

## TWENTY-SEVENTH DAY

Bismarck, February 11, 1972

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

Prayer was offered by Rev. Fr. Donald Hill, St. Mary's Catholic Church, Bismarck.

"O Lord, listen to us gathered here together, as we ask for Your guidance and assistance. We in this Constitutional Convention represent Your people. Help us to serve Your people as we set forth their thoughts and desires in this revision of our constitution. May we be mindful of our duty and obligation to use the talents You have given us, along with Your Spirit to guide our deliberations in the fulfillment of Your will. We ask this through Christ Our Lord. Amen."

Roll was called and all Delegates were present except Delegates Haugen and Lerberg.

A quorum was declared by the President.

**REVISION AND CORRECTION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 9th day of February, 1972, and recommends that the same be corrected as follows:

On page 419, in line 45, following the word "votes," insert "and there are no nay votes", and following "aye" delete ", the number"

On page 419, in line 46, delete the words "voting nay"

On page 421, in line 37, delete "final" and insert in lieu thereof "first"

On page 427, delete lines 37 through 61 inclusive

On page 428, delete lines 2 through 8 inclusive

And when so corrected recommends that the same be approved.

**DELEGATE SIMONSON, Chairman**

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

**FIRST READING OF PROPOSALS**

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Constitutional Convention that sections 27, 30 and 33 of Article II of the constitution of the state of North Dakota be repealed; and that sections 2 and 5 of Article II to the constitution of the state of North Dakota be created; all pertaining to legislative terms of office.

Which has been read.

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

Delete section 5 of the proposal and insert in lieu thereof the following:

"Section 5. DISTRICTS.

Beginning in the year 1974, all members of the house of representatives shall be elected and beginning in the year 1976, all members of the senate shall be elected; thereafter all members of the senate and the house of representatives shall be elected every four years as prescribed by law.

No member shall be elected to the senate during the term for which he was elected to the house of representatives and no member shall be elected to the house of representatives during the term for which he was elected to the senate.

When the legislative assembly is reapportioned, the new legislative districts shall become effective upon the expiration of the terms of those legislators holding office."

And renumber the lines and pages accordingly.

Which motion failed.

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

In line 18, delete "When the"

Delete lines 19 through 23 inclusive.

Which motion prevailed.

Delegate Sinner moved to amend Committee Proposal 1-44 as follows:

In line 18, following "biennially." insert the following: "The commission shall provide that as many as possible of the legislators whose term does not expire at the time of reapportionment shall complete their terms."

Which motion failed.

Delegate Dobson moved that the rules be suspended, and that Committee Proposal 1-44 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

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

The Convention reconvened with President Wenstrom presiding.

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

Delete lines 14 through 18 inclusive, and insert in lieu thereof: "Section 5. The legislative assembly shall establish a system, which, as nearly as practicable, one half of each house shall be elected biennially."

Which motion prevailed.

Delegate Dobson moved that the rules be suspended, and that Committee Proposal 1-44 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 87; nays, 8; absent and not voting, 3.

Those voting in the affirmative were:

Aubol	Dobson	Kelsch	Quam
Baker	Engelter	Kessel	Roney
Bassingthwaite	Engstrom	Knudson	Rude
Bender	Erickson	Kretschmar	Sanstead
Benson	Fallgatter	Kwako	Saugstad
Benz	Fiedler	Lamb	Scheel
Berg	Fritzell	Lander	Schmit
Billey	Geelan	Litten	Simonson
Binek	Gipp	Longmire	Sinner
Birkeland	Griffin	McElroy	Solberg

Brakke	Hardmeyer	McIntyre	Sondreal
Burbidge	Hartl	Maxwell	Thompson
Burke	Hendrickson	Meidinger	Trenbeath
Butler	Hernett	Miller	Tudor
Byrne	Hildebrand	Nething	Unruh
Chase	Hill	Nicholas	Urdahl
Christensen	Hoffner	O'Toole	Vogel
Daniels	Hoghaug	Omdahl	Wallin
Dawson	Hougen	Paulson	Warner
Decker	Hubrig	Peters	Wicks
Devine	Huckle	Peterson	Mr. President
Diehl	Jestrab	Poulson	

Those voting in the negative were:

Aas	Ketchum	Rosendahl	Stanton
Cart	Larsen	Rundle	Sullivan

Absent and not voting:

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

#### ANNOUNCEMENT

Delegate Dawson announced that the Hon. Mark Andrews, United States Congressman, was in the chamber.

The courtesy of the floor was granted to Congressman Andrews, and President Wenstrom appointed Delegates Rude and Nicholas as a committee to escort Congressman Andrews to the rostrum.

Delegate Litten moved that the remarks of Congressman Andrews be printed in the Journal, which motion prevailed.

Congressman Andrews:

"Thank you, Mr. Chairman. It is a privilege, indeed, to be here in this historic convention. Those of us who have the rare privilege of serving in the Congress as Representative, and those of course who are here in this Convention who have had the privilege of serving in the state legislature, realize what a great thrill it is to be representing the people, but no one really serves in a more significant capacity than those of you here today re-writing that most basic document — the constitution of our state. It is significant, first, because it is only the second constitutional convention we have had. It is of course significant work because you represent the people — some of you are legislators, some even newspaper reporters who are generally on the other side of the aisle taking pot shots at what goes on in this legislative hall, but all of you represent the people in the state — structuring a new document so we can go forward the second hundred years.

"Last night I was in Hebron and one of your delegates spoke on the progress you are making. He pointed out he was a history teacher himself, and yet it was difficult to struggle through the old document you had. The new document, I understand, is short, compact, reads well and is something that will serve to stimulate interest and participation in government, because of this the people of North Dakota will become much better acquainted with the new constitution than they have ever been able to with the old.

"From one North Dakotan to those of you who are doing so much to guide the future of our state, I say thank you. You are doing a wonderful job for our state, and in the years ahead we will benefit from your labors in this hall.

"Knowing how a quasi-legislative body functions, I know the greatest speech you can make is the shortest one — particularly on a Friday morning.

"Thank you for the privilege of joining you."

## 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 Hill moved that Committee Proposal 1-119 be amended as follows:

Delete all of lines 1 through 8 inclusive on the engrossed proposal, and insert in lieu thereof the following:

"That section 7 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to jury trial.

**SECTION 1. REPEAL.)** Section 7 of the constitution of the state of North Dakota is hereby repealed.

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

**"The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime wherein the maximum possible period of confinement exceeds one year has the right to trial by a jury of twelve. However, in all other cases, the legislative assembly may regulate the size of the jury."**

And renumber the lines accordingly.

Which motion prevailed on a division vote.

Delegate Hill moved that the rules be suspended, and that Committee Proposal 1-119 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

## ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 78; nays, 17; absent and not voting, 3.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Huckle	O'Toole	Solberg
Bassingthwaite	Kwako	Pearce	Stanton
Cart	Lamb	Peters	Wallin
Christensen	Lander	Rundle	Warner
Hubrig			

Absent and not voting:

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

#### ANNOUNCEMENT

Delegate Rude announced that the Hon. Arthur Link, United States Congressman, was in the chamber.

The courtesy of the floor was granted to Congressman Link, and President Wenstrom appointed Delegates Christensen and Hildebrand as a committee to escort Congressman Link to the rostrum.

Delegate Rude moved that the remarks of Congressman Link be printed in the Journal, which motion prevailed.

Congressman Link:

"Thank you, President Wenstrom.

"It is a real temptation to say 'Fellow Members' because I feel so much a part of so many of you and to my home district delegates, Cecelia Rude and Ralph Christensen, and to all the rest of you good friends and neighbors of North Dakota.

"It is truly good to be back. Washington weather has nothing on North Dakota today. It is simply beautiful. Of course, I should like very much to visit with you about many things, and there are many things that we would like to share together. I am not unmindful of the time limitations that you people have, and to express my gratitude for your giving to us who come from the Congress the opportunity to say hello. I shall use but a few minutes of your valuable time.

"Before I left the hotel this morning, I attempted to put into capsule form what I think is the responsibility from here on in. Each of you individually and all of you as a group have devoted time and energy beyond the normal call of duty, and at this point I would share with you that perhaps the general public will little know or realize how much extra time all of you have put into this convention. Your efforts are truly commendable. Soon the fruits of your labors will be judged by the people of the state. I hope that we the people will now rise to our responsibility to fully study and acquaint ourselves with the work of this convention to the end that we make the proper judgment. If this is done, then we can all be reassured that the democratic process of representative government is still the guiding light of the world, and that the government of the people, for the people and by the people shall not perish from the earth.

"Mr. President and Delegates to this historic convention, I deeply appreciate your hospitality and the opportunity that you have afforded me to come and greet you and share these few thoughts. All of us in the State of North Dakota share an equal responsibility, and I trust and hope that we the people of the state measure up to that responsibility. I believe we will. Thank you very much for your kind attention."

#### 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. 5-14 be introduced, such proposal being a redraft of Committee Proposal No. 1-13.

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. 5-14.** 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 compact with the United States, be created.

## SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-14.** 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 compact with the United States, be created.

Which has been read.

Delegate Unruh moved that the Redraft Proposal 5-14 be amended as follows:

On page 1, line 6, after "**ARTICLE**" delete the roman numeral "**XIII**" and insert in lieu thereof the roman numeral "**XII**"

On page 1, line 13, delete "**Enabling Act**" and insert in lieu thereof "**enabling act**"

Which motion prevailed.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-14 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, 1; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Maxwell

Absent and not voting:

Devine	Haugen	Hernett	Lerberg
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So the proposal passed and the title was agreed to, and Redraft Proposal 5-14 was referred to the Committee on Style and Drafting.

## EXPLANATION OF VOTE

Delegate Longmire: "So you won't get worried and think we were doing something here that we should not have done. Article 16 is the compact with the United States of America, and we felt that we could not repeal the compact with the United States, even if we wanted to, so that is why this particular section had to remain intact. You can call it anything you want to, but it is the compact with the United States, and our committee felt 'Let's not secede from the union.'"

## 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. 5-15 be introduced, such proposal being a redraft of Committee Proposals Numbered 1-10, 1-14, 1-16, 1-18, 1-19, 1-20, 1-30, 1-32, 1-33, 1-34, 1-120, and Delegate Proposal No. 2-26.

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. 5-15.** 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 general provisions, be created.

## SECOND READING OF PROPOSALS

**Style and Drafting Redraft Proposal No. 5-15.** 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 general provisions, be created.

Which has been read.

Delegate Dobson moved that Redraft Proposal 5-15 be amended as follows:

On page 1, delete lines 8 and 9.

And renumber remaining sections and lines accordingly.

Which motion was ruled out of order.

Delegate Pearce called for a division of the question, in such manner that Sections 5 and 6 be voted on separately.

Delegate Dobson moved that Redraft Proposal 5-15 be amended as follows:

On page 3, in line 10, following the word "OATH" add the words "OR AFFIRMATION"

Which motion prevailed.

Delegate Pearce moved that the rules be suspended to make a substantive amendment to Redraft Proposal 5-15, which motion prevailed.

Delegate Pearce moved that Redraft Proposal 5-15 be amended as follows:

On page 4, line 9, following the word "inability" insert the words "or willful failure" and renumber the lines accordingly.

Delegate Unruh moved to amend the amendment to Redraft Proposal 5-15 as follows:

On page 4, line 8, following the word "malfeasance," insert the words, "willful failure"

And renumber the lines accordingly.

Which motion was subsequently withdrawn.

Question then was on the motion of Delegate Pearce to amend Redraft Proposal 5-15, which motion prevailed on a division vote.

Delegate Unruh moved that the rules be suspended, and that Redraft Proposal 5-15 be deemed properly engrossed and placed on the calendar for second passage, which motion prevailed.

Delegate Rundle requested that Section 8 of Redraft Proposal 5-15 also be voted on separately.

#### ROLL CALL

The question then was on the second passage of Section 5 of Redraft Proposal 5-15, the roll was called and there were ayes, 65; nays, 28; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Engelter	Jestrab	Poulson
Aubol	Engstrom	Kelsch	Rude
Bassingthwaite	Fiedler	Kessel	Sanstead
Bender	Fritzell	Knudson	Saugstad
Benson	Geelan	Kretschmar	Scheel
Benz	Gipp	Lamb	Schmit
Billey	Griffin	Lander	Simonson
Birkeland	Hardmeyer	Larsen	Sullivan
Brakke	Hendrickson	Litten	Thompson
Burbidge	Hildebrand	Longmire	Tudor
Byrne	Hill	McIntyre	Unruh
Chase	Hoffner	Maxwell	Urdahl
Christensen	Hoghaug	Meidinger	Vogel
Daniels	Hougen	O'Toole	Warner
Decker	Hubrig	Omdahl	Wicks
Devine	Huckle	Peters	Mr. President
Dobson			

Those voting in the negative were:

Baker	Diehl	McElroy	Rosendahl
Berg	Erickson	Nething	Rundle
Binek	Fallgatter	Paulson	Solberg
Burke	Hartl	Pearce	Sondreal
Butler	Hernett	Peterson	Stanton
Cart	Ketchum	Quam	Trenbeath
Dawson	Kwako	Roney	Wallin

Absent and not voting:

Haugen	Miller	Nicholas	Sinner
Lerberg			

Section 5 of Redraft Proposal 5-15 passed.

#### EXPLANATION OF VOTE

Delegate Pearce: "I wish to explain my vote. I do so because I don't want anyone to think I am against the first paragraph of this section. My no vote is because of the second paragraph because it will produce a chaotic situation and may substantially interfere with the public regulation of healthful environment."

#### ROLL CALL

The question then was on the second passage of Section 6 of Redraft Proposal 5-15, the roll was called and there were ayes, 79; nays, 14; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Dobson	Jestrab	Rosendahl
Aubol	Engelter	Kelsch	Rude
Bassingthwaite	Engstrom	Kessel	Sanstead
Bender	Erickson	Knudson	Saugstad
Benson	Fallgatter	Kretschmar	Scheel
Benz	Fiedler	Lamb	Schmit



Berg	Fritzell	Lander	Simonson
Billey	Geelan	Larsen	Sondreal
Binek	Gipp	Litten	Sullivan
Birkeland	Griffin	Longmire	Thompson
Brakke	Hardmeyer	McIntyre	Trenbeath
Burbidge	Hendrickson	Maxwell	Tudor
Burke	Hernett	Nething	Unruh
Byrne	Hildebrand	O'Toole	Urdahl
Chase	Hill	Omdahl	Vogel
Daniels	Hoffner	Peters	Wallin
Dawson	Hoghaug	Peterson	Warner
Decker	Hougen	Poulson	Wicks
Devine	Hubrig	Quam	Mr. President
Diehl	Huckle	Roney	

## Those voting in the negative were:

Baker	Hartl	Meidinger	Rundle
Butler	Ketchum	Paulson	Solberg
Cart	Kwako	Pearce	Stanton
Christensen	McElroy		

## Absent and not voting:

Haugen	Miller	Nicholas	Sinner
Lerberg			

Section 6 of Redraft Proposal 5-15 passed.

## ROLL CALL

The question then was on second passage of Section 8 of Redraft Proposal 5-15, the roll was called and there were ayes, 86; nays, 8; absent and not voting, 4.

## Those voting in the affirmative were:

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

## Those voting in the negative were:

Baker	Dawson	Pearce	Rude
Cart	McElroy	Peterson	Rundle

## Absent and not voting:

Haugen	Lerberg	Miller	Nicholas
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Section 8 of Redraft Proposal 5-15 passed.

## ROLL CALL

The question then was on second passage of Sections 1, 2, 3, 4, 7, 9, 10, 11, 12 and 13 of Redraft Proposal 5-15, the roll was called and there were ayes, 93; nays, 1; absent and not voting, 4.

## Those voting in the affirmative were:

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

## Those voting in the negative were:

Maxwell

## Absent and not voting:

Haugen                      Lerberg                      Miller                      Nicholas

Sections 1, 2, 3, 4, 7, 9, 10, 11, 12 and 13 of Redraft Proposal 5-15 passed.

So Redraft Proposal 5-15 passed on a division of the question and the title was agreed to. And Redraft Proposal 5-15 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 Proposals Numbered 5-6 and 5-11 be introduced.

Further that these redraft proposals not be referred to a committee and be indefinitely postponed due to incorporation into Style and Drafting Committee Redraft Proposal No. 5-15.

## 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. 5-6.** 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 name, boundary, seal and capital, be created.

Committee on Style and Drafting introduced:

**Style and Drafting Redraft Proposal No. 5-11.** 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 general provisions, be created.

## INTRODUCTION OF PROPOSAL

Delegates Hubrig, Hougen, Haugen, Rosendahl, Bassingthwaite, Larsen, Aubol, Urdahl, Sanstead, Omdahl, Warner, Ketchum, Hoff-

ner, Gipp, Maxwell, Lamb, Hoghaug, Schmit, Sondreal, Daniels, O'Toole, Brakke, Poulson, Rude, Nicholas, Hildebrand, Fiedler and Vogel introduced:

**Alternate Proposal No. 4-9.** Be it resolved by the North Dakota Constitutional Convention that the following section be introduced for submission to the electorate as a separate issue on the Constitutional Convention Ballot, and if approved by the electorate shall become a part of the proposed constitution replacing section 25 of article I of that document relating to nondiscrimination in employment.

Delegate Baker requested a ruling on the propriety of introducing Alternate Proposal 4-9, with reference to Rule 18.2.

The Chair ruled that the introduction of Alternate Proposal 4-9 was in order.

Delegate Baker then appealed the ruling of the chair, which ruling was upheld in accordance with Rule 30, on a vote of 76 ayes, 16 nays, and 7 absent and not voting.

Alternate Proposal 4-9 was read the first time and referred to the Committee on Constitutional Ballot.

President Wenstrom declared the Convention would be in recess until 2:00 p.m.

The Convention reconvened with President Wenstrom presiding.

#### INTRODUCTION OF RESOLUTION

The Resolutions Committee introduced:

**Resolution No. M.** A resolution expressing the appreciation of the Constitutional Convention to the Honorable William L. Guy, Governor of the state of North Dakota, for his generous support of the cause of constitutional revision.

Was read the first time.

Delegate Scheel moved that the rules be suspended, and that Resolution No. M 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. M

Introduced by Committee on Resolutions

- 1 A resolution expressing the appreciation of the Constitutional
- 2 Convention to the Honorable William L. Guy, Governor of the
- 2a state of
- 3 North Dakota, for his generous support of the cause of constitu-
- 3a tional
- 4 revision.
- 5
- 6 WHEREAS, the North Dakota Constitutional Convention is
- 6a under-
- 7 taking the task of preparing a revision of the North Dakota
- 8 Constitution of 1889; and
- 9 WHEREAS, the Honorable William L. Guy, Governor of the
- 9a state of
- 10 North Dakota, a great advocate of constitutional governmental
- 10a reform,
- 11 has expressed an optimistic view towards the work of the Con-
- 11a vention
- 12 and has expressed his faith that the work and efforts will
- 12a benefit the
- 13 people of North Dakota for many years if adopted; and
- 14 WHEREAS, Governor Guy has offered considerable informa-

14a tion to the  
 15 committees in order to aid their deliberations, and in so doing,  
 15a has  
 16 maintained the highest degree of objectivity and neutrality in  
 16a his  
 17 suggestions and efforts to improve the constitution and state  
 17a govern-  
 18 ment;  
 19 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH  
 19a DAKOTA CONSTITUTIONAL  
 20 CONVENTION:  
 21 That the Convention go on record as expressing its deep and  
 22 sincere appreciation to the Honorable William L. Guy, Governor  
 22a of the  
 23 state of North Dakota, for his support and assistance to the  
 23a cause of  
 24 constitutional revision and to this convention;  
 25 BE IT FURTHER RESOLVED, that the clerk of the Conven-  
 25a tion be  
 26 instructed to forward an enrolled copy of this resolution to the  
 27 Honorable William L. Guy, Governor of the state of North  
 27a Dakota.

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

President Wenstrom ordered the Convention to be at ease for five minutes.

Delegate Unruh moved that the Convention reconsider the action by which Redraft Proposal 5-12 was passed, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-44 has had the same under consideration and recommends that the same be amended as follows:

Delete lines 14, 15 and 16 and insert in lieu thereof the following:

**"Section 5. The legislative assembly shall establish by law a procedure whereby one-half of the members of each house, as nearly as practicable, are elected biennially."**

And renumber the lines accordingly.

And when so amended recommends that the same be placed on the Eleventh Order as Section 6 of Redraft Proposal No. 5-12.

DELEGATE UNRUH, Chairman

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

Delegate Unruh moved that the rules be suspended and the amendments to Committee Proposal 1-44 as presented in the Committee Report be adopted, which motion prevailed.

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

On page 2, line 34, delete the word **"DISTRICTS"** and insert in lieu thereof **"LEGISLATIVE ELECTIONS"**

Which motion prevailed.

Delegate Kelsch moved that the Convention reconsider the action by which the amendment offered by Delegate Unruh on page 4, line 24 of Redraft Proposal 5-12 was adopted, which motion prevailed.

Delegate Unruh moved to withdraw the amendment to Section

9 on page 4, line 24, of Redraft Proposal 5-12, which motion prevailed.

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

On page 4, line 26, after the word "later" and before the semicolon add the words "or on a subsequent date if specified in the law"

And renumber the lines accordingly.

Delegate Dobson moved to amend the amendment on Redraft Proposal 5-12 as follows:

Following the word "later" insert ","

Which motion prevailed.

The question then was on the adoption of the amendment of Delegate Kelsch, as amended, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Delegate Paulson: "I would like to have these remarks printed in the Journal for the use of the Supreme Court. Under the present wording, I would say that if a law is passed on July 15, it becomes effective approximately October 15, because October 15 is later than July 1 of the same year, and we don't have to wait for another year to pass to make it become effective on July 1."

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

#### 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.

#### ROLL CALL

The question being on the second passage of the proposal, as amended, the roll was called and there were ayes, 87; nays, 2; absent and not voting, 9.

Those voting in the affirmative were:

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

Those voting in the negative were:

Paulson Rundle

Absent and not voting:

Benson	Haugen	Lerberg	Maxwell
Benz	Hougen	Litten	Quam
Butler			

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

#### EXPLANATION OF VOTE

Delegate Rundle: "Delegate Paulson pointed his ideas to the Supreme Court. All I can say is I hope that they understand it, because I am certain there are some here who do not."

#### REPORT OF PROCEDURAL COMMITTEE

Mr. President:

Your Committee on Style and Drafting to whom was referred Committee Proposal No. 1-119 has had the same under consideration and recommends that the same be amended as follows:

In line 10 after the word "all" delete the comma and after the word "and" insert the word "shall"

In line 11 delete everything after "inviolate.", and delete lines 12, 13 and 14 and insert in lieu thereof the following: "A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases."

And renumber the lines accordingly.

And when so amended recommends that the same be placed on the Eleventh Order as Section 7 of Redraft Proposal No. 5-9.

DELEGATE UNRUH, Chairman

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

Delegate Unruh moved that the rules be suspended and that the amendments to Committee Proposal 1-119 as presented in the Committee Report be adopted, which motion prevailed.

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

#### 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.

Section 7 of Redraft Proposal No. 5-9.

#### ROLL CALL

The question being on the second passage of the proposal, as amended, the roll was called and there were ayes, 76; nays, 9; absent and not voting, 13.

Those voting in the affirmative were:

Aas	Engelter	Jestrab	Rosendahl
Aubol	Engstrom	Kelsch	Rude
Bender	Erickson	Kessel	Saugstad
Berg	Fallgatter	Ketchum	Scheel
Billey	Fiedler	Knudson	Schmit
Binek	Fritzell	Kretschmar	Simonson
Birkeland	Geelan	Lander	Sinner
Brakke	Gipp	Larsen	Solberg

Burbidge	Griffin	Longmire	Sondreal
Burke	Hardmeyer	McElroy	Stanton
Byrne	Hartl	McIntyre	Sullivan
Cart	Hendrickson	Meidinger	Thompson
Chase	Hernett	Miller	Trenbeath
Christensen	Hildebrand	Nething	Tudor
Daniels	Hill	Nicholas	Unruh
Decker	Hoffner	Omdahl	Urdahl
Devine	Hoghaug	Paulson	Vogel
Diehl	Hubrig	Peters	Wicks
Dobson	Huckle	Peterson	Mr. President

**Those voting in the negative were:**

Baker	Lamb	Pearce	Wallin
Bassingthwaite	O'Toole	Rundle	Warner
Kwako			

**Absent and not voting:**

Benson	Haugen	Litten	Quam
Benz	Hougen	Maxwell	Roney
Butler	Lerberg	Poulson	Sanstead
Dawson			

So the proposal passed and the title was agreed to, and Redraft Proposal 5-9 was referred to the Committee on Style and Drafting.

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., February 14, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk