

FIRST DAY

Bismarck, January 3, 1972

At the hour of ten o'clock a.m., on the 3rd day of January, 1972, being the day and hour designed by the Convention Rules of the Constitutional Convention of the State of North Dakota, the delegates elect of the Constitutional Convention assembled in the House Chamber of the State Capitol Building at Bismarck, North Dakota, and were called to order by the Convention President, the Hon. Frank A. Wenstrom.

Prayer was offered by the Reverend Charles M. Hill, Pastor, United Church of Christ, Bismarck.

"Father, we thank You for this high moment in our history. We thank You for the common purpose that draws men together, and we would pray for Thy blessings on these whom we have set aside for the delicate task of assembling the rules and regulations by which we will govern ourselves. We pray Thee, Father, to bless us with a vision of the responsibility as it is coupled with the heritage of the past and what it means to those who come after us. Give us wisdom. Give us courage. Give us honesty of opinion, and we shall meet the task and challenge of these duties. Bless those who govern us, that we might walk in peace with Thee, and with our fellow men. In Christ's name we pray. Amen."

Roll was called, and all members were present except Delegates Decker and Sinner, and a quorum was declared by the President.

The Eagle Scouts of Bismarck made the presentation of Colors, followed by the Pledge of Allegiance.

President Wenstrom welcomed the Delegates and visiting dignitaries.

"Governor Guy, Father Kuhn, Rev. Hill, Justices of the North Dakota Supreme Court, Elected State Officials, Fellow Delegates to the Constitutional Convention, Friends:

"It is a privilege and I deem it a great honor, first to be serving as your President, and second to act as moderator at this morning's session.

"I welcome you to the opening ceremonies of the Plenary Session of the Constitutional Convention — the first to be held in North Dakota since territorial days. We Delegates to the Convention feel especially proud and greatly honored at having four of the five judges of the North Dakota Supreme Court with us attending these ceremonies. We are equally proud and honored to have thirteen of our fourteen elected State Officials in attendance at this morning's session. We thank each of you for departing from your busy schedules, for giving of your limited time, and being with us this day. We wish for you all to know that this extra effort on your part, in order that our day may be made more meaningful, is deeply and sincerely appreciated.

"And now a few words to my fellow Delegates. On our return to the Convention this morning, we again find ourselves in this beautiful and more than adequate facility known as the House Chamber, the home of the North Dakota House of Representatives. This chamber is being loaned to us by the State of North Dakota. It will be our home for the duration of the Convention. Here we will hold our debates; here we will give careful consideration to the many complex and important issues as they come before the Convention. May history record that out of this chamber — as the fruits of our labors, our knowledge and foresight — did come a sound and serviceable Constitution, one that did provide the foundation and framework for the full development of our State and by so doing assisted in the fulfillment of the aspirations and the just hopes of our citizens."

The President announced that only Delegate Francis Butler had not been sworn into office during the Organizational Session. He then appointed Delegates Stanton and Dawson to escort Delegate Butler to the rostrum.

The Honorable Alvin C. Strutz, Chief Justice of the North Dakota Supreme Court administered the following oath to Delegate Butler:

"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of delegate to the Constitutional Convention to the best of my ability, so help me God."

President Wenstrom thanked the Red River High School Band of Grand Forks, under the direction of Kenneth M. Larsen, which band had presented a concert prior to the opening of the Plenary Session. The Red River High School Band has been named the North Dakota Governor's Band for 1972.

The Bismarck Elks Chorus, under the direction of Mr. K. K. Kittler, presented musical selections.

President Wenstrom introduced the Hon. William L. Guy, Governor of North Dakota, who addressed the Convention.

"Thank you, President Wenstrom, Delegates to this historic convention, young people who are here in the balcony, the Band from Grand Forks, Ladies and Gentlemen:

"The Governor's Band from Grand Forks — Red River High School Band — was selected because it was recommended by the music directors of the colleges and universities of the state, so this band comes to us with credentials of excellence that I know will make it an outstanding Governor's Band in 1972. I am pleased that they were here to add pomp and ceremony to the opening of this convention.

"The Elks Chorus this year will bear the title of the 'Governor's Chorus,' and they are deserving of the accolades that come to them.

"Many times I've stood in this House Chamber to address the Legislature. I had the constitutional directive to communicate the needs of the state to the Senate and House members and to be a part of the legislative process.

"Today I do not have that responsibility and I am here only as a guest of this convention. I thank you for inviting me to witness the opening of your home stretch plenary session.

"Several years ago, I was jolted awake at three o'clock in the morning by my bedside phone's insistent ringing. I sleepily asked the operator if it was an emergency call. A young voice with a southern accent at the other end of the line assured her it was an emergency call.

"Is this Governor Guy?" the voice asked.

"I told him it was and asked who was calling.

"'Just call me John,' he said. 'Tell me, Governor, is there really a North Dakota?'"

"I was suddenly incensed. 'Where are you calling from?' I asked.

"'Ah'm callin' from Florida,' he said expansively.

"'What state is that in, John?' I asked.

"As I hung up, I could faintly hear him explaining. 'Why Florida isn't in a state, man, it is a state.'

"Well, John had a point. North Dakota is not well known, and population-wise it is a small state. And to be a small state is somewhat like being the small man on the basketball squad — you have to perform better than the big men to keep a place on the first team.

"North Dakota needs to perform better than other states to maintain a respected position in the federal system. In many ways, we perform better than other states now. But we can and must continue to improve. Your being here today is part of that restless desire of a state to improve and excel.

"I welcome you back to these beautiful chambers in our State Capitol. By now I know that each of you is well aware of the profound responsibility you have accepted as a delegate to North Dakota's first Constitutional Convention in 82 years.

"The voting public has said to you that they are willing to pay the cost of your work. If you serve up a constitution built for the future, it will be well worth the price in taxpayers' dollars and the many hours of time you will have contributed.

"If the end result of this convention is only the past warmed up over a timid flame, it will be a costly exercise in both tax dollars and frustration.

"Why does North Dakota need a new constitution? This is a question that will be asked over and over. It will be a topic of discussion during coffee breaks. It will be the subject of stories and editorials in newspapers. There will be lectures and debates about it in classrooms.

"It will be asked in indignation by some who have enjoyed years of comfort from built-in advantage given them by provisions in the old document. The question will be asked in fear by those who hesitate to face the future. It will be asked reluctantly by those who admire anything antique whether it is a spinning wheel or a state constitution.

"There are compelling reasons why North Dakota, or any state for that matter, needs a modern constitution. In this day and age, we find the tempo of life increasing with each passing year. We also find our state government becoming more complicated year by year.

"Each session of Congress deepens the maze of federal programs affecting state government. Each legislative session in North Dakota struggles to adapt state and local government to the vital roles they must play in the ever more complex federal system.

"And where do the voters fit into this federal system of which we are so militantly proud? Is the system designed to serve the voter or the officeholder?"

"Are Joe and Jane Citizen able to keep fully informed about what is going on in state government? Sadly enough, the answer is no.

"How can we expect to be fully informed about government? All of us as Joes and Janes in our society are under constant pressure day by day to make a living. Our thoughts are bombarded by a constant stream of new knowledge needed to make that living in our fast-moving technological society.

"When there is a slack moment, Joe and Jane Citizen's consciousness is invaded by a barrage of attention-getters on every subject

under the sun that can be reported by television, radio, and newspapers. It is no wonder that Joe and Jane Citizen find little time to think about state government. And when they do, they are bewildered by what is supposed to be a very simple democratic process in which the majority rules.

"They are frustrated, too, by their inability to pin responsibility on state officials or focus the spotlight on who is to blame for failure to get things done. And even though we elect many state officials by finding out who gets the most votes, it is impossible for those elected, as well as for those who voted, to determine which elected state officials carry the majority mandate and a mandate for what.

"Past generations have designed North Dakota state government as very thin soup, too diluted to be able to distinguish taste or aroma. Neither the legislative branch, nor the executive branch, nor the judicial branch can offer enough nourishment to give the strength that is needed to carry out a respected role in the federal system.

"The outlook for the future is for ever increasing domination by the federal government. Oftentimes this encroachment by the federal government is caused by a citizen hunger for services which goes unnoticed by state or local government. Obviously a much more vigorous broth should be served up as state government.

"Who can really peer very far into the future? Nobody, perhaps, though there are projections which seem quite obvious.

"Just finding a place for people to live and work in this nation in the face of our population explosion will generate many new federal programs. And even though North Dakota may not be jolted by the population explosion, we will be dragged along with all the other states into the jungle of new governmental services and regulations implemented at the federal level.

"How can Jane and Joe Citizen as voters be expected to become fully informed about their government when often employees working full-time within government are not able to comprehend all of the aspects of this burgeoning thing called government. In many cases, these employees are not even able to become fully informed on the activities of the department in which they work.

"The frustrated public would like to simplify the actions of the three major branches of state government so that they can focus on who is responsible and for what. This is where a new state constitution comes on strong.

"A new constitution could do many things for the people of North Dakota. It could give them a clear, concise framework for democratic process in government which could be understood without a textbook on law or Latin.

"Our constitution could give our legislature, our executive branch, and our judicial branch the flexibility they need to keep our state's government abreast of the accelerating change around us. Our state government needs to be able to act and respond quickly and smoothly rather than be stalled by impasse after impasse brought on by a weak constitution.

"We must seek to continually modernize government to make it more effective and more economical. A state constitution which anticipates the future can provide the flexibility for people to make their state government more effective and economical.

"Or a head in the sand state constitution can reflect a built-in fear of the future and a distrust of democratic process itself. A constitution based on fear, or a distrust of the legislature or the executive branch, or cluttered with unnecessary checks and balances would be a document which prevents change or prevents the establishment of efficiency and economy in state government.

"You have had committees studying the various parts of a constitution. These committees now bring their recommendations to this plenary session. Unless the reports of the committees, so carefully woven through hours of hearings and study, are given considerable weight and respect, this plenary session could be only an unraveling operation in which the public would be left with a pile of yarn. All of us in North Dakota are on the edge of our chairs watching you.

"It will take a great effort and courage to submerge or suppress our individual prejudices, fear, and biases as we view a new constitution. And yet we must accommodate various points of view if we are to have a new instrument which will allow our state to keep abreast of the hours and days and years as they tick away.

"I know I speak for the vast majority of North Dakotans in wishing you well in your deliberations. We are grateful to you individually for your personal commitment to this unique public service.

"I hope when you are finished we can say with greater pride than ever, 'Yes, John, there really is a North Dakota. It will always be a great state.'"

Delegate Lois Vogel, Secretary of the Convention, then was introduced, and she addressed the Convention on "Convention Groundwork."

"North Dakota's first constitutional convention since statehood officially opened at 10 o'clock this morning, Monday, January 3, 1972. Everyone here today, however, is quite aware that the work of the convention has been going on for a long time. I shall take these opening minutes to go back in time and review the work already done which makes it possible for us to convene here today with the purpose and hope of successfully drawing up a new constitution to serve North Dakota for many years.

"Sixteen months have passed since the amendment calling for a constitutional convention was approved, fourteen months since delegates were elected. But the need for substantial change in the constitution was recognized forty-three years ago when Governor George Shafer in his inaugural address in 1929 recommended a 'comprehensive program of reconstruction and readjustment in our state system of government from top to bottom.' A commission was appointed to make a 'comprehensive survey and investigation of the structure, functions, and processes of the entire government of North Dakota, and all municipalities and political subdivisions'. When the commission's report was given to the 1933 Legislature we were deep in a depression and not much interested in implementing it. However, the recommendations were on record and people involved in government were aware of them.

"Then in 1941 the Legislature appointed a Governmental Survey Commission, whose members were Governor John Moses, State Senator Milton Young, and State Representative Targie Trydahl, to find out what was wrong with the governmental structure of the state and to recommend a cure for the defects. This time the Public Administration Service of Chicago was employed to make a detailed survey. The commission published its report in December 1942 and distributed a very interesting 19-page pamphlet entitled 'You and Your State Government' graphically describing the problems and the commission's program for reorganization, which would require amending the constitution. In the words of the report

'We feel this is so important that it would be unfair to attempt to decide this question while a substantial portion of our citizenry is away from home, their minds occupied with the

business of defending our nation in order that we may have free government of any kind'.

and so it was shelved, but it was an excellent report, and many people read it and pondered its recommendations. Those most responsible for governing the state — including most of our governors since the twenties and growing numbers of legislators — were increasingly convinced that major changes would have to be made in the constitution before state government could become what it ought to be.

"A major effort at revising the constitution began in 1963 when the legislature directed the Legislative Research Committee 'with the assistance of outstanding citizens of the state, to conduct a study of the Constitution of the State of North Dakota, and to make its recommendations in regard to the revision thereof'. Senator William Reichert was named chairman of the LRC Sub-Committee on Constitutional Revision which included in addition to legislators such prominent public members as ex-Governor Fred Aandahl, Judge Adam Gefreh, Thomas Kleppe, Dr. Henry Tomasek of the University of North Dakota Political Science Department, and Jerrold Walden, head of the Law School. The president of this convention, Frank Wenstrom, and delegates George Sinner and George Unruh were also members.

"The committee conducted a careful study of the constitution over a period of four years and presented its recommendations for an extensive revision to the 1965 and 1967 legislative sessions. Most of the recommendations were submitted to the people for approval in the form of several very long constitutional amendments. Unfortunately the Legislature could not appropriate funds to publicize the amendments or to carry on any sort of program to educate the public. Consequently most voters went to the polls with little idea of what changes were being proposed or why. The amendments were defeated.

"But again, the careful work was not wasted. The seeds planted then continued to sprout and some of the recommendations made then are incorporated into the proposals which will be presented on this floor within the next few days. Meanwhile more and more interest was beginning to focus on the need for revising the constitution. A number of delegates are here today because their interest was aroused then. My own involvement began about that time when the League of Women Voters undertook a study of constitutional revision in 1963.

"The 1969 Legislature took the step which finally culminated in this convention when it proposed an amendment calling for a constitutional convention. The amendment was approved in September 1970 by a vote of 57,700 to 40,000, a clear indication that the people of the state agreed that the time had come to rewrite the constitution.

"The high degree of interest was also shown by the number of people who wanted to be delegates. In addition to the 98 candidates whose names were presented by the nominating commission — Governor Guy, Lieutenant Governor Larsen, and Attorney General Johanneson — 141 individuals were nominated by petition. Two hundred thirty-nine names appeared on the ballots in November. The 98 delegates elected were a cross-section of North Dakota — farmers, businessmen, doctors, lawyers, bankers, housewives, teachers, 24 to 79 years old; people with and without experience in government and politics; some whose roots reach back three generations in North Dakota, some relative newcomers to an adopted state.

"A few weeks later we delegates had our first glimpse of the magnitude and complexity of the job before us when almost all of us took time at the Christmas season to come to Bismarck, at our

own expense, to attend a seminar sponsored by Mary College. We heard Joseph Pisciotte, the executive director of the recent Illinois Constitutional Convention; George Braden, a consultant to that convention, Henry Tomasek of the University of North Dakota, Albert Blaustein, professor of constitutional law at Rutgers University, and Robert Meriweather, professor of political science and member of the Arkansas Constitutional Convention, tell us about the conventions in which they had participated, give us advice about how to proceed with our own, and warn us about pitfalls ahead. We were impressed.

"Four months later on April 6 we gathered again in Bismarck, the first time officially, for a three-day organizing session, to select officers, adopt rules under which we could carry on our business, and divide ourselves into substantive and procedural committees — a task which, according to Dr. Pisciotte who had returned to see how we were faring, we could not possibly accomplish in the allotted time. When we had completed what we had come to do, Dr. Pisciotte said that he still didn't see how it could have been done and that no one was going to believe it, once again proving that North Dakota is an unusual state. I think the efficiency and harmony displayed in that organizing session is a good omen.

"Today as we gather a second time we are a much better educated group of delegates. We have had a crash course in state government in the intervening months, far more effective than any civics or political science classes we ever had in school. Our teachers have been many: those in our own and other states who have struggled with problems of constitutional revision; the state officials who came to our committee meetings, some of them a number of times, to explain how the constitution affects them and their departments, what changes they would or would not like to see, and to answer our questions and submit statements; the representatives of many organizations with particular interest in particular sections, to present arguments for and against proposals being considered; we have learned much from individuals, those who appeared before us and those who submitted individual proposals, more than 100 of them, which we have carefully considered, adopting some and rejecting others.

"We are grateful to the Bureau of Governmental Affairs at the University of North Dakota which has provided all of us with much carefully researched background information.

"We are particularly grateful to the competent staff headed by Dean Bard, Executive Director, David Peterson, Assistant Director, and Committee Counsel Dwight Cuffe and Michael Keedy, who have patiently worked long hours keeping the records of committee meetings, digging out information we have asked for, researching problems, writing and rewriting drafts at our direction. Without them we couldn't have functioned at all.

"But mainly, I think, our teachers have been each other. We have benefited enormously from the exchange of opinions arising from our differing backgrounds, differing experiences, differing viewpoints.

"Committee sessions began in June. We recessed for the month of July and then settled down to regularly scheduled meetings which were not completed until the middle of November. Each committee held either four or five two or three-day meetings, and through vacation time, harvest time, and back-to-school time committee after committee had perfect attendance — a quite remarkable record.

"All committees began their work by examining the sections of the constitution assigned to them and studying the court decisions interpreting those sections — not an easy task. Some of us who

hadn't read our own constitution last year found ourselves poring over provisions of other state constitutions, comparing them to ours, discovering where the problems lay. After that, each committee proceeded in its own way to listen and learn and decide.

"I think we surprised even ourselves with the diligence we brought to our committee work. Probably none of us would claim to be experts today, but we are knowledgeable about problems we didn't even know existed a year ago. Some of us have changed our minds, after listening and reading and thinking, about matters we were very sure about once upon a time. We may change them again as the convention progresses.

"During these months of committee meetings we have developed tolerance and respect for each other, have learned that those who disagree with us are not thereby proved wrong. I think the courtesy, hard work, willingness to learn, and dedication so evident in our committee work is another good omen.

"All delegates have regularly received detailed minutes of committee meetings, enabling them to keep informed about what the other committees were doing. In addition we have had six issues of the Constitutional Convention News, prepared by the staff and reporting all activities of the convention.

"Constant efforts have been made to inform and interest the public. Since last August A. J. Gilje, our Information Director, has been preparing news releases for the weekly papers of the state. Many delegates regularly write newsletters or columns for their local papers. Others have appeared on television and radio programs, local and statewide. In September special hearings were held in sixteen communities around the state, with six delegates, one from each committee, present at each meeting, to tell what the committees were doing, to answer questions, to listen to what the public had to say.

"The League of Women Voters has distributed to more than 5,000 people three issues of Constitutional Convention Comments, a most informative discussion of issues, problems, and proposals being considered by the convention.

"Individual delegates have driven many miles and spent many hours talking to dozens of groups and organizations, ranging from young people's summer camps to retired teachers organizations, conventions of legal secretaries and county judges, county commissioners — anyone who has indicated a willingness to listen. A by-product of the convention is a group of exceptionally well-informed men and women, many of them new to state government, accustomed to speaking out in public, whose interest is not going to evaporate with the special election no matter what the outcome is.

"The farm organizations, labor groups, political parties, professional and student groups, service clubs are among the many who have been involving their members in discussions about the constitution. And while constitutional revision probably never will be what most people are discussing over their coffee most of the time, the public has learned a lot about a subject which people generally have regarded as too dull, too vague, too complex for their attention. Once a nucleus of interest has been created information clusters around it and it grows. It is absolutely essential for the success of this convention that we create that interest and keep it growing.

"From the first the news media — the daily and weekly papers, the TV and radio stations — have cooperated in the task of informing the public. Newsmen from all over the state recently attended a symposium in Grand Forks to be briefed on committee proposals and to consider how best to report the convention. We depend upon these people more than on anyone other than our-

selves to educate the public about what is being done and how and why. They have done an amazing job. Last June I heard that a clipping service had already gathered several hundred news items about the convention — more than the LRC committee had had in the four years of its existence. I think that is another good omen.

“We have been exposed to many ideas, we have spent much time discussing them, and we have decided which we want to include in our committee proposals. Possibly we have rejected some excellent ideas whose time has not yet come. But because we have given them exposure, perhaps they will be accepted when future changes are made, as they inevitably will be. Now the preliminary work is done and the final decisions must be made.

“Time spent exploring ideas is never wasted, but we will have wasted our time if we now look backwards instead of ahead into the future. We must examine the past so that we can learn from it, but we must not be bound by it. We must not offer North Dakota, as an alternative to our present constitution, nothing but a warmed-over nineteenth century document, somewhat tidied up.

“I conclude with the words of Shakespeare which are carved at the base of one of the statues flanking the entrance to the National Archives in Washington, the institution which preserves the records of our past as a nation: What Is Past Is Prologue.”

President Wenstrom introduced Second Vice President Stanley Saugstad.

President Wenstrom introduced Delegate William R. Pearce, Vice President of the Convention, who presented “The Charge to the Convention.”

“Governor Guy, Chief Justice Strutz, all of the many distinguished guests, fellow delegates, the vast crowds of citizens in the gallery:

“I think rather than ‘Watchdog of the Treasury,’ I think I am probably better known now as ‘Mr. Tightwad,’ but I am happy to report we have not yet run out of money. That may be one of the few accomplishments we will be able to boast about here.

“I did not ask to make this speech this morning. Frank ordered me to. I did not pick the title. Frank did. A charge to the convention, I suppose, is comparable to a charge to the jury. As a lawyer and never a judge, I have never charged the jury. By force of long habit, my charge may be more exploratory than a judge’s charge. I have often thought in a charge to the jury, there is more argument than there should be, depending on what side I was on.

“While it would be a joy to talk until noon, I will not take up that much time. I have thought quite a lot myself about the duties of this Convention, and each delegate. The more I thought, the more I reminded myself that I really don’t know exactly what to do, and perhaps some of you are in the same dilemma.

“We are met on one hand with the charge that it is time for us to update, streamline, innovate, be imaginative, get with it. We are met on the other hand with, ‘Now, wait a minute. We don’t need that. We want these fundamental things, and if you are going to hand us some new, mod constitution, we will just hand it right back to you.’ I don’t know which side is right yet, but I do say if we are to have a constitution at all — and mind you, except that we are required to have one to get into the United States as a state — we might tear the constitution down to one nice sonorous little paragraph which says, ‘We hand the government of the state over to the Legislature, and, boys, try to do a good job.’ We could do that. The Legislature is perfectly capable of setting up the Judicial System, the Legislative System, all the state officials and providing the manner in which they take office, whether they be elected or appointed. We do not have to have

such a big group as the Legislature. We could have a small executive committee. Many times in the past, many countries did not bother with that large a group. They gave the power to one man, and he ran the show.

"It is easy to see how government got started. Presumably some prehistoric men, advanced enough to live in caves, ran around individually and found they were rather easy prey for the saber-toothed tigers and dinosaurs and whatever else plagued them at that time. He undoubtedly found a strong friend and they discovered they could look in both directions at the same time. Then they accumulated a few more, until they started to get too many fellows together and that resulted in arguments as to what they should do. Undoubtedly one of the stronger men beat up on the rest until they were reduced to two, so those remaining began to form alliances, and there were always inevitably people in the tribe who were drawn together to form the first political parties to fight against each other. In the meantime, sheer power ruled the roost for a while. After a while they began to see there should be some kind of rules — principally so the ruling man did not have to continue beating up all the rest. So rules were made, and that we call government.

"Many people say — and some people have said of me, 'You seem to fear government.' Well, I don't fear government. I fear my fellow man. I have feared him all my life. I think everybody in the world does. Who starts wars? Who kills? Who commits crimes? Who steals? Who murders? Men — and I suppose I now must include women too. So it is men we are afraid of. It is men who oppress each other. It is men who have the power structure, and that is the government. So it is not the government I fear, but the government dominated by the men I fear. It was felt the best thing would be combining the power of kings and the thoughts of the philosophers, but often times kings and philosophers occupy different bodies.

"In 1515, Thomas Moore wrote 'Utopia.' It was a book highly regarded by the people, and from that book we got the term 'utopia,' meaning political perfection. Actually, utopia means nowhere. Actually that was the real word for it, because nowhere has it come about yet. Plato wrote one before Thomas Moore came on the scene, 'Republic,' which said the things he felt should be in the ideal republic. We have had people who try to set up some communities based on these ideas. Most of the property had to be owned in common — which is what communism really means. Somehow people always seemed to want something for themselves — whether it be homes, a suit of clothes, money — and people still do want to keep what they own. They are all for dividing it up if they are dividing the property of people who have more, but to surrender their own in common does not seem to jibe with personalities. A child does not have to be very old to be jealous of his or her own toys.

"Why do we have a constitution at all? Why not get along without one? Very few governments have written constitutions, particularly with a supreme court to sit there and say you can't do this because it isn't within the constitution. It is an incomprehensible idea to many countries. The world isn't up to where we think we are. When you sit in your living room and with the technical wizardry of television you can see people starving in Pakistan live on TV and living in the stone age, obviously, we aren't all up to a particular level.

"If we are to have a constitution, then we must believe there are some fundamental things that must be in that constitution. If we don't believe that, why bother with the document at all. If everything is to be a state of flux, let's let it float. Why embody it in a written document at all? If we are to have one, then

that is what we are going to put in — the fundamental principles, the unchanging things, the things that our founding fathers said 'we believe these things to be self-evident.' That declaration to some people now raises eyebrows. If we believe these things, then those are the things we want to have in the constitution. There are those who feel we don't want those because they are too old fashioned, they are out-dated. First we must believe they are fundamental. If something is really fundamental, it is never out-dated. If there are certain truths that are self-evident, they should never be out-dated. People are people. My father was fifteen years old when our present constitution was adopted. I don't regard my father as such a different individual or human being than I am. I don't think the things that are important have changed since my father's time, and I don't think they have changed for my sons or my grandchildren. The manner in which they live and things they had, what they fear, the vehicle they drive around may change considerable, but what a man wants out of life, how he thinks when he is in bed alone at night and shuts his eyes and thinks to himself, that is when a man is true to himself, and he thinks his own private thoughts. Then is when he can confess his own sins, his own mistakes, his own inadequacies. What are the things you want at those times? That is what you want out of life really. I think that is what everybody wants. We call that for the most part liberty, because for all these many thousands of years, men did not have liberty. Maybe we don't really have liberty yet, and maybe we can't ever have it completely.

"There isn't anyone who thinks we should have complete anarchy — unless he is willing to be attacked. We have to have some rules, and here is where we must decide where we draw the line, and to whom do we give the power to draw the lines. That is representative government.

"The people of North Dakota have given the 98 of us some power — not unlimited power since they didn't want us to pass a constitution finally. They reserved the ultimate referendum of voting it in or voting it out.

"Now, I was always in favor of having a constitutional convention if the constitution didn't get a word changed, because I felt it was the only way in which so many people would study the constitution and think about it and talk about it. There isn't any other way to get it so much publicity and that much talk and that much thinking, and people would know more about what we already have, because I don't think many people sit around reading the constitution, even if it is out in paperback. Even if we don't change a word of it, we have not been a failure. If we change all the words and the people adopt it, it will not have been a failure either. Now, somewhere in between changing all the words and changing none is what we will eventually come up with, and I only have this feeling, and it is our duty, and as much as any other individual, we have to think through the fundamental things we want — the fundamentals, don't worry about the details, but keep hold of the fundamentals, and bear in mind that what we are setting up is not an artificial creature called the government, but a framework in which people — you, me and the rest of us — will operate. It is men that make or break the government. In the play 'Julius Caesar,' in overthrowing the government, one of the characters said, 'First thing to do is to kill all the lawyers.' Well, I always thought that was complimentary to lawyers since it meant that they cannot overthrow the government successfully if they leave any lawyers out to raise any injunctions. So, lawyers do have a function — a function of government. Then again they talk about Caesar. He is a one-man government practically, and this to many is one of the most profound statements in the play which said, 'I would as leave die as live to be in awe of such a thing as I myself.' That is the essence of democracy, and that

is what we must preserve. Maybe we can do more, but every act and every sentence we should have in the Constitution to preserve that form of government, to preserve the necessity never to be or to live in awe of such a thing as one of us.

“Now our duties and our obligations, the things that are not necessary to that are to be taken out. But, unless we put in the fundamentals, we should go home. That is my charge.

“Now there is an enormous temptation to go on merrily, at least until noon, or until Frank begins to wield this delicate gavel up here.

“I look forward to the convention. I trust that it will not be too often that I will be reminded of 8th Chapter of Job: ‘How long wilt thou speak these things, how long will the words of thy mouth be like a strong wind?’ ”

The Bismarck Elks Chorus presented a musical selection.

Benediction was given by Rev. Hill.

“The doors have been opened, the task set before you, the charges made and the commitment accepted. Let us do that task. Now may God’s grace sustain you, and may His love surround you, and may His spirit fill you, and His protective providence be with you in your deliberations through these days, in Christ’s name we pray. Amen.”

President Wenstrom declared the special opening ceremonies of the North Dakota Constitutional Convention closed, and asked the Convention to stand in recess for five minutes.

The Convention reconvened with President Wenstrom presiding.

Following announcements, President Wenstrom recessed the Convention until 1:15 p.m.

The Convention reconvened at 1:15 p.m., with President Wenstrom presiding.

President Wenstrom announced the appointment of Roy Gilbreath, Chief Clerk; Leo Leidholm, Assistant Clerk; Barbara King, Desk Reporter, and Vern Asheim, Proposal Clerk. President Wenstrom then administered the oath of office to these appointees.

Tentative Committee room assignments were announced.

ANNOUNCEMENT

Assignment of Committee Rooms

Preamble, Bill of	
Rights and Suffrage Committee.....	Lewis and Clark Room
Legislative Functions Committee.....	Large Hearing Room
Judicial Functions and	
Political Subdivisions Committee.....	Gold Room
Finance and Taxation Committee.....	Blue Room
Education, Resources and	
Public Lands Committee.....	G-1
Executive Functions Committee.....	G-5 & 6
Style and Drafting Committee.....	G-7

REPORT OF REVISION AND CORRECTION COMMITTEE

Mr. President, Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Organizational Session for Wednesday, April 7, 1971, and recommends that the same be corrected as follows:

Delete Page 75 as shown, and substitute the following in lieu thereof:

MONDAY, JANUARY 3, 1972

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THURSDAY, APRIL 8, 1971
PROCEDURAL COMMITTEES

1. Budget Committee

Name	Dist.	Name	Dist.
Baker	5	Litten	21
Roney	13	Pearce	32
Lamb	17		

2. Rules Committee

Name	Dist.	Name	Dist.
Hubrig	5	Geelan	27
Saugstad	7	Fallgatter	31
Trenbeath	11	Kelsch	34
Wicks	24		

3. Committee on Style and Drafting

Name	Dist.	Name	Dist.
Cart	3	Vogel	21
Dobson	5	Tudor	32
Unruh	18	Knudson	38
Maxwell	21		

4. Public Information Committee

Name	Dist.	Name	Dist.
Simonson	2	Diehl	20
Wallin	2	Sondreal	20
Sullivan	3	Paulson	21
Dobson	5	Poulson	22
Bassingthwaite	10	Brakke	23
Birkeland	13	Solberg	32
Berg	14	Benz	33
Fritzell	18	Peterson	37
Lander	18	McIntyre	39
Omdahl	18	Rundle	39
Griffin	19		

5. Coordination and Transition Committee

Name	Dist.	Name	Dist.
Chase	8	Billey	28
Burke	16	Nething	29
Butler	21	Byrne	32
Sinner	22	Hill	32
Warner	25		

And when so corrected recommends that the same be approved.

DICK DOBSON, Chairman

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

ANNOUNCEMENT

Introduction and assignment of delegate proposals introduced during the interim.

Delegate Tudor introduced:

Delegate Proposal No. 2-1. Be it resolved by the North Dakota Constitutional Convention that sections 71, 72, 75, 77, 79 and 80 of the constitution of the state of North Dakota, pertaining to the governor's executive powers, be amended.

And said proposal was referred to the Committee on Executive Functions.

Delegate Geelan introduced:

Delegate Proposal No. 2-2. 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 bill of attainder and ex post facto laws.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Geelan introduced:

Delegate Proposal No. 2-3. 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 the writ of habeas corpus.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Geelan introduced:

Delegate Proposal No. 2-4. 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.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Tudor introduced:

Delegate Proposal No. 2-5. Be it resolved by the North Dakota Constitutional Convention that sections 147 and 155 of the constitution of the state of North Dakota be repealed; and that two new sections to the constitution of the state of North Dakota be created; pertaining to education and school lands, respectively.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Tudor introduced:

Delegate Proposal No. 2-6. Be it resolved by the North Dakota Constitutional Convention that section 121 of the constitution of the state of North Dakota and article 36 of the amendments to the constitution of the state of North Dakota, pertaining to voting requirements, and article 1 of the amendments to the constitution of the state of North Dakota, pertaining to lotteries, be repealed; and that a new section to the constitution of the state of North Dakota pertaining to voting requirements be created.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Paulson introduced:

Delegate Proposal No. 2-7. 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 be created; both of which pertain to matters of initiative and referendum.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Paulson introduced:

Delegate Proposal No. 2-8. Be it resolved by the North Dakota Constitutional Convention that section 37 of the constitution of the state of North Dakota and article 51 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; all of which pertain to prohibitions against legislators holding additional state offices during their tenure in the legislative assembly.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Hoffner introduced:

Delegate Proposal No. 2-9. Be it resolved by the North Dakota Constitutional Convention that section 56 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 a limitation upon the number of days in which the legislative assembly may meet during any biennium.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Paulson introduced:

Delegate Proposal No. 2-10. Be it resolved by the North Dakota Constitutional Convention that section 56 of the constitution of the state of North Dakota be repealed; and that section 53 of the constitution of the state of North Dakota be amended; both of which pertain to a schedule of and limitations upon the number of days in which the legislative assembly may meet during any biennium.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Engelter introduced:

Delegate Proposal No. 2-11. Be it resolved by the North Dakota Constitutional Convention that article IV of the constitution of the state of North Dakota be repealed, and a new article to the constitution of the state of North Dakota be created, pertaining to the judicial branch of government.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Rundle introduced:

Delegate Proposal No. 2-12. Be it resolved by the North Dakota Constitutional Convention that a new section of the constitution of the state of North Dakota be created, requiring that governmental meetings be open to the public.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Rundle introduced:

Delegate Proposal No. 2-13. Be it resolved by the North Dakota Constitutional Convention that section 50 of the constitution of the state of North Dakota, pertaining to the openness of legislative sessions, be amended.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Rundle introduced:

Delegate Proposal No. 2-14. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota be created to require court proceedings be open to the public.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Tudor introduced:

Delegate Proposal No. 2-15. Be it resolved by the North Dakota

Constitutional Convention that sections 147 and 155 of the constitution of the state of North Dakota be repealed; and that two new sections to the constitution of the state of North Dakota be created; pertaining to education and school lands, respectively.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Tudor introduced:

Delegate Proposal No. 2-16. Be it resolved by the North Dakota Constitutional Convention that section 202 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 constitutional amendments.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Tudor introduced:

Delegate Proposal No. 2-17. Be it resolved by the North Dakota Constitutional Convention that sections 174 and 183 of the constitution of the state of North Dakota be repealed; and that two new sections to the constitution of the state of North Dakota be created, all of which pertain to finance and public debt.

And said proposal was referred to the Committee on Finance and Taxation.

Delegate Tudor introduced:

Delegate Proposal No. 2-18. Be it resolved by the North Dakota Constitutional Convention that section 167 of the constitution of the state of North Dakota be repealed, that section 130 be amended and that a new section be created relating to local self-government and division of the state into counties.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Devine introduced:

Delegate Proposal No. 2-19. Be it resolved by the North Dakota Constitutional Convention that sections 147, 148, 149 and 151 of the constitution of the state of North Dakota be repealed; and that a new section be created, all pertaining to public schools, instruction in temperance, and the prevention of illiteracy.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Devine introduced:

Delegate Proposal No. 2-20. Be it resolved by the North Dakota Constitutional Convention that article 54 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, all pertaining to the creation, powers and duties of the state board of higher education.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegates Fritzell and Sanstead introduced:

Delegate Proposal No. 2-21. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota be created, pertaining to environment:

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Hill introduced:

Delegate Proposal No. 2-22. Be it resolved by the North Dakota Constitutional Convention that article 54 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 boards of education.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Thompson introduced:

Delegate Proposal No. 2-23. Be it resolved by the North Dakota Constitutional Convention that a new section be created to the constitution of the state of North Dakota, pertaining to a recognition of veterans' contributions to the state.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Hubrig introduced:

Delegate Proposal No. 2-24. 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, all pertaining to the right to be secure against unreasonable search and seizure.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Vogel introduced:

Delegate Proposal No. 2-25. Be it resolved by the North Dakota Constitutional Convention that article III of the constitution of the state of North Dakota, consisting of sections 71 through 84, inclusive, be repealed; and that a new article to the constitution of the state of North Dakota be created; both of which pertain to the executive branch of government.

And said proposal was referred to the Committee on Executive Functions.

Delegate O'Toole introduced:

Delegate Proposal No. 2-26. Be it resolved by the North Dakota Constitutional Convention that a new article to the constitution of the state of North Dakota, which pertains to the establishment of an independent government agency which shall receive complaints against state agencies and officials, be created.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Byrne introduced:

Delegate Proposal No. 2-27. Be it resolved by the North Dakota Constitutional Convention that article III of the constitution of the state of North Dakota, including sections 71 through 84 and pertaining to the executive branch of government, be amended.

And said proposal was referred to the Committee on Executive Functions.

Delegate Warner introduced:

Delegate Proposal No. 2-28. Be it resolved by the North Dakota Constitutional Convention that article IV of the constitution of the state of North Dakota including sections 85 through 120 be repealed, and that a new article to the constitution of the state of North Dakota be created, all pertaining to the judicial branch of government.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Rundle introduced:

Delegate Proposal No. 2-29. Be it resolved by the North Dakota Constitutional Convention that sections 72, 74 and 77 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; and that section 73 of the constitution of the state of North Dakota be amended, all of which pertain to the office of lieutenant governor and succession to the governorship.

And said proposal was referred to the Committee on Executive Functions.

Delegate Baker introduced:

Delegate Proposal No. 2-30. Be it resolved by the North Dakota Constitutional Convention that section 83 of the constitution of the state of North Dakota, pertaining to the powers and duties of state officials, be repealed; that section 82 of the constitution of the state of North Dakota, pertaining to the election of state officials, be amended, and that a new section to the constitution of the state of North Dakota, pertaining to reorganization of the executive department, be created.

And said proposal was referred to the Committee on Executive Functions.

Delegate Nething introduced:

Delegate Proposal No. 2-31. Be it resolved by the North Dakota Constitutional Convention that sections 188, 189, 190, 191, 192 and 193 of the constitution of the state of North Dakota be repealed; that a new section to the constitution of the state of North Dakota be created; all of which pertain to the establishment of a state militia.

And said proposal was referred to the Committee on Executive Functions.

Delegate Chase introduced:

Delegate Proposal No. 2-32. Be it resolved by the North Dakota Constitutional Convention that section 82 of the constitution of the state of North Dakota be repealed; that three new sections to the constitution of the state of North Dakota be created; all of which pertain to the election or appointment of state officials and the organization of executive government.

And said proposal was referred to the Committee on Executive Functions.

Delegate Hill introduced:

Delegate Proposal No. 2-33. Be it resolved by the North Dakota Constitutional Convention that articles III, VI, and X of the constitution of the state of North Dakota be repealed, and that two new articles be created, all relating to the executive branch of state government and county, city and township government.

And said proposal was referred to the Committee on Executive Functions.

Delegate Omdahl introduced:

Delegate Proposal No. 2-34. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, pertaining to legislative ethics, be created.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Saugstad introduced:

Delegate Proposal No. 2-35. 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 bonding limits for the state.

And said proposal was referred to the Committee on Finance and Taxation.

Delegate Peterson introduced:

Delegate Proposal No. 2-36. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota be created, pertaining to administration of education of the visually and audibly handicapped.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Delegate Hubrig introduced:

Delegate Proposal No. 2-37. Be it resolved by the North Dakota Constitutional Convention that sections 166, 167, 168, 169, 170, 172 and 173 of the constitution of the state of North Dakota be repealed, and a new section to the constitution of the state of North Dakota be created, pertaining to the organization of the state into districts for local government.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Omdahl introduced:

Delegate Proposal No. 2-38. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota be created, pertaining to the right to an electoral system that is not prejudicial.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Thompson introduced:

Delegate Proposal No. 2-39. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, providing that anyone over the age of eighteen shall be an adult for all purposes, be created.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Delegate Lamb introduced:

Delegate Proposal No. 2-40. 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.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Lamb introduced:

Delegate Proposal No. 2-41. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota be created pertaining to the call of future constitutional conventions.

And said proposal was referred to the Committee on Legislative Functions.

Delegate Saugstad introduced:

Delegate Proposal No. 2-42. Be it resolved by the North Dakota Constitutional Convention that article 56 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 dedicated funds for highways.

And said proposal was referred to the Committee on Finance Taxation.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-1. Be it resolved by the North Dakota Constitutional Convention that the Preamble of the constitution of the state of North Dakota be amended.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-2. Be it resolved by the North Dakota Constitutional Convention that article I, sections 1 through 24, of the constitution of the state of North Dakota, pertaining to the Declaration of Rights, be repealed; and that a new article to the constitution of the state of North Dakota, pertaining to a Declaration of Rights, be created.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-3. Be it resolved by the North Dakota Constitutional Convention that section 208, pertaining to debtors' rights; section 209, pertaining to child labor; section 212, pertaining to blacklists; and section 213, pertaining to women's rights to property, of article XVII of the constitution of the state of North Dakota be repealed.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

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.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-5. Be it resolved by the North Dakota Constitutional Convention that the first paragraph of section 203 of article XVI of the constitution of the state of North Dakota, pertaining to the Compact with the United States, be repealed.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-6. Be it resolved by the North Dakota Constitutional Convention that article V, sections 121 through 129, of the constitution of the state of North Dakota, pertaining to the Elective Franchise, be repealed; and that a new article to the constitution of the state of North Dakota, pertaining to the Elective Franchise, be created.

And said proposal was referred to the Committee on Preamble, Bill of Rights and Suffrage.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-7. Be it resolved by the North Dakota Constitutional Convention that sections 25 through 70, inclusive, sections 194 through 201, inclusive, section 202, section 211 and articles 51 and 75 of the amendments to the constitution of the state of North Dakota be repealed; and that a new article II to the constitution of the state of North Dakota be created, all pertaining to the legislative branch of state government.

And said proposal was referred to the Committee on Legislative Functions.

Committee on Legislative Functions introduced:

Committee Proposal No. 1-8. Be it resolved by the North Dakota Constitutional Convention that section 25, section 202, and article 33 of the amendments to 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 constitutional rights reserved in the people.

And said proposal was referred to the Committee on Legislative Functions.

Committee on Executive Functions introduced:

Committee Proposal No. 1-9. Be it resolved by the North Dakota Constitutional Convention that article III, sections 72 through 84 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, both of which pertain to the executive branch of state government.

And said proposal was referred to the Committee on Executive Functions.

Committee on Executive Functions introduced:

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 said proposal was referred to the Committee on Executive Functions.

Committee on Judicial Functions and Political Subdivisions introduced:

Committee Proposal No. 1-11. 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 of the constitution of the state of North Dakota be created; all of which pertain to the judicial branch of government.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Committee on Judicial Functions and Political Subdivisions introduced:

Committee Proposal No. 1-12. Be it resolved by the North Dakota Constitutional Convention that sections 130, 166, 167, 168, 169, 170, 172 and 173 of the constitution of the state of North Dakota be repealed; and that article XII of the constitution of the state of North Dakota be created; all of which pertain to political subdivisions.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Committee on Judicial Functions and Political Subdivisions introduced:

Committee Proposal No. 1-13. Be it resolved by the North Dakota Constitutional Convention that sections 203, 204, and 205 of the constitution of the state of North Dakota be repealed; and that article XIII of the constitution of the state of North Dakota be created; all of which pertain to the compact with the United States.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Committee on Judicial Functions and Political Subdivisions introduced:

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.

And said proposal was referred to the Committee on Judicial Functions and Political Subdivisions.

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-15. 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.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-16. Be it resolved by the North Dakota Constitutional Convention that article VI to the constitution of the state of North Dakota, which pertains to environmental degradation, be created.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-17. Be it resolved by the North Dakota Constitutional Convention that sections 153, 154, 155, 156, 157, 158, 160, 161, 163, 164 and 165 of the constitution of the state of North Dakota be repealed; and that article VII to the constitution of the state of North Dakota be created; all of which pertain to trust lands.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

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.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

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.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Education, Resources and Public Lands introduced:

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.

And said proposal was referred to the Committee on Education, Resources and Public Lands.

Committee on Finance and Taxation introduced:

Committee Proposal No. 1-21. Be it resolved by the North Dakota Constitutional Convention that article XI, sections 174 through 181, pertaining to revenue and taxation, article XII, sections 182 through 187, pertaining to public debt and public works, of the constitution of the state of North Dakota, and article 56 of the amendments to the constitution of the state of North Dakota, pertaining to motor fuel and license taxes, be repealed; and that a new article XI to the constitution of the state of North Dakota, pertaining to finance and public debt, be created.

And said proposal was referred to the Committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

Committee Proposal No. 1-22. Be it resolved by the North Dakota Constitutional Convention that articles 14 and 19, pertaining to mills and elevators in Minnesota, Wisconsin and North Dakota; article 24, pertaining to hail tax; articles 59, 65 and 87, pertaining to veterans' bonuses; article 60, pertaining to the medical center;

and article 76, pertaining to bonds, of the amendments to the constitution of the state of North Dakota, be repealed.

And said proposal was referred to the Committee on Finance and Taxation.

Delegate Dobson explained that Delegate Sinner is recovering from surgery at this time, and moved that the Convention extend to Delegate Sinner its best wishes for his speedy recovery and for the New Year, which motion prevailed.

Delegate Longmire moved that the absent delegates be excused, which motion President Wenstrom ruled out of order.

Delegate Rosendahl requested that the following statement be recorded in the Journal:

"Mr. President: I should like to make a short statement for the record pertaining to the badge I am wearing on my coat. This is one of the original badges from the 1889 Constitutional Convention. It was worn by a farmer from Grafton, North Dakota, in Walsh County, who not only served as a delegate to the 1889 Constitutional Convention but four years later went on to distinguish himself by becoming the fourth Governor of North Dakota from 1895 to 1897. I am sure that you North Dakota historians know by now that I am referring to the late Governor Roger Allin. This badge was among the many personal effects left to his nephew, Mr. Roger Bond, long time prominent businessman at Bottineau, North Dakota. I thought the delegates would be interested in this bit of history from the first Constitutional Convention in 1889.

"Thank you."

Delegate Haugen moved that the mornings be devoted to the meeting of the Convention, and the afternoons devoted to committee meetings. This motion was ruled out of order by the President.

Delegate Rundle moved that the Convention be adjourned until 9 a.m., Tuesday, January 4, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk