

## TWENTY-NINTH DAY

Bismarck, February 15, 1972

The Convention was called to order at 10:00 a.m., by Acting President Saugstad.

Prayer was offered by Rev. Hensel Hendrickson, Pastor, Trinity Lutheran Church, Bismarck.

"Let us pray,

"This is an important place, dear God, a temple dealing with lives and hopes of people.

"This is an important time, dear God, summarizing ideas and feelings in togetherness.

"This is an important event, dear God, to count blessings of the past and to plan in contemplation of the future.

"These are important people, dear God, with much responsibility and many burdens to carry.

"There have been many important words written and spoken, dear God, to guarantee people liberties you have allowed us to have.

"May what is said and done here point to your importance, as our Lord and as our God.

"In your Name we pray, Amen."

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

A quorum was declared by the Acting 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 11th day of February, 1972 and recommends that the same be corrected as follows:

On page 458, line 23, delete the word "first" and insert in lieu thereof "second"

On page 460, line 8, delete the word "first" and insert in lieu thereof "second"

And when so corrected recommends that the same be approved.

DELEGATE PAULSON, Acting Chairman

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

#### MOTIONS

Delegate Rundle moved that the Convention reconsider the action by which Alternate Proposal 4-4 was lost, which motion was ruled out of order by the Acting President.

Delegate Chase moved that the Convention temporarily suspend consideration of the adoption of Committee Report 4-3, which motion prevailed.

Delegate Hill moved that the Convention reconsider the action by which Alternate Proposal 4-4 was lost, which motion prevailed on a division vote.

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

Delete from Article III, Sections 2, 4, 5 in their entirety, and insert in lieu thereof the following:

**"Section 2. PETITION.**

Each copy of the petition shall contain the full text of the measure and the names and addresses of at least five sponsors, one of whom shall be designated as chairman. 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. A referendum petition signed by twelve thousand electors shall suspend the operation of all but emergency measures, if so requested in the petition.

**Section 5. SUBMISSION.**

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 against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred or initiated measure shall be voted upon at the first statewide election held more than ninety days after the submission of the petitions or at a special election called by the governor.

**"Section 6. CERTIFICATION.**

The secretary of state shall determine the validity and sufficiency of the signatures. If he finds irregularities, he shall notify the sponsoring committee and allow twenty days for corrections, but this time shall not be used for the addition of signatures. If the secretary of state finds a petition valid and sufficient, he shall certify it and prepare a ballot containing the full text of the measure and a ballot title summarizing the measure.

**"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."

And renumber the lines accordingly.

Which motion failed.

**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.

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

Delete from Article III Sections 2 and 5 in their entirety.

And renumber the lines accordingly.

Delegate Dobson requested a division of the question on the motion to adopt the amendment, in such manner that the Con-

vention vote separately on Sections 2 and 5, which request was granted.

The question then was on the motion of Delegate Paulson to delete Section 2 from Article III, which motion failed.

The question then was on the motion of Delegate Paulson to delete Section 5 from Article III, which motion prevailed on a division vote.

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

Convention reconvened with Acting President Saugstad presiding.

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

In Section 2, Ballot Form, after the word "electors" delete the following: "; petition suspends operation of measures, except an emergency measure or an appropriation measure"

Also in Section 2, after the words "five electors" delete the following: "; petition suspends operation of measure except emergency measures"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Paulson 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.

~~POINT OF PERSONAL PRIVILEGE~~

~~Delegate Rundle: "Mr. President:~~  
~~"I ask that my remarks be printed in the Journal.~~  
~~"I urge a no vote on this proposal. There is nothing much left~~  
~~of my Alternate proposal. I see no reason to have it included.~~  
~~There are no points left for me or anyone else who thinks as I do~~  
~~except no on the whole proposed constitution."~~

~~REMARKS OF DELEGATE RUNDLE ON PERSONAL PRIVILEGE~~  
~~LEGISLATIVE CONVENTION ON~~  
~~FEBRUARY 15, 1972~~

~~ROY GILBREATH, Chief Clerk~~

Delegate Aas moved that further consideration of Alternate Proposal 4-4 be delayed until after the noon recess, which motion prevailed on a division vote.

Acting President Saugstad declared the Convention would stand recessed until 1:00 p.m.

The Convention reconvened at 1:00 p.m., with Acting President Saugstad presiding.

~~POINT OF PERSONAL PRIVILEGE~~

~~Delegate Rundle: "Mr. President:~~  
~~"The cooling off period was effective. I have reversed my posi-~~  
~~tion and will vote no."~~

~~REMARKS OF DELEGATE RUNDLE ON PERSONAL PRIVILEGE~~  
~~LEGISLATIVE CONVENTION ON~~  
~~FEBRUARY 15, 1972~~

~~ROY GILBREATH, Chief Clerk~~

## ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 73; nays, 14; absent and not voting, 11.

Those voting in the affirmative were:

Aas	Engstrom	Knudson	Poulson
Aubol	Erickson	Kwako	Roney
Baker	Falgatter	Lander	Rude
Bassingthwaite	Fiedler	Larsen	Rundle
Bender	Fritzell	Lerberg	Sanstead
Benson	Geelan	Longmire	Saugstad
Benz	Gipp	McElroy	Scheel
Berg	Griffin	McIntyre	Simonson
Binek	Hardmeyer	Maxwell	Sinner
Birkeland	Hartl	Meidinger	Sondreal
Brakke	Hendrickson	Miller	Stanton
Chase	Hildebrand	Nicholas	Trenbeath
Christensen	Hoffner	O'Toole	Unruh
Daniels	Hoghaug	Omdahl	Urdahl
Dawson	Hougen	Paulson	Vogel
Decker	Huckle	Pearce	Wallin
Diehl	Jestrab	Peters	Warner
Dobson	Ketchum	Peterson	Wicks
Engelter			

Those voting in the negative were:

Billey	Cart	Hubrig	Solberg
Burbidge	Haugen	Kessel	Sullivan
Burke	Hernett	Schmit	Tudor
Butler	Hill		

Absent and not voting:

Byrne	Kretschmar	Nething	Thompson
Devine	Lamb	Quam	Mr. President
Kelsch	Litten	Rosendahl	

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

Delegate Rundle moved that his remarks on Alternate Proposal 4-4 be expunged from the record, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

February 14, 1972

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, which motion failed on a division vote.

Delegate Paulson moved that Alternate Proposal 4-3 be placed on the Tenth Order of Business on the Calendar, which motion prevailed.

## FIRST READING OF PROPOSALS

**Alternate Proposal No. 4-3.** Be it resolved by the North Dakota Constitutional Convention that the following be introduced as an alternate proposal to **Committee** Proposal No. 1-102 for submission to the electorate as an alternate proposal on the Constitutional Convention ballot.

Which has been read.

Delegate Hernett moved that the amendment he was about to propose not be read from the desk, which motion prevailed.

Delegate Hernet then moved that Alternate Proposal 4-3 be amended as follows:

On page 1, delete all of lines 8 through 15 and on page 2 delete all of lines 1 through 23 and insert in lieu thereof the following:

## **ARTICLE V EXECUTIVE BRANCH**

### **Section 1. EXECUTIVE OFFICIALS AND OFFICERS.**

The elected state officials shall be the governor, lieutenant governor, secretary of state, attorney general, three public service commissioners and the chief executives of four other principal departments as selected by the legislative assembly.

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 senate upon a recorded vote of a majority of the members elected. Any nomination not confirmed or rejected by the senate 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 in joint session shall choose one of them for the office.

### **Section 3. QUALIFICATIONS.**

To be eligible to hold an elective office established by this article, a person must be an elector of this state, at least twenty-one years old, and must have been a resident of this state for the two years preceding his election. The attorney general must be licensed to practice law in this state.

### **Section 4. COMPENSATION.**

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

### **Section 5. PLACE OF HOLDING OFFICE.**

Elected state officials and the chief executive officers of the principal departments shall hold office at the seat of government.

### **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 as-

sembly 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 both houses of the legislative assembly on the same day. The legislative assembly shall have thirty session days to disapprove the order. If not disapproved by a majority of the members elected to either house, the order shall have the force of law when filed with the secretary of state or on a later date specified therein.

#### **Section 7. STATE PLANNING COUNCIL.**

The chief executives of the principal state departments shall constitute the state planning council. The governor shall be chairman of the council and lieutenant governor shall be vice chairman. The council shall prepare a comprehensive state plan based on the comprehensive plan for each department.

#### **Section 8. POWERS AND DUTIES OF THE GOVERNOR.**

The governor is the chief executive of the state. He shall have the responsibility to see that the state's business is well administered, and that its laws are faithfully executed.

He shall present the comprehensive state plan, and his own recommendations, to the legislative assembly at the beginning of each session and at any other time he chooses.

He may call special sessions of the legislative assembly.

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

He shall prescribe the duties of the lieutenant governor.

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

He may grant reprieves, commutations and pardons. He may delegate this power in a manner provided by law.

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

#### **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 house in which it originated. That house shall immediately enter the governor's objections upon its journal. If, by a recorded vote, two-thirds of the members elected to that house pass a vetoed item or bill, it shall immediately be delivered to the other house. If, by a recorded vote, two-thirds of the members elected to the other house also pass it, the vetoed item or bill 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 members elected to each house. 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 as-

sembly 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 senate is recessed or adjourned, a vacancy occurs in any office which is filled by appointment with senate confirmation, the governor shall make a temporary appointment to the office. When the senate reconvenes he shall make a nomination to fill the office. Except on request of the senate, no nominee rejected by the senate 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 senate.

**Section 11. GUBERNATORIAL SUCCESSION.**

In the event of a vacancy, the order of succession to the office of governor shall be the elected lieutenant governor and thereafter as provided by law.

If the governor is unable to serve because of death, impeachment, resignation, failure to qualify, removal from office, or disability, the powers and duties of the governor shall devolve upon the official next in line of succession for the remainder of the term, or until the governor is acquitted or his disability removed.

If the governor-elect dies, resigns, or fails to qualify, the lieutenant governor-elect shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect shall serve as acting governor, and he shall succeed to the office of governor if the governor-elect does not assume his office within six months after the beginning of the term.

The legislative assembly shall by law specify by whom and by what procedures the ability of the governor, or anyone acting as governor, to serve or to resume office may be questioned and determined. The supreme court shall have original, exclusive and final jurisdiction to determine absence and disability of the governor or governor-elect, and to determine the existence of a vacancy in the office of governor and all questions concerning succession to the office or to its powers and duties.

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 executive article of the proposed new constitution contain:

A. One which would provide for the election of the governor, lieutenant governor, secretary of state, attorney general and three public service commissioners with the remaining chief executives of the principal departments being selected in a manner provided by the legislative assembly.



B. One which would provide for the election of the governor, lieutenant governor, secretary of state, attorney general and three public service commissioners and the chief executive of four more principal departments selected by the legislative assembly with the remaining chief executives of the principal departments being selected in a manner provided by the legislative assembly.



And renumber the lines and pages accordingly.

498 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Delegate Hernettt requested a recorded roll call vote on the motion to adopt the amendment to Alternate Proposal 4-3, which request was granted.

**ROLL CALL**

The roll was called and there were ayes, 38; nays, 59; absent and not voting, 1.

Those voting in the affirmative were:

Baker	Fallgatter	Lander	Poulson
Benz	Haugen	Longmire	Rundle
Berg	Hernettt	McElroy	Sanstead
Binek	Hill	Miller	Saugstad
Burbidge	Hougen	Nething	Stanton
Decker	Kelsch	Nicholas	Thompson
Devine	Ketchum	O'Toole	Trenbeath
Dobson	Knudson	Peters	Wallin
Engelster	Kretschmar	Peterson	Warner
Erickson	Kwako		

Those voting in the negative were:

Aas	Dawson	Huckle	Rosendahl
Aubol	Diehl	Jestrab	Rude
Bassingthwaite	Engstrom	Kessel	Scheel
Bender	Fiedler	Lamb	Schmit
Benson	Fritzell	Larsen	Simonsen
Billey	Geelan	Lerberg	Sinner
Birkeland	Gipp	Litten	Solberg
Brakke	Griffin	McIntyre	Sondreal
Burke	Hardmeyer	Maxwell	Sullivan
Butler	Hartl	Meidinger	Tudor
Byrne	Hendrickson	Omdahl	Unruh
Cart	Hildebrand	Paulson	Urdahl
Chase	Hoffner	Pearce	Vogel
Christensen	Hoghaug	Quam	Wicks
Daniels	Hubrig	Roney	

Absent and not voting:

Mr. President

The motion to amend Alternate Proposal 4-3 as presented by Delegate Hernettt failed.

Delegate Devine moved that Alternate Proposal 4-3 be amended as follows:

On page 1, line 12, delete "Auditor,"

On page 1, line 13, delete "superintendent of public instruction,"

On page 1, line 15, delete ", commissioner of labor"

And renumber the lines accordingly.

Which motion failed on a division vote.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 22; nays, 73; absent and not voting, 3.

Those voting in the affirmative were:

Baker	Erickson	Kwako	Rundle
Benz	Haugen	Nicholas	Stanton
Berg	Hougen	Pearce	Unruh
Binek	Kessel	Peters	Wallin
Decker	Ketchum	Peterson	Warner
Engelster	Knudson		

Those voting in the negative were:

Aas	Dobson	Jestrab	Roney
Aubol	Engstrom	Kelsch	Rosendahl
Bassingthwaite	Fallgatter	Kretschmar	Rude



Bender	Fiedler	Lamb	Sanstead
Benson	Fritzell	Lander	Saugstad
Billey	Geelan	Larsen	Scheel
Birkeland	Gipp	Litten	Schmit
Brakke	Griffin	Longmire	Simonson
Burbidge	Hardmeyer	McIntyre	Sinner
Burke	Hartl	Maxwell	Solberg
Butler	Hendrickson	Meidinger	Sondreal
Byrne	Hernett	Miller	Sullivan
Cart	Hildebrand	Nething	Thompson
Chase	Hill	O'Toole	Trenbeath
Christensen	Hoffner	Omdahl	Tudor
Daniels	Hoghaug	Paulson	Urdahl
Dawson	Hubrig	Poulson	Vogel
Devine	Huckle	Quam	Wicks
Diehl			

Absent and not voting:  
 Lerberg                      McElroy                      Mr. President

So the proposal lost.

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

The Convention reconvened with Acting President Saugstad presiding.

**MOTION**

Delegate Byrne moved that the rules be suspended and that Committee Proposal 1-121 be introduced, it not be referred to a committee, be printed in its entirety in the Journal, and placed on the Tenth Order for first passage, which motion prevailed.

**INTRODUCTION OF A PROPOSAL**

Committee on Coordination and Transition introduced:  
 Committee Proposal No. 1-121 was read the first time.

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

Committee Proposal No. 1-121

Introduced by Committee on Coordinating and Transition  
**BE IT RESOLVED BY THE NORTH DAKOTA CONSTITUTIONAL CONVENTION:**

1 That a new article to the constitution of the state of North  
 1a Dakota  
 2 be created, pertaining to a transition schedule.  
 3

4 SECTION 1.) A new article to the constitution of the state of  
 5 North Dakota is hereby created to read as follows:

**ARTICLE XIII**

**TRANSITION SCHEDULE**

8 Section 1. **SCHEDULE TO BE REMOVED AS EXECUTED.**  
 8a

9 The following schedule provisions shall remain a part of this  
 10 constitution only until their respective terms have been  
 10a executed.

11 On or before July 10 of each year the attorney general shall  
 12 review the provisions of this schedule and shall certify to the  
 13 secretary of state those that have been executed since the  
 14 preceding review. Provisions so certified shall be removed  
 14a from the

15 schedule and no longer published as part of this constitution.

16 Section 2. **GENERAL TRANSITION.**

17 **The rights and duties of all public bodies shall remain as**  
18 **if this constitution had not been adopted with the exception**  
18a **of such**  
19 **changes as are contained in this constitution. All laws, ordi-**  
19a **nances,**  
20 **regulations, and rules of court not contrary to, or inconsistent**  
20a **with,**  
21 **the provisions of this constitution shall remain in force, until**  
22 **they shall expire by their own limitation or shall be altered or**  
23 **repealed pursuant to this constitution. The validity of all**  
23a **public**  
24 **and private bonds, debts and contracts, and of all suits, actions**  
24a **and**  
25 **rights of action, shall continue as if no change has taken place.**  
25a **All**

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1 **officers filling any office by election or appointment shall**  
2 **continue to exercise the duties thereof, until their offices shall**  
3 **have been abolished or their successors selected and qualified in**  
4 **accordance with this constitution or laws enacted pursuant**  
4a **thereto.**

5 **Section 3. PROSPECTIVE OPERATION OF NEW PRO-**  
5a **CEDURAL AND**  
6 **SUBSTANTIVE RIGHTS.**

7 **Any procedural or substantive rights created for the first time**  
8 **by this constitution shall be prospective and not retroactive.**

9 **Section 4. GENERAL EFFECTIVE DATE.**

10 **Except as may be otherwise established by this schedule, the**  
11 **provisions of this constitution shall become effective on July 1,**  
12 **1973, and the provisions of the constitution of 1889, as amended,**  
13 **shall be repealed, and of no further force and effect.**

14 **Section 5. ACCELERATED EFFECTIVE DATE.**

15 **1. The following provisions of the constitution of 1889 as**  
16 **amended shall be repealed, and of no further force and**  
17 **effect, on July 1, 1972:**

18 **A. The third paragraph of section 216 of Article XIX**  
19 **as follows: "Third: An industrial school and school**  
20 **for manual training or such other educational or**  
21 **charitable institution as the legislative assembly may**  
22 **provide at the town of Ellendale, in the county of**  
23 **Dickey, with a grant of forty thousand acres."**

24 **B. Subsection 5 of section 1 of article 54 of the amend-**  
25 **ments as follows: "(5) The Normal and Industrial**  
26 **School, at Ellendale."**

27 **2. The following provisions of this constitution shall become**  
28 **effective on January 1, 1973:**

29 **A. Sections 5, 6, 7, 8, 9, 10, 11 and 14 of Article IV,**  
30 **Legislative Branch.**

31 **B. Section 9 of Article V, Executive Branch.**

32 **C. Sections 6, 8 and 9 of Article X, Finance and Public**  
33 **Debt.**

34 **Section 6. DELAYED EFFECTIVE DATE.**

35 **The provisions of section 22 of Article I, Declaration of**

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1 **Rights, shall become effective on July 1, 1976.**

2 **Section 7. EXCEPTIONS AND PROVISOS.**

3 **The provisions of Article V, Executive Branch, shall become**  
4 **effective as set out in this schedule, provided that all executive**  
5 **officials elected in 1972, shall complete the term of office for**  
6 **which they were elected. The legislative assembly shall by law**  
7 **provide for continuity in the transition from the system of**  
8 **executive government in operation prior to adoption of this**

9 constitution, to that now prescribed, in a way which will assure  
 10 orderliness and an effective program of executive organization  
 10a under  
 11 the terms of this article.

12 The provisions of Article VIII, Education, shall become  
 13 effective as set out in this schedule, provided that the superin-  
 14 tendent of public instruction elected in 1972 shall continue in  
 15 office until the completion of his term. The board of public  
 16 education shall not have the power to appoint an executive  
 16a officer,  
 17 until his term expires, unless a vacancy occurs after the board  
 17a has  
 18 been created.

19 The provisions of Article IV, Legislative Branch, sections 5,  
 20 6, 7, 8, 9, 10, 11 and 14 shall become effective as set out in this  
 21 schedule, provided that the lieutenant governor shall preside  
 21a over  
 22 the senate for the entire session of the legislative assembly  
 23 beginning in January, 1973.

Delegate Kelsch moved that Committee Proposal 1-121 be amended as follows:

Page 2, line 28, before the colon, insert the following:

**"and provisions of the Constitution of 1889 which are in conflict with these sections shall be deemed repealed as of January 1, 1973"**

And renumber the lines accordingly.

Delegate Unruh moved that the amendment to Committee Proposal 1-121 be amended as follows:

Following the numeral "1889" insert the following: **"as amended"**

And renumber the lines accordingly.

Which motion prevailed.

The question then was on the motion of Delegate Kelsch to amend Committee Proposal 1-121, as amended, which motion prevailed.

Delegate Sinner moved that Committee Proposal 1-121 be amended as follows:

On page 3, line 1, after the period insert the following:

**"Section 1 of Article IV of the Unicameral Proposal, as in Alternate Proposal 4-1, if adopted, shall become effective December 1, 1974."**

And renumber the lines accordingly.

Delegate Omdahl moved to amend the amendment to Committee Proposal 1-121 as proposed by Delegate Sinner as follows:

Delete the date **"December 1, 1974,"** and insert in lieu thereof **"July 1, 1974"**

Which motion prevailed.

The question then was on the motion of Delegate Sinner to amend Committee Proposal 1-121, as amended, which motion prevailed.

Delegate Dobson moved that Committee Proposal 1-121 be amended as follows:

On page 2, following line 33, insert the following:

**"D. Article III, Powers Reserved to the People."**

And renumber the lines accordingly.

Which motion prevailed.

Delegate Byrne moved that the rules be suspended, and that Committee Proposal 1-121 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

## FIRST READING OF PROPOSALS

**Committee Proposal No. 1-121.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota be created, pertaining to a transition schedule.

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, 94; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

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

Absent and not voting:

Kelsch	Litten	Paulson	Mr. President
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So the proposal passed and the title was agreed to, and Committee Proposal 1-121 was referred to the Committee on Style and Drafting.

## MOTION

Delegate Dawson moved that Committee Proposals 1-31, 1-35, 1-41, 1-42 and 1-69 be returned from the Committee on Constitutional Ballot to the convention floor, which motion prevailed.

Delegate Hoffner requested permission to withdraw Committee Proposals 1-31, 1-35, 1-41, 1-42 and 1-69, which request was granted.

## REPORT OF PROCEDURAL COMMITTEE

Mr. President:

Your Committee on Style and Drafting to whom was referred Alternate Proposal No. 4-1 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3, delete **"this"** and insert in lieu thereof **"the"** and delete **"shall be"** and insert in lieu thereof **"is"**

On page 2, line 4, delete **"chamber"** and insert in lieu thereof **"house"**; delete **"a minimum of"** and insert in lieu thereof **"not less than"**; and after the word **"members"** delete the comma

On page 3, line 34, delete **"Every"** and insert in lieu thereof **"To be enacted or adopted, every"** and after the word **"bill"** delete **"and"** and insert in lieu thereof **"or"**

On page 3, line 35, delete **"before"**

- On page 4, line 1, delete "final passage"
- On page 6, line 15, delete ". The" and insert in lieu thereof "**which**"
- On page 6, line 16, delete "legislative assembly"
- On page 6, line 28, delete the period and insert in lieu thereof "**which**"
- On page 6, line 29, delete "The legislative assembly"
- On page 6, line 31, after the word "**members**" insert a comma
- On page 9, line 17, delete the numeral "7" and insert in lieu thereof the numeral "11"
- On page 9, delete line 22
- On page 9, line 23, delete "legislative assembly" and insert in lieu thereof "**The legislative assembly shall have the power of impeachment by vote of a majority of the members elected**"
- On page 9, line 34, delete "two house" and insert in lieu thereof "**two-house**" and delete "one house" and insert in lieu thereof "**one-house**"
- On page 9, line 35, delete "Two house" and insert in lieu thereof "**Two-house**"
- On page 9, line 36, delete "One house" and insert in lieu thereof "**One-house**"

And renumber the lines accordingly.

And when so amended, recommends that the same do pass.

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 to adopt the amendments as recommended by the Committee on Style and Drafting to Alternate Proposal 4-1, which motion prevailed.

Delegate Unruh moved that the amendments to Alternate Proposal 4-1, as recommended by the Committee on Style and Drafting, be adopted, which motion prevailed.

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

#### SECOND 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.

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, 83; nays, 10; absent and not voting, 5.

Those voting in the affirmative were:

Aubol	Dobson	Jestrab	Quam
Bender	Engelter	Kelsch	Rosendahl
Benson	Engstrom	Kessel	Rude
Benz	Fallgatter	Knudson	Rundle
Berg	Fiedler	Kretschmar	Sanstead
Billey	Fritzell	Lamb	Saugstad
Binek	Geelan	Lander	Scheel
Birkeland	Gipp	Larsen	Simonson
Brakke	Griffin	Lerberg	Sinner
Burbidge	Hardmeyer	Litten	Sondreal
Burke	Hartl	Longmire	Sullivan

Butler	Haugen	McElroy	Thompson
Byrne	Hendrickson	McIntyre	Trenbeath
Cart	Hernett	Miller	Tudor
Chase	Hildebrand	Nething	Unruh
Christensen	Hill	Nicholas	Vogel
Daniels	Hoffner	O'Toole	Wallin
Dawson	Hoghaug	Omdahl	Warner
Decker	Hougen	Paulson	Wicks
Devine	Hubrig	Peterson	Mr. President
Diehl	Huckle	Poulson	

**Those voting in the negative were:**

Aas	Erickson	Peters	Solberg
Baker	Kwako	Roney	Stanton
Bassingthwaite	Pearce		

**Absent and not voting:**

Ketchum	Meidinger	Schmit	Urdahl
Maxwell			

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

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

The Convention reconvened with President Wenstrom presiding.

Delegate Unruh moved that the Report of the Procedural Committee as shown on pages 469 and 470 of the Journal and amendments be withdrawn, and the following report of a Procedural Committee be substituted therefor; which motion prevailed.

**REPORT OF PROCEDURAL COMMITTEE**

Mr. President: Your Committee on Style and Drafting recommends that the Convention take no further action on the following proposals for the reason that each proposal has now been incorporated in a Style and Drafting Redraft proposal now passed by the Convention on second passage.

That further reconsideration on amendment of any proposal passed on first reading be limited to consideration of said proposal as it is now incorporated in the Redraft proposal passed on second reading.

That the proposals on which no further action shall be taken are as follows:

Committee Proposals Numbered 1-1, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-18, 1-19, 1-20, 1-23, 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, 1-53, 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, 1-89, 1-91, 1-92, 1-96, 1-97, 1-98, 1-99, 1-100, 1-101, 1-102, 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.

**DELEGATE UNRUH, Chairman**

Delegate Unruh moved that the report be adopted.

The question then was on the motion of Delegate Unruh to adopt the Committee Report.

**ROLL CALL**

The roll was called and there were ayes, 96; nays, 0; absent and not voting, 2.

**Those voting in the affirmative were:**

Aas	Engelter	Ketchum	Roney
Aubol	Engstrom	Knudson	Rosendahl
Baker	Erickson	Kretschmar	Rude

Bassingthwaite	Fallgatter	Kwako	Rundle
Bender	Fiedler	Lamb	Sanstead
Benson	Fritzell	Lander	Saugstad
Benz	Geelan	Larsen	Scheel
Berg	Gipp	Lerberg	Schmit
Billey	Griffin	Litten	Simonson
Binek	Hardmeyer	Longmire	Sinner
Birkeland	Hartl	McElroy	Solberg
Brakke	Haugen	McIntyre	Sondreal
Burbidge	Hendrickson	Maxwell	Stanton
Burke	Hernett	Meidinger	Sullivan
Butler	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	Peters	Wallin
Devine	Jestrab	Peterson	Warner
Diehl	Kelsch	Poulson	Wicks
Dobson	Kessel	Quam	Mr. President

**Absent and not voting:**

Byrne Pearce

The motion prevailed, and the above Committee Report was adopted.

**REPORT OF PROCEDURAL COMMITTEE**

Mr. President: Your Committee on Style and Drafting recommends that the Convention take no further action on the following proposals for the reason that each proposal, as passed on final reading, calls for repeal of a part of the present North Dakota constitution and that all of these repealing proposals will be incorporated in a general repeal of the present North Dakota constitution which repeal will be effective should the new constitution be adopted by the electors.

Committee Proposals Numbered 1-4, 1-22, 1-24, 1-50, 1-52, 1-54, 1-55, 1-56, 1-88, 1-93, 1-94, 1-95, and 1-103.

DELEGATE UNRUH, Chairman

Delegate Unruh moved that the report be adopted.

**ROLL CALL**

The roll was called and there were ayes, 96; nays, 0; absent and not voting, 2.

**Those voting in the affirmative were:**

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

Daniels	Hubrig	Paulson	Vogel
Dawson	Huckle	Peters	Wallin
Decker	Jestrab	Peterson	Warner
Devine	Kelsch	Poulson	Wicks
Diehl	Kessel	Quam	Mr. President

Absent and not voting:  
 Engstrom Pearce

The motion prevailed, and the Report of the Committee on Style and Drafting was adopted.

Delegate Saugstad moved that on any motions to reconsider and amend, the debate be limited to three speakers on each side of the issue and a time limit of five minutes per speaker be strictly enforced.

Delegate Devine moved to amend the motion as follows: only those motions to reconsider which are announced before the dinner recess can be discussed this evening.

Delegate Saugstad requested his motion be withdrawn.

Delegate Devine requested his amendment be withdrawn.

Delegate Saugstad's motion and the amendment then were withdrawn.

Delegate Devine moved that any items to be reconsidered this evening be announced prior to the recess for dinner, which motion failed.

Delegate Butler moved to amend Rule 36 by deleting the last sentence of Rule 36.

Delegate Omdahl moved to amend the motion of Delegate Butler, excepting Alternate Proposals, which motion prevailed.

The question then was on the motion of Delegate Butler to amend Rule 36 by deleting the last sentence of Rule 36, which motion failed on a division vote.

Delegate Tudor moved that the Convention reconsider the action by which Alternate Proposal 4-2 was passed, which motion prevailed.

Delegate Tudor moved that Alternate Proposal 4-2 be amended as follows:

In the engrossed proposal, delete everything after the resolving clause, and insert in lieu thereof the following:

"That the question as to whether the proposed constitution shall contain a provision relating to lotteries shall be submitted to the electorate as a separate issue on the Constitutional Convention Ballot.

That a section be inserted in the proposed constitution providing that lotteries and gift enterprises shall be prohibited.

**SECTION 1. SEPARATE ISSUE.)** The following provision is hereby created and shall be submitted to the electorate as a separate issue, and if approved, shall become a part of the proposed constitution:

**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 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 1972 proposed constitution contain the following provision:

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.

Yes

No

And renumber the lines accordingly.

Delegate Haugen moved to amend the amendment to the Alternate Proposal 4-2 as follows:

Following "Section 28." delete the following: "**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." and insert in lieu thereof the following: "**GAMBLING PROHIBITED — EXCEPTION.** All forms of gambling shall be prohibited unless the legislative assembly provides for the authorization and regulation of specific forms thereof.

Which motion failed on a division vote.

The question then was on the motion of Delegate Tudor to amend Alternate Proposal 4-2, which motion prevailed.

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

Delegate Hoffner moved that further consideration of Alternate Proposal 4-2 be laid over until after the dinner recess, which motion failed.

#### 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, 65; nays, 29; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Fallgatter	Maxwell	Scheel
Baker	Fritzell	Meidinger	Simonson
Bassingthwaite	Haugen	Miller	Solberg
Bender	Hoghaug	Nething	Sondreal
Benson	Hougen	Nicholas	Stanton
Benz	Huckle	Omdahl	Sullivan
Berg	Jestrab	Peters	Thompson
Billey	Kessel	Peterson	Trenbeath
Burbidge	Ketchum	Poulson	Tudor
Byrne	Knudson	Quam	Unruh
Cart	Kwako	Roney	Urdahl
Chase	Lander	Rosendahl	Vogel
Christensen	Lerberg	Rude	Wallin
Decker	Litten	Rundle	Warner
Diehl	Longmire	Sanstead	Wicks
Engstrom	McElroy	Saugstad	Mr. President
Erickson			

Those voting in the negative were:

Aubol	Dobson	Hendrickson	Lamb
Binek	Engelter	Hernett	Larsen

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Birkeland	Fiedler	Hildebrand	McIntyre
Brakke	Gipp	Hill	O'Toole
Burke	Griffin	Hoffner	Paulson
Daniels	Hardmeyer	Hubrig	Schmit
Dawson	Hartl	Kretschmar	Sinner
Devine			

**Absent and not voting:**

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

President Wenstrom declared the Convention would stand recessed until 8:00 p.m.

Convention reconvened at 8:00 p.m. with Acting President Saugstad presiding.

Delegate Unruh moved that the Convention reconsider the action by which Sections 1 through 14 of Article IV was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-12, for purposes of ballot consideration.

The question was on the motion of Delegate Unruh for the reconsideration of Sections 1 through 14 of Article IV.

**ROLL CALL**

The roll was called and there were ayes, 60; nays, 37; absent and not voting, 1.

**Those voting in the affirmative were:**

Aubol	Hardmeyer	Litten	Scheel
Bender	Haugen	McIntyre	Schmit
Benson	Hendrickson	Maxwell	Simonson
Billey	Hill	Meidinger	Sinner
Binek	Hoghaug	Miller	Sondreal
Brakke	Hougen	Nicholas	Sullivan
Byrne	Hubrig	O'Toole	Trenbeath
Chase	Jestrab	Omdahl	Tudor
Daniels	Kelsch	Paulson	Unruh
Dobson	Kessel	Pearce	Urdahl
Engstrom	Kretschmar	Peterson	Vogel
Fiedler	Lamb	Poulson	Wallin
Fritzell	Lander	Quam	Warner
Geelan	Larsen	Rosendahl	Wicks
Gipp	Lerberg	Sanstead	Mr. President

**Those voting in the negative were:**

Aas	Dawson	Hernett	Nothing
Baker	Decker	Hildebrand	Peters
Bassingthwaite	Devine	Hoffner	Roney
Benz	Diehl	Huckle	Rude
Berg	Engelter	Ketchum	Rundle
Birkeland	Erickson	Knudson	Saugstad
Burbidge	Fallgatter	Kwako	Solberg
Burke	Griffin	Longmire	Stanton
Cart	Hartl	McElroy	Thompson
Christensen			

**Absent and not voting:**

Butler

The motion prevailed.

Delegate Unruh moved that Sections 1 through 14 of Article VI as incorporated in Redraft Proposal 5-12 be referred to the Committee on Style and Drafting to be incorporated in the adoption schedule, which will be Article XIV, which motion prevailed.

Delegate Unruh moved that the Convention reconsider the action by which Section 1 through 10 of Article III was passed on the

Tenth Order, and as is now incorporated in Redraft Proposal 5-1, which motion prevailed on a division vote.

Delegate Unruh moved that Sections 1 through 10 of Article III as incorporated in Redraft Proposal 5-1 be referred to the Committee on Style and Drafting to be incorporated in the adoption schedule, which will be Article XIV, which motion prevailed.

Delegate Lerberg moved that the Convention reconsider the action by which Section 11 of Article VII was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-7, which motion failed on a division vote.

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

The Convention reconvened with President Wenstrom presiding.

#### POINT OF PERSONAL PRIVILEGE

Delegate Lerberg: "Mr. President:

"I rise on a point of personal privilege.

"This document that we are drafting is a good document, and no one has ever heard me say, nor will I now say I cannot support it, but your failure to allow us to reconsider and express the arguments and which had very little debate the other day has deprived four or five thousand non-Indians of the State of North Dakota of a state. I have lived in a judicial no man's land since March of 1970. The state has no civil jurisdiction in it. The state has withdrawn the Highway Patrol from the area. The state does not enforce traffic laws within the area. A state District Judge has issued an injunction preventing the New Town City Officials from enforcing any city regulations or ordinances against the Indian people. There are two cities, two small communities, and twenty organized townships in this area made up of predominantly patent land, most of it homesteaded by 1912 to 1914. By failing to allow a debate on this, our people are in a no man's land without a state."

#### POINT OF PERSONAL PRIVILEGE

Delegate Gipp: "Mr. President:

"I rise on a point of personal privilege.

"If indeed it is the desire of this Convention to reconsider this, I am not going to stand in the way. There is some feeling that there are things not said on this section we voted on previously, but the matter of jurisdiction and the matter of sovereignty when we talk on Indian Reservations is one of the things that must be dealt with and is being dealt with in the courts by Federal opinions and so forth. It is true about the statement made about it being a no man's land. In talking about reservations, there is jurisdiction on reservations by the state . . . there is jurisdiction over those non-Indians who live in these areas, and there is another jurisdiction over those Indian people who live within the confines of recognized areas of a Federal reservation. I think this recent section we have discussed does not address itself to this problem. It does not set a precedent with respect to sovereignty or jurisdiction. It does provide for some means for mutual and cooperative agreements in order that some groups of people if they wish may pursue living together, but it does not dictate and I do not think that this section discriminates against a non-Indian population. I just cannot leave that, and I hope that the allusion to that does not mislead you. Thank you."

Delegate Nicholas moved that the rules be suspended, and that the Convention reconsider the action by which Section 11 of Article VII was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-7, which motion prevailed on a division vote.

Delegate Aubol moved that Redraft Proposal 5-7 be referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Paulson moved to amend the motion as follows: "That Redraft Proposal 5-7 be placed on the Tenth Order on the Calendar," which motion prevailed on a division vote.

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

Delegate Lerberg moved that Section 11 of Article VII as is now incorporated in Article VII be amended as follows:

Delete Section 11 of Article VII, shown on lines 22 through 25 inclusive, on page 3 of engrossed Redraft Proposal 5-7 and renumber the lines and sections accordingly.

Delegate Aubol moved the amendment be amended as follows:

On page 3, delete lines 23, 24 and 25 and insert in lieu thereof the following:

**The right to enter into mutually beneficial service arrangements between the Indian tribes and state agencies or political subdivisions of the state shall be recognized.**

Which motion failed.

The question then was on the amendment offered by Delegate Lerberg, which motion prevailed on a division vote.

Delegate Lerberg moved that the rules be suspended, and that Redraft Proposal 5-7 be deemed properly re-engrossed and Section 11 of Article VII as is now incorporated in Redraft Proposal 5-7 be placed on the calendar for first passage, which motion prevailed.

**FIRST READING OF PROPOSALS**

**Section 11 of Article VII as now in**

**Style and Drafting Redraft Proposal No. 5-7.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to political subdivisions, be created.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 63; nays, 32; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Dobson	Jestrab	Quam
Baker	Engelter	Kelsch	Roney
Benson	Engstrom	Kessel	Rosendahl
Benz	Erickson	Ketchum	Rude
Berg	Fallgatter	Knudson	Rundle
Billey	Fiedler	Kwako	Scheel
Birkeland	Fritzell	Lander	Schmit
Burbidge	Griffin	Lerberg	Sinner
Burke	Hartl	Litten	Stanton
Byrne	Haugen	McElroy	Sullivan
Chase	Hendrickson	McIntyre	Thompson
Christensen	Hernett	Meidinger	Trenbeath
Dawson	Hill	Miller	Tudor
Decker	Hoghaug	Nething	Vogel
Devine	Hougen	Nicholas	Mr. President
Diehl	Hubrig	Poulson	

Those voting in the negative were:

Aubol	Gipp	Longmire	Saugstad
Bassingthwaite	Hardmeyer	Maxwell	Simonson
Bender	Hildebrand	O'Toole	Sondreal
Binek	Hoffner	Omdahl	Unruh
Brakke	Huckle	Paulson	Urdahl
Cart	Kretschmar	Peters	Wallin
Daniels	Lamb	Peterson	Warner
Geelan	Larsen	Sanstead	Wicks
Absent and not voting:			
Butler	Pearce	Solberg	

So the proposal passed and the title was agreed to.

Delegate Lerberg moved that the rules be suspended and Redraft Proposal 5-7 be placed on the eleventh order of business, which motion prevailed.

### SECOND READING OF PROPOSALS

#### Section 11 of Article VII as now in

**Style and Drafting Redraft Proposal No. 5-7.** Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota which pertains to political subdivisions, be created.

Which has been read.

### ROLL CALL

The question being on the second passage of the proposal, as amended, the roll was called and there were ayes, 69; nays, 25; absent and not voting, 4.

Those voting in the affirmative were:

Aas	Engstrom	Ketchum	Poulson
Baker	Erickson	Knudson	Quam
Bender	Fallgatter	Kwako	Roney
Benson	Fiedler	Lander	Rosendahl
Benz	Fritzell	Larsen	Rude
Berg	Griffin	Lerberg	Rundle
Billey	Hartl	Litten	Scheel
Birkeland	Haugen	Longmire	Schmit
Brakke	Hendrickson	McElroy	Sinner
Burbidge	Hernett	McIntyre	Stanton
Burke	Hildebrand	Meidinger	Sullivan
Byrne	Hill	Miller	Thompson
Christensen	Hoghaug	Nething	Trenbeath
Dawson	Huckle	Nicholas	Tudor
Decker	Jestrab	Omdahl	Unruh
Diehl	Kelsch	Paulson	Vogel
Dobson	Kessel	Peters	Mr. President
Engelter			

Those voting in the negative were:

Aubol	Gipp	Lamb	Simonson
Bassingthwaite	Hardmeyer	Maxwell	Sondreal
Binek	Hoffner	O'Toole	Urdahl
Cart	Hougen	Peterson	Wallin
Chase	Hubrig	Sanstead	Warner
Daniels	Kretschmar	Saugstad	Wicks
Geelan			

Absent and not voting:

Butler	Devine	Pearce	Solberg
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So the proposal passed and the title was agreed to, and Redraft Proposal 5-7 was referred to the Committee on Style and Drafting.

### POINT OF PERSONAL PRIVILEGE

Delegate Omdahl: "Mr. President:

"I rise on a point of personal privilege on Section 11 on Mutual Services. A couple of times during this Convention the lawyers have used us for a football field. I don't know if many of you have been aware of it, but we spent two hours talking about nothing, and I didn't know which way to vote because it didn't mean anything either way it went. The provision does not involve the problem of jurisdiction or anything like that, and all it says is 'may', and it doesn't make any difference if it is in the constitution or not. If it is not in, the Legislature could still provide for it. So, if any of you are feeling bad about how you voted if we took it out — we haven't lost anything or gained anything."

MOTION

Delegate Decker moved that the Convention reconsider the action by which Section 22 of Article I was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-9 only for the purpose of amending Section 22, which motion failed on a division vote.

Delegate Miller moved that the Convention reconsider the action by which Section 5 of Article XI was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-15.

Delegate Saugstad moved the previous question, which motion prevailed.

The question then was on the motion of Delegate Miller to reconsider the action by which Section 5 of Article XI was passed, which motion failed on a division vote.

Delegate Hartl moved that the Convention reconsider the action by which Section 6 of Article XI was passed on the Tenth Order, and as is now incorporated in Redraft Proposal 5-15.

Delegate Baker moved the previous question, which motion prevailed.

The question then was on the motion of Delegate Hartl to reconsider the action by which Section 6 of Article XI was passed, which motion failed on a division vote.

Delegate Saugstad moved that the Convention be adjourned until 8:00 a.m., February 17, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk