

SIXTH DAY

Bismarck, January 10, 1972

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

Prayer was offered by Rev. Walter Schott, Pastor, Church of the Good Shepherd, Mandan.

"Our eternal God and loving heavenly Father, we give thee thanks for this new day that you have given to us, and for the opportunities that will be ours to serve Thee and our fellowmen. We ask for Thy divine blessing to rest upon this assembly that is gathered here. We're grateful to these men and women who have taken time out of their busy lives to come here and be a part of a session that will ultimately effect the lives of all of us now and in the future. May they not only be guided by their consciences, but may each one be willing to let their minds, their wills, and their emotions be guided by the Holy Spirit. May through the many dedicated hours of work there come forth a Constitution that will help to make this a better State, and a people that will be able to serve both God and man in a more effective way. This we ask in the name of Christ our Lord and Saviour. Amen."

Roll was called, and all Delegates were present except Delegates Benz, Peters and Sanstead.

A quorum was declared by the President.

ANNOUNCEMENT

President Wenstrom announced that Delegate Benz is hospitalized at this time.

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

Committee Proposal No. 1-10. Be it resolved by the North Dakota Constitutional Convention that article XIII, sections 188 through 193 of the constitution of the state of North Dakota be repealed; and that a new article to the constitution of the state of North Dakota be created; all of which pertain to the state militia.

And find the same correctly engrossed.

DELEGATE ERICKSON, Chairman

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

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 6th day of January, 1972, and finds the same to be correct.

DELEGATE SIMONSON, Chairman

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

REPORTS OF SUBSTANTIVE COMMITTEES

Date January 5, 1972

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-19

Committee Proposal No. 1-19. Be it resolved by the North Dakota Constitutional Convention that section 210 of the constitution of the state of North Dakota be repealed; and that article IX to the constitution of the state of North Dakota be created; both of which pertain to appropriation of waters.

Has had the same under consideration and recommends that the same do pass.

DELEGATE MEIDINGER, Chairman

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

CONSIDERATION OF AMENDMENTS

Delegate Hoffner moved that the amendments to Proposal 1-34 as recommended by the Committee on Legislative Functions and as printed on page 135 of the Journal be adopted, which motion was subsequently withdrawn.

Delegate Hoffner moved that Proposal 1-34 be laid over one day, which motion prevailed.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-78. 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 the death penalty, 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. 1-79. 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 right to keep and bear arms, 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. 1-80. Be it resolved by the North Dakota Constitutional Convention that section 208 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 right of debtors.

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. 1-81. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state North Dakota, which pertains to cumulative voting for candidates for legislative office, 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. 1-82. Be it resolved by the North Dakota Constitutional Convention that section 127 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 voting disqualifications.

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. 1-83. Be it resolved by the North Dakota Constitutional Convention that section 129 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 duties of the legislature with regard to elections.

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. 1-84. 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 right to counsel for indigents in civil proceedings in which the state or its subdivisions are adverse parties, 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. 1-85. Be it resolved by the North Dakota Constitutional Convention that sections 121, 122, 123, 124, 125, 126 and 128 of the constitution of the state of North Dakota and articles 36 and 40 of the amendments to the constitution of the state of North Dakota be repealed; and that three new sections to the constitution of the state of North Dakota be created; all of which pertain to the elective franchise.

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. 1-86. 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 making all persons over eighteen years of age adults for all purposes, be created.

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

INTRODUCTION OF DELEGATE PROPOSALS

Delegate Meidinger introduced:

Delegate Proposal No. 2-65. Be it resolved by the North Dakota Constitutional Convention that sections 147, 148, 149, 150, 151, 152, and article 54 of the constitution of the state of North Dakota be repealed; and that article V to the constitution of the state of North Dakota be created; all of which pertain to education.

Was read the first time and referred to the Committee on Education, Resources and Public Lands.

Delegates Saugstad and Trenbeath introduced:

Delegate Proposal No. 2-66. 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 state debt, be created.

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

Delegate Cart introduced:

Delegate Proposal No. 2-67. 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 exemptions, be created.

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

Delegate Dobson introduced:

Delegate Proposal No. 2-68. 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 right to family farming, be created.

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

Delegate Thompson introduced:

Delegate Proposal No. 2-69. Be it resolved by the North Dakota Constitutional Convention that section 127 of the constitution of the state of North Dakota is hereby repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to voting disqualifications.

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

Delegate Burke introduced:

Delegate Proposal No. 2-70. 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 tax exemptions, be created.

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

Delegate Rundle introduced:

Delegate Proposal No. 2-71. 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 trust lands, be created.

Was read the first time and referred to the Committee on Education, Resources and Public Lands.

Delegate Dobson introduced:

Delegate Proposal No. 2-72. Be it resolved by the North Dakota Constitutional Convention that sections 29 and 35 of Article II and section 214 of Article XVIII of the constitution of the state of North Dakota be repealed; and that section 4 of Article II to the constitution of the state of North Dakota be created; all of which pertain to reapportionment of the state legislature.

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

FIRST READING OF PROPOSALS

Committee Proposal No. 1-10. Be it resolved by the North Dakota Constitutional Convention that article XIII, sections 188 through 193 of the constitution of the state of North Dakota be repealed; and that a new article to the constitution of the state of North Dakota be created; all of which pertain to the state militia.

Which has been read.

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 94; nays, 2; absent and not voting, 2.

ROLL CALL

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	Saugstad
Benson	Fritzell	Lander	Scheel
Berg	Geelan	Larsen	Schmit

Billey	Gipp	Lerberg	Simonson
Binek	Griffin	Litten	Sinner
Birkeland	Hardmeyer	Longmire	Solberg
Brakke	Hartl	McElroy	Sondreal
Burbidge	Haugen	McIntyre	Stanton
Burke	Hendrickson	Maxwell	Sullivan
Butler	Hernett	Meidinger	Thompson
Byrne	Hildebrand	Miller	Trenbeath
Cart	Hill	Nething	Tudor
Chase	Hoffner	Nicholas	Unruh
Christensen	Hoghaug	O'Toole	Urdahl
Daniels	Hougen	Paulson	Vogel
Dawson	Hubrig	Peters	Wallin
Decker	Huckle	Peterson	Warner
Devine	Jestrab	Poulson	Wicks
Diehl	Kelsch	Quam	Mr. President
Dobson	Kessel		

Those voting in the negative were:
Omdahl Pearce

Absent and not voting:
Benz Sanstead

So the proposal passed and the title was agreed to.

Delegate Nething moved that Delegate Proposal No. 2-31 be returned to the Convention from the Committee on Executive Functions, which motion prevailed.

Delegate Nething requested unanimous consent of the Convention to withdraw Proposal 2-31, which request was granted.

EXPLANATION OF VOTES

Delegate Pearce: "I voted No on Proposal 1-10 for the simple reason that a militia as presently in the constitution is all of us — all able-bodied men. This proposal would create a different body, perhaps a particular military body or military force. I approve of the militia not as a separate military body.

Delegate Omdahl: "I voted No on Proposal 1-10 because I feel this is strictly a legislative matter and it should not be in the constitution.

MOTIONS

Delegate Saugstad moved that Committee Proposals 1-30, 1-33 and 1-39 be laid over one convention day, which motion prevailed.

Delegate Hoffner moved that Proposal 1-39 be re-referred to the Committee on Legislative Functions, which motion prevailed.

INTRODUCTION OF A DELEGATE PROPOSAL

Delegate Hill introduced:

Delegate Proposal No. 2-73. Be it resolved by the North Dakota Constitutional Convention that section 25 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, pertaining to the initiative and referendum, be created.

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

Delegate Peters reported his presence at the Convention.

ANNOUNCEMENT

President Wenstrom announced the Convention would be at ease until 11:30 a.m.

Delegate Sanstead reported his presence at the Convention.

INTRODUCTION OF DELEGATE PROPOSALS

Delegate Lamb introduced:

Delegate Proposal No. 2-74. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution

of the state of North Dakota, pertaining to rights of debtors and homesteads, be created.

Was read the first time and referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Omdahl introduced:

Delegate Proposal No. 2-75. Be it resolved by the North Dakota Constitutional Convention that sections 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119 and 120 of the constitution of the state of North Dakota be repealed; and that article IV to the constitution of the state of North Dakota be created; all of which pertain to the judicial branch of government.

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

Delegate Engstrom introduced:

Delegate Proposal No. 2-76. Be it resolved by the North Dakota Constitutional Convention that section 25 of Article II of the constitution of the state of North Dakota be repealed; and that three new sections of Article II to the constitution of the state of North Dakota be created; all of which pertain to the legislative branch of government.

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

Delegate Kwako introduced:

Delegate Proposal No. 2-77. Be it resolved by the North Dakota Constitutional Convention that sections 29, 35 and 214 of the constitution of the state of North Dakota be repealed; and that new sections to the constitution of the state of North Dakota be created; all pertaining to legislative reapportionment.

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

Delegates Burbidge, Aas, Baker, Bender, Benz, Berg, Binek, Burke, Butler, Byrne, Cart, Christensen, Dawson, Decker, Devine, Diehl, Engstrom, Erickson, Fallgatter, Hartl, Hernet, Hoghaug, Hougen, Huckle, Kessel, Ketchum, Knudson, Kretschmar, Kwako, Lander, Lerberg, Litten, Longmire, McElroy, McIntyre, Meidinger, Miller, Nething, Nicholas, Peters, Poulson, Quam, Roney, Rundle, Saugstad, Scheel, Solberg, Stanton, Thompson, Trenbeath, Tudor, Unruh and Wallin introduced:

Delegate Proposal No. 2-78. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, pertaining to non-discrimination in licensing and employment be created to read as follows:

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

MOTIONS

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

Committee Proposal No. 1-10

which motion prevailed.

Delegate Aas moved that Delegate Proposal 2-75 be returned to the floor of the Convention from the Committee on Finance and Taxation, which motion prevailed.

Delegate Aas moved that Delegate Proposal 2-75 be re-referred to the Committee on Judicial Functions and Political Subdivisions, which motion prevailed.

Delegate Longmire moved that Delegate Proposal No. 2-74 be returned to the floor of the convention from the Committee on

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Judicial Functions and Political Subdivisions, which motion prevailed.

Delegate Longmire moved that Delegate Proposal No. 2-74 be re-referred to the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

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

ROY GILBREATH, Chief Clerk