

## TWENTY-FIRST DAY

Bismarck, January 31, 1972

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

Prayer was offered by Rev. Norman Anderson, Pastor, Concordia Lutheran Church, Crosby, North Dakota.

"Our Gracious God, we know of no better way to begin the work of this week than by resolving to do our best to serve You by seeking to serve the people of our state. Permit these men and women to understand that Your power has never been obstructed by difficulties nor Your love limited by the confusion of human plans. As these delegates bog down, help them to continue to move ahead. It is painful sometimes to decide what to keep of the old, which is also good, and it requires courage to consider and adopt the new and untried. Let no one be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Your light. Help these men and women to express their ideas, to listen to the ideas of others who differ from them, and then also help them to be humble to think and listen to a third idea — Your idea.

"Thank you for reassuring us that You constantly raise up men and women to meet the needs of Your people in every day. We thank You that You did not just reveal Yourself in the past, in 1889. We pray that You will match these people of our state to Your need of them. Help us to learn from that past; help us to anticipate the future for ourselves and for generations to come. And help us to use wisely this present day also. In Jesus' Name, Amen."

Roll was called, and all Delegates were present except Delegates Butler, Nicholas and Tudor.

A quorum was declared by the President.

## REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 27th day of January, 1972 and recommends that the same be corrected as follows:

On page 309, line 16, delete the word "prevailed" and insert in lieu thereof "failed"

On page 311, line 26, delete the word "read" and insert in lieu thereof "reason"

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

COMMUNICATIONS AND ANNOUNCEMENTS  
MONTANA CONSTITUTIONAL CONVENTION

State Capitol • Helena, Montana 59601 • Telephone 406-449-3750

January 27, 1972

The Honorable Frank A. Wenstrom  
 President, Constitutional Convention  
 State of North Dakota  
 State Capitol Building  
 Bismarck, North Dakota 58501

Dear President Wenstrom:

I received your good letter of January 20th together with a copy of Resolution C adopted by the North Dakota Constitutional Convention. The Resolution was duly read to the Montana Convention and ordered spread upon our journal. Floor discussion developed that the delegates perceived this to be a "North Dakota joke."

We feel that our Convention, which of course is much younger than yours, is off to a good start. We are all enthusiastic and the delegates are approaching the difficult constitutional issues with open minds, but with lots of ammunition and we expect a good fight on many issues.

Many of us have studied your draft Constitution; we would certainly be appreciative of receiving a copy of your final effort and will be interested to observe how much of it remains after full debate. In many areas we feel North Dakota has certainly pioneered.

Again, we thank you for your greetings; we reciprocate with ours and we wish you well in the remaining days of your Convention.

Sincerely,  
 LEO GRAYBILL, Jr.  
 President

LG:rm

MONTANA CONSTITUTIONAL CONVENTION  
 1971 - 1972  
 RESOLUTION No. 8

DATE INTRODUCED: JANUARY 27, 1972  
 A RESOLUTION SENDING GREETINGS OF THE MONTANA  
 CONSTITUTIONAL CONVENTION TO THE CONSTITUTIONAL  
 CONVENTION OF THE STATE OF NORTH DAKOTA.

WHEREAS, on July 4, 1889, delegates to Constitutional Conventions met in the great states of Montana and North Dakota to draft constitutions to govern the new states preparing to join the Union, and

WHEREAS, the following communication was received by the Montana Constitutional Convention of 1889 from the North Dakota Constitutional Convention:

"Bismarck, Dakota, July 4, 1889

Constitutional Convention:

The Constitutional Convention of North Dakota sends greeting, and bids you God-speed in your advance movement towards statehood and full American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of the states to be. Let Washington bring fruit and flowers — Montana, its precious metals — to add to the beauty and wealth of our nation; while the Dakotas will bring wheat and corn for the people of the world.

(Signed) F. B. Fancher, President"

WHEREAS, the sister conventions proposed constitutions which the people approved in 1889 that have governed our states for 82 years, and

WHEREAS, the conditions of life have changed greatly since we sister states adopted our present constitutions and because of

this the citizens of Montana and North Dakota have voted for and called conventions to revitalize our basic documents, and

WHEREAS, both conventions are now assembled and have undertaken the rewarding task of preparing proposed constitutions for consideration by their people.

NOW THEREFORE, BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

That the delegates to the Montana Constitutional Convention send fraternal greetings to the people of North Dakota and their delegates in convention assembled.

That the delegates to the Montana Constitutional Convention congratulate the North Dakota Constitutional Convention and convey their wishes that the North Dakota Convention as well as the Montana Convention will have the ability to draft constitutions that will meet the approval of the people of our great states and serve as examples for all other states.

BE IT FURTHER RESOLVED, that a copy of the resolution be sent to the President of the North Dakota Constitutional Convention.

Leo Graybill, Jr. — President  
 John H. Toole — First Vice President  
 Jean M. Bowman — Secretary

ATTEST:

John Hanson — Chief Clerk

**ANNOUNCEMENT**

Delegate Nicholas reported his presence at the Convention.

**REPORTS OF SUBSTANTIVE COMMITTEES**

In regard to Committee Proposal 1-15, which had been laid over until Committee Proposals 1-100 and 1-102 had been considered, the reports of the Majority and the Minority of the Committee on Education, Resources and Public Lands, which reports are printed on pages 293, 294 and 295 of the Journal, were considered.

Delegate Billey requested a recorded roll call vote, which request was granted.

The question was on the motion of Delegate Billey to adopt the Report of the Minority.

**ROLL CALL**

The roll was called and there were ayes, 28; nays, 67; absent and not voting, 3.

Those voting in the affirmative were:

Benz	Dawson	Hill	O'Toole
Berg	Engelter	Kessel	Peters
Billey	Geelan	Ketchum	Peterson
Binek	Griffin	Knudson	Poulson
Burke	Hardmeyer	Kretschmar	Quam
Christensen	Haugen	McElroy	Rundle
Daniels	Hildebrand	Miller	Thompson

Those voting in the negative were:

Aas	Erickson	Lander	Scheel
Aubol	Fallgatter	Larsen	Schmit
Baker	Fiedler	Lerberg	Simonson
Bassingthwaite	Fritzell	Litten	Sinner
Bender	Gipp	Longmire	Solberg
Benson	Hartl	McIntyre	Sondreal
Birkeland	Hendrickson	Maxwell	Stanton
Brakke	Hernett	Meidinger	Sullivan
Burbidge	Hoffner	Nething	Trenbeath
Byrne	Hoghaug	Nicholas	Unruh
Cart	Hougen	Omdahl	Urdahl

Chase	Hubrig	Paulson	Vogel
Decker	Huckle	Pearce	Wallin
Devine	Jestrab	Roney	Warner
Diehl	Kelsch	Rude	Wicks
Dobson	Kwako	Sanstead	Mr. President
Engstrom	Lamb	Saugstad	

Absent and not voting:

Butler	Rosendahl	Tudor
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The motion failed.

The question then was on the motion of Delegate Meidinger to adopt the Report of the Majority of the Committee on Education, Resources and Public Lands, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Delegate Sinner:

"The story in the press on Saturday about tax exemptions and the role of the Catholic Conference in this issue here forces me to make a response.

"I rise to express my regret and embarrassment that the Catholic Conference has brought pressure upon this Convention to place the language of specific tax exemptions in the new constitution.

"Nearly every delegate here believes that the details of tax exemptions have no business in a constitution. Many said so publicly. They know that people generally are sick and tired of the tax loop holes that develop from such constitutional language.

"But I accept the collective wisdom of the Convention on the matter, in the face of the thinly veiled threats to defeat the constitution if we did otherwise.

"What hurts is the fact that the Catholic Conference forced us into the compromising decision. What hurts even more is the fact that tax exemptions of all things should be the only issue that the Catholic Conference found to exert its pressure upon, when the issues of 'legal help for the poor,' 'the death sentence,' and so many others with moral and ethical implications have been before us. It is with some reluctance that I make this statement, but the whole thing seemed so out of joint that I could not help but make some public response to the unfortunate public statement made last week."

Delegate Lamb: "Mr. President:

"I rise to express my amazement at the statement found in the Saturday newspapers by a lobbyist. I did not consider my vote against 1-97 as an attempt to subvert the concept of separation of church and state. But, I am glad that this lobbyist and the group he represents are so interested in the principle of separation of church and state. I am sure that future legislators and the people of North Dakota are happy that this lobbyist and the group he represents have such an interest in the principle of separation of church and state, particularly in regard to funds for a certain form of education."

President Wenstrom declared the Convention would stand recessed for ten minutes.

The Convention reconvened with President Wenstrom presiding.

#### MOTIONS

Delegate Pearce moved that the Budget Committee be authorized to allocate and spend from convention funds the sum of \$5,000 for the purpose of matching \$10,000 in funds of the North Dakota Education Facilities Action.

President Wenstrom explained that inasmuch as this required the expenditure of funds, the vote would be by roll call.

**ROLL CALL**

The roll was called and there were ayes, 87; nays, 3; absent and not voting, 8.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Rundle	Stanton
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Absent and not voting:

Butler	Hartl	Meidinger	Rosendahl
Geelan	Hernett	Quam	Tudor

The motion prevailed.

Delegate Pearce moved that the Budget Committee be authorized to spend and approved from Convention funds the sum of \$1,000 for the purpose of preparing a composite picture of Constitutional Convention Delegates.

President Wenstrom explained that inasmuch as this required the expenditure of funds, the vote would be by roll call.

**ROLL CALL**

The roll was called and there were ayes, 71; nays, 23; absent and not voting, 4.

Those voting in the affirmative were:

Bassingthwaite	Erickson	Knudson	Peterson
Bender	Fallgatter	Kretschmar	Poulson
Benson	Fiedler	Kwako	Quam
Berg	Fritzell	Lamb	Roney
Binek	Geelan	Lander	Rude
Birkeland	Griffin	Larsen	Sanstead
Brakke	Hardmeyer	Lerberg	Saugstad
Byrne	Haugen	Litten	Schmit
Cart	Hendrickson	Longmire	Simonson
Chase	Hernett	McElroy	Sinner
Christensen	Hildebrand	Meidinger	Solberg
Daniels	Hoffner	Miller	Sondreal
Decker	Hougen	Nething	Trenbeath
Devine	Hubrig	Nicholas	Unruh
Diehl	Huckle	Omdahl	Urdahl
Dobson	Kelsch	Paulson	Wicks
Engelter	Kessel	Pearce	Mr. President
Engstrom	Ketchum	Peters	

350 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Those voting in the negative were:

Aas	Burke	McIntyre	Sullivan
Aubol	Dawson	Maxwell	Thompson
Baker	Gipp	O'Toole	Vogel
Benz	Hill	Rundle	Wallin
Billey	Hoghaug	Scheel	Warner
Burbidge	Jestrab	Stanton	

Absent and not voting:

Butler	Hartl	Rosendahl	Tudor
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The motion prevailed.

ANNOUNCEMENTS

President Wenstrom announced the appointment of the following to the Committee on Photography: Delegates Decker, Bender and Gipp.

President Wenstrom added Delegate Thompson to the Committee on Coordination and Transition.

President Wenstrom added Delegates Kelsch and Kretschmar to the Committee on Style and Drafting.

MOTIONS

Delegate Nething moved that the Convention reconsider its action by which Committee Proposal 1-86 was passed, which motion prevailed.

Delegate Nething moved that Committee Proposal 1-86 be placed at the foot of the calendar, which motion prevailed.

Delegate Hernett moved that Committee Proposal 1-27 be returned from the Committee on Executive Functions and re-referred to the Committee on Style and Drafting, which motion prevailed.

Delegate Rundle requested unanimous consent to withdraw Delegate Proposal 2-51, which request was granted.

President Wenstrom announced the convention would stand recessed until 1:30 p.m.

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

REPORTS OF SUBSTANTIVE COMMITTEES

Date January 28, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-83 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-85.

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. 1-85 has had the same under consideration and recommends that the same be amended as follows:

In line 1 of the title of the engrossed proposal after the numeral "126" insert a "comma" and delete the word "and" and after the numeral "128" insert "and 129"

In line 8 of the proposal after the numeral "126" insert a "comma"

In line 9 delete "and" and after the numeral "128" insert "and 129"

Delete all of lines 14 through 25

On page 2 delete all of lines 1 through 4 and insert in lieu thereof the following:

"The legislative assembly shall by law provide that the general election of the state be held biennially.

Every citizen of the United States who has attained the age of eighteen and who shall have been a resident in the state six months, in the county ninety days and in the precinct thirty days preceding an election shall be a qualified elector. When a qualified elector moves from one precinct to another within the state he shall be entitled to vote in the precinct from which he moved until he establishes voting residence in the precinct to which he moved. The legislative assembly shall by law provide rules for determining residency, other than physical presence, for voting eligibility. No elector shall be deemed to have lost his residency for voting eligibility solely by reason of his absence from the state.

The legislative assembly shall insure secrecy in voting, provide for absentee voting, provide for administration of elections and the nominations of candidates."

And 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.

FIRST READING OF PROPOSALS

**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; which pertains to courts being open.

Which has been read.

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

In line 11 of the engrossed proposal, following the word "person" delete ", privacy"

And renumber the lines accordingly.

Which motion failed.

ROLL CALL

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

Those voting in the affirmative were:

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

Diehl	Kelsch	Poulson	Mr. President
Engelter			
Those voting in the negative were:			
Baker	Dobson	Paulson	Sullivan
Absent and not voting:			
Butler	Lander	Rosendahl	Tudor
Knudson			

So the proposal passed and the title was agreed to, and Committee proposal 1-72 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-89.** Be it resolved by the North Dakota Constitutional Convention that section 14 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 eminent domain.

Which has been read.

Delegate Trenbeath moved that Committee Proposal 1-89 be amended as follows:

Delete everything in lines 10 through 14 of the engrossed proposal and insert in lieu thereof the following:

**“Private property shall not be taken or damaged for public use without just compensation having been first made to or paid into court for the owner. Provided, however, the state, its political subdivisions and corporations which require right-of-way for transportation, communication, and the transmission of power and materials for public service may take possession of said right-of-way upon depositing an offer of just compensation with the District Court in the county in which the right-of-way is located. Just compensation shall be determined by a jury unless a jury is waived. Only the state and its political subdivisions acquiring property by eminent domain may claim offsetting benefits.”**

Renumber the lines accordingly.

Delegate Thompson moved that the amendment be amended as follows:

In the first sentence of the amendment following the words **“damaged for”** insert the word **“necessary”**

Which motion prevailed.

The question then was on the motion to adopt the amended amendment of Delegate Trenbeath, which motion failed.

Delegate Longmire moved that Committee Proposal 1-89 be amended as follows:

In line 12 of the engrossed proposal, following the word **“compensation”** insert the words **“for all damages”**

In line 13, of the engrossed proposal, following the word **“compensation”** insert the words **“for all damages”**

And renumber the lines accordingly.

Which motion prevailed.

Delegate Pearce moved that Committee Proposal be amended as follows:

In line 11 of the engrossed proposal, following the words **“public use”** delete the balance of the line

In line 12, delete **“the interests of the general public and”**

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

Delegate Longmire moved that Committee Proposal 1-89 be amended as follows:

In line 14 of the engrossed proposal, following the word **“owner”** insert the following: **“as provided by law”**

Which motion failed.



Delegate Saugstad moved that Committee Proposal 1-89 as now amended be prepared and placed on the desks of the Delegates before the February 1, 1972, session, which motion prevailed.

Delegate Wenstrom declared the Convention would stand recessed until 3:45 p.m.

Convention reconvened with President Wenstrom presiding.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-93.** Be it resolved by the North Dakota Constitutional Convention that section 146 of the constitution of the state of North Dakota, which pertains to the controlling of prices, be repealed.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 93; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

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

Absent and not voting:

Butler	Rosendahl	Scheel	Tudor
Fallgatter			

So the proposal passed and the title was agreed to, and Committee Proposal 1-93 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Hernett moved that Committee Proposals 1-25, 1-26 and 1-120 be moved to the head of the calendar, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-25.** Be it resolved by the North Dakota Constitutional Convention that sections 79 and 80 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, pertaining to the veto power of the governor, be created.

Which has been read.

**ROLL CALL**

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

amended, the roll was called and there were ayes, 94; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

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

Absent and not voting:

Butler	Fallgatter	Rosendahl	Tudor
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So the proposal passed and the title was agreed to, and Committee Proposal 1-25 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Nething moved that the Convention dispense with the reading of Committee Proposal 1-26, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-26.** Be it resolved by the North Dakota Constitutional Convention that section 77 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, pertaining to gubernatorial succession, be created.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

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

Byrne	Hildebrand	Miller	Thompson
Cart	Hill	Nething	Trenbeath
Chase	Hoffner	Nicholas	Unruh
Christensen	Hoghaug	O'Toole	Urdahl
Daniels	Hougen	Omdahl	Vogel
Dawson	Hubrig	Paulson	Wallin
Decker	Huckle	Pearce	Warner
Devine	Jestrab	Peters	Wicks
Diehl	Kelsch	Peterson	Mr. President
Dobson	Kessel	Poulson	
<b>Absent and not voting:</b>			
Butler	Rosendahl	Tudor	

So the proposal passed and the title was agreed to, and Committee Proposal 1-26 was referred to the Committee on Style and Drafting.

Delegate Nething moved to dispense with the reading of Committee Proposal 1-120, which motion prevailed.

**Committee Proposal No. 1-120.** 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 the executive branch of government, be created.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 93; nays, 2; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

O'Toole      Omdahl

**Absent and not voting:**

Butler      Rosendahl      Tudor

So the proposal passed and the title was agreed to, and Committee Proposal 1-120 was referred to the Committee on Style and Drafting.

**EXPLANATION OF VOTE**

Delegate O'Toole: "Mr. President:

"I would like to explain my vote. In re-reading this just as they were starting to take the roll call, it occurred to me the possibility in the second paragraph that it would be very restrictive for the governor if he had appointed officers and that he would have to resort back to some complicated procedure, and I felt it would be too restrictive because it says removal from office."

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-76.** Be it resolved by the North Dakota Constitutional Convention that section 50 of Article II of the constitution of the state of North Dakota be repealed; and that a new section 15 of Article II of the constitution of the state of North Dakota be created; both of which pertain to the openness of legislative sessions.

Which has been read.

Delegate Nething moved that Committee Proposal 1-76 be amended as follows:

After the period in line 13 insert the following:

**"For the purpose of confirming gubernatorial appointments or conducting other specific business as ought to be kept secret, however, either house may by majority vote of its members-elect close its deliberations to the public."**

Renumber the lines accordingly.

Delegate Kelsch moved that Delegate Proposal 2-12 be moved to the head of the calendar, which motion was ruled out of order.

The question then was on the motion of Delegate Nething to amend Committee Proposal 1-76, which motion failed.

#### ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 87; nays, 7; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Cart	Hartl	Thompson
Bassingthwaite	Dawson	Stanton	

Absent and not voting:

Butler	Rosendahl	Schmit	Tudor
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So the proposal passed and the title was agreed to, and Commit-

tee Proposal 1-76 was referred to the Committee on Style and Drafting.

MOTION

Delegate Christensen moved that Delegate Proposal 2-12 be moved to the head of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

**Delegate Proposal No. 2-12.** Be it resolved by the North Dakota Constitutional Convention that a new section of the constitution of the state of North Dakota be created, requiring that governmental meetings be open to the public.

Which has been read.

Delegate Christensen moved that Delegate Proposal 2-12 be amended as follows:

On line 9 of the engrossed proposal after the word "public" and before the period insert the following: "**except when privileged, confidential, or personal and intimate information involving a specific individual or family is under consideration and revealed in discussion.**"

And renumber the lines accordingly.

Delegate Christensen subsequently moved to amend the amendment to Delegate Proposal 2-12 by deleting the words "**and revealed in discussion**"

Which motion prevailed.

Delegate Jestrab moved to further amend the amendment as follows:

Following the words "**under consideration**" in the amended engrossed bill, insert the following: "**unless an individual natural person whose rights are being considered requests that the meeting be closed**"

Which motion was then withdrawn.

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

Delegate Maxwell moved to amend Delegate Proposal 2-12 as follows:

In line 7 of the amended engrossed bill, following the word "**governmental**" delete the word "**and**"

Which motion prevailed.

Delegate Christensen moved that the rules be suspended, and Delegate Proposal 2-12 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, 19; nays, 75; absent and not voting, 4.

Those voting in the affirmative were:

Bender	Daniels	Huckle	Poulson
Berg	Dawson	Maxwell	Rundle
Billey	Devine	Paulson	Warner
Burbidge	Gipp	Peters	Mr. President
Christensen	Hubrig	Peterson	

Those voting in the negative were:

Aas	Fallgatter	Knudson	Rude
Aubol	Fiedler	Kretschmar	Sanstead
Baker	Fritzell	Kwako	Saugstad
Bassingthwaite	Geelan	Lamb	Scheel
Benson	Griffin	Lander	Schmit
Benz	Hardmeyer	Larsen	Simonson
Binek	Hartl	Lerberg	Sinner

358 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Birkeland	Haugen	Litten	Solberg
Brakke	Hendrickson	Longmire	Sondreal
Burke	Hernett	McElroy	Stanton
Byrne	Hildebrand	McIntyre	Sullivan
Cart	Hill	Meidinger	Thompson
Chase	Hoffner	Miller	Trenbeath
Decker	Hoghaug	Nething	Unruh
Diehl	Hougen	Nicholas	Urdahl
Dobson	Jestrab	O'Toole	Vogel
Engelter	Kelsch	Omdahl	Wallin
Engstrom	Kessel	Quam	Wicks
Erickson	Ketchum	Roney	

**Absent and not voting:**

Butler	Pearce	Rosendahl	Tudor
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So the proposal lost.

Delegate Lamb requested unanimous consent of the convention to withdraw Delegate Proposal 2-64, which request was granted.

Delegate Longmire moved that the Convention reconsider the action by which Committee Proposal 1-44 was passed, which motion prevailed.

Delegate Litten moved that Committee Proposals 1-36, 1-75 and 1-88 be moved to the top of the calendar, which motion prevailed.

Delegate Longmire moved that Committee Proposal 1-44 be placed at the foot of the calendar, which motion prevailed.

President Wenstrom declared the Convention stand recessed for fifteen minutes.

The Convention reconvened with President Wenstrom presiding.

**REPORT OF SUBSTANTIVE COMMITTEE**

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-100 Except Section 1 (a) and Section 2 has had the same under consideration and recommends that the same be amended as follows:

Delete all of lines 15 through 21 and insert in lieu thereof the following:

**"(b) The governor may, for more effective administration, make changes in the allocation of functions, powers, and duties among and within the executive departments, other than those departments headed by constitutionally elective officers. When these changes affect existing laws, the changes shall be set forth in executive orders and submitted on the same day to both houses of the legislative assembly. The legislative assembly shall have thirty session days in which to disapprove the orders. If they are not disapproved by a majority of the elected members of either house, they shall have the force of law when filed with the secretary of state unless a later date is provided in the order."**

Renumber the lines accordingly.

And when so amended recommends the same do pass.

**DELEGATE HERNETT, Chairman**

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

Delegate Nicholas moved that the Convention reconsider the action by which Committee Proposal 1-79 was passed, which motion failed.

**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:

In line 20 of the engrossed proposal after the word "election" insert the following:

**"unless a later date is specified in the amendment"**

Re-number the lines accordingly.

Which motion failed on a division vote.

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

On page 1 of the engrossed proposal, in line 17, delete "three-fifths" and insert in lieu thereof "a majority"

Which motion failed.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 80; nays, 13; absent and not voting, 5.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Cart	Hartl	Sanstead
Baker	Devine	Hernett	Saugstad
Bassinghwaite	Diehl	Rundle	Trenbeath
Burbidge			

Absent and not voting:

Butler	Pearce	Rosendahl	Tudor
Haugen			

So the proposal passed and the title was agreed to, and Committee Proposal 1-36 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-75.** Be it resolved by the North Dakota Constitutional Convention that sections 42, 67, 68, 69 and 70 of Article II of the constitution of the state of North Dakota be repealed; and that new sections 9, 20 and 21 of Article II of the constitution of the state of North Dakota be created; all of which pertain to the legislative process.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-75 be amended as follows:

On page 1, line 14, delete the following: "treason," and renumber the lines accordingly.

The motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-75 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, 90; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

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

Those voting in the negative were:

Cart

Absent and not voting:

Butler	Hernett	Pearce	Tudor
Haugen	Meidinger	Rosendahl	

So the proposal passed and the title was agreed to, and Committee Proposal 1-75 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-88.** Be it resolved by the North Dakota Constitutional Convention that sections 38, 40, 43, 44, 51, 54, 57, 59, 60 and 62 of Article II, section 199 of Article XIV and article 75 of the amendments to the constitution of the state of North Dakota be repealed.

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, 91; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Aas	Dobson	Ketchum	Roney
Aubol	Engelter	Knudson	Rude
Baker	Engstrom	Kretschmar	Rundle
Bassingthwaite	Erickson	Kwako	Sanstead



Bender	Fallgatter	Lamb	Saugstad
Benson	Fiedler	Lander	Scheel
Benz	Fritzell	Larsen	Schmit
Berg	Geelan	Lerberg	Simonson
Billey	Gipp	Litten	Sinner
Binek	Griffin	Longmire	Solberg
Birkeland	Hardmeyer	McElroy	Sondreal
Brakke	Hartl	McIntyre	Stanton
Burbidge	Hendrickson	Maxwell	Sullivan
Burke	Hildebrand	Miller	Thompson
Byrne	Hill	Nething	Trenbeath
Cart	Hoffner	Nicholas	Unruh
Chase	Hoghaug	O'Toole	Urdahl
Christensen	Hougen	Omdahl	Vogel
Daniels	Hubrig	Paulson	Wallin
Dawson	Huckle	Peters	Warner
Decker	Jestrab	Peterson	Wicks
Devine	Kelsch	Poulson	Mr. President
Diehl	Kessel	Quam	
<b>Absent and not voting:</b>			
Butler	Hernett	Pearce	Tudor
Haugen	Meidinger	Rosendahl	

So the proposal passed and the title was agreed to, and Committee Proposal 1-88 was referred to the Committee on Style and Drafting.

#### MOTIONS

Delegate Byrne moved that Committee Proposal 1-104 be placed at the foot of the calendar, which motion prevailed.

Delegate Kelsch moved that the Convention reconsider the action by which Committee Proposal 1-33 was passed, which motion prevailed.

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-33.** Be it resolved by the North Dakota Constitutional Convention that sections 197, 198, 200 and 201 of Article XIV of the constitution of the state of North Dakota be repealed; and that sections 23 and 24 of Article II to the constitution of the state of North Dakota be created; all pertaining to impeachment.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-33 be amended as follows:

Delete all of lines 14 through 17 of the engrossed proposal.

Renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-33 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Kelsch moved to further amend Committee Proposal 1-33 as follows:

In line 3 of the engrossed proposal, delete "sections 23 and" and insert in lieu thereof "section"

In line 10 of the engrossed proposal, delete "Sections 23 and" and insert in lieu thereof "Section"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-33 be deemed properly re-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, 0; absent and not voting, 9.

Those voting in the affirmative were:

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

Absent and not voting:

Butler	Meidinger	Rosendahl	Tudor
Haugen	Pearce	Trenbeath	Urdahl
Hernett			

So the proposal passed and the title was agreed to, and Committee Proposal 1-33 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Sinner moved that Committee Proposal 1-99 be placed on the calendar immediately following Committee Proposal 1-44, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-118.** 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 having a justiciable right to an electoral system not prejudicial to his candidacy, 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, 57; nays, 33; absent and not voting, 8.

Those voting in the affirmative were:

Aubol	Fiedler	Kelsch	Quam
Bassingthwaite	Fritzell	Knudson	Roney
Bender	Geelan	Kretschmar	Rude
Benson	Gipp	Kwako	Sanstead
Billey	Griffin	Lamb	Scheel
Binek	Hardmeyer	Larsen	Schmit
Birkeland	Hendrickson	McElroy	Simonson
Brakke	Hildebrand	McIntyre	Sinner
Burbidge	Hill	Miller	Sondreal

Burke	Hoffner	Nicholas	Sullivan
Byrne	Hoghaug	O'Toole	Urdahl
Chase	Hougen	Omdahl	Wallin
Daniels	Hubrig	Peterson	Warner
Dobson	Jestrab	Poulson	Wicks
Engelter			

Those voting in the negative were:

Aas	Diehl	Lerberg	Saugstad
Baker	Engstrom	Litten	Solberg
Benz	Erickson	Longmire	Stanton
Berg	Hartl	Maxwell	Thompson
Cart	Huckle	Nething	Trenbeath
Christensen	Kessel	Paulson	Unruh
Dawson	Ketchum	Peters	Vogel
Decker	Lander	Rundle	Mr. President
Devine			

Absent and not voting:

Butler	Haugen	Meidinger	Rosendahl
Fallgatter	Hernett	Pearce	Tudor

So the proposal passed and the title was agreed to, and Committee Proposal 1-118 was referred to the Committee on Style and Drafting.

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., February 1, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk