

FIRST DAY AFTER RECESS AND SECOND DAY

Bismarck, April 7, 1971

The Convention reconvened at 10 a.m., April 7, 1971, pursuant to recess taken, with President Wenstrom presiding.

REPORT OF SELECT COMMITTEE

Mr. President: Your Select Committee appointed on Temporary Procedure has the following report:

No. 1 BUDGET

	Dist.		Dist.
Pearce, Chmn.	32	Christensen	36
Larsen	9	Omdahl	18
Quam	10	Fritzell	18
Roney	13	Decker	5
Hoghaug	15	Burbidge	16
Fiedler	11	Peters	35
McElroy	29	Erickson	26

No. 2 COMMITTEE ON COMMITTEES

	Dist.		Dist.
Unruh, Chmn.	18	Rude	36
Nething	29	Solberg	32
Lamb	17	Sullivan	3
Jestrab	1	Engelter	34
Knudson	38	Engstrom	25
Aubol	4	Rundle	39
Hernett	30	Kessel	27
Sinner	22	Brakke	23
Paulson	21	Hartl	12
Sanstead	5	Burke	16
Saugstad	7		

No. 3 COMMITTEE ON RULES

	Dist.		Dist.
Geelan, Chmn.	27	Kretschmar	30
Meidinger	29	Fallgatter	31
Haugen	8	Gipp	35
Byrne	32	Hubrig	5
Kelsch	34	Maxwell	21
Trenbeath	11	Lerberg	5
Rosendahl	6	Wicks	24
Billey	28		

No. 4 CREDENTIALS

	Dist.		Dist.
Hardmeyer, Chmn.	38	Bender	23
Benson	6	Stanton	21
Chase	8	Ketchum	31

Hendrickson	18	O'Toole	32
Hougen	19	Hildebrand	33
Sondreal	20	McIntyre	39
Vogel	21	Kwako	14
Poulson	22	Butler	21

No. 5 PUBLIC INFORMATION

	Dist.		Dist.
Dobson, Chmn.	5	Miller	7
Simonson	2	Scheel	21
Wallin	2	Urdahl	29
Daniels	28	Aas	5
Peterson	37	Diehl	20
Hoffner	12	Dawson	21
Lander	18	Tudor	32
Cart	3		

No. 6 EMPLOYMENT COMMITTEE

	Dist.		Dist.
Litten, Chmn.	21	Binek	37
Hill	32	Bassingthwaite	10
Longmire	18	Nicholas	9
Devine	17	Huckle	24
Warner	25	Birkeland	13
Griffin	19	Berg	14
Schmit	26	Thompson	15
Benz	33		

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

Delegate Unruh moved that the name of Delegate Baker of District 5 be added to the Committee No. 1 on Budget, which motion prevailed.

Chief Clerk Roy Gilbreath demonstrated the use of the voting machine.

Delegate Longmire moved that the Convention now stand adjourned, which motion prevailed.

ROY GILBREATH, Chief Clerk

SECOND DAY

Bismarck, April 7, 1971

The Constitutional Convention convened with President Wenstrom presiding.

Prayer was offered by Rev. John L. MacMullen, Pastor, Mandan Methodist Church, Mandan, North Dakota.

"Our Heavenly Father, we approach Thy majestic throne reverently . . . and with deep sincerity. The members of this Convention are gathered for a reason and a work, the results of which will live on after we have left the scene of our earthly habitation. There is a tremendous responsibility. The ramifications of this responsibility far surpasses our present comprehension and we turn to Thee for guidance, for courage, for wisdom that the end results of what is accomplished by this convention may be of Thy making . . . and therefore . . . workable and acceptable.

"We pray for the health of these members . . . for their families . . . for the work that they leave behind that they may spend this time on behalf of all citizens of our fair state. Grant, O God, that this work that will be so tedious may also prove enjoyable to each of these here gathered . . . in times when disharmony may be present, grant understanding to each and the desire to hear each other openly. We commit these to Thy special blessing and concern, in the name of Jesus Christ, Our Savior. Amen!"

Roll was called and all delegates were present except Delegate Butler.

A quorum was declared by the President.

REPORT OF REVISION AND CORRECTION

The Journal of the First Day of the Constitutional Convention Organizational Session for April 6, 1971, has been examined, and the following corrections are required:

Page 6, line 59, delete "Gipp" and "Hendrickson" and substitute in lieu thereof "Braxmeyer" and "Worner"

Page 7, line 33, delete "Gipp" and "Hendrickson" and substitute in lieu thereof "Braxmeyer" and "Worner"

Delegate Hernet moved that the Report of Revision and Correction be adopted.

Delegate Dobson moved that the report be amended as follows:

Page 2, line 51, delete "Mrs. Loran (Elynor) Hendrickson" and substitute in lieu thereof "Wayne Worner"

Page 3, line 43, delete "David Gipp" and substitute in lieu thereof "William Braxmeyer"

Page 21, line 17, delete "48" and substitute "38"

Motion was seconded and carried.

The question then was on the adoption of the committee report, which was adopted.

Delegate Dobson moved that a Temporary Committee on Revision and Correction of the Journal be appointed, which motion prevailed.

The duties of the temporary committees were again reviewed.

Meetings rooms for the Committees were assigned as follows:

Committee on Budget	Room G-2
Committee on Permanent Committees	Gold Room
Committee on Rules	Blue Room
Committee on Credentials, Offices, Elections and Vacancies	West Balcony
Committee on Public Information	East Balcony
Committee on Employment	Room G-1

Delegate Longmire moved that the Convention stand recessed until 4:00 p.m., which motion prevailed.

The Convention reconvened with President Wenstrom presiding, pursuant to recess taken.

President Wenstrom appointed the following to a temporary Committee on Revision and Correction of the Journal: Delegate Dobson, Chairman; Delegates Simonson and Paulson.

REPORT OF SELECT COMMITTEE

Mr. President: Your Temporary Committee on Committees recommends that the President appoint the Chairman, Vice Chairman, and the membership of each committee.

It is the intent of the Committee that the President consider factors of 1) geography, 2) availability, 3) qualifications, and 4) individual preference in his consultations with other convention officers as to committee assignments.

The Committee further recommends that the President appoint the following six substantive committees:

- 1) Preamble, Bill of Rights and Suffrage
- 2) Legislative Functions, Elections, Removal, and Amendments
- 3) Executive Functions
- 4) Judicial Functions and Political Subdivisions
- 5) Finance and Taxation
- 6) Education, Resources, and Public Lands

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and recommends that the President appoint the following five procedural committees:

- 1) Budget
- 2) Rules
- 3) Language and Structure
- 4) Public Information
- 5) Coordinating and Transition

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

REPORT OF SELECT COMMITTEE

Mr. President: Your Temporary Committee appointed on Employment recommends that the following named persons are employed and appointed as temporary employees of the Constitutional Convention and shall be paid the per diem opposite their respective names in accordance with the dates of their employment as shown below:

April 6, 1971

Roy Gilbreath — Chief Clerk	\$36.30
Barbara King — Desk Reporter	36.30
Cecil Crandell — Sgt. at Arms	20.90
Harry Iszler — Page	16.50
Clara Wendt — Page	16.50
Karen Thompson — Page	16.50
Gertrude Learn — Journal Proofreader	20.90
Freda Borth — Journal Proofreader	20.90

April 7, 1971

Roy Gilbreath — Chief Clerk	\$36.30
Barbara King — Desk Reporter	36.30
Cecil Crandell — Sgt. at Arms	20.90
Harry Iszler — Page	16.50
Clara Wendt — Page	16.50
Karen Thompson — Page	16.50
Gladys Derrick — Committee Clerk	22.00
Helen Soma — Committee Clerk	22.00
Lela Knutson — Committee Clerk	22.00
Florence Nemer — Committee Clerk	22.00
Louise Ebert — Committee Clerk	22.00
Mary Landgren — Committee Clerk	22.00
Marjorie Cleveland — Page	16.50
Gertrude Learn — Journal Proofreader	20.90
Freda Borth — Journal Proofreader	20.90

April 8, 1971

Roy Gilbreath — Chief Clerk	\$36.30
Barbara King — Desk Reporter	36.30
Cecil Crandell — Sgt. at Arms	20.90
Harry Iszler — Page	16.50
Clara Wendt — Page	16.50
Karen Thompson — Page	16.50
Gladys Derrick — Committee Clerk	22.00
Helen Soma — Committee Clerk	22.00
Lela Knutson — Committee Clerk	22.00
Florence Nemer — Committee Clerk	22.00
Louise Ebert — Committee Clerk	22.00
Mary Landgren — Committee Clerk	22.00
Marjorie Cleveland — Page	16.50
Gertrude Learn — Journal Proofreader	20.90
Freda Borth — Journal Proofreader	20.90

Delegate Litten moved that the Convention dispense with the reading of the report, inasmuch as each Delegate was provided with a copy, which motion prevailed.

Delegate Litten moved that the report be adopted.

ROLL CALL

Roll was called and there were 96 ayes, 1 nay, 1 absent and not voting.

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
Byrne	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	Pearce	Wallin
Devine	Jestrab	Peterson	Warner
Diehl	Kelsch	Poulson	Wicks
Dobson	Kessel	Quam	Mr. President

Those voting in the negative were:

Peters

Absent and not voting:

Butler

The motion carried, and the report of the Committee on Employment was adopted.

REPORT OF SELECT COMMITTEE

Mr. President: Your Temporary Committee on Public Information recommends that:

1. Guidelines and methods about the activities of the Convention be set up for the dissemination of information to the public.
2. A professional person or firm be seriously considered to be retained for the purpose of providing supplemental publicity and information to the public.
3. The working press be provided copies of all pertinent documents.
4. A permanent committee be established for the purpose of setting up a budget for dissemination of information to the public.
5. A sub-committee of the permanent committee be appointed to disseminate information to the weekly newspapers.
6. All Interim Meetings and Hearings be open to the public and that adequate advance notices on any meetings be posted and published; this to be a permanent rule of the convention, with the Rules Committee being notified of this recommendation.
7. All Roll Calls on substantive constitutional issues be a matter of record, both in Committee and in Plenary Session.
8. A Convention staff member be assigned immediately to work as a liaison between the Convention, the Press and the Public, in disseminating information.
9. Committee Hearings be held in as many places as possible throughout the state, wherever most convenient to the people.
10. Delegates representing districts wherein weekly newspapers

are published, be encouraged to prepare reports on this organizational session, for publication in said weeklies.

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

REPORT OF SELECT COMMITTEE

Mr. President: Your Temporary Budget Committee recommends:		
Basic Delegate Pay	\$ 75,000.00	
Delegate Expenses	54,000.00	
Mileage — 4 trips	13,000.00	
	<hr/>	
	\$142,000.00	\$142,000.00
 Expenses to date		
Pay	7,500.00	
Mileage (3x310x10¢)	3,000.00	
Expenses	5,400.00	
Current Bills	4,100.00	
	<hr/>	
	20,000.00	20,000.00
		<hr/>
		162,000.00
 Printing — Post Convention	50,000.00	
Convention Journal	15,000.00	
Other Printing	50,000.00	
Postage, Rentals, Telephones, etc.	15,000.00	
	<hr/>	
	130,000.00	130,000.00
		<hr/>
		292,000.00
 Payroll		
Director, Assistants, and Secretaries....	130,000.00	
Historian	10,000.00	
Recorder	15,000.00	
Payroll Taxes	15,000.00	
	<hr/>	
	170,000.00	170,000.00
		<hr/>
		462,000.00
 Committee Meetings		
Daily Expenses and Pay	75,000.00	
Ten Trips	25,000.00	
	<hr/>	
	100,000.00	100,000.00
		<hr/>
		562,000.00
 Chief Clerk, Desk Clerk, Pages, etc.....	12,000.00	
	<hr/>	
	12,000.00	12,000.00
		<hr/>
		574,000.00
 Unbudgeted	26,000.00	
	<hr/>	
	26,000.00	26,000.00
		<hr/>
		\$600,000.00

The committee recommends that a permanent fiscal committee have continuing supervision of the budget and expenditures.

Delegate Pearce moved that the report be adopted.

DELEGATE PEARCE, Chairman

ROLL CALL

The roll was called and there were 97 ayes, 0 nays, 1 absent and not voting.

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
Benz	Gipp	Lerberg	Scheel
Berg	Griffin	Litten	Schmit
Billey	Hardmeyer	Longmire	Simonson
Binek	Hartl	McElroy	Sinner
Birkeland	Haugen	McIntyre	Solberg
Brakke	Hendrickson	Maxwell	Sondreal
Burbidge	Hernett	Meidinger	Stanton
Burke	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:

Butler

The motion carried, and the report of the Temporary Budget Committee was adopted.

Delegate Hardmeyer moved that the Report of the Temporary Committee on Credentials, Offices, Elections and Vacancies be laid over until each Delegate has a copy at his desk, which motion prevailed.

After further discussion, Delegate Hardmeyer then moved that the Convention reconsider the action by which the Report of the Temporary Committee on Credentials, Offices, Elections and Vacancies be laid over until each Delegate has a copy at his desk, which motion prevailed.

REPORT OF SELECT COMMITTEE

Mr. President: Your Temporary Committee on Credentials, Offices, Elections and Vacancies recommends the following.

Section 1: That the qualifications and credentials of all delegates are in order.

Section 2: Duties of the president:

The president shall be the chief executive of the Convention and all other officers and employees shall be subject to his general supervision. He shall preside at sessions of the convention and of the committee of the whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum. He may speak to points of order and, subject to an appeal to the convention or to the committee of the whole, shall decide points of order. He may vote in all elections, on all questions taken by ayes and nays, except the president may not vote twice, once to cause a tie vote and then again to break it.

Section 3: The Constitutional Convention shall elect a first vice-president and a second vice-president who shall carry out such duties and powers as assigned by the president.

If the president is temporarily absent or temporarily unable to preside, the first vice-president, or, in the absence or inability of the first vice-president to preside, the second vice-president shall exercise the powers and perform the duties of the president and shall preside over the convention or the committee of the whole. If a vacancy occurs in the office of president, the first vice-president shall tem-

porarily exercise the powers of the office of president until the Convention elects a president to fill the office.

Section 4: The Constitutional Convention shall elect one of its delegates as secretary, and the duties of the secretary shall be as follows:

The secretary shall have custody and preserve all proposals, resolutions, committee reports, and all other records, books, documents and papers of the Convention. He shall not permit them to be taken out of his custody except in the regular course of the business of the convention.

He shall certify and deliver to the Secretary of the State the revisions or alteration of or amendments to the constitution as approved by the convention for submission to the electorate.

He shall cause to be kept and furnish to each delegate a printed Journal of the proceedings of the convention for the previous day which, when approved by the convention, shall be the official Journal of the Convention. He shall also cause to be kept and to be submitted to the convention for approval a verbatim record of the proceedings of sessions of the convention and meetings of the committee of the whole. He shall have such other duties as stipulated in these rules, but, after consultation with the president, he may delegate part of his duties to employees designated by the president. He may not, however, delegate the duty of certifying the revision or alteration of or amendment to the constitution approved by the convention for submission to the electorate.

Section 5: The officers be elected by a majority of the elected delegates by secret ballot.

Section 6: If a permanent vacancy occurs in the office of president, the first vice-president shall temporarily preside until the convention elects a president to fill the office in the same manner in which the officer was first elected.

If a permanent vacancy occurs in the office of any of the vice-presidents or in the office of the secretary, the president shall appoint a member to exercise the powers of that vacant office until the convention fills the vacancy in the same manner in which the officer was first elected.

Section 7: If a permanent delegate vacancy in the convention occurs when the convention is not in session, the president in consultation with the vice-presidents and the delegate or delegates from that district, shall appoint a delegate from that district in which the vacancy occurred.

Delegate Hardmeyer moved that the report be adopted.

Delegate Stanton moved to amend the Report of the Temporary Committee on Credentials, Offices, Elections and Vacancies as follows:

Following Section 6: delete "If a permanent vacancy occurs in the office of president, the first vice president shall temporarily preside until the convention elects a president to fill the office in the same manner in which the officers was first elected." and insert in lieu thereof the following: "If a permanent vacancy occurs in the office of president, the first vice-president shall assume the office and duties of the president of the convention." The second and the motion later were withdrawn.

Delegate Longmire moved that further consideration of the Report of the Committee on Credentials, Offices, Elections and Vacancies be laid over until tomorrow, which motion was then withdrawn.

Delegate Longmire moved that the Report of the Temporary Committee on Credentials, Offices, Elections and Vacancies be tabled until tomorrow morning, which motion prevailed.

Delegate Rundle moved that the Committee Assignment Preference Slips be completed this evening and left on the desks, which motion was seconded. Later the second and the motion were withdrawn.

President Wenstrom declared the Convention recessed until 10 a.m., Thursday, April 8, 1971.

ROY GILBREATH, Chief Clerk