

SEVENTH DAY

Bismarck, January 11, 1972

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

Prayer was offered by Rev. Richard Hagestuen, Pastor, First Lutheran Church of Mandan.

"Dear God,

"We ask your presence today in our individual lives as we deal with issues that concern the lives of many. We pray that Your will might be done individually and corporately. We see Your hand at work in the history of mankind, make us aware and desirous of that will which is Yours.

"Be with these men and women as they consider the constitution of this state which we love, help them to be your servants.

"Amen."

Roll was called, and all Delegates were present except Delegates Aubol, Benz, Hartl, Litten, Paulson, and Peterson.

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 7th 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.

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 prevailed.

ANNOUNCEMENT

Delegate Paulson reported his presence at the convention.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Finance and Taxation introduced:

Committee Proposal No. 1-87. Be it resolved by the North Dakota Constitutional Convention that article 56 of the amendments to the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to revenue from gasoline and motor vehicle registration and license taxes.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-88. Be it resolved by the North Dakota Constitutional Convention that sections 44, 51, 53, 54, 57, 59,

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60 and 62 of Article II, section 199 of Article XIV and article 75 of the amendments to the constitution of the state of North Dakota be repealed.

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

FIRST READING OF PROPOSALS

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.

Which has been read.

MOTION

Delegate Meidinger moved that Committee Proposal 1-19 be re-referred to the Committee on Education, Resources and Public Lands, which motion prevailed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-30. Be is resolved by the North Dakota Constitutional Convention that section 211 of Article II of the constitution of the state of North Dakota be repealed; and that section 27 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the oath of office.

Which has been read.

Delegate Sinner moved that in line 1 of Proposal 1-30, the Roman numeral II be deleted and the Roman numeral XVII be substituted in lieu thereof; and, in line 6 of Proposal 1-30, the Roman numeral II be deleted and the Roman numeral XVII be substituted in lieu thereof; which motion prevailed.

Delegate Saugstad moved that the rules be suspended, and that Committee Proposal 1-30 be deemed properly engrossed, and be placed at the head of the calendar for first passage as amended, which motion prevailed.

The question being on the first passage of the proposal as amended, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 3.

ROLL CALL

Those voting in the affirmative were:

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

Absent and not voting:

Benz Hartl Litten

So the proposal passed and the title was agreed to.

Committee Proposal No. 1-33. Be it resolved by the North Dakota Constitutional Convention that sections 197 and 198 of Article II of the constitution of the state of North Dakota be repealed; and that sections 23 and 24 of Article II to the constitution of the state of North Dakota be created; all pertaining to impeachment.

Which has been read.

Delegate Pearce moved that Proposal No. 1-33 be amended as follows:

In line 1, following "197" delete the word "and" and substitute in lieu thereof ",";

In line 1, following "198" add "200 and 201";

In line 1, delete the Roman numeral "II" and insert in lieu thereof "XIV";

In line 6, following "197" delete the word "and" and substitute in lieu thereof ",";

In line 6, following "198" add "200 and 201";

In line 6, delete the Roman numeral "II" be deleted and insert in lieu thereof "XIV";

And renumber the lines accordingly.

Delegate Saugstad moved that the amendment be amended as follows:

In line 1 of Proposal 1-33, following the numerals "198" insert a ",";

In line 6, following the numerals "198" insert a ",", which motion prevailed.

The question then was on adoption of the amendment proposed by Delegate Pearce, which motion prevailed.

Delegate Pearce moved that the rules be suspended and that Proposal 1-33 be deemed properly engrossed and be placed on the calendar for first passage as amended, which motion prevailed.

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 3.

ROLL CALL

Those voting in the affirmative were:

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

Devine	Kelsch	Poulson	Wicks
Diehl	Kessel	Quam	Mr. President
Dobson	Ketchum	Roney	
Absent and not voting:			
Benz	Hartl	Litten	

So the proposal passed and the title was agreed to.

ANNOUNCEMENT

Delegate Peterson reported her presence at the Convention.

REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-3 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-5 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-6 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-18 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.

Mr. President: Your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-23 has had the same under consideration and recommends that the same be amended as follows:

On page 2 line 5 after the word "state" delete "or any county or other" and insert in lieu thereof ", political subdivision or public agency"

On line 6 delete "municipal corporation"

On line 14 after the second word "by" delete "a" and insert in lieu thereof "the"

On line 15 after the word "board" delete "or commission" and insert in lieu thereof "of equalization or its successor"

Renumber the lines accordingly

And when so amended recommends the same do pass.

DELEGATE HAUGEN, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-46 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-47 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-48 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-49 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-50 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-51 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-52 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

Delegate Maxwell moved that the report be adopted, which motion prevailed and the report was adopted, on a division vote.

ANNOUNCEMENTS

Delegate Aubol reported his presence at the Convention.
Delegate Hartl reported his presence at the Convention.

REPORT OF SUBSTANTIVE COMMITTEE

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-54 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

MOTIONS

Delegate Baker moved that Committee Proposal 1-4 passed on first reading be returned from the Committee on Style and Drafting.

Delegate Butler moved the previous question, which motion prevailed.

The question then was on Delegate Baker's motion to return Committee Proposal 1-4 from the Committee on Style and Drafting, which motion failed on a division vote.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-89. Be it resolved by the North Dakota Constitutional Convention that section 14 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 eminent domain.

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. 1-90. 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 laws fostering dependence on state government, be created.

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

MOTION

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

Committee Proposal No. 1-30

Committee Proposal No. 1-33

which motion prevailed.

ANNOUNCEMENT

President Wenstrom appointed the following Delegates to the Committee on Resolutions:

- Delegate Scheel, Chairman
- Delegate Binek, Vice Chairman
- Delegate Daniels
- Delegate Engelter
- Delegate Kessel
- Delegate McElroy
- Delegate Hildebrand
- Delegate Larsen
- Delegate Peters
- Delegate Stanton
- Delegate Thompson
- Delegate Lerberg
- Delegate Kretschmar
- Delegate Rosendahl
- Delegate Hartl

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., Wednesday, January 12, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk