

TWENTY-EIGHTH DAY

Bismarck, February 14, 1972

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

Prayer was offered by Rev. R. R. Patzer, Pastor, Seventh Day Adventist Church, Bismarck.

"Our Heavenly Father, Hallowed be Thy name. We thank Thee for our country and particularly for our state. The blessings that have rested upon us as citizens of North Dakota have been many. As our leaders, our state leaders, cope with the many problems that confront them may they have more than human wisdom. We are thankful for men and women with conviction. As they seek to do their best, may they stand for something lest they fall for anything. And so, our Father, grant that at the end of all labors put forth in this Constitutional Convention there will be a manifestation of even greater progress in our fair state, for the betterment of all people. We unite our hearts with that of the Apostle Paul who enjoined us to pray for Kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty, this we ask in Thy name, Amen."

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

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 10th day of February, 1972 and finds the same to be correct.

DELEGATE SIMONSON, Chairman

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

ANNOUNCEMENT

Delegate Sanstead reported his presence at the Convention.

MOTION

Delegate Butler moved that the Convention when considering the Constitutional Ballot Committee recommendations, strictly limit the debate to the issue of whether the particular alternate proposal be placed on the ballot. Further that the chair rule any debate on the substance of the issue be out of order, which motion failed.

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Style and Drafting to whom were referred Committee Proposals Numbered 1-1, 1-4, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-18, 1-19, 1-20, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-32, 1-33, 1-34, 1-36, 1-37, 1-38, 1-39, 1-40, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-52, 1-53, 1-54,

1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-82, 1-85, 1-87, 1-88, 1-89, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113, 1-115, 1-116, 1-118, 1-119, 1-120, and Delegate Proposals Numbered 2-23 and 2-26 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE UNRUH, Chairman

Delegate Unruh moved that the report be adopted.

Delegate Pearce moved that those Committee Proposals now redrafted in Style and Drafting Redraft Proposals be laid on the table, which motion was ruled out of order.

Delegate Unruh moved that the Report of the Committee on Style and Drafting be amended as follows:

Following the words "be indefinitely postponed" delete the period and add the following: Because they are now incorporated in Style and Drafting Redraft Proposals 5-1, 5-2, 5-3, 5-4, 5-5, 5-7, 5-8, 5-9, 5-10, 5-12, 5-13, 5-14 and 5-15. Further, that the vote by which the above Committee and Delegate Proposals were passed on the tenth order be preserved as the first passage of the sections of the Redraft Proposals into which they were incorporated."

Delegate Sinner moved that further action on the adoption of the Committee Report be postponed until the afternoon of February 14, 1972, which motion prevailed.

Delegate Haugen moved that Rule 36 be amended by deleting the last sentence of said rule.

Delegate Geelan moved to amend this motion by retaining the last sentence of Rule 36, but adding the following after the word "delegates": ", except a motion to reconsider a proposal that has passed the first and second passage would require a two-thirds vote"

Which motion failed.

The question then was on the motion of Delegate Haugen to amend Rule 36, which motion failed.

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

The Convention reconvened with President Wenstrom presiding.

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Resolutions to whom was referred Resolution L, has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE SCHEEL, Chairman

Delegate Scheel moved that the report be adopted.

Delegate Meidinger moved that Resolution No. L be read in its entirety, printed in the Journal, not printed as a Proposal, and consideration of Resolution L be laid over one convention day, which motion failed.

The question then was on the motion of Delegate Scheel to adopt the Committee Report on Resolution L, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

Delegate Larsen moved that the following remarks of Delegate Knudson be printed in the Journal, which motion prevailed:

Delegate Knudson: "Mr. President, Members of this Convention:

"We have now indefinitely postponed what is really a harmless resolution conveying the sentiments of at least a sizable group of delegates on whether or not coal production should be taxed.

"Fellow Delegates, by the time Delegates Gipp and Nicholas have reached the age which Delegate Cart has now achieved, the western one-third of North Dakota will be a desert of spoil banks. Rather than being called the Badlands of North Dakota, it will probably be called the Deadlands of North Dakota. If one of these old gentlemen should be queried by his grandchildren — or probably great-grandchildren by that time, 'Grandpa, why do you say deadlands? Were they alive once? How did they get dead?' The venerable grandfather will reply, 'Yes, children, they were alive. I remember when they were green hills covered with growing crops and grazing cattle. They died in the process of mining the coal from under them, and children, back in 1972 I was a delegate to the Second Constitutional Convention of the State of North Dakota — a convention which refused to even consider whether the people who profited from all this devastation should be taxed while doing so.'"

INTRODUCTION OF A RESOLUTION

Committee on Constitutional Ballot introduced:

Resolution No. N. A resolution expressing the intent of the Convention as to the form of the question on the adoption of the proposed 1972 constitution.

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

Delegate Dawson moved that the rules be suspended, and that Resolution No. N 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. N

Introduced by Committee on Constitutional Ballot

1 A resolution expressing the intent of the Convention as to the
2 form of the question on the adoption of the proposed 1972
3 constitution.

4 WHEREAS, the Committee on Constitutional Ballot has been
5 charged with the responsibility for preparing recommendations
6 for the form of the ballot; and

7 WHEREAS, the committee has had this question under
8 consideration;

9 NOW, THEREFORE, BE IT RESOLVED BY THE NORTH
9a DAKOTA

10 CONSTITUTIONAL CONVENTION:

11 That the form of the ballot as pertains to the question
12 of whether the proposed constitution should be adopted and
13 the North Dakota Constitution of 1889 as amended, be repealed
14 shall be as follows:

15 Do you approve of the proposed 1972 Constitution?
16 (mark one only)

17 Yes

18 No

Delegate Dawson moved that Resolution No. N be amended as follows:

In line 15, delete the words "Do you approve of" and insert in lieu thereof "Shall"

Further in line 15, before the question mark, insert "be adopted"
 And renumber the lines accordingly.

Which motion prevailed.

Delegate Lamb moved that the rules be suspended, and that
 Committee Resolution No. N be deemed properly engrossed and
 placed on the calendar for first passage, which motion prevailed.

Delegate Baker requested a recorded roll call vote be taken on
 the adoption of Resolution N, which request was granted.

ROLL CALL

The question then was on the adoption of Resolution N, the roll
 was called and there were ayes, 92; nays, 4; absent and not voting,
 2.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Meidinger	Rundle	Stanton
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Absent and not voting:

Berg	Hendrickson
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The Resolution was adopted.

Delegate Longmire moved that the Convention reconsider the
 action by which Redraft Proposal 5-12 was passed.

Delegate Sinner moved to amend the motion whereby the Con-
 vention reconsider the action by which Section 4 of Redraft Pro-
 posal 5-12 was passed, which motion prevailed.

The question then was the motion of Delegate Longmire, as
 amended, which motion prevailed.

Delegate Longmire then moved that Section 4 of Redraft Pro-
 posal 5-12 be amended as follows:

On page 2, line 1, after the word "any" insert the following
 words "full time"

And renumber the lines accordingly.

Which motion prevailed on a division vote.

Delegate Longmire moved that the rules be suspended, and that
 Section 4 of Redraft Proposal 5-12 be deemed properly engrossed
 and placed on the calendar for second passage, which motion pre-
 vailed.

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.

Section 4 of Redraft Proposal No. 5-12.

ROLL CALL

The question being on the second passage of the proposal, as amended, the roll was called and there were ayes, 85; nays, 11; absent and not voting, 2.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Engelter	Lamb	Sondreal
Baker	Hoghaug	Larsen	Wallin
Berg	Jestrab	Rundle	

Absent and not voting:

Hendrickson Pearce

So the proposal passed and the title was agreed to, and Section 4 of Redraft Proposal 5-12 was referred to the Committee on Style and Drafting.

President Wenstrom declared the Convention would stand recessed for one hour.

The Convention reconvened with President Wenstrom presiding.

MOTION

Delegate Dawson moved that the Convention be on the seventh order of business for consideration of Alternate Proposals only, and that the Alternate Proposals be discussed in the order of their priorities, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Committee on Constitutional Ballot to which was referred Alternate Proposal No. 4-1 has had the same under consideration and recommends that it be amended as follows:

Delete all of the proposal following the resolving clause and insert in lieu thereof the following:

"That the following articles and sections 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 those articles and sections so numbered.

That Articles No. III, IV, V, VIII, X and XI be created, pertaining to the unicameral legislative system.

SECTION 1. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

ARTICLE III

Section 8. ENACTMENT.

If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. A measure approved by the electors may not be repealed or amended by the legislative assembly for seven years from its effective date, except by a two-thirds vote of the member elected.

SECTION 2. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

ARTICLE IV

Section 1. LEGISLATIVE ASSEMBLY.

The legislative power of this state shall be vested in a single chamber, composed of a minimum of ninety-nine members, and designated as the Legislative Assembly of the State of North Dakota.

Section 5. REAPPORTIONMENT.

A legislative reapportionment commission, consisting of electors appointed by the district judges in a number and manner as shall be established by the district judges, shall fix the number of legislators and divide the state into legislative districts of compact and contiguous territory. No district shall elect more than four legislators, and the commission shall guarantee, as nearly as practicable, that every voter is equal to every other voter in the state in the casting of ballots for legislative candidates.

The commission shall prescribe its own procedures. Upon agreement by a majority of its members, the commission shall file its reapportionment plan with the secretary of state, and it shall become effective sixty days after the date of filing; provided, the supreme court, in the exercise of original jurisdiction, may review any plan adopted by the commission. If the plan fails to meet state or federal constitutional requirements, the court shall direct the commission to revise the plan within a stated time.

Commission members shall be appointed following adoption of this constitution and immediately following the 1980 general election and every ten years thereafter. No member of the legislative assembly shall be eligible, during his term of office, for appointment to the commission. Commission members shall serve until each reapportionment plan becomes finally effective, and shall be compensated as provided by law. Vacancies shall be filled in the same manner as for original appointment.

Section 6. LEGISLATIVE ELECTIONS.

The legislative assembly shall establish by law a procedure whereby one-half of the legislators, as nearly as practicable, are elected biennially.

Section 7. SESSIONS.

The terms of legislators shall begin on the first Tuesday after the third day of January following their election. The legislative assembly shall meet to organize on the same day and may meet in plenary session no more than eighty natural days during the biennium. The days need not be consecutive, and meetings for the purpose of impeachment or on call of the governor shall not count against the eighty-day limitation. The legislative assembly may authorize its committees to meet at any time during the biennium.

Section 8. PROCEDURES.

The legislative assembly shall elect one of its members presiding officer at the beginning of each regular session.

A majority of the members elected to the legislative assembly shall constitute a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

The legislative assembly is the judge of the qualifications of its members, but election contests shall be subject exclusively to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by lot.

The legislative assembly shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, it may expel a members.

Section 9. ENACTMENT OF LAWS.

The legislative assembly shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those present. No bill shall become a law except by a recorded vote of a majority of the elected members.

No bill shall embrace more than one subject, which shall be expressed in its title; but a law violating this provision shall be invalidated only to the extent the subject is not so expressed.

Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for each member. Every bill and resolution shall have a public hearing and two considerations before final passage.

No bill shall be amended, extended or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once on the journal.

Every law enacted by the legislative assembly shall take effect on July first after its filing with the secretary of state or ninety days after its filing, whichever comes later, or on a subsequent date if specified in the law; unless, by a separate vote of two-thirds of the members elected, the legislative assembly declares it an emergency measure and includes the declaration in the act. An emergency measure shall take effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly shall take effect on a date specified in the act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws shall be enacted, nor shall the legislative assembly indirectly enact special or local laws by the partial repeal of a general law, but laws repealing local or special laws may be enacted.

**Section 12. CONSTITUTIONAL AMENDMENTS,
CONVENTIONS.**

Any constitutional amendment may be proposed by the legislative assembly and, if agreed upon by a recorded vote of three-fifths of the elected members, it shall be submitted to the electors at the next general election. If a majority of votes cast thereon are affirmative, the amendment shall be effective thirty days after the election.

The legislative assembly may by law submit to the electors the question: "Shall a constitutional convention be called?" If the question has not been submitted once in any thirty-year period, the secretary of state shall place it on the ballot at the next general election. If a majority of votes cast thereon are affirmative, the legislative assembly shall provide for the election of delegates and the holding of the convention.

SECTION 3. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

ARTICLE V

Section 1. EXECUTIVE OFFICIALS AND OFFICERS.

The elected state officials shall be the governor, lieutenant governor, secretary of state, attorney general and three public service commissioners.

The governor and lieutenant governor shall be elected on a joint ballot. Each vote cast for a candidate for governor shall be deemed cast also for the candidate for lieutenant governor nominated jointly with him.

The chief executives of the principal departments, other than those elected or those chosen in a manner otherwise provided for in this constitution, shall be appointed by the governor and shall serve at his pleasure. They shall be confirmed or rejected by the legislative assembly upon a recorded vote of a majority of the members elected. Any nomination not confirmed or rejected by the legislative assembly within twenty session days after being received shall be deemed confirmed.

The legislative assembly may periodically review the principal executive departments and may by law change and prescribe the manner of selecting those chief executive officers appointed by the governor under the provisions of this article.

**Section 2. ELECTIONS AND TERMS OF EXECUTIVE
OFFICIALS.**

The elected state officials shall be chosen by the electors at a time designated by the legislative assembly, and shall serve until their successors are duly qualified. Terms of office shall be four years, except that terms of the public service commissioners shall be six years, so arranged that one of them is elected every two years.

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

Section 6. EXECUTIVE ORGANIZATION.

The legislative assembly shall allocate the executive power among not more than fifteen principal state departments, which shall be organized along broad functional lines. The executive power of each department shall be vested in one person unless otherwise provided by this constitution or by law. 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.

The governor may, for more effective administration, make changes in the statutory allocation of functions, powers and duties among and within the executive departments, other than those headed by constitutionally elective officials. Any change shall be set forth in an executive order and submitted to the legislative assembly. The legislative assembly shall have thirty session days to disapprove the order. If not disapproved by a majority of the elected members, the order shall have the force of law when filed with the secretary of state or on a later date specified therein.

Section 9. GOVERNOR — VETO POWER.

Every bill passed by the legislative assembly shall be presented to the governor for his signature. If the governor signs the bill it shall become law.

The governor may veto a bill passed by the legislative assembly. He may veto or reduce items in an appropriation bill. Portions of the bill not vetoed or reduced shall become law.

The governor shall return for reconsideration any vetoed item or bill, with a statement of his objections, to the legislative assembly. The legislative assembly shall immediately enter the governor's objections upon its journal. If, by a recorded vote of two-thirds of its elected members the legislative assembly passes a vetoed item or bill, it shall become law. An item reduced in amount shall follow the same procedure as a vetoed item or bill, except that it shall be restored to its original amount if passed by a majority of the elected members. If a reduced item is not restored, it shall become law in the reduced amount.

While the legislative assembly is in session, a bill shall become law if the governor neither signs nor vetoes it within five days, Sundays excepted, after its delivery to him. If the legislative assembly is not in session, a bill shall become law if the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him.

Section 10. VACANCIES.

The governor may fill a vacancy in any office by appointment if no other method is provided by this constitution or by law. If, while the legislative assembly is recessed or adjourned, a vacancy occurs in any office which is filled by appointment with confirmation by the legislative assembly, the governor shall make a temporary appointment to the office. When the legislative assembly reconvenes he shall make a nomination to fill the office. Except on request of the legislative assembly, no nominee rejected shall again be nominated for that office at the same session, nor shall he be appointed to that office during a recess or adjournment of the legislative assembly.

SECTION 4. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing articles and sections so numbered, if approved:

ARTICLE VIII

Section 2. BOARD OF PUBLIC EDUCATION.

The state board of public education shall supervise a uniform system of elementary and secondary public education. The board shall perform other duties as provided by law.

The board shall consist of nine members, with staggered seven-year terms, appointed by the governor and confirmed by the legislative assembly in a manner provided by law.

The board shall appoint an executive officer, whose term and duties shall be prescribed by the board.

Section 3. BOARD OF HIGHER EDUCATION.

The state board of higher education shall have full power, responsibility and authority to supervise, operate and control state institutions of higher learning. The board shall perform other duties as provided by law.

The legislative assembly may authorize tuition, fees and service charges to assist in financing state institutions of higher learning.

The board shall consist of nine members, with staggered seven-year terms, appointed by the governor and confirmed by the legislative assembly in a manner provided by law.

The board shall control the expenditure of all funds belonging to and appropriated to state institutions of higher learning and shall present a single unified budget request to the legislative assembly. Appropriations for all the institutions and for the board shall be contained in one legislative measure. The legislative assembly shall not reduce appropriations by the amount of any gift.

The budget and appropriation measure for the agricultural experiment stations and their substations and the cooperative extension divisions may be separate from that of the state educational institutions.

The board shall have the power to delegate to its employees details of administration of the institutions under its control.

The board shall appoint an executive officer, whose term and duties shall be prescribed by the board.

SECTION 5. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing articles and sections so numbered, if approved:

ARTICLE X

Section 1. RAISING OF REVENUES.

The legislative assembly shall provide for raising revenue sufficient to defray the expenses of the state for each year. By a two-thirds vote of the elected members the legislative assembly may provide for an annual property tax based on value, for state purposes, for no longer than two years unless reenacted.

Section 8. STATE DEBT.

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 three-fifths vote of the members elected to 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.

SECTION 6. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

ARTICLE XI

Section 7. IMPEACHMENT.

All judicial officials elected to represent more than one political subdivision and all elected state officials shall be subject to im-

peachment for crimes, corrupt conduct, malfeasance, or for continuing willful failure to perform the duties of office. Impeachment may be voted by a majority of the members elected to the legislative assembly, but a vote of two-thirds of the members elected shall be required for conviction.

No official shall exercise the duties of his office after he has been impeached and before his acquittal. No person shall be tried on impeachment before he has been served with a copy of the charge, at least twenty days previous to the day set for trial. No person shall be liable to impeachment twice for the same offense.

SECTION 6. BALLOT FORM.) The form of the ballot as pertains to the question set out in this proposal, and as it shall be submitted to the electorate as a separate issue, shall be follows:

Shall the proposed constitution contain a provision for a two house legislature or a one house legislature? (mark one only)

One house legislature (Unicameral)

Two house legislature (Bicameral)

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

DELEGATE DAWSON, Chairman

Delegate Dawson moved the report be adopted, which motion prevailed.

February 14, 1972

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-7 has had the same under consideration and recommends that the same do pass.

DELEGATE DAWSON, Chairman

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

Mr. President: Your Committee on Constitutional Ballot to which was referred Alternate Proposal No. 4-2 has had the same under consideration and recommends that it be amended as follows:

Delete all of the proposal following the resolving clause and insert in lieu thereof the following:

"That the following articles and sections be introduced for submission to the electorate as a separate issue on the Constitutional Convention Ballot, and if either is approved by the electorate it shall become a part of the proposed constitution becoming section 28 of Article I.

SECTION 1. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

ARTICLE I

Section 28. GAMBLING PROHIBITED — EXCEPTION

All forms of gambling shall be prohibited unless the legislative assembly provides for the authorization and regulation of specific forms thereof.

SECTION 2. SEPARATE ISSUE.) The following article shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the articles and sections so numbered, if approved:

Section 28. LOTTERIES PROHIBITED.

The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

SECTION 3. BALLOT FORM.) The form of the ballot as pertains to the question set out in this proposal, and as it shall be submitted to the electorate as a separate issue, shall be as follows:

Which alternate set out below should the constitution of the State of North Dakota contain? (Mark one only)

All forms of gambling shall be prohibited unless the legislative assembly provides for the authorization and regulation of specific forms thereof.

The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

DELEGATE DAWSON, Chairman

Delegate Dawson moved the report be adopted, which motion prevailed.

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-8 has had the same under consideration and recommends that the same be returned without recommendation.

DELEGATE DAWSON, Chairman

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

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-9 has had the same under consideration and recommends that the same be returned without recommendation.

DELEGATE DAWSON, Chairman

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

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Committee on Constitutional Ballot to which was referred Alternate Proposal No. 4-4 has had the same under consideration and recommends that it be amended as follows:

Delete all of the proposal following the resolving clause and insert in lieu thereof the following:

“That the following article 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 that article so numbered.

That Article No. III be created, pertaining to initiated and referred measures.

SECTION 1. SEPARATE ISSUE.) The following sections of Article III shall be submitted to the electorate as a separate issue to become a part of the proposed constitution replacing the sections of Article III so numbered, if approved:

ARTICLE III

Section 2. PETITION.

Each petition shall be sponsored by at least five electors who shall represent and act for the petitioners. No law shall prohibit

any person from giving or receiving compensation for circulating petitions, nor interfere with freedom in securing signatures.

Section 4. SIGNATURE REQUIREMENT.

The petition may be submitted to the secretary of state if signed by ten thousand electors in the case of an initiated measure and seven thousand electors in the case of a referred measure.

Section 5. SUBMISSION.

An initiative petition shall be submitted not less than ninety days before the general election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a primary or general election or at a special election called by the governor.

Section 8. ENACTMENT.

If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. For ten years from its effective date, a measure approved by the electors may not be repealed or amended by the legislative assembly except by a two-thirds vote of the members elected to each house.

Section 9. INITIATED CONSTITUTIONAL AMENDMENT.

A constitutional amendment may be proposed by initiative petition. If signed by twenty thousand electors, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures shall apply to initiated constitutional measures.

SECTION 2. BALLOT FORM.) The form of the ballot as pertains to the question set out in this proposal, and as it shall be submitted to the electorate as a separate issue, shall be as follows:

Which of the following provisions should the Constitution of the State of North Dakota contain? (mark one only)

Two percent of population for number of signatures for both initiated and referred measures; four percent of population for number of signatures for initiated constitutional amendment; petitions sponsored by twenty-five electors; petition suspends operation of measures, except an emergency measure or an appropriation measure; measure may not be repealed or amended except by two-thirds vote of legislative assembly for a period of seven years. Petitions must be approved as to form prior to securing signatures.

10,000 signatures for initiated measures; 7,000 signatures for referred measures; 20,000 signatures for initiated constitutional measures; petitions sponsored by five electors; petition suspends operation of measure except emergency measures; for ten years after the effective date, measure may not be repealed or amended except by a two-thirds vote of the legislative assembly.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

DELEGATE DAWSON, Chairman

Delegate Dawson moved the report be adopted, which motion prevailed.

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-3 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 Dawson moved that Alternate Proposals 4-3, 4-5, and 4-6 be returned to the Committee on Constitutional Ballot, which motion prevailed.

Delegate Dawson moved that the Rules be suspended, and that the amendments to Alternate Proposal 4-1 as recommended by the Committee on Constitutional Ballot be approved.

Delegate Dawson moved to dispense with the reading of the proposed amendments to Alternate Proposal 4-1, which motion prevailed.

The question then was on the motion to adopt the amendments to Alternate Proposal 4-1 as recommended by the Committee on Constitutional Ballot, which motion prevailed.

Delegate Lamb moved that the rules be suspended, and that Alternate Proposal 4-1 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

FIRST READING OF PROPOSALS

Alternate Proposal No. 4-1. Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to Committee Proposal No. 1-43 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Delegate Haugen moved that the rules be suspended and that the Convention dispense with the reading of Alternate Proposal 4-1, which motion prevailed.

Delegate Longmire requested a ruling from the chair as to whether it would be necessary to reconsider the action by which the bicameral system was adopted by the Convention if Alternate Proposal 4-1 is adopted. The chair ruled that reconsideration would be necessary under those conditions whereby the unicameral and bicameral systems are listed on the ballot side by side.

Delegate Dawson moved that the amended Alternate Proposal 4-1 be amended as follows:

In Section 6 of the amendment, delete everything after the words: "as follows:" and insert in lieu thereof the following:

"Shall a one-house legislature (Unicameral) be substituted for the two-house legislature (Bicameral), as proposed in the Constitution. A majority of yes votes shall adopt a one-house legislature.

Yes

No"

And renumber the lines accordingly.

Delegate Rundle moved that the Convention recess, which motion prevailed.

The Convention recessed for ten minutes.

The Convention re-convened with President Wenstrom presiding. Consideration of the motion of Delegate Dawson to amend the amended Alternate Proposal 4-1 continued.

Delegate Paulson moved that consideration of Section 6 of Article XI of Alternate Proposal 4-1 be delayed until all Alternate Proposals have been considered, which motion failed on a division vote.

The question then was on the motion of Delegate Dawson to amend Alternate Proposal 4-1, which motion failed.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 59; nays, 38; absent and not voting, 1.

Those voting in the affirmative were:

Aubol	Geelan	Lamb	Quam
Bender	Gipp	Lander	Rosendahl
Benson	Griffin	Larsen	Sanstead
Billey	Hardmeyer	Lerberg	Scheel
Birkeland	Hartl	Litten	Simonson
Brakke	Haugen	McIntyre	Sinner
Burbidge	Hendrickson	Maxwell	Sullivan
Byrne	Hill	Meidinger	Thompson
Chase	Hoghaug	Miller	Urdahl
Daniels	Hougen	Nicholas	Vogel
Dawson	Hubrig	O'Toole	Wallin
Dobson	Jestrab	Omdahl	Warner
Engelter	Kelsch	Paulson	Wicks
Fiedler	Kessel	Peterson	Mr. President
Fritzell	Kretschmar	Poulson	

Those voting in the negative were:

Aas	Decker	Knudson	Rundle
Baker	Devine	Kwako	Saugstad
Bassingthwaite	Diehl	Longmire	Schmit
Benz	Engstrom	McElroy	Solberg
Berg	Erickson	Nething	Sondreal
Binek	Hernett	Pearce	Stanton
Burke	Hildebrand	Peters	Trenbeath
Butler	Hoffner	Roney	Tudor
Cart	Huckle	Rude	Unruh
Christensen	Ketchum		

Absent and not voting:
Fallgatter

So the proposal passed and the title was agreed to, and Alternate Proposal 4-1 was referred to the Committee on Style and Drafting.

Delegate Dawson moved that the rules be suspended and that Alternate Proposal 4-7 be placed at the head of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

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:

Which has been read.

Delegate Kelsch moved that Alternate Proposal No. 4-7 be amended as follows:

On page 1, delete all of lines 12 through 18 and insert in lieu thereof the following:

SECTION 2. BALLOT FORM.) The form of the ballot as per-

tains to the question set out in this proposal, and as it shall be submitted to the electorate as a separate issue, shall be as follows:

Shall the following language be made a part of the proposed constitution of the State of North Dakota? (mark one only)

Yes Persons eighteen years of age or older are declared to be adults for all purposes.

No

And renumber the lines and pages accordingly.

Delegate Miller moved that the amendment to Alternate Proposal No. 4-7 be amended as follows:

Page 1, line 2, delete the word "eighteen" and insert in lieu thereof the word "nineteen"

Page 1, line 9, delete the word "EIGHTEEN" and insert in lieu thereof the word "NINETEEN"

In the amendment offered by Delegate Kelsch, delete the word "eighteen" and insert in lieu thereof the word "nineteen" in Section 2.

Which motion was withdrawn.

The question then was on the adoption of the motion of Delegate Kelsch to amend Alternate Proposal 4-7, which motion prevailed.

Delegate Lander moved that amended Alternate Proposal 4-7 be amended as follows:

In the title delete the word "eighteen" and insert in lieu thereof the word "nineteen"

In line 2, delete the word "eighteen" and insert in lieu thereof the word "nineteen"

In line 9, delete the word "EIGHTEEN" and insert in lieu thereof the word "NINETEEN"

In line 10, delete the word "eighteen" and insert in lieu thereof the word "nineteen"

In Section 2, delete the word "eighteen" and insert in lieu thereof the word "nineteen"

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

The question was on the adoption of the motion of Delegate Lander to amend Alternate Proposal 4-7.

ROLL CALL

The roll was called and there were ayes, 33; nays, 62; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Diehl	McElroy	Rundle
Baker	Engstrom	Maxwell	Sanstead
Benson	Hoghaug	Miller	Scheel
Binek	Jestrab	Peters	Sinner
Birkeland	Kelsch	Peterson	Trenbeath
Brakke	Knudson	Poulson	Unruh
Burbidge	Kwako	Roney	Warner
Chase	Longmire	Rude	Mr. President
Christensen			

Those voting in the negative were:

Aubol	Erickson	Huckle	Paulson
Bassingthwaite	Fiedler	Kessel	Pearce
Bender	Fritzell	Ketchum	Quam
Benz	Geelan	Kretschmar	Rosendahl
Berg	Gipp	Lamb	Schmit
Billey	Griffin	Lander	Simonson

Burke	Hardmeyer	Larsen	Solberg
Butler	Hartl	Lerberg	Sondreal
Byrne	Haugen	Litten	Stanton
Cart	Hendrickson	McIntyre	Sullivan
Daniels	Hernett	Meidinger	Thompson
Dawson	Hildebrand	Nething	Tudor
Decker	Hill	Nicholas	Vogel
Devine	Hoffner	O'Toole	Wallin
Dobson	Hougen	Omdahl	Wicks
Engelter	Hubrig		

Absent and not voting:

Fallgatter	Saugstad	Urdahl
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The motion failed.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposal 4-7 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 66; nays, 29; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Fritzell	Lander	Rosendahl
Aubol	Geelan	Larsen	Rude
Baker	Gipp	Lerberg	Sanstead
Bassingthwaite	Griffin	Longmire	Scheel
Bender	Hardmeyer	McElroy	Schmit
Benson	Hartl	McIntyre	Simonson
Benz	Haugen	Maxwell	Sinner
Billey	Hernett	Miller	Sondreal
Binek	Hildebrand	Nicholas	Sullivan
Birkeland	Hoffner	O'Toole	Thompson
Brakke	Hougen	Paulson	Trenbeath
Burbidge	Hubrig	Pearce	Unruh
Burke	Jestrab	Peterson	Vogel
Christensen	Kelsch	Poulson	Warner
Daniels	Kessel	Quam	Wicks
Decker	Kretschmar	Roney	Mr. President
Dobson	Lamb		

Those voting in the negative were:

Berg	Engelter	Huckle	Omdahl
Butler	Engstrom	Ketchum	Peters
Byrne	Erickson	Knudson	Rundle
Cart	Fiedler	Kwako	Solberg
Chase	Hendrickson	Litten	Stanton
Dawson	Hill	Meidinger	Tudor
Devine	Hoghaug	Nething	Wallin
Diehl			

Absent and not voting:

Fallgatter	Saugstad	Urdahl
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So the proposal passed and the title was agreed to, and Alternate Proposal 4-7 was referred to the Committee on Style and Drafting.

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

The Convention reconvened, with President Wenstrom presiding.

MOTION

Delegate Dawson moved that the Rules be suspended, and that the amendments to Alternate Proposal 4-2 as recommended by the Committee on Constitutional Ballot be approved.

Delegate Dawson moved to dispense with the reading of the

proposed amendments to Alternate Proposal 4-2, which motion prevailed.

The question then was on the motion to adopt the amendments to Alternate Proposal 4-2 as recommended by the Committee on Constitutional Ballot, which motion prevailed.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposal 4-2 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

FIRST READING OF PROPOSALS

Alternate Proposal No. 4-2. Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to Committee Proposal No. 1-4 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 58; nays, 39; absent and not voting, 1.

Those voting in the affirmative were:

Aas	Gipp	Lerberg	Rundle
Baker	Griffin	Litten	Saugstad
Bassingthwaite	Hildebrand	Longmire	Scheel
Bender	Hill	McElroy	Simonson
Berg	Hoffner	Maxwell	Sinner
Billey	Hoghaug	Meidinger	Sullivan
Binek	Hougen	Miller	Thompson
Birkeland	Hubrig	Nething	Trenbeath
Brakke	Jestrab	Omdahl	Urdahl
Burbidge	Kelsch	Paulson	Vogel
Chase	Kessel	Peters	Wallin
Engelter	Ketchum	Peterson	Warner
Engstrom	Knudson	Rosendahl	Wicks
Erickson	Lamb	Rude	Mr. President
Fiedler	Lander		

Those voting in the negative were:

Aubol	Decker	Hernett	Quam
Benson	Devine	Huckle	Roney
Benz	Diehl	Kretschmar	Sanstead
Burke	Dobson	Kwako	Schmit
Butler	Fritzell	Larsen	Solberg
Byrne	Geelan	McIntyre	Sondreal
Cart	Hardmeyer	Nicholas	Stanton
Christensen	Hartl	O'Toole	Tudor
Daniels	Haugen	Pearce	Unruh
Dawson	Hendrickson	Poulson	

Absent and not voting:
Fallgatter

So the proposal passed and the title was agreed to, and Alternate Proposal 4-2 was referred to the Committee on Style and Drafting.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposals 4-8 and 4-9 be placed on the calendar, which motion prevailed.

Delegate Dawson moved that Alternate Proposal 4-8 be amended as follows:

On page 1, delete all of lines 16 through 20 and insert in lieu thereof the following:

SECTION 2. BALLOT FORM.) The form of the ballot as pertains to the question set out in this proposal, and as it shall be

submitted to the electorate as a separate issue, shall be as follows:

Shall the proposed constitution contain the following language?
(mark one only)

- Yes There shall be no discrimination against a qualified natural person's right to practice a trade or profession or a citizen's right to obtain or hold employment because of race, color, sex, creed, or membership or nonmembership in a trade, labor or professional organization.
- No There shall be no discrimination against a qualified natural person's right to practice a trade or profession or a citizen's right to obtain or hold employment because of race, color, sex, creed, or membership or nonmembership in a trade, labor or professional organization.

And renumber the lines accordingly.

Which motion prevailed.

Delegate Lander moved that Alternate Proposal 4-9 be amended as follows:

On page 2, delete lines 3 through 8 and insert in lieu thereof the following:

Which of the following sections shall the proposed constitution contain? (mark one only)

- There shall be no discrimination against a qualified natural person's right to practice a trade or profession or a citizen's right to obtain or hold employment because of race, color, sex, creed, or membership or nonmembership in a trade, labor or professional organization.

- To attain or accumulate a value as a result of labor shall be a property right, and the state or its subdivisions shall not impair an employment-related contract. No individual contract of hire shall preclude the right of a majority of employees in a bargaining unit to associate and bargain a collective contract of employment.

And renumber the lines accordingly.

Which motion prevailed.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposals 4-8 and 4-9 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Hubrig moved that Alternate Proposal 4-9 be placed at the head of the calendar, which motion prevailed.

FIRST READING OF PROPOSALS

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.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 29; nays, 68; absent and not voting, 1.

Those voting in the affirmative were:

- | | | | |
|----------------|------------|-----------|----------|
| Aubol | Haugen | Lander | Schmit |
| Bassingthwaite | Hildebrand | Meidinger | Sinner |
| Binek | Hill | Peterson | Sondreal |
| Brakke | Hoffner | Poulson | Sullivan |
| Chase | Hougen | Rosendahl | Urdahl |
| Daniels | Hubrig | Rude | Vogel |
| Dobson | Lamb | Sanstead | Warner |
| Geelan | | | |

Those voting in the negative were:

Aas	Diehl	Ketchum	Pearce
Baker	Engelter	Knudson	Peters
Bender	Engstrom	Kretschmar	Quam
Benson	Erickson	Kwako	Roney
Benz	Fiedler	Larsen	Rundle
Berg	Fritzell	Lerberg	Saugstad
Billey	Gipp	Litten	Scheel
Birkeland	Griffin	Longmire	Simonson
Burbidge	Hardmeyer	McElroy	Solberg
Burke	Hartl	McIntyre	Stanton
Butler	Hendrickson	Maxwell	Thompson
Byrne	Hernett	Miller	Trenbeath
Cart	Hoghaug	Nething	Tudor
Christensen	Huckle	Nicholas	Unruh
Dawson	Jestrab	O'Toole	Wallin
Decker	Kelsch	Omdahl	Wicks
Devine	Kessel	Paulson	Mr. President

Absent and not voting:

Fallgatter

So the proposal lost.

FIRST READING OF PROPOSALS

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.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 30; nays, 67; absent and not voting, 1.

Those voting in the affirmative were:

Aubol	Dobson	Hendrickson	Peterson
Benz	Engelter	Kelsch	Poulson
Billey	Engstrom	Ketchum	Rosendahl
Binek	Erickson	Kretschmar	Rude
Birkeland	Gipp	Lander	Sanstead
Burbidge	Griffin	Miller	Saugstad
Chase	Hardmeyer	O'Toole	Thompson
Diehl	Hartl		

Those voting in the negative were:

Aas	Fritzell	Lerberg	Schmit
Baker	Geelan	Litten	Simonson
Bassingthwaite	Haugen	Longmire	Sinner
Bender	Hernett	McElroy	Solberg
Benson	Hildebrand	McIntyre	Sondreal
Berg	Hill	Maxwell	Stanton
Brakke	Hoffner	Meidinger	Sullivan
Burke	Hoghaug	Nething	Trenbeath
Butler	Hougen	Nicholas	Tudor
Byrne	Hubrig	Omdahl	Unruh
Cart	Huckle	Paulson	Urdahl
Christensen	Jestrab	Pearce	Vogel
Daniels	Kessel	Peters	Wallin
Dawson	Knudson	Quam	Warner
Decker	Kwako	Roney	Wicks
Devine	Lamb	Rundle	Mr. President
Fiedler	Larsen	Scheel	

Absent and not voting:

Fallgatter

So the proposal lost.

MOTION

Delegate Nicholas moved that the Convention remain in session until such time as Alternate Proposals on the calendar have been considered, which motion prevailed.

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

The Convention reconvened with President Wenstrom presiding.

MOTIONS

Delegate Dawson moved that the Rules be suspended, and that the amendments to Alternate Proposal 4-4 as recommended by the Committee on Constitutional Ballot be approved.

Delegate Dawson moved to dispense with the reading of the proposed amendments to Alternate Proposal 4-4, which motion prevailed.

The question then was on the motion to adopt the amendments to Alternate Proposal 4-4 as recommended by the Committee on Constitutional Ballot, which motion prevailed.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposal 4-4 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Dobson moved that the amendment to Alternate Proposal 4-4, as recommended by the Committee on Constitutional Ballot, be amended as follows:

Delete Section 8. in its entirety.

And renumber the lines and sections accordingly.

Which motion prevailed on a division vote.

Delegate Lamb moved that the amendment to Alternate Proposal as recommended by the Committee on Constitutional Ballot be amended as follows:

In the amendment in SECTION 2. BALLOT FORM.) after the words "an appropriation measure" delete the following: "; measure may not be repealed or amended except by two-thirds vote of legislative assembly for a period of seven years"

In the amendment in SECTION 2. BALLOT FORM.) after the words "emergency measures" delete the following: "; for ten years after the effective date, measure may not be repealed or amended except by a two-thirds vote of the legislative assembly"

And renumber the lines and pages accordingly.

Which motion prevailed.

Delegate Dawson moved that the rules be suspended, and that Alternate Proposal 4-4 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

FIRST READING OF PROPOSALS

Alternate Proposal No. 4-4. Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to **Committee** Proposal Nos. 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 34; nays, 58; absent and not voting, 6.

Those voting in the affirmative were:

Aubol

Hoghaug

McIntyre

Rundle

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Baker	Hougen	Maxwell	Saugstad
Bassingthwaite	Kelsch	Meidinger	Sinner
Berg	Knudson	Omdahl	Stanton
Binek	Kretschmar	Paulson	Trenbeath
Chase	Kwako	Peters	Unruh
Decker	Lamb	Peterson	Wallin
Dobson	Lander	Poulson	Warner
Hoffner	McElroy		

Those voting in the negative were:

Aas	Devine	Hildebrand	Roney
Bender	Diehl	Hill	Rosendahl
Benson	Engelter	Hubrig	Rude
Benz	Engstrom	Huckle	Sanstead
Billey	Erickson	Jestrab	Scheel
Birkeland	Fiedler	Kessel	Schmit
Brakke	Fritzell	Larsen	Sondreal
Burbidge	Geelan	Lerberg	Sullivan
Burke	Gipp	Longmire	Thompson
Butler	Griffin	Miller	Tudor
Byrne	Hardmeyer	Nething	Urdahl
Cart	Hartl	Nicholas	Vogel
Christensen	Haugen	O'Toole	Wicks
Daniels	Hendrickson	Quam	Mr. President
Dawson	Hernett		

Absent and not voting:

Fallgatter	Litten	Simonson	Solberg
Ketchum	Pearce		

So the proposal lost.

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal 4-5 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, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-6 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, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Constitutional Ballot to whom was referred Alternate Proposal No. 4-3 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 Sinner moved that Alternate Proposal 4-3 be tabled until February 15, which motion was ruled out of order.

Delegate Poulson moved that Alternate Proposal 4-3 be laid over one Convention day, which motion prevailed on a division vote.

Delegate Saugstad moved that the Convention be adjourned until 10:00 a.m., Tuesday, February 15, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk