

FIFTH DAY

Bismarck, January 7, 1972

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

Prayer was offered by Rev. James M. Butler, Pastor, First Presbyterian Church of Bismarck.

"God our Father, you hear us, and you care about us, and you pray — because we want to meet others with all we have to give, because we want to infuse the temporal with the eternal, because we want always to be ready to meet your judgments and your love, along the way of our going.

"So here we are, where a precious heritage meets in white-heat the pressures of the new and ever-changing. Lord make us good householders, bringing out of great treasure, things old and things new.

"We do not ask for more favors — it is beginning to dawn on us that we are in trouble, not from your lack of bounty, but from our own poor stewardship. Men's cries of pain, a ravaged earth, and our own angry voices testify against us. Being ashamed, we ask forgiveness. Knowing our weakness, we ask thy strength.

"Here let the sons of men find faith in the earth — here quiet the voice of greed and of demagoguery, here let the complaint of the faithless and the cynic die away. May the lines forged here proclaim an ancient faith, and an undying hope, that there shall be a commonwealth where men can be trusted with freedom, because they acknowledged you to be sovereign and Lord. Amen."

The roll was called and all Delegates were present except Delegate Kessel.

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 5th day of January, 1972, and finds the same to be correct.

DELEGATE SIMONSON, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

Committee Proposal No. 1-14

And find the same correctly engrossed.

DELEGATE ERICKSON, Chairman

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

CONSIDERATION OF AMENDMENTS

Delegate Hernett moved that the amendments to Proposal 1-10 as recommended by the Committee on Executive Functions as printed on page 125 of the Convention Journal be adopted, which motion prevailed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-4. Be it resolved by the North Dakota Constitutional Convention that article 1 of the amendments to the constitution of the state of North Dakota be repealed.

Which has been read.

Delegate Kelsch moved that consideration of Proposal 1-4 be laid over until Tuesday, January 11, 1972, 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, 64; nays, 33; absent and not voting, 1.

Those voting in the affirmative were:

Aubol	Engstrom	Kwako	Quam
Benson	Fiedler	Lamb	Roney
Benz	Fritzell	Lander	Rosendahl
Berg	Geelan	Larsen	Rude
Binek	Gipp	Litten	Sanstead
Birkeland	Griffin	McElroy	Saugstad
Burbidge	Hardmeyer	McIntyre	Schmit
Burke	Hartl	Maxwell	Simonson
Butler	Hendrickson	Meidinger	Sinner
Byrne	Hildebrand	Miller	Solberg
Daniels	Hill	Nething	Sondreal
Dawson	Hoffner	Nicholas	Sullivan
Decker	Hoghaug	O'Toole	Thompson
Devine	Hubrig	Omdahl	Tudor
Dobson	Kelsch	Paulson	Vogel
Engelter	Kretschmar	Pearce	Wicks

Those voting in the negative were:

Aas	Diehl	Ketchum	Scheel
Baker	Erickson	Knudson	Stanton
Bassingthwaite	Fallgatter	Lerberg	Trenbeath
Bender	Haugen	Longmire	Unruh
Billey	Hernett	Peters	Urdahl
Brakke	Hougen	Peterson	Wallin
Cart	Huckle	Poulson	Warner
Chase	Jestrab	Rundle	Mr. President
Christensen			

Absent and not voting:

Kessel

So the proposal passed and the title was agreed to.

Committee Proposal No. 1-14. Be it resolved by the North Dakota Constitutional Convention that sections 206 and 207 of the constitution of the state of North Dakota be repealed; and that article XV to the constitution of the state of North Dakota be created; all of which pertain to state boundaries and the state seal.

Which has been read.

The question being on the first passage of the proposal, as amended.

Delegate Longmire moved that Committee Proposal No. 1-14 be laid over until Monday, January 10, 1972, which motion failed.

Delegate Longmire moved that Committee Proposal No. 1-14 be

returned to the Committee on Judicial Functions and Political Subdivisions, which motion prevailed.

Committee Proposal No. 1-20. Be it resolved by the North Dakota Constitutional Convention that sections 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145 and 146 of the constitution of the state of North Dakota be repealed; and that article X to the constitution of the state of North Dakota be created; all of which pertain to corporations.

Which has been read.

The question being on the first passage of the proposal.

Delegate Baker called for a division of the question, in such manner that Section 146 be voted on separately from Committee Proposal 1-20.

Delegate Hoghaug called for a division of the question, in such manner that Section 135 be voted on separately from Committee Proposal 1-20.

Delegate Rundle called for a division of the question, in such manner that Section 142 be voted on separately from Committee Proposal 1-20.

Delegate Haugen moved that Committee Proposal 1-20 be returned to the Committee on Education, Resources and Public Lands, which motion prevailed.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-30 has had the same under consideration and recommends that the same do pass.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-33 has had the same under consideration and recommends that the same do pass.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-34 has had the same under consideration and recommends that the same be amended as follows:

On line 8 after the word "officials," insert "legislators,"

Delete all of lines 11 through 15

And when so amended recommends the same do pass.

DELEGATE HOFFNER, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-39 has had the same under consideration and recommends that the same do pass.

DELEGATE HOFFNER, Chairman

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

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-57. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to equal enjoyment of public accommodations, be created.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-58. Be it resolved by the North Dakota Constitutional Convention that section 5 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to release from unlawful detention or imprisonment.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-59. Be it resolved by the North Dakota Constitutional Convention that section 9 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to freedom of press.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-60. Be it resolved by the North Dakota Constitutional Convention that section 8 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to indictment and information.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-61. Be it resolved by the North Dakota Constitutional Convention that section 16 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to bills of attainder and ex post facto laws and non impairment of obligations of contracts.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-62. Be it resolved by the North Dakota Constitutional Convention that section 15 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to not being imprisoned for debt.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-63. Be it resolved by the North Dakota Constitutional Convention that section 18 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to search and seizure.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-64. Be it resolved by the North Dakota Constitutional Convention that section 2 of the present constitution of the state of North Dakota, which pertains to political power in the people, be retained in its present form.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-65. Be it resolved by the North Dakota Constitutional Convention that section 11 of the present constitution of the state of North Dakota, which pertains to uniform operation of laws, be retained.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-66. Be it resolved by the North Dakota Constitutional Convention that section 13 of the present constitution of the state of North Dakota, which pertains to rights of a defendant in criminal prosecutions, be retained.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-67. Be it resolved by the North Dakota Constitutional Convention that section 20 of the present constitution of the state of North Dakota, which pertains to not granting special privileges and immunities, be retained.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-68. Be it resolved by the North Dakota Constitutional Convention that section 24 of the present constitution of the state of North Dakota, which pertains to declaration of rights remaining inviolate, be retained.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Legislative Functions introduced:
Committee Proposal No. 1-69. Be it resolved by the North Dakota Constitutional Convention that sections 31, 46, 47, 48, 49, 58, 63, 64 and 66 of Article II of the constitution of the state of North Dakota be repealed; and that new sections 6, 11, 12, 13, 14, 16, 17, 18 and 19 of Article II to the constitution of the state of North Dakota be created, all of which pertain to matters of legislative procedure.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:
Committee Proposal No. 1-70. Be it resolved by the North Dakota Constitutional Convention that sections 31, 46, 47, 48, 49, 58, 63, 64 and 66 of Article II of the constitution of the state of North Dakota be repealed; and that new sections 6, 11, 12, 13, 14, 16, 17, 18 and 19 of Article II to the constitution of the state of North Dakota be created, all of which pertain to matters of legislative procedure.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-71. Be it resolved by the North Dakota Constitutional Convention that section 6 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to bail.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:
Committee Proposal No. 1-72. Be it resolved by the North Dakota Constitutional Convention that section 22 of the constitution of

the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to courts being open as suits being brought against the state.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-73. Be it resolved by the North Dakota Constitutional Convention that section 4 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to religious freedom.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

INTRODUCTION OF DELEGATE PROPOSALS

Delegate Hubrig introduced:

Delegate Proposal No. 2-57. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, pertaining to the uniform legislative treatment of corporations, be created.

Was read the first time and referred to the Committee on Legislative Functions.

Delegate Hendrickson introduced:

Delegate Proposal No. 2-58. Be it resolved by the North Dakota Constitutional Convention that section 29 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to legislative apportionment.

Was read the first time and referred to the Committee on Legislative Functions.

Delegate Hendrickson introduced:

Delegate Proposal No. 2-59. Be it resolved by the North Dakota Constitutional Convention that section 29 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to legislative apportionment.

Was read the first time and referred to the Committee on Legislative Functions.

Delegate Ketchum introduced:

Delegate Proposal No. 2-60. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to property taxation, be created.

Was read the first time and referred to the Committee on Finance and Taxation.

Delegates Trenbeath, Saugstad, Miller, Erickson and Ketchum introduced:

Delegate Proposal No. 2-61. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, pertaining to eminent domain, be created.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Haugen introduced:

Delegate Proposal No. 2-62. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to uniformity of taxation and the power to define and exempt classes of property from taxation, be created.

Was read the first time and referred to the Committee on Finance and Taxation.

Delegate Baker introduced:

Delegate Proposal No. 2-63. Be it resolved by the North Dakota Constitutional Convention that section 74 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to the election of the governor and lieutenant governor.

Was read the first time and referred to the Committee on Executive Functions.

Delegate Lamb introduced:

Delegate Proposal No. 2-64. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, setting forth a date on which the provisions of the convention's product would become effective, be created.

Was read the first time and referred to the Committee on Preamble, Bill of Rights and Suffrage.

MOTIONS

Delegate Cart moved that Committee Proposal 1-1 be returned to the Convention from the Committee on Style and Drafting, which motion was ruled out of order.

Delegate Cart moved that the rules be suspended and that Committee Proposal 1-1 be returned to the Convention from the Committee on Style and Drafting, which motion failed.

Delegate Peterson moved that Proposal 1-22 be returned from the Committee on Style and Drafting, which motion failed.

Delegate Longmire moved that the following remarks by Delegate Peterson be printed in the Journal, which motion prevailed.
Delegate Peterson:

"I wish to explain my stand, which is in favor of the mill levy. Number one, I represent agriculture on the Medical Center Advisory Council. No one has to remind me of taxes, my husband and I own and operate a farm. I don't know whether that is bragging or complaining.

"Number two, the Medical Center not only is made up of the Medical School, it includes the Rehabilitation Center, the four-year College of Nursing, and related laboratories. Twenty percent of the Medical Center budget is set aside for the College of Nursing.

"The argument that dedicated funds for the Medical Center are unfair to other institutions in the State is not valid. We do not have any other Medical Centers. There is a pressing need for doctors and nurses. I know what it means to be thirty miles from the nearest hospital. We get very few house calls on our farm, I can assure you.

"The argument that too few of our medical school graduates stay in North Dakota needs a long thoughtful look. With a two-year school, the last two years must be put in out of state, and by that time the graduates may have formed other preferences of localities.

"The most important impact of the one mill levy for the Medical Center appearing in our State Constitution, in my opinion, is the psychological factor. It lends stability and moral support to the faculty. Even more important it establishes a priority guideline for the Legislators, many of whom are newly elected and have not had the opportunity to study the Medical Center and its importance to our state."

MOTIONS

Delegate Dobson moved that Delegate Proposal 2-45 be returned from the Committee on Finance and Taxation, which motion prevailed.

Delegate Dobson then requested unanimous consent to withdraw Delegate Proposal 2-45, which consent was granted.

Delegate Hoffner moved that all Delegate Proposals up for indefinite postponement be held by the Committee to which it had been referred, which motion prevailed.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Finance and Taxation introduced:

Committee Proposal No. 1-74. Be it resolved by the North Dakota Constitutional Convention that section 182 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to state debt.

Was read the first time and referred to the Committee on Finance and Taxation.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-75. Be it resolved by the North Dakota Constitutional Convention that sections 42, 67, 68, 69 and 70 of Article II of the constitution of the state of North Dakota be repealed; and that new sections 9, 20 and 21 of Article II of the constitution of the state of North Dakota be created; all of which pertain to the legislative process.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-76. Be it resolved by the North Dakota Constitutional Convention that section 50 of Article II of the constitution of the state of North Dakota be repealed; and that a new section 15 of Article II of the constitution of the state of North Dakota be created; both of which pertain to the openness of legislative sessions.

Was read the first time and referred to the Committee on Legislative Functions.

Committee on Finance and Taxation introduced:

Committee Proposal No. 1-77. Be it resolved by the North Dakota Constitutional Convention that sections 183 and 184 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; all of which pertain to political subdivision debt.

Was read the first time and referred to the Committee on Finance and Taxation.

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

Delegate Saugstad moved that the following Proposal be referred to the Committee on Style and Drafting:

Committee Proposal No. 1-4

Which motion prevailed.

Delegate Binek moved that Convention be adjourned until 9 a.m., Monday morning, January 10, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk