

## EIGHTH DAY

Bismarck, January 12, 1972

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

Prayer was offered by Rev. Fr. Christopher Davis of Annunciation Priory, Bismarck.

"Father in Heaven, and Ruler of the World, allow these delegates here assembled to proceed with confidence and skill to frame a new Constitution for the State of North Dakota. Remind them of the wisdom of those whose work they follow, so that these deliberations may never be arrogant, nor corrupted by a spirit of foolish pride; instead, let them be humble, impressed with the difficulties which attend the making of statements which are to serve the people as principles of legislation for many years to come.

"Make them conscious, Father, of the heritage of their country, and of its leading ideas. Give them a sense of the continuity of purpose which prevails among men who are responsive to their trust. Do this, so that all of us, who must walk through life with its dangers and deceits, may not forget the words which the angels sang: 'Glory to God in the highest, and on earth peace among men with whom he is pleased.'

"May you be pleased with us always, Father. And may the citizens assembled here serve peace in this state and nation. For the increase of respect for law, for the expansion of domestic harmony, for new confidence in public affairs, and for a growing understanding among nations, may this new Constitution of the State of North Dakota be both instrument and example. Amen."

The roll was called, and all Delegates were present except Delegates Benz and Nething.

A quorum was declared by the President.

## REPORT OF THE PROCEDURAL COMMITTEE

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

Committee Proposal No. 1-34

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.

## REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 10th day of 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

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-20 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete "135," and also delete "139,"

On page 1, line 2, delete "142" delete "and 146" delete the comma immediately following "144" and insert the word "and" before "145"

On page 1, line 7, delete "135,"

On page 1, line 8, delete "139," delete "142," delete "and 146" delete the comma immediately following "144" and insert the word "and" before "145"

On page 1, delete lines 19, 20, and 21

And renumber the lines accordingly

And when so amended recommends 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 Legislative Functions to whom was referred Committee Proposal No. 1-39 has had the same under consideration and recommends that the same be amended as follows:

On line 12 before the word "salary" delete the words "an annual" and insert the word "a"

On line 12 before the word "expense" delete the word "such" and also on line 12 delete the word "allowances" and insert the word "allowance" and delete the word "maybe"

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. 1-43 has had the same under consideration and recommends that the same be amended as follows:

On line 13 before the word "members" delete "forty" and insert in lieu thereof "forty-nine"

On line 14 before the word "members" delete the "eighty" and insert in lieu thereof "ninety-eight"

And returns the same without recommendation

DELEGATE HOFFNER, Chairman

Delegate Hoffner 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. 1-56 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. 1-57 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. 1-58 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. 1-59 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. 1-60 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. 1-61 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. 1-62 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. 1-64 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. 1-65 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. 1-66 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.

MOTION

Delegate Butler moved that the Convention adopt the Committee Reports on Proposals 1-65 and 1-66 on the premise that the Pro-

posals will be placed in the Proposal Book when they are on the calendar for adoption, which motion prevailed.

**REPORTS OF SUBSTANTIVE COMMITTEES**

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-68 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. 1-71 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. 1-73 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 Education, Resources and Public Lands to whom was referred Delegate Proposal No. 2-5 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-15.

**DELEGATE MEIDINGER, Chairman**

Delegate Meidinger 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 Delegate Proposal No. 2-15 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-15.

**DELEGATE MEIDINGER, Chairman**

Delegate Meidinger 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 Delegate Proposal No. 2-19 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-15.

**DELEGATE MEIDINGER, Chairman**

Delegate Meidinger 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 Delegate Proposal No. 2-20 has had the same under consideration and recommends that the same be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-15.

**DELEGATE MEIDINGER, Chairman**

Delegate Meidinger 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 Delegate Proposal No. 2-21 has had the same under consideration and recommends that the same

be indefinitely postponed, such proposal having been incorporated into Committee Proposal No. 1-16.

**DELEGATE MEIDINGER, Chairman**

Delegate Meidinger 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 Delegate Proposal No. 2-36 has had the same under consideration and recommends that the same be indefinitely postponed.

**DELEGATE MEIDINGER, Chairman**

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

**CONSIDERATION OF AMENDMENTS**

Delegate Haugen moved that the amendments to Proposal 1-23 as recommended by the Committee on Finance and Taxation and as printed on page 152 of the Journal be adopted, which motion prevailed.

**ANNOUNCEMENT**

Delegate Nething reported his presence in the Convention.

**FIRST READING OF PROPOSALS**

**Committee Proposal No. 1-34.** Be it resolved by the North Dakota Constitutional Convention that section 29 of Article II to the constitution of the state of North Dakota, which pertains to the matter of legislative ethics, be created.

Which has been read.

Delegate Omdahl moved that Proposal 1-34 be amended as follows:

After the period in Line 10, insert the following: "No member of the legislative assembly shall accept remuneration in any form from any individual, organization or business for the purpose of proposing or influencing the passage of legislation or for influencing the governmental decisions of any state official or employee. The supreme court shall have sole jurisdiction in controversies arising from this section and, upon conviction of violation, members so convicted shall be removed and barred from legislative service."

And renumber the lines accordingly.

Delegate Cart moved that Proposal 1-34 and the proposed amendment be laid over one convention day, which motion failed.

The question then was on the adoption of the amendment.

Delegate Omdahl requested a recorded roll call vote on the adoption of Delegate Omdahl's amendment.

**ROLL CALL**

The question being on the adoption of the amendment, the roll was called and there were ayes, 32; nays, 64; absent and not voting, 2.

Those voting in the affirmative were:

Aubol	Gipp	Larsen	Rude
Bassingthwaite	Griffin	Nicholas	Rundle
Birkeland	Hardmeyer	O'Toole	Sanstead
Brakke	Hill	Omdahl	Sondreal
Daniels	Hoffner	Peters	Sullivan
Engelster	Hubrig	Peterson	Wallin
Fiedler	Knudson	Quam	Warner
Geelan	Lamb	Rosendahl	Mr. President

Those voting in the negative were:

Aas	Devine	Kelsch	Pearce
Baker	Diehl	Kessel	Foulson
Bender	Dobson	Ketchum	Roney
Benson	Engstrom	Kretschmar	Saugstad

Berg	Erickson	Kwako	Scheel
Billey	Fallgatter	Lander	Schmit
Binek	Fritzell	Lerberg	Sinner
Burbidge	Harti	Litten	Solberg
Burke	Haugen	Longmire	Stanton
Butler	Hendrickson	McElroy	Thompson
Byrne	Hernett	McIntyre	Trenbeath
Cart	Hildebrand	Maxwell	Tudor
Chase	Hoghaug	Meidinger	Unruh
Christensen	Hougen	Miller	Urdahl
Dawson	Huckle	Nething	Vogel
Decker	Jestrab	Paulson	Wicks

Absent and not voting:

Benz                      Simonson

So the motion failed.

Delegate Chase moved that Proposal 1-34 be re-referred to the Committee on Legislative Functions, which motion failed.

#### ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 51; nays, 46; absent and not voting, 1.

Those voting in the affirmative were:

Aas	Griffin	McIntyre	Solberg
Bender	Haugen	Meidinger	Stanton
Benson	Hernett	Nething	Thompson
Berg	Hildebrand	Nicholas	Trenbeath
Binek	Hoghaug	Paulson	Tudor
Butler	Kelsch	Peters	Unruh
Byrne	Ketchum	Poulson	Urdahl
Decker	Knudson	Quam	Vogel
Devine	Kretschmar	Roney	Wallin
Diehl	Larsen	Rosendahl	Warner
Dobson	Lerberg	Rude	Wicks
Erickson	Longmire	Saugstad	Mr. President
Geelan	McElroy	Sinner	

Those voting in the negative were:

Aubol	Dawson	Hougen	O'Toole
Baker	Engelter	Hubrig	Omdahl
Bassingthwaite	Engstrom	Huckle	Pearce
Billey	Fallgatter	Jestrab	Peterson
Birkeland	Fiedler	Kessel	Rundle
Brakke	Fritzell	Kwako	Sanstead
Burbidge	Gipp	Lamb	Scheel
Burke	Hardmeyer	Lander	Schmit
Cart	Harti	Litten	Simonson
Chase	Hendrickson	Maxwell	Sondreal
Christensen	Hill	Miller	Sullivan
Daniels	Hoffner		

Absent and not voting:

Benz

So the proposal passed and the title was agreed to.

President Wenstrom declared the Convention would stand recessed until 11:00 a.m.

The Convention reconvened with President Wenstrom presiding.

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-18.** Be it resolved by the North Dakota Constitutional Convention that sections 215 and 216 of the constitution of the state of North Dakota be repealed; and that article VIII to the constitution of the state of North Dakota be created; all of which pertain to public institutions.

Which has been read.

Delegate Hoffner moved that Proposal 1-18 be placed at the foot of the 10th order on the calendar, which motion prevailed.

**Committee Proposal No. 1-46.** Be it resolved by the North Dakota Constitutional Convention that section 1 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 inalienable rights.

Which has been read.

Delegate Kelsch moved that Committee Proposal No. 1-46 be amended as follows:

On Line 11, following the word "liberty" insert ", privacy" and renumber the lines accordingly, which motion failed.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 76; nays, 21; absent and not voting, 1.

Those voting in the affirmative were:

Aubol	Fallgatter	Kelsch	Rosendahl
Bassingthwaite	Fiedler	Kessel	Sanstead
Bender	Fritzell	Ketchum	Saugstad
Benson	Geelan	Lamb	Scheel
Billey	Gipp	Lander	Schmit
Brakke	Griffin	Larsen	Sinner
Burbidge	Hardmeyer	Lerberg	Solberg
Burke	Hartl	Litten	Sondreal
Byrne	Haugen	McElroy	Sullivan
Chase	Hendrickson	Maxwell	Thompson
Christensen	Hernett	Meidinger	Trenbeath
Daniels	Hildebrand	Miller	Tudor
Dawson	Hill	Nicholas	Unruh
Decker	Hoffner	O'Toole	Urdahl
Devine	Hoghaug	Omdahl	Vogel
Diehl	Hougen	Paulson	Wallin
Dobson	Hubrig	Peterson	Warner
Engstrom	Huckle	Quam	Wicks
Erickson	Jestrab	Roney	Mr. President

Those voting in the negative were:

Aas	Cart	Longmire	Poulson
Baker	Engelter	McIntyre	Rude
Berg	Knudson	Nething	Rundle
Binek	Kretschmar	Pearce	Simonson
Birkeland	Kwako	Peters	Stanton
Butler			

Absent and not voting:

Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-47.** Be it resolved by the North Dakota Constitutional Convention that section 3 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 supreme law of the land.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 88; nays, 8; absent and not voting, 2.

Those voting in the affirmative were:

Bassingthwaite	Fallgatter	Kwako	Rosendahl
Bender	Fiedler	Lamb	Rude

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Benson	Fritzell	Lander	Sanstead
Berg	Geelan	Larsen	Saugstad
Billey	Gipp	Lerberg	Scheel
Binek	Griffin	Litten	Schmit
Birkeland	Hardmeyer	Longmire	Simonson
Brakke	Hartl	McElroy	Sinner
Burbidge	Haugen	McIntyre	Solberg
Burke	Hendrickson	Maxwell	Sondreal
Butler	Hernett	Meidinger	Stanton
Byrne	Hildebrand	Miller	Sullivan
Cart	Hoffner	Nothing	Thompson
Chase	Hoghaug	Nicholas	Trenbeath
Christensen	Hougen	O'Toole	Tudor
Daniels	Hubrig	Paulson	Unruh
Dawson	Huckle	Pearce	Urdahl
Decker	Jestrab	Peters	Vogel
Diehl	Kelsch	Peterson	Wallin
Dobson	Kessel	Poulson	Warner
Engstrom	Ketchum	Quam	Wicks
Erickson	Kretschmar	Roney	Mr. President
Those voting in the negative were:			
Aubol	Devine	Hill	Omdahl
Baker	Engelter	Knudson	Rundle

Absent and not voting:

Aas Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-48.** Be it resolved by the North Dakota Constitutional Convention that section 10 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 right to assemble.

Which has been read.

**ROLL CALL**

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

Those voting in the affirmative were:

Aubol	Erickson	Kretschmar	Roney
Bassingthwaite	Fallgatter	Kwako	Rosendahl
Bender	Fiedler	Lamb	Rude
Benson	Fritzell	Lander	Rundle
Berg	Geelan	Larsen	Sanstead
Billey	Gipp	Lerberg	Scheel
Binek	Griffin	Litten	Schmit
Birkeland	Hardmeyer	Longmire	Simonson
Brakke	Hartl	McElroy	Sinner
Burbidge	Haugen	McIntyre	Solberg
Burke	Hendrickson	Maxwell	Sondreal
Butler	Hernett	Meidinger	Stanton
Byrne	Hildebrand	Miller	Sullivan
Cart	Hill	Nothing	Thompson
Chase	Hoffner	Nicholas	Trenbeath
Christensen	Hoghaug	O'Toole	Tudor
Daniels	Hougen	Omdahl	Unruh
Dawson	Hubrig	Paulson	Urdahl
Decker	Huckle	Pearce	Vogel
Devine	Jestrab	Peters	Wallin
Diehl	Kelsch	Peterson	Warner
Dobson	Kessel	Poulson	Wicks
Engelter	Ketchum	Quam	Mr. President
Engstrom	Knudson		

Those voting in the negative were:

Baker Saugstad



Absent and not voting:

Aas Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-49.** Be it resolved by the North Dakota Constitutional Convention that section 12 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 military being subordinate to the civil power.

Which has been read.

**ROLL CALL**

The question being on the first passage of the proposal, the roll was called and there were ayes, 97; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

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

Absent and not voting:

Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-50.** Be it resolved by the North Dakota Constitutional Convention that section 17 of the constitution of the state of North Dakota, which pertains to slavery, be repealed.

Which has been read.

**ROLL CALL**

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

Those voting in the affirmative were:

Aas	Engelter	Kretschmar	Roney
Aubol	Engstrom	Kwako	Rosendahl
Baker	Erickson	Lamb	Rude
Bassingthwaite	Fallgatter	Lander	Sanstead
Bender	Fiedler	Larsen	Saugstad
Benson	Fritzell	Lerberg	Scheel
Berg	Geelan	Litten	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	Paulson	Urdahl
Daniels	Hougen	Pearce	Vogel
Dawson	Hubrig	Peters	Wallin
Decker	Huckle	Peterson	Warner
Devine	Jestrab	Poulson	Wicks
Diehl	Ketchum	Quam	Mr. President
Dobson	Knudson		

Those voting in the negative were:

Kelsch Rundle

Absent and not voting:

Benz Kessel

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-51.** Be it resolved by the North Dakota Constitutional Convention that section 19 of the constitution of the state of North Dakota, which pertains to treason against the state, be repealed.

Which has been read.

Delegate Baker moved that Committee Proposal 1-51 be laid over one Convention day, which motion failed.

#### ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 46; nays, 50; absent and not voting, 2.

Those voting in the affirmative were:

Bender	Fritzell	Larsen	Roney
Benson	Geelan	Lerberg	Rosendahl
Brakke	Gipp	Longmire	Schmit
Burke	Griffin	McElroy	Sinner
Chase	Haugen	Maxwell	Sondreal
Daniels	Hill	Miller	Sullivan
Dawson	Hoffner	Nicholas	Thompson
Decker	Hougen	O'Toole	Tudor
Dobson	Hubrig	Omdahl	Urdahl
Engstrom	Huckle	Paulson	Warner
Falgatter	Jestrab	Quam	Mr. President
Fiedler	Lamb		

Those voting in the negative were:

Aas	Devine	Kretschmar	Rundle
Aubol	Diehl	Kwako	Sanstead
Baker	Engelter	Lander	Saugstad
Bassingthwaite	Erickson	Litten	Scheel
Berg	Hardmeyer	McIntyre	Simonson
Billey	Hartl	Meidinger	Solberg
Binek	Hendrickson	Nething	Stanton
Birkeland	Hildebrand	Pearce	Trenbeath
Burbidge	Hoghaug	Peters	Unruh
Butler	Kelsch	Peterson	Vogel
Byrne	Kessel	Poulson	Wallin
Cart	Ketchum	Rude	Wicks
Christensen	Knudson		

Absent and not voting:

Benz Hernett

So the proposal lost.

MOTION

Delegate Sinner moved that the President extend to Delegate Benz the wishes of the Convention Delegates for his speedy recovery and an early return to the Convention, and that a floral remembrance be sent to him to cheer his hospital room, and that the President determine the cost of the flowers so such charges can be paid by the Delegates.

President Wenstrom stated the Resolutions Committee is preparing a resolution for Delegate Benz, and at the time of its presentation, the flowers also would be provided.

Delegate Sinner withdrew his motion.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-52.** Be it resolved by the North Dakota Constitutional Convention that section 21 of the constitution of the state of North Dakota, which pertains to provisions of the constitution being mandatory and prohibitory, be repealed.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 62; nays, 35; absent and not voting, 1.

Those voting in the affirmative were:

Bender	Fritzell	Kelsch	Roney
Benson	Geelan	Kessel	Sanstead
Billey	Gipp	Kretschmar	Scheel
Brakke	Griffin	Lamb	Schmit
Butler	Hardmeyer	Larsen	Sinner
Chase	Haugen	Lerberg	Solberg
Christensen	Hendrickson	Litten	Sondreal
Daniels	Hernett	McIntyre	Sullivan
Dawson	Hildebrand	Maxwell	Thompson
Decker	Hill	Meidinger	Tudor
Devine	Hoffner	Nicholas	Urdahl
Diehl	Hoghaug	O'Toole	Vogel
Engelter	Hougen	Omdahl	Wallin
Engstrom	Hubrig	Paulson	Warner
Fallgatter	Huckle	Quam	Mr. President
Fiedler	Jestrab		

Those voting in the negative were:

Aas	Byrne	Longmire	Rude
Aubol	Cart	McElroy	Rundle
Baker	Dobson	Miller	Saugstad
Bassingthwaite	Erickson	Nething	Simonson
Berg	Hartl	Pearce	Stanton
Binek	Ketchum	Peters	Trenbeath
Birkeland	Knudson	Peterson	Unruh
Burbidge	Kwako	Poulson	Wicks
Burke	Lander	Rosendahl	

Absent and not voting:

Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-54.** Be it resolved by the North Dakota Constitutional Convention that section 209 of the constitution of the state of North Dakota, which pertains to child labor, be repealed.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 94; nays, 3; absent and not voting, 1

Those voting in the affirmative were:

Aas	Erickson	Kretschmar	Roney
Aubol	Fallgatter	Kwako	Rosendahl

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

Those voting in the negative were:

Baker Bassingthwaite Rundle

Absent and not voting:

Benz

So the proposal passed and the title was agreed to.

**Committee Proposal No. 1-18.** Be it resolved by the North Dakota Constitutional Convention that sections 215 and 216 of the constitution of the state of North Dakota be repealed; and that article VIII to the constitution of the state of North Dakota be created; all of which pertain to public institutions.

Which has been read.

Delegate Pearce moved that Committee Proposal 1-18 be amended as follows:

Following line 15 of Proposal 1-18, add the following:

**Section 2. The seat of government of the State of North Dakota shall be at the City of Bismarck in the County of Burleigh.**

Which motion prevailed.

Delegate Saugstad moved that the rules be suspended and that Proposal 1-18 as amended be deemed properly engrossed and placed on the calendar for first passage, which motion was ruled out of order by the President.

Delegate Devine moved that Committee Proposal 1-18 be amended as follows:

On page 1, line 14, delete the word "limitations" and insert in lieu thereof the word "provisions"

Which motion prevailed.

Delegate Saugstad moved that the rules be suspended, and that Proposal 1-18 as amended be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

#### ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 84; nays, 12; absent and not voting, 2.

Those voting in the affirmative were:

Aas	Erickson	Ketchum	Peters
Aubol	Fallgatter	Knudson	Poulson
Bassingthwaite	Fiedler	Kretschmar	Quam
Bender	Fritzell	Kwako	Roney

Benson	Geelan	Lamb	Rosendahl
Binek	Gipp	Lander	Rude
Birkeland	Griffin	Larsen	Sanstead
Brakke	Hardmeyer	Lerberg	Saugstad
Burbidge	Hartl	Litten	Scheel
Burke	Haugen	Longmire	Schmit
Butler	Hendrickson	McElroy	Simonson
Byrne	Hernett	McIntyre	Sinner
Cart	Hildebrand	Maxwell	Solberg
Christensen	Hill	Meidinger	Stanton
Dawson	Hoffner	Miller	Sullivan
Decker	Hoghaug	Nething	Tudor
Devine	Hougen	Nicholas	Unruh
Diehl	Hubrig	O'Toole	Urdahl
Dobson	Huckle	Omdahl	Vogel
Engelster	Jestrab	Paulson	Wicks
Engstrom	Kelsch	Pearce	Mr. President

Those voting in the negative were:

Baker	Daniels	Rundle	Trenbeath
Berg	Kessel	Sondreal	Wallin
Billey	Peterson	Thompson	Warner

Absent and not voting:

Benz Chase

So the proposal passed and the title was agreed to.

#### MOTION

Delegate Saugstad moved that the following Proposals be re-referred to the Committee on Style and Drafting.

Committee Proposal No. 1-18  
 Committee Proposal No. 1-34  
 Committee Proposal No. 1-46  
 Committee Proposal No. 1-47  
 Committee Proposal No. 1-48  
 Committee Proposal No. 1-49  
 Committee Proposal No. 1-50  
 Committee Proposal No. 1-52  
 Committee Proposal No. 1-54

Which motion prevailed.

#### REPORTS OF SUBSTANTIVE COMMITTEES

Mr. President: Your Committee on Judicial Functions and Political Subdivisions to whom was referred Committee Proposal No. 1-13 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete lines 12 through 25 and insert in lieu thereof:

##### Section 1. Religious Sentiment.

**Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.**

##### Section 2. Compact.

**All other provisions of the Enabling Act of Congress approved on February 22, 1889, 25 United States Statutes at Large 676, Chapter 180, and Section 203 of Article XVI of the North Dakota Constitution of 1889, as amended is hereby continued in full force and effect the same as if they were fully herein recited and shall continue to be irrevocable without the consent of the United States and the people of this state.**

##### Section 3. Military Reservations.

**Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina**

and Fort Totten, heretofore declared by the president of the United States; provided, legal process, civil and criminal, of this state, shall extend over such reservation in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations; provided, however, that the Legislative Assembly of the state of North Dakota may, upon such terms and conditions as it shall adopt, provide for the acceptance of such jurisdiction as may be delegated to the state by act of Congress.

**Section 4. Land Grants.**

**Section 205 of Article XVI of the North Dakota Constitution of 1889 relating to land grants is hereby continued in full force and effect as if the same were fully herein recited.**

On page 2 delete lines 1 through 30

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE LONGMIRE, Chairman

Delegate Longmire 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. 1-19 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 Executive Functions to whom was referred Committee Proposal No. 1-25 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-26 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-27 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-28 has had the same under consideration and recommends that the same do pass.

DELEGATE HERNETT, Chairman

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

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., Thursday, January 13, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk