

## TWENTY-FIFTH DAY

Bismarck, February 9, 1972

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

Prayer was offered by Rev. A. R. Aleson, Pastor, First United Methodist Church, Bismarck.

"Almighty God, unto whom all hearts are open, and from whom no secrets are hidden — be One in our midst in this hour as we begin to share the fellowship of each other's company. Your Almighty Power has been demonstrated from the beginning of time and it is not in question now. Your ministry of love on behalf of people around the world is deep and abiding and real. We acknowledge that!

"We stand as citizens of a great state in a great nation. We pray in this moment for our national and state leadership — firm may they ever stand. We are all aware that we stand on hallowed ground in this hour. We remember those who fought desperately that the freedoms we all enjoy might be carefully thought through and retained. We call to mind those who earlier gave liberally of heart and mind and soul and strength that each one of us might have a solid place upon which to build our lives. Help us to remember!

"During these important days of convention which are times of challenge and opportunity, in which the work we do is most demanding and words we write can change meanings and purposes and intentions, be near to us. We have all been chosen to places of large responsibility. Help us to understand and to be understood. Allow us to reach forward to achieve the high calling of the One who does stand in our midst today and who calls us from darkness to His light.

"We have been allowed the further luxury of time. Help us to use wisely the challenges that come to us today. As we compare past with present, good with better, and better with best, allow no doubt to enter our minds as to what our course of action really ought to be. Allow us the privilege to keep on searching for better words that will more fully explain the spirit of truth which can then endure endlessly. Let no contradiction of purpose or interest interfere with the reaching toward goal of each of us as persons or of this convention body. Inspire us with the kind of wisdom sought from each other and from above. Help us to recognize the giver of every good and perfect gift. In the name of Jesus Christ, we pray. Amen."

Roll was called and all Delegates were present except Delegate Nething.

A quorum was declared by the President.

## REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of

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the Journal has carefully examined the Journal of the 2nd day of February, 1972, and recommends that the same be corrected as follows:

On page 379, following line 20, insert the following:

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

"A quorum was declared by the President."

Your Committee on Revision and Correction of the Journal has also carefully examined the Journal of the 3rd day of February, 1972, and recommends that the same be corrected as follows:

On page 396, line 5, delete the word "hoping" and insert in lieu thereof the word "laying"

On page 397, line 23, delete the numerals "1-74" and insert in lieu thereof the numerals "1-15"

On page 412, delete lines 28, 29, 30 and 31

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

#### INTRODUCTION OF RESOLUTIONS

Committee on Resolutions introduced:

**Resolution No. E.** A resolution expressing gratitude for the use of the library facilities of the North Dakota Supreme Court.

Was read the first time.

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

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#### CONSTITUTIONAL CONVENTION OF THE STATE OF NORTH DAKOTA OF 1972 RESOLUTION No. E

Introduced by Committee on Resolutions

1 A resolution expressing gratitude for the use of the library  
2 facilities of the North Dakota Supreme Court.

3

4 WHEREAS, the North Dakota Constitutional Convention  
4a met in

5 organizational session in April of 1971; and

6 WHEREAS, the North Dakota Constitutional Convention  
6a thereafter

7 met in substantive committees to research, study and deliberate  
7a a

8 revision of the constitution of the state of North Dakota; and

9 WHEREAS, the North Dakota Constitutional Convention has  
9a been

10 meeting in plenary session since January 3, 1972; and

11 WHEREAS, during all this time, the North Dakota Supreme  
11a Court

12 has granted unrestricted access to library facilities of the  
13 court to the delegates and staff of the North Dakota Constitu-  
13a tional

14 Convention; and

15 WHEREAS, the North Dakota Supreme Court judges have  
16 generously given of their time and knowledge to aid the Con-  
16a vention

17 and its committees in their deliberations; and  
 18 WHEREAS, the generous contribution of time, knowledge,  
 19 experience, facilities, and research material has been of  
 20 immeasurable benefit to the North Dakota Constitutional Con-  
 20a vention  
 21 in its study and deliberations;  
 22 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
 22a DAKOTA  
 23 CONSTITUTIONAL CONVENTION:  
 24 That the North Dakota Constitutional Convention extend its  
 25 most sincere appreciation to the North Dakota Supreme Court  
 25a and

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1 the staff thereof and that the clerk of the Convention be  
 1a instructed  
 2 to forward an enrolled copy of this resolution to each of the  
 3 judges of the North Dakota Supreme Court, the clerk of the  
 4 North Dakota Supreme Court and the librarian of the North  
 4a Dakota  
 5 Supreme Court.

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

Committee on Resolutions introduced:

**Resolution No. F.** A resolution expressing the gratitude of the  
 Convention to the University of North Dakota for its generous sup-  
 port and sponsorship of informational meetings on the subject of  
 constitutional revision.

Was read the first time.

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

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CONSTITUTIONAL CONVENTION OF THE  
 STATE OF NORTH DAKOTA OF 1972  
 RESOLUTION No. F

Introduced by Committee on Resolutions

1 A resolution expressing the gratitude of the Convention to the  
 2 University of North Dakota for its generous support and  
 2a sponsorship  
 3 of informational meetings on the subject of constitutional  
 3a revision.  
 4

5 WHEREAS, the North Dakota Constitutional Convention  
 5a met in

6 plenary session in April of 1971; and

7 WHEREAS, substantive committees of the North Dakota  
 7a Constitutional

8 Convention met during the summer and fall of 1971; and

9 WHEREAS, the North Dakota Constitutional Convention has  
 9a been

10 meeting in plenary session since January 3, 1972; and

11 WHEREAS, during all this time the Bureau of Governmental  
 11a Affairs

12 of the University of North Dakota has conducted research into

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12a areas

13 relative to constitutional revision and made the results of this  
14 research available to delegates and staff of the North Dakota  
15 Constitutional Convention as well as to individuals interested in  
16 constitutional revision; and

17 WHEREAS, the Bureau of Governmental Affairs of the  
17a University

18 of North Dakota generously sponsored a seminar in the month of  
19 December, 1971, on the subject of constitutional revision; and

20 WHEREAS, Sigma Delta Chi fraternity generously sponsored  
20a a

21 seminar on the subject of the Constitutional Convention during  
21a the

22 month of January, 1972; and

23 WHEREAS, the University of North Dakota has made an  
23a immeasurable

24 contribution to the North Dakota Constitutional Convention by  
24a the

25 events and activities described above;

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1 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
1a DAKOTA CONSTITUTIONAL

2 CONVENTION:

3 That most sincere appreciation of the North Dakota Consti-  
3a tutional

4 Convention be extended to the University of North Dakota for  
4a its

5 aid and assistance through these events and activities.

6 BE IT FURTHER RESOLVED, that an enrolled copy of this  
6a resolution

7 be forwarded to the president of the University of North Dakota.

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

Delegate Saugstad moved that Committee Proposals 1-13, 1-27,  
1-28, 1-32, 1-46, 1-58, 1-59, 1-63, 1-73 and 1-91 be returned from the  
Committee of origin and placed on Sixth Order of the calendar,  
which motion prevailed.

Delegate Unruh moved that the Convention reconsider the action  
by which the Committee Reports were adopted on Committee  
Proposals 1-13, 1-27, 1-28, 1-32, 1-46, 1-58, 1-59, 1-63, 1-73, and 1-91,  
which motion prevailed.

Delegate Unruh moved that Committee Proposals 1-13, 1-27, 1-28,  
1-32, 1-46, 1-58, 1-59, 1-63, 1-73 and 1-91 be re-referred to the Com-  
mittee on Style and Drafting, which motion prevailed.

Delegate Unruh moved that the Convention reconsider the action  
by which the Committee Report was adopted on Committee Propos-  
als 1-1, 1-4, 1-19, 1-47, 1-48, 1-49, 1-50, 1-52, 1-54, 1-56, 1-62, 1-64,  
1-65, 1-66, 1-67, 1-68, 1-78, 1-94, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting moves  
that the rules be suspended and that Style and Drafting Committee  
Redraft Proposal No. 5-8 be introduced, such proposal being a re-  
draft of Committee Proposal No. 1-1.

Further that this redraft proposal not be referred to a committee  
but be placed on eleventh order for second reading and passage,

and be subject to debate and amendment only as to style and drafting alterations.

**DELEGATE UNRUH, Chairman**

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

### INTRODUCTION OF PROPOSAL

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-8.** Be it resolved by the North Dakota Constitutional Convention that the preamble to the constitution of the state of North Dakota be created.

### SECOND READING OF PROPOSAL

**Style and Drafting Redraft Proposal No. 5-8.** Be it resolved by the North Dakota Constitutional Convention that the preamble to the constitution of the state of North Dakota be created.

Which has been read.

### ROLL CALL

The question being on the second passage of the proposal, the roll was called and there were ayes, 93; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Rundle

Absent and not voting:

Kessel	Litten	Nething	Scheel
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So the proposal passed and the title was agreed to, and Redraft Proposal 5-8 was referred to the Committee on Style and Drafting.

### ANNOUNCEMENT

Delegate Nething reported his presence at the Convention.

### REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting moves that the rules be suspended and that Style and Drafting Committee Redraft Proposal No. 5-9 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-46, 1-47, 1-48, 1-49, 1-53, 1-57, 1-58, 1-59, 1-60, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-71,

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1-72, 1-73, 1-78, 1-79, 1-80, 1-89, 1-92, 1-98, 1-104, 1-119, and Delegate Proposal No. 2-23.

Further that this redraft proposal not be referred to a committee but be placed on eleventh order for second reading and passage, and be subject to debate and amendment only as to style and drafting alterations.

DELEGATE UNRUH, Chairman

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

INTRODUCTION OF PROPOSALS

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-9.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the declaration of rights, be created.

SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-9.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the declaration of rights, be created.

Which has been read.

Delegate Unruh moved that Redraft Proposal 5-9 be amended as follows:

On page 1, line 6, after "**ARTICLE**" insert the roman numeral "I"

Which motion prevailed.

Delegate Unruh moved that the Convention dispense with the reading on the Eleventh Order of all Redraft Proposals, which motion was subsequently withdrawn.

Delegate Unruh moved that the rules be suspended, and that Section 1 of Redraft Proposal 5-9 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

Delegate Pearce called for a division of the question, in such manner that each section of the Redraft proposal can be voted on separately.

The question then was on the second passage of Section 1 of Proposal 5-9.

ROLL CALL

The roll was called and there were ayes, 93; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

Aubol	Engstrom	Knudson	Rosendahl
Baker	Erickson	Kretschmar	Rude
Bassingthwaite	Fallgatter	Kwako	Rundle
Bender	Fiedler	Lamb	Sanstead
Benson	Fritzell	Lander	Saugstad
Benz	Geelan	Larsen	Scheel
Berg	Gipp	Litten	Schmit
Billey	Griffin	Longmire	Simonson
Binek	Hardmeyer	McElroy	Sinner
Brakke	Hartl	McIntyre	Solberg
Burbidge	Haugen	Maxwell	Sondreal
Burke	Hendrickson	Meidinger	Stanton
Butler	Hernett	Miller	Sullivan
Byrne	Hildebrand	Nothing	Thompson
Cart	Hoffner	Nicholas	Trenbeath
Chase	Hoghaug	O'Toole	Tudor
Christensen	Hougen	Omdahl	Unruh
Daniels	Hubrig	Paulson	Urdahl
Dawson	Huckle	Pearce	Vogel

Decker	Jestrab	Peters	Wallin
Devine	Kelsch	Peterson	Warner
Diehl	Kessel	Poulson	Wicks
Dobson	Ketchum	Quam	Mr. President
Engelter			

Those voting in the negative were:  
Aas

Absent and not voting:  
Birkeland Hill Lerberg Roney

The question then was on second passage of Section 2 of Proposal 5-9.

#### ROLL CALL

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

Those voting in the affirmative were:

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

Absent and not voting:  
Lander Lerberg Roney Stanton

#### MOTIONS

Delegate Hoghaug moved that when recording the roll call votes, and there are no nay votes the vote be recorded as the number voting aye, and the number absent and not voting, which motion was ruled out of order.

Delegate Paulson moved that only one roll call be taken on Sections 3, 4, 5, 6, 7 and 8 of Redraft Proposal 5-9, which motion prevailed.

Delegate Hougen moved that Section 7 be voted on separately, which motion prevailed.

Delegate Unruh moved that Redraft Proposal 5-9 be amended as follows:

On page 2, line 11, after the word "cases" insert ";

Which motion prevailed.

The question then was on the second passage of Sections 3, 4, 5, 6 and 8 of Redraft Proposal 5-9.

#### ROLL CALL

The roll was called and there were ayes, 97; nays, 0; absent and not voting, 1.

**Those voting in the affirmative were:**

Aas	Engstrom	Knudson	Roney
Aubol	Erickson	Kretschmar	Rosendahl
Baker	Fallgatter	Kwako	Rude
Bassingthwaite	Fiedler	Lamb	Rundle
Bender	Fritzell	Lander	Sanstead
Benson	Geelan	Larsen	Saugstad
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	Tudor
Christensen	Hougen	Omdahl	Unruh
Daniels	Hubrig	Paulson	Urdahl
Dawson	Huckle	Pearce	Vogel
Decker	Jestrab	Peters	Wallin
Devine	Kelsch	Peterson	Warner
Diehl	Kessel	Poulson	Wicks
Dobson	Ketchum	Quam	Mr. President
Engelter			

**Absent and not voting:**

Butler

Delegate Hougen moved that the Convention reconsider its action by which Section 7 of Redraft Proposal 5-9 had been passed on Tenth Order as Committee Proposal 1-119, which motion prevailed.

Delegate Hougen moved that Committee Proposal 1-119 be placed on the Tenth Order, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-119.** Be it resolved by the North Dakota Constitutional Convention that section 7 of the present constitution of the state of North Dakota, which pertains to trial by jury, be retained.

Which has been read.

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

In line 7, after the word "cases" delete ", in courts not of record"

And renumber the lines accordingly.

Which motion failed on a division vote.

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

In line 7, following the word "record" insert ";

In line 8, delete the word "less" and insert in lieu thereof the word "fewer" and delete the word "prescribed" and insert in lieu thereof the word "provided"

Which motion prevailed.

Delegate Hill moved that Committee Proposal 1-119 be laid over one convention day, which motion prevailed.

The Convention then was on the continued consideration of Redraft Proposal 5-9.

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

The Convention re-convened with President Wenstrom presiding.

Delegate Omdahl moved that the Convention consider together



Sections 9 through 28 of Redraft Proposal 5-9, which motion prevailed.

The question then was on the second passage of Sections 9 through 28 of Redraft Proposal 5-9.

Delegate Kelsch moved that the Convention reconsider its action by which Section 14 of Redraft Proposal 5-9 had been passed on the Tenth Order as Committee Proposal 1-92, which motion prevailed.

#### FIRST READING OF PROPOSALS

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

Which has been read.

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

Delete lines 1 through 11 inclusive, and insert in lieu thereof the following:

"That section 19 of the present constitution of the state of North Dakota, which pertains to treason, be retained.

"SECTION 1.) Section 19 of the present constitution of the state of North Dakota is retained in its present form and reads as follows:

Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court."

And renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-92 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, 86; nays, 8; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Butler	Hill	Lamb
Burke	Engelter	Hoghaug	Lerberg
Absent and not voting:			
Gipp	Hubrig	Sinner	Solberg

So the proposal passed and the title was agreed to.

Delegate Kelsch moved that Committee Proposal 1-92 be placed on the Eleventh Order as Section 14 engrossed of Redraft Proposal 5-9, which motion prevailed.

Delegate Pearce moved that the Convention reconsider its action by which Section 15 of Redraft Proposal 5-9 had been passed on the Tenth Order as Committee Proposal 1-58, which motion failed.

Delegate Baker moved that Section 15 of Redraft Proposal 5-9 be amended as follows:

On page 3, delete lines 15, 16 and 17, and insert in lieu thereof the following: **"The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require."**

And renumber the lines accordingly.

Which motion was ruled out of order by the President.

The President declared the Convention would stand recessed until 1:30 p.m.

The Convention re-convened with President Wenstrom presiding.

Consideration of Redraft Proposal 5-9 continued.

Delegate Paulson moved that Redraft Proposal 5-9 be amended as follows:

On page 3, line 16, after the word "imprisonment" insert the following: **“, through petition for a writ of habeas corpus,”**

And renumber the lines accordingly.

Which motion was ruled out of order by President Wenstrom.

Delegate Kelsch moved that Redraft Proposal 5-9 be amended as follows:

On page 4, line 20, delete the word **"DISCRIMINATION"** and insert in lieu thereof **"NONDISCRIMINATION"**

Which motion prevailed.

Delegate Unruh moved that Redraft Proposal 5-9 be amended as follows:

On page 3, line 29, before the word **"IMPRISONMENT"** insert the word **"NO"**

Which motion prevailed.

Delegate Burbidge moved that Redraft Proposal 5-9 be amended as follows:

On page 3, line 1, delete: **"life,"**

Which motion was subsequently withdrawn.

Delegate Longmire moved that the amendment to Section 23 of Redraft Proposal 5-9 be amended as follows:

On page 4, line 20, delete **"NON"** and insert in lieu thereof the word **"NO"**

Which motion failed.

Delegate Unruh moved that the rules be suspended, and that Sections 9 through 28 of Redraft Proposal 5-9 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

#### ROLL CALL

The question then was on second passage of Sections 9 through 28 of Redraft Proposal 5-9.

The roll was called and there were ayes, 92; nays, 4; absent and not voting, 2.

## Those voting in the affirmative were:

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

## Those voting in the negative were:

Baker	Pearce	Solberg	Stanton
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## Absent and not voting:

Hubrig	Meidinger
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## REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting moves that the rules be suspended and that Style and Drafting Committee Redraft Proposal No. 5-10 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-82, 1-85 and 1-118.

Further that this redraft proposal not be referred to a committee but be placed on eleventh order for second reading and passage, and be subject to debate and amendment only as to style and drafting alterations.

## DELEGATE UNRUH, Chairman

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

## INTRODUCTION OF PROPOSALS

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-10.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the elective franchise, be created.

## SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-10.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the elective franchise, be created.

Which has been read.

Delegate Omdahl moved that Sections 1, 2 and 3 of Redraft Proposal 5-10 be considered together, which motion prevailed.

Delegate Unruh moved Redraft Proposal 5-10 be amended as follows:

On page 1, line 6, after "**ARTICLE**" insert the roman numeral "**II**"

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-10 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

Delegate Simonson called for a division of the question, in such manner that Section 1 be voted on separately, which request was granted.

Delegate Cart called for a division of the question in such manner that Section 3 be voted on separately, which request was granted.

The question then was on the second passage of Section 1 of Redraft Proposal 5-10.

#### ROLL CALL

The roll was called and there were ayes, 89; nays, 4; absent and not voting, 5.

Those voting in the affirmative were:

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

Those voting in the negative were:

Knudson	Kretschmar	Simonson	Sondreal
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Absent and not voting:

Griffin	Meidinger	Roney	Urdahl
Hartl			

Section 1 of Redraft Proposal 5-10 was passed.

The question then was on the second passage of Section 2 of Redraft Proposal 5-10.

#### ROLL CALL

The roll was called and there were ayes, 93; nays, 3; absent and not voting, 2.

Those voting in the affirmative were:

Aas	Engelter	Kessel	Quam
Baker	Engstrom	Ketchum	Roney
Bassingthwaite	Erickson	Knudson	Rosendahl
Bender	Fallgatter	Kretschmar	Rude
Benson	Fiedler	Kwako	Rundle
Benz	Fritzell	Lamb	Sanstead
Berg	Geelan	Lander	Saugstad
Billey	Gipp	Larsen	Scheel
Binek	Griffin	Lerberg	Schmit
Birkeland	Hardmeyer	Litten	Simonson
Brakke	Hartl	Longmire	Sinner
Burbidge	Haugen	McElroy	Solberg

Burke	Hendrickson	McIntyre	Stanton
Butler	Hernett	Maxwell	Sullivan
Byrne	Hildebrand	Miller	Thompson
Cart	Hill	Nething	Trenbeath
Chase	Hoffner	Nicholas	Tudor
Christensen	Hoghaug	Omdahl	Unruh
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:

Aubol	O'Toole	Sondreal
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Absent and not voting:

Meidinger	Urdahl
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Section 2 of Redraft Proposal 5-10 was passed.

The question then was on the second passage of Section 3 of Redraft Proposal 5-10.

### ROLL CALL

The roll was called and there were ayes, 84; nays, 11; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aas	Devine	Hill	Paulson
Baker	Erickson	Lerberg	Rundle
Cart	Hartl	Nething	

Absent and not voting:

Hubrig	Meidinger	Urdahl
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So the Redraft Proposal 5-10 passed on a division of the question and the title was agreed to, and Redraft Proposal 5-10 was referred to the Committee on Style and Drafting.

### REPORT OF PROCEDURAL COMMITTEE

Mr. President:

Your Committee on Style and Drafting moves that the rules be suspended and that Style and Drafting Committee Redraft Proposal No. 5-1 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-99, 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112 and 1-113.

Further that this redraft proposal not be referred to a committee but be placed on eleventh order for second reading and passage, and be subject to debate and amendment only as to style and drafting alterations.

DELEGATE UNRUH, CHAIRMAN

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

### INTRODUCTION OF PROPOSALS

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-1.** Be it resolved by the North Dakota Constitutional Convention that Article II to the constitution of the state of North Dakota which pertains to powers reserved to the people, be created.

### SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-1.** Be it resolved by the North Dakota Constitutional Convention that Article II to the constitution of the state of North Dakota which pertains to powers reserved to the people, be created.

Which has been read.

Delegate McIntyre moved that Sections 1 through 10 of Redraft Proposal 5-1 be considered on one roll call vote, which motion prevailed.

Delegate Unruh moved that Redraft Proposal 5-1 be amended as follows:

On page 1, lines 1, 4 and 6, after "**ARTICLE**" delete the roman numeral "**II**" and insert in lieu thereof the roman numeral "**III**"

Which motion prevailed.

President Wenstrom called Delegate Saugstad to the rostrum to preside.

Delegate Dobson moved that Redraft Proposal 5-1 be amended as follows:

On page 3 line 14 after the period delete the word "**For**"

On page 3 line 15 delete the words "**seven years from its effective date, a**" and insert in lieu thereof the word "**A**"

On page 3 line 16 after the word "**assembly**" insert the words "**for seven years from its effective date,**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Dobson moved to amend Redraft Proposal 5-1 as follows:

On page 4 line 3 delete everything after the period.

On page 4 delete all of line 4 and insert in lieu thereof the word "**When**"

On page 4 line 5 after the word "**declared**" insert a comma and the following language "**the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-1 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

Delegate Rundle called for a division of the question, in such manner that Sections 2, 4, 5, 8 and 9 of Redraft Proposal 5-1 be voted on together but separately from the remaining Sections of the proposal.

Delegate Burke appealed the ruling of the chair. Acting President Saugstad stated he had not made a ruling.

### ROLL CALL

The question then was on the second passage of Sections 2, 4, 5, 8 and 9 of Redraft Proposal 5-1. The roll was called and there were ayes, 90; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Kwako	Rundle	Stanton
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Absent and not voting:

Benz	Hernett	Meidinger	Nicholas
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Sections 2, 4, 5, 8 and 9 of Redraft Proposal 5-1 were passed.

### ROLL CALL

The question then was on the second passage of Sections 1, 3, 6, 7 and 10 of Redraft Proposal 5-1. The roll was called and there were ayes, 92; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

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

Devine	Jestrab	Poulson	Warner
Diehl	Kessel	Quam	Wicks
Dobson	Ketchum	Roney	Mr. President

Absent and not voting:			
Benz	Hernett	Meidinger	Nicholas
Butler	Kelsch		

So Sections 1, 3, 6, 7 and 10 were passed.

So the Redraft Proposal 5-1 passed on a division of the question and the title was agreed to, and Redraft Proposal 5-1 was referred to the Committee on Style and Drafting.

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

The Convention reconvened with Acting President Saugstad presiding.

#### REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting moves that the rules be suspended and that Style and Drafting Committee Redraft Proposal No. 5-12 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-29, 1-36, 1-37, 1-38, 1-39, 1-40, 1-43, 1-44, 1-45, 1-70, 1-75 and 1-76.

Further that this redraft proposal not be referred to a committee but be placed on eleventh order for second reading and passage, and be subject to debate and amendment only as to style and drafting alterations.

DELEGATE UNRUH, Chairman

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

Delegate Sinner moved that consideration of Redraft Proposal 5-12 be delayed, which motion was subsequently withdrawn.

#### INTRODUCTION OF PROPOSALS

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-12.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the legislative department, be created.

#### SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-12.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to the legislative department, be created.

Which has been read.

Delegate Kelsch moved that Redraft Proposal 5-12 be amended as follows:

On page 1, line 7, delete the word "**DEPARTMENT**" and insert in lieu thereof the word "**BRANCH**"

On page 1, line 7, delete the word "**THE**"

On page 1, line 6, after "**ARTICLE**" insert the roman numeral "**IV**"

Which motion prevailed.

Delegate Kelsch moved to amend Redraft Proposal 5-12 as follows:

On page 1, line 21, delete the words "**ON HOLDING OFFICE**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Hoffner moved that the Convention reconsider the ac-



tion by which Committee Proposal 1-38 was passed, which motion was subsequently withdrawn.

Delegate Kelsch moved that Redraft Proposal 5-12 be amended as follows:

On page 2, line 29, insert a comma after the word "**eligible**"

Which motion prevailed.

Delegate Kelsch moved that Redraft Proposal 5-12 be amended as follows:

On page 3, line 1, delete the words "**two classes,**" and after the word "**even**" and before the hyphen insert the words "**and odd**" and also in line 1 insert a comma after the word "**districts**" and delete the word "**constituting**"

On page 3, delete all of line 2

And renumber the lines accordingly.

Delegate Hendrickson moved that the amendment to Redraft Proposal 5-12 be amended as follows:

In Delegate Kelsch's amendment following the first word "**and**" delete "**after the word 'even' and before the hyphen insert the words 'and odd'**" and insert in lieu thereof the following "**before the word 'even' insert the words 'odd and'**".

And renumber the lines accordingly.

Which motion failed on a division vote.

The question then was on the motion of Delegate Kelsch to amend Committee Proposal 5-12, which prevailed on a division vote.

Delegate Kelsch moved that Redraft Proposal 5-12 be amended as follows:

On page 4, line 13, delete the word "**bill**" and insert in lieu thereof the word "**law**"

On page 4, line 17, after the word "**members**" and before the period insert the word "**present**"

On page 5, line 1, delete the word "**by**" and insert in lieu thereof the word "**in**" and also in line 1 insert a comma after the word "**constitution**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Unruh moved that Redraft Proposal 5-12 be amended as follows:

On page 4, on line 24, after the word "**assembly**" insert the words "**which does not specify a subsequent effective date**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Dobson moved that Redraft Proposal 5-12 be amended as follows:

On page 4, line 30, delete the words "**and be in force**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that Redraft Proposal 5-12 be amended as follows:

On page 5, line 9 after the first period insert the words "**IMMUNITIES**" and also in line 9 delete the words "**ARREST PRIVILEGE**"

On page 5, line 10, delete the word "**privileged**" and insert in lieu thereof the word "**immune**"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-12 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

## ROLL CALL

The question being on the second passage of the proposal, as amended, the roll was called and there were ayes, 88; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Bassingthwaite	Decker	Rundle
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Absent and not voting:

Fallgatter	Hubrig	Nothing	Wallin
Hernett	Litten		

So the proposal passed and the title was agreed to, and Redraft Proposal 5-12 was referred to the Committee on Style and Drafting.

President Wenstrom returned to the rostrum to preside.

## INTRODUCTION OF PROPOSALS

Committee on Preamble, Bill of Rights and Suffrage introduced:

**Alternate Proposal No. 4-7.** Be it resolved by the North Dakota Constitutional Convention that the question as to whether the proposed constitution shall contain a provision declaring persons eighteen years of age or older adults shall be submitted to the electorate as a separate issue on the Constitutional Convention Ballot:

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

## INTRODUCTION OF A RESOLUTION

The Resolutions Committee introduced:

**Resolution No. G.** A resolution expressing the gratitude of the Constitutional Convention to the chorus of the Bismarck Elks Lodge No. 1199 for performing at the opening session of the plenary session.

Was read the first time.

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

## CONSTITUTIONAL CONVENTION OF THE

## STATE OF NORTH DAKOTA OF 1972

## RESOLUTION No. G

Introduced by Committee on Resolutions.

1 A resolution expressing the gratitude of the Constitutional

2 Convention to the chorus of the Bismarck Elks Lodge No. 1199  
2a for

3 performing at the opening session of the plenary session.

4

5 WHEREAS, the plenary session of the North Dakota  
5a Constitutional

6 Convention convened at the State Capitol at Bismarck on

7 January 3, 1972; and

8 WHEREAS, the chorus of the Bismarck Elks Lodge No. 1199  
8a has been

9 designated as the Governor's Chorus for the year 1972; and

10 WHEREAS, this chorus, under the direction of Mr. K. K.  
10a Kittler,

11 sang several appropriate and moving selections during the  
11a course of

12 the Constitutional Convention's opening ceremonies;

13 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH

13a DAKOTA

14 CONSTITUTIONAL CONVENTION:

15 That the Constitutional Convention express its sincere

16 appreciation to the chorus of the Bismarck Elks Lodge No. 1199,  
16a and

17 its director, Mr. K. K. Kittler, for its excellent performance  
17a during

18 the Constitutional Convention's opening session on January 3,  
18a 1972.

19 BE IT FURTHER RESOLVED, that the clerk of the  
19a Convention

20 forward an enrolled copy of this resolution to the Bismarck  
20a Elks

21 Lodge No. 1199.

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

#### INTRODUCTION OF A RESOLUTION

The Resolutions Committee introduced:

**Resolution No. H.** A resolution expressing appreciation to the North Dakota National Guard and to Major General LeClair A. Melhouse for their assistance to the North Dakota Constitutional Convention in the opening ceremony of the plenary session on January 3, 1972.

Was read the first time.

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

#### CONSTITUTIONAL CONVENTION OF THE STATE OF NORTH DAKOTA OF 1972 RESOLUTION No. H

Introduced by Committee on Resolutions

1 A resolution expressing appreciation to the North Dakota  
1a National

2 Guard and to Major General LaClair A. Melhouse for their  
2a assistance

3 to the North Dakota Constitutional Convention in the opening  
3a ceremony

4 of the plenary session on January 3, 1972.

5  
6 WHEREAS, the North Dakota Constitutional Convention  
6a opened its  
7 plenary session on January 3, 1972; and  
8 WHEREAS, the North Dakota National Guard and General  
8a Melhouse  
9 performed a commendable service in making arrangements and  
9a assisting  
10 in the formal opening ceremony of the North Dakota Constitu-  
10a tional  
11 Convention of 1972; and  
12 WHEREAS, this ceremony enabled the delegates to begin  
12a their  
13 Convention duties in a manner appropriate to the importance  
13a of their  
14 task;  
15 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
15a DAKOTA  
16 CONSTITUTIONAL CONVENTION:  
17 That the Convention express its appreciation to the North  
17a Dakota  
18 National Guard and Major General LaClair A. Melhouse for  
18a their  
19 assistance in helping to make the opening ceremony of the  
19a North Dakota  
20 Constitutional Convention of 1972 a memorable and historical  
20a event  
21 for Convention delegates and all the people of this state.  
22 BE IT FURTHER RESOLVED, that an enrolled copy be for-  
22a warded by  
23 the chief clerk of the Convention to the North Dakota National  
23a Guard  
24 and to Major General LaClair A. Melhouse.

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

#### INTRODUCTION OF A RESOLUTION

The Resolutions Committee introduced:

**Resolution No. I.** A resolution expressing appreciation to the North Dakota Highway Department for the use of their facilities and for other assistance.

Was read the first time.

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

#### CONSTITUTIONAL CONVENTION OF THE STATE OF NORTH DAKOTA OF 1972 RESOLUTION No. I

Introduced by Committee on Resolutions

1 A resolution expressing appreciation to the North Dakota  
1a Highway  
2 Department for the use of their facilities and for other assistance.  
3  
4 WHEREAS, the North Dakota Constitutional Convention,  
4a while  
5 meeting in Bismarck during the course of its deliberations, has

5a had  
 6 many of its delegates who desired to meet during the evening  
 6a and  
 7 discuss provisions of the constitution; and  
 8 WHEREAS, the North Dakota Highway Department has  
 8a granted  
 9 delegates full use of the highway building auditorium on  
 9a numerous  
 10 occasions for such meetings; and  
 11 WHEREAS, the North Dakota Highway Department has been  
 11a most  
 12 helpful in other innumerable ways;  
 13 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
 13a DAKOTA  
 14 CONSTITUTIONAL CONVENTION:  
 15 That the North Dakota Highway Department be extended the  
 15a most  
 16 sincere appreciation of the North Dakota Constitutional Conven-  
 16a tion  
 17 for its assistance and help to Convention delegates.  
 18 BE IT FURTHER RESOLVED, that the clerk of the Conven-  
 18a tion  
 19 forward an enrolled copy of this resolution to the North Dakota  
 20 Highway Commissioner.

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

#### INTRODUCTION OF A RESOLUTION

The Resolutions Committee introduced:

**Resolution No. J.** A resolution expressing appreciation to Delegate Joseph Byrne for his efforts in securing federal funds for the use of the Convention.

Was read the first time.

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

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#### CONSTITUTIONAL CONVENTION OF THE STATE OF NORTH DAKOTA OF 1972

##### RESOLUTION No. J

Introduced by Committee on Resolutions.

1 A resolution expressing appreciation to Delegate Joseph  
 1a Byrne for his  
 2 efforts in securing federal funds for the use of the Convention.  
 3  
 4 WHEREAS, the delegates to the 1972 Constitutional  
 4a Convention are  
 5 in the final days of their work in proposing a revision of the  
 6 constitution of 1889; and  
 7 WHEREAS, it will soon become necessary to inform the  
 7a public  
 8 of the revisions and changes which have been proposed; and  
 9 WHEREAS, an educational program for public information  
 9a is both  
 10 necessary and costly; and  
 11 WHEREAS, Delegate Joseph Byrne, during the past six  
 11a months, has

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12 expended considerable time, effort and personal expense,  
13 successfully, to secure funds from the United States Department  
13a of  
14 Housing and Urban Development, for Convention expenses; and  
15 WHEREAS, this Convention has been informed by the  
15a Department  
16 of Housing and Urban Development that a sum of \$44,189 has  
16a been  
17 granted to it for research and technical costs, thereby releasing  
18 a similar amount of the Convention funds for other uses, among  
19 them public informational purposes;  
20 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
20a DAKOTA  
21 CONSTITUTIONAL CONVENTION:  
22 That this Convention express its gratitude to Delegate Byrne  
23 for his untiring efforts in successfully acquiring the sum of  
24 \$44,189, thereby releasing Convention funds for other uses,  
24a among  
25 them public informational purposes;

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1 BE IT FURTHER RESOLVED, that this Convention express  
1a its regrets  
2 that Delegate Byrne ceased his efforts when he did;  
3 BE IT FURTHER RESOLVED, that the clerk of the Con-  
3a vention be  
4 instructed to forward an enrolled copy of this resolution to  
5 Delegate Byrne.

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

INTRODUCTION OF RESOLUTION

The Resolutions Committee introduced:

**Resolution No. K.** A resolution expressing the gratitude of the  
Convention to the Grand Forks Red River High School Band for  
its performance at the opening ceremonies of the Constitutional  
Convention's plenary session.

Was read the first time.

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

CONSTITUTIONAL CONVENTION OF THE  
STATE OF NORTH DAKOTA OF 1972  
RESOLUTION No. K

Introduced by Committee on Resolutions

1 A resolution expressing the gratitude of the Convention to the  
2 Grand Forks Red River High School Band for its performance  
2a at the  
3 opening ceremonies of the Constitutional Convention's plenary  
3a session.  
4  
5 WHEREAS, the Grand Forks Red River High School Band,  
5a under the  
6 direction of Mr. Kenneth M. Larsen, is the official 1972 Gover-  
6a nor's  
7 Band; and  
8 WHEREAS, this band performed in an admirable fashion at

8a the  
9 opening ceremonies of the North Dakota Constitutional Conven-  
9a tion's  
10 plenary session at the State Capitol on January 3, 1972; and  
11 WHEREAS, the band's performance greatly added to the  
11a pomp and  
12 ceremony of the opening day's activities;  
13 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
13a DAKOTA  
14 CONSTITUTIONAL CONVENTION:  
15 That the Convention express its hearty and sincere appreci-  
15a ation  
16 to the Grand Forks Red River High School Band and its director,  
17 Mr. Kenneth M. Larsen, for its excellent performance at the  
18 opening of the North Dakota Constitutional Convention's  
18a plenary  
19 session on January 3, 1972.  
20 BE IT FURTHER RESOLVED, that an enrolled copy of this  
21 resolution be forwarded to the Grand Forks Red River High  
20a School.

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

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

Delegate Saugstad moved that the Convention be adjourned until 8:30 a.m., February 10, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk