voter is equal to every other voter in this state in the casting of ballots for legislative offices. One senator and at least two representatives shall be apportioned to each senatorial district and be elected at large or from subdistricts thereof."

Delete all of lines 19, 20 and 21

On line 22 insert the word "**The**" before the word "**commission**"

On line 23 delete the words "**in single or**" and insert in lieu thereof the words "**or from subdistricts thereof**"

On line 24 delete everything before the period

On page 2 line 9 after the period insert the following "**No member of the legislative assembly shall be eligible for appointment to the commission.**"

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. 1-81 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 Executive Functions to whom was referred Committee Proposal No. 1-120 has had the same under consideration and recommends that the same be amended as follows:

In line 1 of the title after "that" delete "two" and insert in lieu thereof "a" and after "new" delete "sections" and insert in lieu thereof "section"

In line 2 after the comma delete "both of" and after "which" delete "pertain" and insert in lieu thereof "pertains"

In line 5 after the parenthesis delete "Two" and insert in lieu thereof "A" and after "new" delete "sections" and insert in lieu thereof "section"

In line 6 after "Dakota" delete "are" and insert in lieu thereof "is"

Delete all of lines 7 through 17 and insert in lieu thereof the following:

"Section 1. Removal from Office.

All elected and appointed officers of the state and its political subdivisions other than judicial officers shall be subject to removal from office as may be provided by law for crime, corrupt conduct, malfeasance, or because of chronic and continuing inability to perform the duties of office.

Proceedings for removal of state executive officers shall be commenced as provided by law in the Supreme Court of the state, which court shall have original, exclusive, and final jurisdiction."

Renumber sections and lines accordingly.

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.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-53. Be it resolved by the North Dakota Constitutional Convention that section 23 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 freedom to obtain employment.

Which has been read.

Delegate Hubrig moved that Committee Proposal 1-53 be amended as follows:

Delete everything after line 9 of the engrossed proposal and insert in lieu thereof the following:

All citizens of this state shall have the right not to work.

Delegate Hubrig requested that the following remarks be printed in the Journal:

"In my estimation the Burbidge Proposal would only favor the big corporations from out of state to give them the opportunity to use cheap labor in North Dakota. At the same time, making the big corporations bigger and eliminate the small corporations. I personally know how the big corporations operate as I deal with several of them. Through my efforts, I have cost the large corporations doing business in North Dakota millions of dollars which they would have taken out of the state of North Dakota. But, through the efforts of organized labor, millions of dollars are returned to the workers and spent in the state of North Dakota.

"The Burbidge Proposal would only drain the millions of dollars out of the state of North Dakota into other states by the big corporations.

"There were only two non-business people appearing before our committee in favor of the right to work provision. All other testimony came from the business world. The two that testified that were not business people, may not have understood the law completely. I noticed in the press, the GNDA favored the right to work. The GNDA is made up of businessmen, what else could you expect them to say? If labor would take a poll I am sure we could get the same type of poll in the reverse.

"The press said a few days ago that the Republican party favored the right to work. This may be the opinion of the press, but I do not believe that the complete Republican party favors the right to work. I have talked to some Republicans high in office who feel that the Constitution should not contain the right to work provision. They feel this should be legislation.

"I know there is a big majority of Republicans in this convention who are supposed to be nonpartisan, and I would hope that the party politics would stay out of the convention as well as favoritism.

"The right to work law has never covered the employees working for the railroad and airlines as they are under Federal Law even living in North Dakota. The right to work law is misleading. My own daughter graduated from Minot State College in May of 1970, with a B.A. Degree in Sociology. She attempted to get a job as a social worker in the state of North Dakota. She was told she had to take the merit test. She attempted to take the merit test but was refused until December of 1970. Therefore, she was technically denied the right to work because of the merit system in North Dakota.

"We are not asking for a union shop, all we are asking for is the delegates to leave legislation in the legislature and not include it in the Constitution.

"Just a few years ago the employees of the city of Minot went on strike to try and better their working conditions and wages. They were ordered by the court to return to work. Is this the right to work or not to work? A few years ago the school teachers in Minot, North Dakota went on strike to try to better their working conditions and wages. They were ordered to return to work. Some of them were jailed, 122 were fired because of the strike, not because they were not qualified to teach. Some of the teachers had worked in that school system for over 25 years.

"Ask yourself, why were they denied the right to work? In the past private employers and public employers have used the courts as a vehicle and the Constitution of the state of North Dakota,

to deny their workers their rights to better working conditions and wages.

"In closing, it is not too late for some of you to change your minds and vote against the Burbidge Proposal."

The question then was on the motion of Delegate Hubrig to amend Committee Proposal 1-53, which motion failed.

Delegate Dobson moved that Committee Proposal 1-53 be amended as follows:

On page 1 of the engrossed proposal, delete lines 10 through 14 and insert in lieu thereof the following:

"Every citizen of this state shall be free to obtain employment wherever possible."

And re-number the lines accordingly.

Delegate Dobson requested a recorded roll call vote on the adoption of this amendment, which request was granted.

ROLL CALL

The roll was called and there were ayes, 39; nays, 56; absent and not voting, 3.

Those voting in the affirmative were:

Aubol	Geelan	Lamb	Schmit
Bassingthwaite	Griffin	Lander	Simonson
Berg	Hardmeyer	Larsen	Sinner
Brakke	Hartl	O'Toole	Sondreal
Daniels	Haugen	Omdahl	Sullivan
Decker	Hendrickson	Pearce	Urdahl
Dobson	Hildebrand	Poulson	Vogel
Engelter	Hoffner	Rosendahl	Warner
Fiedler	Jestrab	Rude	Wicks
Fritzell	Kretschmar	Sanstead	

Those voting in the negative were:

Aas	Dawson	Kessel	Peters
Baker	Devine	Ketchum	Quam
Bender	Diehl	Knudson	Roney
Benson	Engstrom	Kwako	Rundle
Billey	Erickson	Lerberg	Saugstad
Binek	Fallgatter	Litten	Scheel
Birkeland	Gipp	Longmire	Solberg
Burbidge	Hernett	McElroy	Stanton
Burke	Hill	McIntyre	Thompson
Butler	Hoghaug	Maxwell	Trenbeath
Byrne	Hougen	Meidinger	Tudor
Cart	Hubrig	Miller	Unruh
Chase	Huckle	Nething	Wallin
Christensen	Kelsch	Nicholas	Mr. President

Absent and not voting:

Benz	Paulson	Peterson
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The motion failed.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 66; nays, 28; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Diehl	Knudson	Quam
Baker	Engstrom	Kretschmar	Roney
Bender	Erickson	Kwako	Rude
Benson	Fallgatter	Lander	Rundle
Berg	Fritzell	Larsen	Saugstad
Billey	Gipp	Lerberg	Scheel
Birkeland	Griffin	Litten	Simonson

300 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Burbidge	Hendrickson	Longmire	Solberg
Burke	Hernett	McElroy	Stanton
Butler	Hill	McIntyre	Sullivan
Byrne	Hoghaug	Meidinger	Thompson
Cart	Hougen	Nething	Trenbeath
Chase	Huckle	Nicholas	Tudor
Christensen	Jestrab	Pearce	Unruh
Dawson	Kelsch	Peters	Wallin
Decker	Kessel	Poulson	Wicks
Devine	Ketchum		

Those voting in the negative were:

Aubol	Fiedler	Hubrig	Schmit
Bassingthwaite	Geelan	Lamb	Sinner
Binek	Hardmeyer	Maxwell	Sondreal
Brakke	Hartl	O'Toole	Urdahl
Daniels	Haugen	Omdahl	Vogel
Dobson	Hildebrand	Rosendahl	Warner
Engelter	Hoffner	Sanstead	Mr. President

Absent and not voting:

Benz	Miller	Paulson	Peterson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-53 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-57. 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 equal enjoyment of public accommodations, be created.

Which has been read.

Delegate Gipp moved that Committee Proposal 1-57 be amended as follows:

On page 1, line 12, insert the following words:

No public funds may be expended in support of any organization, which unjustly discriminates solely on the basis of race, color or national origin.

And renumber the lines accordingly.

Delegate Aubol moved that the amendment to Committee Proposal 1-57 be amended as follows:

Following the word "**discriminates**" delete the word "**solely**" and insert in lieu thereof the word "**primarily**"

Which motion failed.

Question then was on the motion of Delegate Gipp to amend Committee Proposal 1-57.

Delegate Lamb requested a recorded roll call vote on the adoption of the Gipp amendment, which request was granted.

ROLL CALL

The roll was called and there were ayes, 43; nays, 51; absent and not voting, 4.

Those voting in the affirmative were:

Aubol	Griffin	Knudson	Rosendahl
Bassingthwaite	Hardmeyer	Kretschmar	Sanstead
Bender	Haugen	Lamb	Schmit
Brakke	Hildebrand	Lander	Simonson
Burbidge	Hill	Larsen	Sinner
Chase	Hoffner	Maxwell	Sondreal
Christensen	Hoghaug	O'Toole	Thompson
Daniels	Hougen	Omdahl	Urdahl
Engelter	Hubrig	Peters	Wallin
Fiedler	Kessel	Poulson	Warner
Gipp	Ketchum	Roney	

Those voting in the negative were:

Aas	Devine	Kelsch	Rude
Baker	Diehl	Kwako	Rundle
Benson	Dobson	Lerberg	Saugstad
Berg	Engstrom	Litten	Scheel
Billey	Erickson	Longmire	Solberg
Binek	Fallgatter	McElroy	Stanton
Birkeland	Fritzell	McIntyre	Sullivan
Burke	Geelan	Meidinger	Trenbeath
Butler	Hartl	Miller	Unruh
Byrne	Hendrickson	Nething	Vogel
Cart	Hernett	Nicholas	Wicks
Dawson	Huckle	Pearce	Mr. President
Decker	Jestrab	Quam	

Absent and not voting:

Benz	Paulson	Peterson	Tudor
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The motion failed.

EXPLANATION OF A VOTE

Delegate Kelsch: "I would like the record to show that I voted No on that amendment because I do not understand the concept of just and unjust discrimination.

Delegate Trenbeath: "I voted No for the reason I did not know whether the fire department protection could be extended to those premises where there is discrimination."

Delegate Hartl moved that Committee Proposal 1-57 be laid over one Convention day and placed on the foot of the calendar on the tenth order, which motion prevailed on a division vote.

Delegate Saugstad moved that the Convention stand recessed until 8:00 p.m., which motion prevailed.

The Convention reconvened at 8:00 p.m., with President Wenstrom presiding.

REPORTS OF PROCEDURAL COMMITTEES

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

- Committee Proposal No. 1-80
- Committee Proposal No. 1-101
- Committee Proposal No. 1-102
- Delegate Proposal No. 2-12

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.

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

- Committee Proposal No. 1-60

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.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-70. Be it resolved by the North Dakota Constitutional Convention that sections 31, 46, 47, 48, 49, 58, 63, 64 and 66 of Article II of the constitution of the state of North Dakota be repealed; and that new sections 6, 11, 12, 13, 14, 16, 17, 18 and 19 of Article II to the constitution of the state of North Dakota be created, all of which pertain to matters of legislative procedure.

Which has been read.

302 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Delegate Pearce moved that Committee Proposal 1-70 be amended as follows:

On line 1 after the numeral "31," insert the numeral "36," and after the numeral "58," insert the numeral "61," and after the numeral "64" insert the numeral "65"

On line 8 after the numeral "31," insert the numeral "36," and after the numeral "58," insert the numeral "61," and after the numeral "64" insert the numeral "65"

And renumber the lines accordingly.
which motion prevailed.

Delegate Pearce moved that the rules be suspended, and that Committee Proposal 1-70 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, 89; nays, 2; absent and not voting, 7.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol Meidinger

Absent and not voting were:

Benz	Longmire	Sinner	Warner
Butler	Paulson	Tudor	

So the proposal passed and the title was agreed to, and Committee Proposal 1-70 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-72. Be it resolved by the North Dakota Constitutional Convention that section 22 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 courts being open as suits being brought against the state.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-72 be amended as follows:

On line 11 of the engrossed proposal after the word "person" insert a comma and add the word "privacy"

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-72 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Maxwell moved that Committee Proposal 1-72 be amended as follows:

In line 3 of the engrossed proposal after the ";" delete "both of which pertain to" and insert in lieu thereof "which pertains to"

In line 4, delete "as suits being brought against the state"

And renumber the lines accordingly.

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, 94; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Engstrom	Knudson	Roney
Aubol	Erickson	Kretschmar	Rosendahl
Baker	Fallgatter	Kwako	Rude
Bassingthwaite	Fiedler	Lamb	Rundle
Bender	Fritzell	Lander	Sanstead
Benson	Geelan	Larsen	Saugstad
Berg	Gipp	Lerberg	Scheel
Billey	Griffin	Litten	Schmit
Binek	Hardmeyer	Longmire	Simonson
Birkeland	Hartl	McElroy	Sinner
Brakke	Haugen	McIntyre	Solberg
Burbidge	Hendrickson	Maxwell	Sondreal
Burke	Hernett	Meidinger	Stanton
Byrne	Hildebrand	Miller	Sullivan
Cart	Hill	Nething	Thompson
Chase	Hoffner	Nicholas	Trenbeath
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
Engelter	Ketchum		

Absent and not voting were:

Benz	Butler	Paulson	Tudor
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So the proposal passed and the title was agreed to, and Committee Proposal 1-72 was referred to the Committee on Style and Drafting.

Delegate Maxwell moved that the rules be suspended and Committee Proposal 1-72 be deemed properly re-engrossed and placed on the calendar for first reading, which motion prevailed.

Committee Proposal No. 1-85. Be it resolved by the North Dakota Constitutional Convention that sections 121, 122, 123, 124, 125, 126 and 128 of the constitution of the state of North Dakota and articles 36 and 40 of the amendments to the constitution of the state of North Dakota be repealed; and that three new sections to the constitution of the state of North Dakota be created; all of which pertain to the elective franchise.

Which has been read.

Delegate Thompson moved that Committee Proposal 1-85 be amended as follows:

On line 15 delete the words "**ninety days**" and insert in lieu thereof the words "**six months**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Aubol moved that Committee Proposal 1-85 be amended as follows:

In line 20, following the word "**moved.**" insert the following: "**Provided further, that nothing in this section shall prohibit any person who has resided in this state for ninety days from voting in a general election on the presidential question.**"

And renumber the lines accordingly.

Which motion was subsequently withdrawn.

Delegate Rundle moved that Committee Proposal 1-85 be amended as follows:

In line 15 of the amended proposal, following the word "**months**" insert "**, county ninety days**"

And renumber the lines accordingly.

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

Delegate Omdahl moved that Committee Proposal 1-85 be amended as follows:

In line 24 of page 1, of the amended proposal, delete "**as established by law.**" and insert in lieu thereof the following: "**on the first Tuesday after the first Monday in November of each even-numbered year.**"

And renumber the lines accordingly.

Which motion failed on a division vote.

Delegate Saugstad moved that the rules be suspended and Committee Proposal 1-85 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Hoghaug requested a division of the question, so that Section 4 of Committee Proposal 1-85 can be voted on separately, which request was granted.

Delegate Saugstad moved that Committee Proposal 1-85 be moved on the calendar immediately following Committee Proposal 1-83, which motion prevailed.

Delegate Saugstad moved that Committee Proposals 1-83 and 1-85 be moved to the head of the calendar, which motion prevailed.

Delegate Haugen moved that Committee Proposals 1-83 and 1-85 be re-referred to the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-82. Be it resolved by the North Dakota Constitutional Convention that section 127 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 voting disqualifications.

Which has been read.

Delegate Thompson moved that Committee Proposal 1-82 be amended as follows:

Delete lines 1 through 13 inclusive, and insert in lieu thereof the following:

"That section 127 of the constitution of the state of North Dakota is hereby repealed; and that a new section to the constitution of

the state of North Dakota be created; both of which pertain to voting disqualifications.

SECTION 1. REPEAL.) Section 127 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:

No person who is incompetent, or insane shall be qualified to vote at any election; nor shall any person convicted of a felony, unless restored to civil rights."

Delegate Devine requested a division of the question on the adoption of the amendment, which President Wenstrom ruled was not in order.

President Wenstrom called Delegate Saugstad to the rostrum to preside.

Delegate Devine moved that the amendment to Committee Proposal 1-82 be amended as follows:

In Section 2 of the amendment, following the words "vote at any election" delete the following "; nor shall any person convicted of a felony, unless restored to civil rights"

Which motion failed.

The question then was on the motion of Delegate Thompson to amend Committee Proposal 1-82, which motion prevailed on a division vote.

Delegate Thompson moved that the rules be suspended, and that Committee Proposal 1-82 be deemed properly engrossed and placed on the calendar for first reading, which motion prevailed.

Delegate Longmire moved that Committee Proposal 1-82 be laid over one convention day, which motion prevailed.

Delegate Thompson requested unanimous consent to withdraw Delegate Proposal 2-69, which request was granted.

Delegate Hernet moved that Committee Proposal 1-100 be placed at the head of the calendar, followed immediately by Committee Proposal 1-102, which motion prevailed.

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

Delegate Rundle moved that the Convention be adjourned until 9:00 a.m., January 27, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk