

TWENTY-SIXTH DAY

Bismarck, February 10, 1972

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

Prayer was offered by Rev. Thomas Sands, Pastor, Church of God, Bismarck.

"Eternal Father in Heaven, I thank Thee today for the opportunity of once again calling on your name through Your Son, Jesus Christ. I thank You Father for this Constitutional Convention and for each individual who is giving of himself in the service of the people of the State of North Dakota.

"As we pause these moments in Your presence Lord we invoke Thy special blessing upon this assembled convention today. The responsibility of the business which lies before them today is certainly great. They are asked to make decisions that will affect each individual citizen and resident of North Dakota. I ask Thee, Dear Lord, to impart Thy special wisdom and understanding so that the matters brought before them will be handled with the greatest despatch and for Thy honor and glory. Let this day be fruitful and bless this noble body.

"These favors we ask in the Name of Jesus Christ our Lord. Amen."

Roll was called and all Delegates were present.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

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

Committee Proposal No. 1-119

And find the same correctly re-engrossed.

DELEGATE ERICKSON, Chairman

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

REPORTS OF PROCEDURAL COMMITTEES

February 10, 1972

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-2 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE DAWSON, Chairman

Delegate Dawson moved that the report be adopted.

Delegate Warner requested a recorded roll call vote on the motion to adopt the Report of the Committee on Constitutional Ballot, which request was granted.

ROLL CALL

The roll was called, and there were ayes, 49; nays, 49; absent and not voting, 0.

Those voting in the affirmative were:

Aubol	Griffin	Litten	Rosendahl
Benson	Hardmeyer	McIntyre	Sanstead
Benz	Hartl	Maxwell	Schmit
Binek	Hendrickson	Meidinger	Simonson
Birkeland	Hildebrand	Nething	Sinner
Burke	Hoghaug	Nicholas	Sondreal
Butler	Hubrig	O'Toole	Sullivan
Byrne	Kretschmar	Paulson	Thompson
Daniels	Lamb	Pearce	Tudor
Devine	Lander	Poulson	Vogel
Dobson	Larsen	Quam	Wallin
Fritzell	Lerberg	Roney	Wicks
Geelan			

Those voting in the negative were:

Aas	Diehl	Huckle	Peterson
Baker	Engelter	Jestrab	Rude
Bassingthwaite	Engstrom	Kelsch	Rundle
Bender	Erickson	Kessel	Saugstad
Berg	Fallgatter	Ketchum	Scheel
Billey	Fiedler	Knudson	Solberg
Brakke	Gipp	Kwako	Stanton
Burbidge	Haugen	Longmire	Trenbeath
Cart	Hernett	McElroy	Unruh
Chase	Hill	Miller	Urdahl
Christensen	Hoffner	Omdahl	Warner
Dawson	Hougen	Peters	Mr. President
Decker			

The motion failed.

Alternate Proposal 4-2 was re-referred to the Committee on Constitutional Ballot.

MOTIONS

Delegate Hougen moved that the Committee on Constitutional Ballot prepare a ballot for the purpose of polling the delegates as to their wishes concerning the number of alternate proposals and their priorities on the ballot.

Delegate Decker moved to amend the motion whereby the delegates would assign a count of 4 to their first choice on the alternates, 3 to the second choice, 2 to third choice and 1 to fourth choice, which motion failed.

The question then was on the motion of Delegate Hougen which motion prevailed.

INTRODUCTION OF PROPOSAL

Delegates Poulson, Lander, Thompson, Hougen, Dobson, Hill, Kelsch, Hendrickson, Roney, Omdahl, O'Toole, Sinner, Devine, Chase, Aubol, Engelter, Larsen, Urdahl, Warner and Quam introduced:

Alternate Proposal No. 4-8. Be it resolved by the North Dakota Constitutional Convention that the question as to whether the proposed constitution shall contain a right-to-work provision 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

Delegates Meidinger, Trenbeath, Poulson, Larsen, Lander, Litten,

Engstrom, Griffin, Sullivan, Jestrab, Fritzell, Hernett, Knudson and Christensen introduced:

Resolution No. L. A resolution requesting that the area of taxation of the extractive industries be investigated by the investigative branch of the legislature.

Was read the first time, and referred to the Committee on Resolutions.

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. 5-13 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-25, 1-26, 1-27, 1-28, 1-91, 1-100 and 1-102.

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. 5-13. 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 executive department, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-13. 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 executive department, be created.

Which has been read.

Delegate Hernett moved that Redraft Proposal 5-13 be amended as follows:

On page 1, line 23, after "**assembly**" delete "**shall**" and insert in lieu thereof "**may**"

Which motion prevailed.

Delegate Unruh moved that Redraft Proposal 5-13 be amended as follows:

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

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

Which motion prevailed.

Delegate Hernett moved that Redraft Proposal 5-13 be amended as follows:

On page 2, line 31, after the period delete the remainder of the line.

On page 2, delete all of lines 32 and 33 and insert in lieu thereof the following:

"The legislative assembly shall prescribe the duties of and periodically reorganize the executive departments, provided any reorganization or change in duties shall not affect the organization and powers granted to the boards of education in this constitution."

On page 3, line 2, after "**the**" insert "**statutory**"

On page 3, line 4, after the period delete "**If any**" and insert in lieu thereof "**Any**" and after "**change**" delete "**affects**"

On page 3, line 5, delete "existing law, it"

And renumber the lines accordingly.

Delegate Butler moved that consideration of Section 6 of Redraft Proposal 5-13 be delayed until such time as each Delegate has a copy of the proposed amendment, which motion prevailed.

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

The Convention reconvened with President Wenstrom presiding. Consideration of Redraft Proposal 5-13 continued.

The question was on the adoption of the amendment of Delegate Hernett to Section 6 of Redraft Proposal 5-13, which motion prevailed.

Delegate Hernett moved that Redraft Proposal 5-13 be amended as follows:

On page 4, line 9, after "bill" insert a comma

On page 4, line 15, delete the second comma

On page 4, line 18, after the period insert the following: "If a reduced item is not so restored, it shall become law in the reduced amount."

And renumber the lines accordingly.

Which motion prevailed.

Delegate Hernett moved that Redraft Proposal 5-13 be amended as follows:

On page 5, line 8, after the first "the" delete "officer" and insert in lieu thereof "official"

Which motion prevailed.

Delegate Unruh moved to amend amended Redraft Proposal 5-13 as follows:

In the adopted amendment to page 4, line 18, of Redraft Proposal 5-13, following the words "If a reduced item is not" delete the word "so"

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Committee Redraft 5-13 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, 90; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Diehl	Ketchum	Rosendahl
Aubol	Dobson	Knudson	Rude
Baker	Engelter	Lamb	Sanstead
Bassingthwaite	Engstrom	Lander	Saugstad
Bender	Erickson	Larsen	Scheel
Benson	Fallgatter	Litten	Schmit
Benz	Fiedler	Longmire	Simonson
Berg	Fritzell	McElroy	Sinner
Billey	Geelan	McIntyre	Solberg
Binek	Gipp	Maxwell	Sondreal
Birkeland	Griffin	Meidinger	Stanton
Brakke	Hardmeyer	Miller	Sullivan
Burbidge	Hartl	Nething	Thompson
Burke	Haugen	Nicholas	Trenbeath
Butler	Hendrickson	O'Toole	Tudor
Byrne	Hernett	Omdahl	Unruh
Cart	Hildebrand	Paulson	Urdahl
Chase	Hoffner	Peters	Vogel
Christensen	Hougen	Peterson	Wallin

Daniels	Huckle	Poulson	Warner
Dawson	Jestrab	Quam	Wicks
Decker	Kelsch	Roney	Mr. President
Devine	Kessel		

Those voting in the negative were:

Hoghaug	Kretschmar	Kwako	Rundle
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Absent and not voting:

Hill	Hubrig	Lerberg	Pearce
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So the proposal passed and the title was agreed to, and Redraft Proposal 5-13 was referred to the Committee on Style and Drafting.

President Wenstrom called Delegate Saugstad to the rostrum to preside.

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. 5-3 be introduced, such proposal being a redraft of Committee Proposal No. 1-11.

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. 5-3. 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 judicial department, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-3. 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 judicial department, be created.

Which has been read.

Delegate Unruh moved that Redraft Proposal 5-3 be amended as follows:

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

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

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-3 be amended as follows:

On page 2, line 1, delete the word "**decree**" and insert in lieu thereof the word "**order**"

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-3 be amended as follows:

On page 2, line 9, delete the word "**such**"

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-3 be amended as follows:

On page 3, line 31, after the word "**vacancy**" insert the following words: "**for the remainder of the term**"

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And renumber the lines accordingly.

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-3 be amended as follows:

On page 4, line 6, delete the word "otherwise"

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-3 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, 93; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

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

Absent and not voting:

Hubrig	Paulson	Pearce	Mr. President
Lerberg			

So the proposal passed and the title was agreed to, and Redraft Proposal 5-3 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. 5-7 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-12 and 1-101.

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. 5-7. 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 political subdivisions, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-7. 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 political subdivisions, be created.

Which has been read.

Delegate Unruh moved that Redraft Proposal 5-7 be amended as follows:

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

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-7 be amended as follows:

On page 3, line 3, delete the word **"body"** and insert in lieu thereof **"board"**

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-7 be amended as follows:

On page 3, line 10, after the word **"equal"** insert the following words: **"or greater"**

And renumber the lines accordingly.

Which motion failed.

Delegate Longmire moved that Redraft Proposal 5-7 be amended as follows:

On page 3, line 24, following the word **"tribes"** insert the following: **"without infringement on the sovereignty of the tribes"**

And renumber the lines accordingly, which motion was subsequently withdrawn.

Delegate Longmire moved that the rules be suspended in order that a substantive amendment be made to Redraft Proposal 5-7, which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-7 be amended as follows:

On page 3, line 24, following the word **"tribes"** insert the following: **"without infringement on the sovereignty of the tribes"** and renumber the lines accordingly.

Which motion prevailed.

Delegate Longmire moved that Redraft Proposal 5-7 be amended as follows:

On page 3, line 26, delete the word **"body"** and insert in lieu thereof **"board"**

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-7 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

Delegate Omdahl called for a division of the question, in such manner that Section 12 of the Redraft Proposal 5-7 be voted on separately, which request was subsequently withdrawn.

Delegate Rosendahl called for a division of the question, in such manner that Section 12 of the Redraft Proposal 5-7 be voted on separately, which request was granted.

Delegate Lander requested a division of the question in such manner that Section 11 of the Redraft Proposal 5-7 be voted on separately, which request was granted.

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ROLL CALL

The question then was on the second passage of Sections 1 through 10 inclusive of Redraft Proposal 5-7, the roll was called and there were ayes, 94; nays, 1; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker

Absent and not voting:

Hubrig Kelsch Poulson

Sections 1 through 10 of Redraft Proposal 5-7 passed.

ROLL CALL

The question then was on the second passage of Section 11 of Redraft Proposal 5-7, the roll was called and there were ayes, 75; nays, 19; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Diehl	Knudson	Sanstead
Bassingthwaite	Dobson	Kretschmar	Saugstad
Bender	Engelter	Kwako	Scheel
Benson	Erickson	Lamb	Schmit
Benz	Fallgatter	Larsen	Simonson
Berg	Fiedler	Litten	Sinner
Billey	Geelan	Longmire	Sondreal
Binek	Gipp	Meidinger	Stanton
Birkeland	Griffin	Miller	Sullivan
Brakke	Hardmeyer	Nething	Thompson
Burbidge	Hildebrand	Nicholas	Trenbeath
Burke	Hill	Paulson	Tudor
Butler	Hoffner	Pearce	Unruh
Byrne	Hoghaug	Peters	Urdahl
Chase	Hougen	Peterson	Wallin
Christensen	Huckle	Quam	Warner
Daniels	Jestrab	Roney	Wicks
Dawson	Kessel	Rosendahl	Mr. President
Decker	Ketchum	Rude	

Those voting in the negative were:

Aubol	Hartl	Lerberg	Omdahl
Baker	Haugen	McElroy	Rundle
Devine	Hendrickson	McIntyre	Solberg
Engstrom	Hernett	Maxwell	Vogel

Fritzell Lander O'Toole
 Absent and not voting:
 Cart Hubrig Kelsch Poulson
 Section 11 of Redraft Proposal 5-7 was passed.

ROLL CALL

The question then was on second passage of Section 12 of Redraft Proposal 5-7, the roll was called and there were ayes, 60; nays, 35; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Diehl	Lerberg	Sanstead
Baker	Dobson	Litten	Saugstad
Bender	Engstrom	Longmire	Scheel
Benson	Erickson	McElroy	Schmit
Benz	Fallgatter	McIntyre	Simonson
Binek	Hartl	Meidinger	Sinner
Birkeland	Hendrickson	Miller	Solberg
Burbidge	Hernett	Nething	Stanton
Burke	Hoghaug	Nicholas	Sullivan
Butler	Hougen	O'Toole	Thompson
Byrne	Huckle	Paulson	Tudor
Cart	Ketchum	Pearce	Unruh
Christensen	Knudson	Quam	Wallin
Dawson	Kretschmar	Roney	Wicks
Decker	Kwako	Rude	Mr. President

Those voting in the negative were:

Aubol	Fiedler	Hoffner	Peterson
Bassingthwaite	Fritzell	Jestrab	Rosendahl
Berg	Geelan	Kessel	Rundle
Billey	Gipp	Lamb	Sondreal
Brakke	Griffin	Lander	Trenbeath
Chase	Hardmeyer	Larsen	Urdahl
Daniels	Haugen	Maxwell	Vogel
Devine	Hildebrand	Omdahl	Warner
Engelter	Hill	Peters	

Absent and not voting:
 Hubrig Kelsch Poulson

So Redraft Proposal 5-7 passed on a division of the question and the title was agreed to, and Redraft Proposal 5-7 was referred to the Committee on Style and Drafting.

Acting President Saugstad announced the Convention would stand recessed until 1:30 p.m.

Convention reconvened with President Wenstrom 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. 5-4 be introduced, such proposal being a redraft of Committee Proposal No. 1-15.

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. 5-4. 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 education, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-4. 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 education, be created.

Which has been read.

Delegate Unruh moved that Redraft Proposal 5-4 be amended as follows:

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

Which motion prevailed.

Delegate Devine moved that Redraft Proposal 5-4 be amended as follows:

On page 1, line 20, after "education" delete "and" and insert in lieu thereof the following: ". The board shall"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Devine moved that Redraft Proposal 5-4 be amended as follows:

On page 2, line 5, after "learning" delete "and" and insert in lieu thereof the following: ". The board"

On page 2, line 20, delete "budgets" and "measures" and insert in lieu thereof "budget" and "measure"

On page 2, line 22, delete "those" and insert in lieu thereof "that" and between "of" and "state" insert "the"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-4 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, 94; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Engelter	Kretschmar	Rosendahl
Aubol	Engstrom	Kwako	Rude
Baker	Erickson	Lamb	Rundie
Bassingthwaite	Falggatter	Lander	Sanstead
Bender	Fiedler	Larsen	Saugstad
Benson	Fritzell	Lerberg	Scheel
Benz	Geelan	Litten	Schmit
Berg	Gapp	Longmire	Simonson
Bailey	Griffin	McElroy	Sinner
Bickeland	Hardmeyer	McIntyre	Solberg
Brakke	Hartl	Maxwell	Sondreal
Burbidge	Hendrickson	Meldinger	Stanton
Burke	Hernett	Miller	Sullivan
Butler	Huebbrand	Nothing	Thompson
Byrne	Hill	Nicholas	Trenbeath
Carl	Hoffner	Omdahl	Tudor
Chase	Hoghaug	Paulson	Unruh
Christensen	Haugen	Pearce	Urdahl
Daniels	Habrug	Peters	Vogel
Dawson	Huckle	Peterson	Wallin
Decker	Jestrah	Paulson	Warner
Devine	Kessel	Quam	Wicks
Johnson	Ketchum	Roney	Mr. President
Johnson	Knudson		

Absent and not voting:

Binek Haugen Kelsch O'Toole

So the proposal passed and the title was agreed to, and Redraft Proposal 5-4 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. 5-5 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-18 and 1-115.

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. 5-5. 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 trust lands, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-5. 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 trust lands, be created.

Which has been read.

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

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

Which motion prevailed.

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

On page 1, delete all of lines 8 through 12

And renumber the lines and sections accordingly.

Which motion prevailed.

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

On page 2, line 7, after the word "only" insert a comma

On page 2, line 7, after the period, delete the remainder of the line and insert in lieu thereof the following: "**The public institutions which received lands by the enabling act of Congress approved on February 22, 1889, shall retain such lands, but the trust fund of any institution which the state ceases to operate shall be apportioned among other existing educational or public institutions within the provisions of the enabling act.**"

On page 2, delete all of lines 8 through 10

And renumber the lines and sections accordingly.

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-5 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, 96; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

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

Absent and not voting:

Hubrig Kelsch

So the proposal passed and the title was agreed to, and Redraft Proposal 5-5 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. 5-2 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-23, 1-74, 1-77, 1-87, 1-96, 1-97 and 1-116.

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. 5-2. 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 finance and public debt, be created.

SECOND READING OF PROPOSALS

Style and Drafting Redraft Proposal No. 5-2. 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 finance and public debt, be created.

Which has been read.

Delegate Unruh moved that Redraft Proposal 5-2 be amended as follows:

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

Which motion prevailed.

Delegate Haugen moved that Redraft Proposal 5-2 be amended as follows:

On page 2, line 26, after the semicolon insert "except"

On page 2, line 27, after "assembly" delete "may, however," and insert in lieu thereof "shall"

Which motion prevailed.

Delegate Haugen moved that Redraft Proposal 5-2 be amended as follows:

On page 2, line 34, after the second word "the" delete "public official, employee," and insert in lieu thereof "person responsible for the moneys" and delete all of line 35

On page 3, line 1, delete "receiving the same," and after the first word "and" insert "shall be"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Haugen moved that the rules be suspended in order that a substantive amendment may be made to Section 8 of Redraft Proposal 5-2, which was Committee Proposal 1-74, which motion prevailed.

Delegate Haugen moved that Redraft Proposal 5-2 be amended as follows:

Delete lines 4 through 19 inclusive and insert in lieu thereof the following:

The state may issue debt obligations and guarantee the payment of such obligations and interest thereon. These debt obligations shall be payable from a source other than a statewide property tax based on value, but the full faith and credit and taxing powers of the state may be pledged for the payment of these obligations if the primary source of revenue is not sufficient for that purpose.

Each issue and guarantee of the debt obligations for which the full faith and credit and taxing powers of the state are pledged, shall require approval by sixty percent vote 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 debt obligation shall be irrevocable until the debt is paid.

And renumber the lines accordingly.

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

The Convention reconvened with President Wenstrom presiding. Consideration of Redraft Proposal 5-2 continued.

Delegate Rundle moved to amend the proposed amendment to Redraft Proposal 5-2 as follows:

Following the second sentence in the first paragraph of the amendment, add the following: **"The outstanding indebtedness shall not exceed an amount equal to forty percent of the state general fund revenue raised in the preceding biennium."**

Which motion failed.

Delegate Kessel moved to amend the proposed amendment to Redraft Proposal 5-2 as follows:

In the second paragraph of the amendment, after the words "approval by" delete the word "sixty" and insert in lieu thereof "sixty-six and two-thirds"

Which motion failed on a division vote.

Delegate Decker moved to amend the proposed amendment to Redraft Proposal 5-2 as follows:

In the second paragraph of the amendment, delete after the words "Each issue" the following: **"and guarantee of the debt obligations for which the full faith and credit and taxing powers of the state are pledged,"**

Which motion failed.

Delegate Dobson moved to amend the proposed amendment to Redraft Proposal 5-2 as follows:

In the second paragraph of the amendment, after the word "obligations" insert a comma; and after the words "approval by" delete the words "sixty percent" and insert in lieu thereof "a three-fifths"

In the third paragraph, after the word "constitution" insert a comma.

Which motion prevailed.

The question then was on the motion of Delegate Haugen to adopt the amendment to Redraft Proposal 5-2, as amended, which motion prevailed.

Delegate Haugen moved that the rules be suspended in order that a substantive amendment may be made to Section 9 of Redraft Proposal 5-2, which was Committee Proposal 1-77, which motion prevailed.

Delegate Haugen moved that Redraft Proposal 5-2 be amended as follows:

Delete lines 25 and 26

On line 27 delete "other than property taxes." and insert in lieu thereof the following:

The debt limits in this section shall not apply to obligations primarily payable from sources other than property taxes whether or not the full faith and credit and taxing power of the issuer is also pledged for the payment of the obligation and interest thereon.

And renumber the lines accordingly.

Which motion prevailed.

Delegate Haugen moved that Redraft Proposal 5-2 be amended as follows:

On page 3, line 32, after the word "principal" delete "or" and insert in lieu thereof "and"

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-2 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 1 and 8 be voted on separately.

Delegate Baker called for a further division of the question, in such manner that Section 10 be voted on separately.

ROLL CALL

The question then was on the second passage of Section 1 of Redraft Proposal 5-2.

The roll was called and there were ayes, 89; nays, 6; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Engstrom	Knudson	Roney
Aubol	Erickson	Kretschmar	Rosendahl
Bender	Fallgatter	Lamb	Rude
Benson	Fiedler	Lander	Sanstead
Benz	Fritzell	Larsen	Saugstad
Berg	Geelan	Lerberg	Scheel
Billey	Griffin	Litten	Schmit
Binek	Hardmeyer	Longmire	Simonson
Birkeland	Hartl	McElroy	Sinner
Brakke	Haugen	McIntyre	Solberg
Burke	Hendrickson	Maxwell	Sondreal
Butler	Hernett	Meidinger	Stanton
Byrne	Hildebrand	Miller	Sullivan
Cart	Hill	Nething	Thompson
Chase	Hoffner	Nicholas	Trenbeath
Christensen	Hoghaug	O'Toole	Tudor
Daniels	Hougen	Omdahl	Unruh
Dawson	Huckle	Pearce	Urdahl

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

Those voting in the negative were:

Baker	Kwako	Rundle	Wallin
Bassingthwaite	Paulson		

Absent and not voting:

Burbidge	Gipp	Hubrig
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Section 1 of Redraft Proposal 5-2 was passed.

ROLL CALL

The question then was on the second passage of Section 8 of Redraft Proposal 5-2, the roll was called and there were ayes, 78; nays, 18; absent and not voting, 2.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Kessel	Paulson	Thompson
Bassingthwaite	Knudson	Rundle	Trenbeath
Billey	Kretschmar	Saugstad	Wallin
Hoghaug	McIntyre	Scheel	Warner
Huckle	Maxwell		

Absent and not voting:

Burbidge	Gipp
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Section 8 of Redraft Proposal 5-2 was passed.

ROLL CALL

The question then was on second passage of Section 10 of Redraft Proposal 5-2, the roll was called and there were ayes, 83; nays, 15; absent and not voting, 0.

Those voting in the affirmative were:

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

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Cart	Hernett	Miller	Trenbeath
Christensen	Hildebrand	Nething	Tudor
Daniels	Hill	Nicholas	Unruh
Dawson	Hoffner	Omdahl	Vogel
Decker	Hougen	Pearce	Warner
Devine	Hubrig	Peters	Wicks
Diehl	Jestrab	Peterson	Mr. President
Dobson	Kelsch	Poulson	

Those voting in the negative were:

Aubol	Hoghaug	O'Toole	Sullivan
Bassingthwaite	Huckle	Paulson	Urdahl
Brakke	Lamb	Rosendahl	Wallin
Chase	Maxwell	Rundle	

Section 10 of Redraft Proposal 5-2 was passed.

ROLL CALL

The question then was on the second passage of Sections 2, 3, 4, 5, 6, 7 and 9 of Redraft Proposal 5-2, the roll was called and there were ayes, 94; nays, 4; absent and not voting, 0.

Those voting in the affirmative were:

Aas	Engelter	Knudson	Roney
Aubol	Engstrom	Kretschmar	Rosendahl
Bassingthwaite	Erickson	Kwako	Rude
Bender	Fallgatter	Lamb	Sanstead
Benson	Fiedler	Lander	Saugstad
Benz	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	Meidinger	Stanton
Burke	Hendrickson	Miller	Sullivan
Butler	Hernett	Nething	Thompson
Byrne	Hildebrand	Nicholas	Trenbeath
Cart	Hill	O'Toole	Tudor
Chase	Hoffner	Omdahl	Unruh
Christensen	Hougen	Paulson	Urdahl
Daniels	Hubrig	Pearce	Vogel
Dawson	Huckle	Peters	Wallin
Decker	Jestrab	Peterson	Warner
Devine	Kelsch	Poulson	Wicks
Diehl	Kessel	Quam	Mr. President
Dobson	Ketchum		

Those voting in the negative were:

Baker	Hoghaug	Maxwell	Rundle
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Sections 2, 3, 4, 5, 6, 7 and 9 of Redraft Proposal 5-2 were passed.

So the Redraft Proposal 5-2 passed on a division of the question and the title was agreed to, and Redraft Proposal 5-2 was referred to the Committee on Style and Drafting.

Delegate Engelter moved that the Convention reconsider its action by which Committee Proposal 1-44 was passed, for the purpose of amending only Section 5 of said Proposal, as is now incorporated as Section b of Redraft Proposal 5-12, which motion prevailed.

Delegate Hoffner moved that further consideration of Committee Proposal 1-44 be delayed until the morning of February 11, which motion prevailed.

ANNOUNCEMENT

President Wenstrom appointed the following to the Public Information Sub-committee on Coordination: Delegates Paulson, Diehl and Omdahl.

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., Friday, February 11, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk