

## TWENTY-FOURTH DAY

Bismarck, February 3, 1972

The Convention was called to order at 8:30 a.m., by President Wenstrom.

Prayer was offered by Rev. E. C. Schumacher, Pastor, First Evangelical Free Church, Bismarck.

"Almighty and Gracious Heavenly Father, We come humbly into Thy presence, recognizing our own unworthiness, and Thy infinite greatness and power. Thou art the One who has made all things, and the whole universe bears witness to Thy great wisdom and power.

"Today, we stand in need of special wisdom and understanding, that the decisions that we make may be wise and right and workable, and that the people of the State of North Dakota may enjoy many years of good government, of great progress, and of genuine liberty. Give us a portion of Thy great wisdom; guide our discussions and our decisions, and lead us to those conclusions which are in harmony with Thy will and for the good of our people.

"We confess unto Thee that we possess no merit that entitles us to these great blessings, but we claim them in the Name of Jesus Christ, our Lord and Saviour, whose merits exceed all our requests. Amen."

Roll was called, and all Delegates were present except Delegates Bassingthwaite, Butler, Byrne, Kelsch, Pearce, Schmit, and Wallin.

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 1st day of February, 1972, and recommends that the same be corrected as follows:

On page 366, line 10, delete "Proposed" and insert "Proposal" in lieu thereof.

On page 376, line 6, delete the word "no" and insert in lieu thereof the word "for"; in line 9, delete the word "use" and insert the word "deletion" in lieu thereof

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

## FIRST READING OF PROPOSALS

Consideration of Committee Proposal 1-44 continued from the previous day.

Delegate Hoffner moved Committee Proposal 1-44 be moved to the foot of the calendar, which motion prevailed.

ANNOUNCEMENTS

Delegate Kelsch reported his presence at the Convention.  
Delegate Byrne reported his presence at the Convention.

MOTION

Delegate Meidinger moved that Committee Proposal 1-15 be placed at the head of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-15.** Be it resolved by the North Dakota Constitutional Convention that sections 147, 148, 149, 150, 151, 152, and article 54 of the constitution of the state of North Dakota be repealed; and that article V to the constitution of the state of North Dakota be created; all of which pertain to education.

Which has been read.

Delegate Meidinger moved that Committee Proposal 1-15 be amended as follows:

On page 2, of the engrossed proposal, line 2, after the period, delete the remainder of the line

On page 2, delete lines 3 and 4

On page 2, line 9, after "**control**" delete the words "**programs and**"

On page 2, line 16, after the period, delete the remainder of the line

On pages 2, delete lines 17 and 18

And renumber the lines accordingly.

Which motion prevailed.

ANNOUNCEMENTS

Delegate Schmit reported his presence at the Convention.

Delegate Wallin reported his presence at the Convention.

Delegate Paulson moved that Committee Proposal 1-15 be amended as follows:

On page 2 of the engrossed proposal, after line 32 add the following:

**"Section 4. All meetings of the board of public education and board of higher education shall be open and public."**

Delegate Jestrab moved to amend the amendment of Delegate Paulson to engrossed Committee Proposal 1-15 as follows:

On line 2 of the amendment immediately after the word "**public**" insert the following: "**unless an individual natural person whose rights are being considered requests that the meeting be closed**"

And renumber the lines accordingly.

Which motion prevailed.

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

Delegate Maxwell moved that Committee Proposal 1-15 be amended as follows:

On page 1 of the engrossed proposal, in line 14, after the word "**free**" add the words "**of charge**"

And renumber the lines accordingly.

Which motion failed.

Delegate Simonson moved that Committee Proposal 1-15 be amended as follows:

In page 1 of the amended engrossed proposal, line 14, delete the word "**free**"

Which motion failed.

Delegate Meidinger moved that Committee Proposal 1-15 be

deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Billey called for a division of the question, in such manner that Section 1 of the amended engrossed Committee Proposal 1-15 can be voted on separately.

The question then was on the first passage of Section 1 of the amended engrossed Committee Proposal 1-15.

**ROLL CALL**

The roll was called and there were ayes, 90; nays, 5; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

Hubrig	Rosendahl	Schmit	Simonson
Maxwell			

Absent and not voting:

Bassingthwaite	Butler	Pearce
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Section 1 of Committee Proposal 1-15 passed.

**EXPLANATIONS OF VOTES**

Delegate Rosendahl: "Mr. President, I would like to explain that my vote is Nay on Section 1. I merely feel that we have failed to identify 'free education'."

Delegate Simonson: "Mr. President: I should like to qualify my nay vote in that 'free' should be deleted or made more definitive."

Delegate Hubrig: "Mr. President: I don't feel that the word 'free' was clarified here, and I didn't want to make a court heydey out of this."

Delegate Schmit: "Mr. President: I think the committee could have written this up to clarify the intent brought out on the floor. I don't think this is going to change much. There has been this proliferation of charges in our schools and it has come over such a long period of time. It is wrong — it is really wrong, and I think we should have said it."

Delegate Billey: "Mr. President:

"By way of explanation, I will be voting No on Sections 2 and 3 because I cannot reconcile these sections with the actions of the

**Convention** in approving Committee Proposal 1-100 which calls for the organization of the executive branch of our government into no more than 15 principal departments.

“By approving these two sections we are laying the ground work for three separate departments of state government and tying the hands of the legislature so that it will be virtually impossible for them to accomplish the proposed reorganization of the executive branch.

“If we aren’t planning for three departments, then it will be two departments which is even worse, in my opinion, since it will mean the eventual consolidation of vocational education board with either higher education board or public school education board.

“Should these two sections and the new constitution be approved, I foresee a **continuous battle** in the legislature to designate one of the two proposed boards as the board for vocational education.

“This belief is based on the following reasons:

“(1) The Supt. of Public Instruction in his letter of July 14 to the Education Committee, expressed his concern over not having clear supervisory control over vocational education in the elementary and secondary schools. (2) The legislature in 1969 had a bill, Senate Bill 246, which would have designated the board of higher education as the board for vocational education. It was defeated!

“Incidentally our neighbors to the south, South Dakota, with a structure similar to North Dakota had a bill during the current session to combine the vocational department with the Department of Public Instruction. It was also defeated. It’s simply going to be a struggle for power and control!

“On Monday, a delegate expressed concern over the need for vocational education in the elementary and secondary schools. If the board of higher education should become the board for vocational education, there **would be** good reason for this concern. Under federal law there is no requirement, and therefore no guarantee, that any federal funds be spent on vocational education in elementary and secondary schools. The federal law requires **only** that at least 15% of federal money be spent on post-secondary vocational education.

“If the board of higher education, whose members are already concerned about the amount of work they have to do, received this additional responsibility for vocational education, we really would have taken a step backwards all the way back to 1955 when they originally had authority for vocational education.

“In conclusion, I believe we are telling the legislative assembly two stories — on the one hand we say organize state government into 15 departments while on the other hand we establish an organizational structure for education **without** creating one department. We should either be consistent and face the problem; **or** not hinder the legislature by locking these two boards and their administrators into the Constitution.”

#### ROLL CALL

The question then was on the passage of amended engrossed Committee Proposal 1-15 except Section 1, the roll was called and there were ayes, 85; nays, 8; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Fallgatter	Knudson	Roney
Aubol	Fiedler	Kretschmar	Rosendahl
Baker	Fritzell	Kwako	Sanstead
Bender	Geelan	Lamb	Saugstad
Benson	Gipp	Lander	Scheel
Binek	Griffin	Larsen	Schmit
Birkeland	Hardmeyer	Litten	Simonson
Brakke	Hartl	Longmire	Sinner

Burbidge	Haugen	McElroy	Solberg
Burke	Hendrickson	McIntyre	Sondreal
Byrne	Hernett	Maxwell	Stanton
Cart	Hildebrand	Meidinger	Sullivan
Chase	Hill	Miller	Thompson
Daniels	Hoffner	Nething	Tudor
Dawson	Hoghaug	Nicholas	Unruh
Decker	Hougen	Omdahl	Urdahl
Devine	Huckle	Paulson	Vogel
Diehl	Jestrab	Peters	Wallin
Dobson	Kelsch	Peterson	Warner
Engelter	Kessel	Poulson	Wicks
Engstrom	Ketchum	Quam	Mr. President
Erickson			
Those voting in the negative were:			
Benz	Billey	Hubrig	Rude
Berg	Christensen	O'Toole	Rundle
Absent and not voting:			
Bassingthwaite	Lerberg	Pearce	Trenbeath
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-15 was referred to the Committee on Style and Drafting.

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

Convention reconvened with Acting President Saugstad presiding.

Delegate Trenbeath moved that Committee Proposal 1-15 be placed on the calendar immediately following Committee Proposal 1-86, which motion was then withdrawn.

President Wenstrom returned to the rostrum to preside.

#### ANNOUNCEMENT

Delegate Pearce reported his presence at the Convention.

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-74.** Be it resolved by the North Dakota Constitutional Convention that section 182 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 state debt.

Which has been read.

Delegate Saugstad moved that Committee Proposal 1-74 be amended as follows:

On line 11 of the engrossed committee proposal after the word "**thereon**" insert the words "**not to exceed forty million dollars**"

And renumber the lines accordingly.

Which motion prevailed on a division vote.

Delegate Hernett moved that Committee Proposal 1-74 be amended as follows:

On line 10 of the amended engrossed proposal after "**state**" insert "**or its instrumentalities**" and after "**bonds**" delete "**and make loans,**"

On line 11 after "**bonds**" delete "**and loans**"

On line 13 after "**bonds**" delete "**or loans**"

Renumber the lines accordingly.

Delegate McIntyre requested that the question on the motion to amend be divided in such manner as to separate the portion pertaining to instrumentalities from that portion dealing with loans, which request was not granted.

Delegate Hernet moved to amend his amendment by deleting everything following the words "**or its instrumentalities**", which motion prevailed.

The question then was on the adoption of the amendment, which motion failed.

Delegate Roney moved that Committee Proposal 1-74 be amended as follows:

In line 10 of the amended engrossed proposal, after the words "**bonds**" delete the following: "**and make loans,**"

In line 11, delete the words "**and loans**"

In line 13, after the word "**bonds**" delete the words "**or loans**" and renumber the lines accordingly.

Delegate Sinner moved that the convention stand recessed until 1:00 p.m., which motion prevailed.

Convention reconvened with President Wenstrom presiding.

Consideration of Committee Proposal 1-74 continued.

The question then was on the adoption of Delegate Roney's amendment, which motion prevailed.

#### MOTIONS

Delegate Erickson moved that further consideration of Committee Proposal 1-74 be delayed until such time as Delegate Haugen returned to the floor of the convention, which motion prevailed.

Delegate Hoffner moved that Committee Proposal 1-44 be moved to the head of the calendar, which motion prevailed.

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-44.** Be it resolved by the North Dakota Constitutional Convention that sections 27, 30 and 33 of Article II of the constitution of the state of North Dakota be repealed; and that sections 2 and 5 of Article II to the constitution of the state of North Dakota be created; all pertaining to legislative terms of office.

Which has been read.

Delegate Longmire requested permission to withdraw that portion of his amendment to Committee Proposal 1-44 which has not yet been acted upon, which request was granted.

Delegate Longmire moved that Committee Proposal 1-44 be amended as follows:

On page 1 of the engrossed proposal, delete lines 14 through 23 and insert in lieu thereof the following:

**"Section 5. The legislative districts shall be numbered consecutively and be divided into two classes, even-numbered districts constituting one class and odd-numbered districts constituting the other class, so that one-half of the legislators, as nearly as practicable, may be elected biennially. When the legislative assembly is redistricted, the legislators elected prior thereto and retaining their constituencies shall continue in office until the expiration of the terms for which they were elected; but the terms of legislators removed of their constituencies shall be deemed to have expired immediately."**

And renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that Committee Proposal 1-44 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, 81; nays, 12; absent and not voting, 5.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Devine	Hildebrand	O'Toole
Baker	Engelter	Kretschmar	Rosendahl
Cart	Hartl	Nicholas	Vogel
Absent and not voting:			
Bassingthwaite	Haugen	Hernett	Peterson
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-44 was referred to the Committee on Style and Drafting.

Delegate Rundle requested unanimous consent to withdraw Delegate Proposal 2-13, which request was granted.

MOTION

Delegate Unruh moved that Committee Proposal 1-87 be placed at the foot of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-86.** Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to making all persons over eighteen years of age adults for all purposes, be created.

Which has been read.

Delegate Kessel moved that Committee Proposal 1-86 be amended as follows:

In line 8, after the word "adults" delete the words "for all purposes"

Which motion failed.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 30; nays, 63; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Fritzell	Larsen	Quam
Aubol	Gipp	McElroy	Schmit
Baker	Hardmeyer	McIntyre	Sinner
Binek	Hartl	Nicholas	Sondreal
Byrne	Hoghaug	O'Toole	Sullivan
Cart	Ketchum	Pearce	Thompson

Dobson	Lamb	Poulson	Tudor
Engelter	Lander		
<b>Those voting in the negative were:</b>			
Bender	Engstrom	Knudson	Rundle
Benson	Erickson	Kretschmar	Sanstead
Benz	Fallgatter	Kwako	Saugstad
Berg	Fiedler	Lerberg	Scheel
Billey	Geelan	Litten	Simonson
Birkeland	Griffin	Longmire	Solberg
Brakke	Hendrickson	Maxwell	Stanton
Burbidge	Hildebrand	Meidinger	Trenbeath
Burke	Hill	Miller	Unruh
Chase	Hoffner	Nething	Urdahl
Christensen	Hougen	Omdahl	Vogel
Daniels	Hubrig	Paulson	Wallin
Dawson	Huckle	Peters	Warner
Decker	Jestrab	Roney	Wicks
Devine	Kelsch	Rosendahl	Mr. President
Diehl	Kessel	Rude	
<b>Absent and not voting:</b>			
Bassingthwaite	Haugen	Hernett	Peterson
Butler			

So the proposal lost.

**EXPLANATION OF VOTE**

Delegate Gipp: "Mr. President: I would like to explain my vote in favor of 1-86. I think like so many of the other Delegates here, I personally believe in the concept that we attempted to deal with, but in the final result, I do agree that it is a legislative matter. But, I do believe in the concept, and it is on that basis I did vote Yes."

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-85.** Be it resolved by the North Dakota Constitutional Convention that sections 121, 122, 123, 124, 125, 126, 128 and 129 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 O'Toole moved that Committee Proposal 1-85 be amended as follows:

On page 1, line 4 of the engrossed proposal, delete "three" and insert in lieu thereof "a"; and delete "sections" and insert in lieu thereof "section"

Which motion prevailed.

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

In page 1, of the engrossed proposal, line 17, after the word "months" delete the comma.

In page 1, line 18, delete the words "in the county ninety days" And renumber the lines accordingly.

Which motion failed.

Delegate O'Toole moved that Committee Proposal 1-85 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

**EXPLANATION OF VOTE**

Delegate Hartl: "Mr. President: If this constitution as proposed passes, I, too, believe that eventually and in short order we are going to have to amend or delete our requirement here that



18-year-olds or over must reside in the state six months, in the county ninety days and in the precinct thirty days. It is a good idea, but we are back to the registration provision. A student moving to a college town can qualify by report, but I question where he reports. We have provided earlier for an election to be held biennially, and half of our districts will have a special election, where we will vote for one Public Service Commissioner and one United States Congressman — this is an exceptional constitution.”

Delegate Dobson moved that the Convention reconsider the action by which the Dobson amendment to Committee Proposal 1-85 failed, 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, 81; nays, 12; absent and not voting, 5.

**Those voting in the affirmative were:**

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

**Those voting in the negative were:**

Aubol	Hartl	Hougen	Simonson
Dobson	Hill	Omdahl	Sondreal
Gipp	Hoghaug	Sanstead	Sullivan

**Absent and not voting:**

Bassingthwaite	Haugen	Hernett	Peterson
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-85 was referred to the Committee on Style and Drafting.

Delegate Hoffner requested unanimous consent to withdraw Delegate Proposals 2-7, 2-16, 2-52, 2-73, 2-8 and 2-76, which request was not granted on 2-52, but the request was granted on the remaining five.

**REPORT OF SUBSTANTIVE COMMITTEE**

Mr. President: Your Committee on Legislative Functions to whom was referred Delegate Proposal No. 2-52 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.

Delegate Saugstad requested unanimous consent to withdraw Delegate Proposals 2-35 and 2-42, which request was granted.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-119.** Be it resolved by the North Dakota Constitutional Convention that section 7 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 jury trial.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-119 be amended as follows:

Delete lines 1 through 16 inclusive, and insert in lieu thereof "That section 7 of the present constitution of the state of North Dakota, which pertains to trial by jury, be retained."

"Section 1.) Section 7 of the present constitution of the state of North Dakota is retained in its present form and reads as follows:

"The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record may consist of less than twelve men, as may be prescribed by law."

Delegate Jestrab moved to amend the amendment to Committee Proposal 1-119 as follows:

In the last sentence under Section 1, delete the word "men" following the word "twelve"

Which motion prevailed.

The question then was on the adoption of the amendment as amended, which motion was adopted on a division vote.

Delegate Pearce moved that Committee Proposal 1-119 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, 78; nays, 16; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Daniels	Maxwell	Schmit	Tudor
Hoghaug	O'Toole	Sinner	Urdahl
Lamb	Omdahl	Thompson	Vogel
Lerberg	Quam	Trenbeath	Wallin

Absent and not voting:  
Bassingthwaite Butler

Haugen

Peterson

So the proposal passed and the title was agreed to, and Committee Proposal 1-119 was referred to the Committee on Style and Drafting.

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

The Convention re-convened with Acting President Saugstad presiding.

Delegate Thompson requested a ruling from the chair as to when alternate proposals can be introduced. Delegate Geelan, Chairman of the Rules Committee, referred the Convention to Rule 18.2, which controls the matter of alternate proposals.

#### REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-13 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 20, delete the comma after "1889"; and delete "is" and insert in lieu thereof "**, are**"

On page 1, line 20, delete the word "**the**"

On page 1, line 21, delete the words "**same as if they were**" and insert in lieu thereof "**as though**"

On page 2, line 2, delete "**president**" and insert in lieu thereof "**President**"

On page 2, line 3, delete the following: "**legal process, civil and criminal,**" and insert in lieu thereof the following: "**civil and criminal legal process**"; and after the word "**state**" delete the comma

On page 2, line 4, delete "**reservation**" and insert in lieu thereof "**reservations**"

On page 2, line 5, delete "**, or of**" and insert in lieu thereof "**and over**"

On page 2, line 6, delete "**; provided, however,**" and insert a period

On page 2, line 7, delete "**that the Legislative Assembly of the state of North Dakota**" and insert in lieu thereof "**The legislative assembly**"

On page 2, line 13, after "1889" insert a comma and after "**grants**" insert a comma

On page 2, line 14, delete "**if the same were**" and insert in lieu thereof "**though**"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-27 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete lines 11 through 25

On page 2 delete lines 1 through 6 and insert in lieu thereof the following:

**"The governor is the chief executive officer of the state and is responsible for the faithful execution of the laws.**

**He shall present the comprehensive state plan, and his own recommendations, to the legislative assembly at the beginning of**

each session and at any other time he chooses.

**He may require information in writing from all executive officers concerning the performance of their respective duties.**

**He is commander-in-chief of the state's military forces, except when they are called into the service of the United States, and he may mobilize them to execute the laws and to maintain order.**

**He may call special sessions of the legislative assembly.**

**He may fill a vacancy in any office by appointment if no other method is provided by this constitution or by law.**

**He may grant reprieves, commutations and pardons. He may delegate these powers in a manner provided by law.**

**He may supervise business with the United States and other states.**

**He shall prescribe the duties of the lieutenant governor."**

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-28 has had the same under consideration and recommends that the same be amended as follows:

In line 12 after the word "**be**" delete "**a qualified**" and insert in lieu thereof "**an**"; delete "**the**" and insert in lieu thereof "**this**"; and after "**state,**" insert "**must be**"

In line 13 after the word "**and**" insert "**must have been**"

In line 15 delete everything after the period, delete lines 16 and 17 and insert in lieu thereof the following paragraph:

**"The compensation of elected officials shall be as provided by law, but shall not be diminished during the term for which they were elected."**

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-32 has had the same under consideration and recommends that the same be amended as follows:

In line 12 delete "**officers**" and insert in lieu thereof "**officials**"

In line 13 delete "**officers**" and insert in lieu thereof "**officials**"

In line 15 delete "**because of**" and insert in lieu thereof "**for**"; and delete "**wilfull**" and insert in lieu thereof "**willful**"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-46 has had the same under consideration and recommends that the same be amended as follows:

In line 10 delete the comma and insert in lieu thereof a semi-colon

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-58 has had the same under consideration and recommends that the same be amended as follows:

In line 10 underline **HABEAS CORPUS**

In line 12 insert the word "**public**" after the word "**the**" and after the word "**safety**" delete the word "**policy**"

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-59 has had the same under consideration and recommends that the same be amended as follows:

In line 10 delete the second word "**freedom**"

In line 11 delete "**are hereby**" and insert in lieu thereof "**is**"

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-63 has had the same under consideration and recommends that the same be amended as follows:

In line 13 delete "**warrants**" and insert in lieu thereof "**warrant**"

In line 13 following the word "**shall**" insert "**be**"

In line 14 delete "**issue,**" and insert in lieu thereof "**issued**"

In line 15 delete the comma after "**searched**"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-73 has had the same under consideration and recommends that the same be amended as follows:

In line 10 delete the comma

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-91 has had the same under consideration and recommends that the same be amended as follows:

Delete lines 1 through 22 and insert in lieu thereof the following:

"That sections 74, 82 and 83 of the constitution of the state of North Dakota be repealed; and that two new sections to the constitution of the state of North Dakota, pertaining to elections, terms, and place of holding office, be created.

SECTION 1. REPEAL.) Sections 74, 82 and 83 of the constitution of the state of North Dakota are hereby repealed.

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

**Elections and Terms of Executive Officials.**

The elected state officials shall be chosen by the electors at a time to be designated by the legislative assembly. Their terms of office shall be four years, except the terms of public service commissioners shall be alternate six-year terms. All elected state officials shall serve until their successors are elected and qualified.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

SECTION 3.) A new section to the constitution of the state of North Dakota is hereby created to read as follows:

**Place of Holding Office.**

Elected state officials and the chief executive officer of each principal department shall hold office at the seat of government."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE UNRUH, Chairman

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

Mr. President: Your Committee on Style and Drafting to whom was referred the following:

Committee Proposal No. 1-1  
Committee Proposal No. 1-4  
Committee Proposal No. 1-19  
Committee Proposal No. 1-47  
Committee Proposal No. 1-48  
Committee Proposal No. 1-49  
Committee Proposal No. 1-50  
Committee Proposal No. 1-52  
Committee Proposal No. 1-54  
Committee Proposal No. 1-56  
Committee Proposal No. 1-62  
Committee Proposal No. 1-64  
Committee Proposal No. 1-65  
Committee Proposal No. 1-66  
Committee Proposal No. 1-67  
Committee Proposal No. 1-68  
Committee Proposal No. 1-78  
Committee Proposal No. 1-94

has had the same under consideration and recommends that the same not be amended, and be re-referred to the Committee on Style and Drafting.

DELEGATE UNRUH, Chairman

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

**FIRST READING OF PROPOSALS**

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

Which has been read.

Delegate Devine moved that Committee Proposal 1-104 be amended as follows:

In line 8, delete the word "and" and insert in lieu thereof the word "but"

In line 8, after the word "provide" insert the word "for"

In line 8, delete the word "limitation" and insert in lieu thereof the word "limitations"

In line 9, delete "on the amount of recovery"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Decker moved that Committee Proposal 1-104 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, 74; nays, 17; absent and not voting, 7.

Those voting in the affirmative were:

Aas	Engstrom	Kelsch	Sanstead
Aubol	Erickson	Kessel	Saugstad
Baker	Falgatter	Ketchum	Scheel
Bender	Fiedler	Knudson	Schmit
Benson	Fritzell	Kretschmar	Simonson
Benz	Geelan	Kwako	Sinner
Billey	Griffin	Lamb	Solberg
Brakke	Hardmeyer	Lander	Stanton
Burbidge	Hartl	Longmire	Sullivan
Cart	Haugen	McIntyre	Trenbeath
Chase	Hendrickson	Miller	Tudor
Christensen	Hernett	Nething	Unruh
Daniels	Hildebrand	Nicholas	Urdahl
Dawson	Hill	O'Toole	Vogel
Decker	Hoghaug	Omdahl	Wallin
Devine	Hougen	Peters	Warner
Diehl	Hubrig	Poulson	Wicks
Dobson	Huckle	Rosendahl	Mr. President
Engelter	Jestrab		

Those voting in the negative were:

Berg	Larsen	Maxwell	Rude
Binek	Lerberg	Meidinger	Rundle
Birkeland	Litten	Pearce	Sondreal
Burke	McElroy	Roney	Thompson
Byrne			

Absent and not voting:

Bassingthwaite	Gipp	Paulson	Quam
Butler	Hoffner	Peterson	

So the proposal passed and the title was agreed to, and Committee Proposal 1-104 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Haugen moved that Committee Proposal 1-87 be placed at the head of the calendar, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-87.** Be it resolved by the North Dakota Constitutional Convention that article 56 of the amendments to 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 revenue from gasoline and motor vehicle registration and license taxes.

Which has been read.

Delegate Hoghaug moved that Committee Proposal 1-87 be amended as follows:

On line 13 of the engrossed proposal, delete "; and"

Delete all of line 14

On line 15 delete "public highways"

And renumber the lines accordingly.

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

#### ROLL CALL

The roll was called and there were ayes, 24; nays, 66; absent and not voting, 8.

Those voting in the affirmative were:

Aas	Fritzell	Jestrab	Lerberg
Aubol	Hartl	Ketchum	Maxwell
Benz	Haugen	Knudson	Meidinger
Burbidge	Hill	Kretschmar	O'Toole
Burke	Hoghaug	Lander	Rundle
Devine	Hubrig	Larsen	Vogel

Those voting in the negative were:

Baker	Engelter	Longmire	Schmit
Bender	Engstrom	McElroy	Simonson
Benson	Erickson	McIntyre	Sinner
Berg	Fallgatter	Nething	Solberg
Billey	Geelan	Omdahl	Sondreal
Binek	Griffin	Paulson	Stanton
Birkeland	Hardmeyer	Pearce	Sullivan
Brakke	Hendrickson	Peters	Thompson
Byrne	Hernett	Poulson	Trenbeath
Cart	Hildebrand	Quam	Tudor
Chase	Hougen	Roney	Unruh
Christensen	Huckle	Rosendahl	Urdahl
Daniels	Kelsch	Rude	Wallin
Dawson	Kessel	Sanstead	Warner
Decker	Kwako	Saugstad	Wicks
Diehl	Lamb	Scheel	Mr. President
Dobson	Litten		

Absent and not voting:

Bassingthwaite	Fiedler	Hoffner	Nicholas
Butler	Gipp	Miller	Peterson

The motion failed.

Delegate Kelsch moved that Committee Proposal 1-87 be amended as follows:

On line 16 of the engrossed proposal following the word "operation" insert a "comma" and delete "and"

On line 17 following the word "maintenance" insert the words "and transportation of persons and property on" and delete the first word "of"

And renumber the lines accordingly.

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, 79; nays, 13; absent and not voting, 6.

Those voting in the affirmative were:

Baker	Engstrom	Lander	Sanstead
Bender	Erickson	Larsen	Saugstad
Benson	Fallgatter	Litten	Scheel
Benz	Fritzell	Longmire	Schmit
Berg	Geelan	McElroy	Simonson
Billey	Griffin	McIntyre	Sinner
Binek	Hardmeyer	Maxwell	Solberg
Birkeland	Hartl	Meidinger	Sondreal
Burbidge	Haugen	Nething	Stanton
Byrne	Hendrickson	Nicholas	Sullivan
Cart	Hernett	O'Toole	Thompson



Chase	Hildebrand	Omdahl	Trenbeath
Christensen	Hougen	Paulson	Tudor
Daniels	Hubrig	Pearce	Unruh
Dawson	Huckle	Peters	Urdahl
Decker	Kelsch	Poulson	Wallin
Devine	Kessel	Quam	Warner
Diehl	Kretschmar	Roney	Wicks
Dobson	Kwako	Rosendahl	Mr. President
Engelter	Lamb	Rude	

**Those voting in the negative were:**

Aas	Hill	Ketchum	Miller
Aubol	Hoghaug	Knudson	Rundle
Brakke	Jestrab	Lerberg	Vogel
Burke			

**Absent and not voting:**

Bassingthwaite	Fiedler	Hoffner	Peterson
Butler	Gipp		

So the proposal passed and the title was agreed to, and Committee Proposal 1-87 was referred to the Committee on Style and Drafting.

**MOTION**

Delegate Aas moved that the Convention reconsider the action by which Committee Proposal 1-29 was passed.

Acting President Saugstad declared the Convention would stand recessed for ten minutes.

The Convention re-convened with President Wenstrom presiding.

**INTRODUCTION OF PROPOSALS**

Delegates Aubol, Bassingthwaite, Hoghaug, Rude, Sondreal, Chase, Hoffner, Hildebrand, Sinner, Rundle, Longmire, Peterson, Urdahl, Hougen, Warner, Vogel, Hill, Hardmeyer, Griffin, Gipp, Sanstead, Omdahl, Rosendahl, Daniels, Kretschmar, Larsen, Hendrickson, Fritzell, Nicholas, Wicks, Dobson, Burke, Jestrab and Haugen introduced:

**Alternate Proposal No. 4-5.** Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to Committee Proposal No. 1-11 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Was read the first time and referred to the Committee on Constitutional Ballot.

Delegates Stanton, Kwako, Warner, Thompson, Unruh, Tudor, Trenbeath, Solberg, Aas, Berg, Billey, Binek, Burke, Burbidge, Roney, Baker, Cart, Rundle, Meidinger, Kretschmar, Knudson, Vogel, Peters and McElroy introduced:

**Alternate Proposal No. 4-6.** Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to Committee Proposal No. 1-44 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Was read the first time and referred to the Committee on Constitutional Ballot.

Delegate Longmire moved that consideration of the motion of Delegate Aas to reconsider the action of Committee Proposal 1-29 be delayed for thirty minutes, which motion was subsequently withdrawn.

The Convention was at ease for five minutes.

The question was on the motion of Delegate Aas to reconsider Committee Proposal 1-29, which motion failed on a division vote.

## 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 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.

Which has been read.

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

In line 13 of the engrossed proposal after "election;" delete the remainder of the proposal and insert in lieu thereof the following: **nor shall any person be qualified to vote if he is confined in a correctional institution or jail, or if he is under sentence for a crime wherein the maximum possible period of confinement exceeded one year.**

And renumber lines accordingly.

Which motion prevailed.

Delegate Hartl moved that Committee Proposal 1-82 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, 88; nays, 1; absent and not voting, 9.

Those voting in the affirmative were:

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

Those voting in the negative were:

O'Toole

Absent and not voting:

Bassingthwaite	Gipp	Kelsch	Nicholas
Butler	Hoffner	Larsen	Peterson
Fiedler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-82 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-74.** Be it resolved by the North Dakota Constitutional Convention that section 182 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 state debt.

Which has been read.

Delegate Erickson moved that Committee Proposal 1-74 be amended as follows:

Delete everything after line 9 of the engrossed committee proposal 1-74 and insert in lieu thereof the following:

**STATE DEBT. The state may issue general obligation bonds and guarantee the payment of such bonds and interest thereon but no bond may be issued which would increase the outstanding indebtedness beyond forty percent of the state general fund revenue raised in the preceding biennium. In addition to the above debt limit the legislative assembly may pledge the full faith and credit of the state to guarantee state revenue bonds and the deposits of a state owned bank. A statewide property tax based on value shall not be used to retire or guarantee such bonds.**

**Each issue or guarantee shall require sixty percent approval of the members elected to each house of the legislative assembly.**

**Except as otherwise provided in this constitution any tax levied or other provision made to retire a bond issue shall be irrevocable until such debt is paid.**

And renumber the lines accordingly.

Delegate Trenbeath moved to amend the amendment to Committee Proposal 1-74 as follows:

In the first sentence of the amendment following the word "beyond" delete the word "forty" and insert in lieu thereof "twenty-five"

Which motion prevailed on a division vote.

Delegate Knudson moved to amend the amendment to Committee Proposal 1-74 as follows:

In the first sentence of the amendment following the word "beyond" insert the following: "an amount equal to"

Which motion prevailed.

Delegate Sinner moved to amend the amendment to Committee Proposal 1-74 as follows:

In the third sentence of the amendment, delete the word "such" and insert the following in lieu thereof "either the general obligation or the revenue"

Which motion failed.

The question then was on the adoption of the amended amendment upon motion by Delegate Erickson, which motion prevailed on a division vote.

Delegate Erickson moved that Committee Proposal 1-74 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, 2; absent and not voting, 7.

Those voting in the affirmative were:

Aas	Engstrom	Kretschmar	Rude
Aubol	Erickson	Lamb	Rundle
Bender	Fallgatter	Lander	Sanstead
Benson	Fritzell	Lerberg	Saugstad
Benz	Geelan	Litten	Scheel
Berg	Griffin	Longmire	Schmit
Billey	Hardmeyer	McElroy	Simonson
Binek	Hartl	McIntyre	Sinner
Birkeland	Haugen	Maxwell	Solberg
Brakke	Hendrickson	Meidinger	Sondreal
Burbidge	Hernett	Miller	Stanton

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Burke	Hildebrand	Nething	Sullivan
Byrne	Hill	Nicholas	Thompson
Cart	Hoghaug	O'Toole	Trenbeath
Chase	Hougen	Omdahl	Tudor
Christensen	Hubrig	Paulson	Unruh
Daniels	Huckle	Pearce	Urdahl
Dawson	Jestrab	Peters	Vogel
Decker	Kelsch	Poulson	Wallin
Devine	Kessel	Quam	Warner
Diehl	Ketchum	Roney	Wicks
Dobson	Knudson	Rosendahl	Mr. President
Engelter			

Those voting in the negative were:

Baker Kwako

Absent and not voting:

Bassingthwaite	Fiedler	Hoffner	Peterson
Butler	Gipp	Larsen	

So the proposal passed and the title was agreed to, and Committee Proposal 1-74 was referred to the Committee on Style and Drafting.

Delegate Trenbeath requested unanimous consent to withdraw Delegate Proposal 2-50, which request was granted.

Delegate Saugstad requested unanimous consent to withdraw Delegate Proposal 2-66, which request was granted.

Delegate Ketchum requested unanimous consent to withdraw Delegate Proposal 2-60, which request was granted.

Delegate Saugstad moved that the following Committee Proposals placed on the Sixth Order by the Report of the Style and Drafting Committee be re-referred to the Committees of origin: 1-13, 1-27, 1-28, 1-32, 1-46, 1-58, 1-59, 1-63, 1-73, 1-91, which motion prevailed.

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 9, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk