

THIRTEENTH DAY

Bismarck, January 19, 1972

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

Prayer was offered by Rev. Norman Winkelman, Pastor, Calvary United Methodist Church, Bismarck.

"Dear Lord and Father of mankind, Forgive our foolish ways! Reclothe us in our rightful mind; In purer lives Thy service find, In deeper reverence, praise.

"We thank You Heavenly Father for the leading of Your Spirit in establishing this nation 'under God,' and pray for your divine guidance as we work to build a constitution to govern our beloved state of North Dakota.

"In the midst of the press of the business at hand, make our minds calm so we may be attentive to Your voice of truth.

"In the name of Jesus Christ we pray. Amen."

Roll was called, and all Delegates were present except Delegates Benz, Quam and Simonson.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 17th day of January, 1972, and recommends that the same be corrected as follows:

On page 196, delete line 27, "Committee Proposal No. 1-61"

And when so corrected recommends that the same be approved.

DELEGATE DOBSON, Vice Chairman

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

REPORT OF SUSTANTIVE COMMITTEE

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-37 has had the same under consideration and recommends that the same be amended as follows:

On line 1 delete the word "section" and insert the word "sections" and after the numeral "41" insert ", 53, 55 and 56"

On line 6 delete the second word "Section" and insert the word "Sections" and after the numeral "41" insert ", 53, 55 and 56"

On line 7 delete the word "is" and insert the word "are"

Delete all of lines 11 through 18 and insert in lieu thereof the following:

Section 8. The terms of service of the legislators shall commence on the first Tuesday after the third day of January follow-

ing their election. The legislative assembly shall meet to organize on the same day and may meet in plenary session no more than eighty natural days during the biennium. The days need not be consecutive and meetings for the purpose of impeachment or on call of the governor shall not count against the eighty-day limitation. The legislative assembly may authorize its committees to meet at any time during the biennium. No house of the legislature may recess or adjourn for more than three days without the consent of the other house.

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE HOFFNER, Chairman

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

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Legislative Functions introduced:

Committee Proposal No. 1-99. Be it resolved by the North Dakota Constitutional Convention that article 33 of the amendments to the constitution of the state of North Dakota be repealed; and that new section 8 of Article XVI of the constitution of the state of North Dakota be created, both of which pertain to the recall of certain elected officials.

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

Committee on Executive Functions introduced:

Committee Proposal No. 1-100. Be it resolved by the North Dakota Constitutional Convention that two new sections to the constitution of the state of North Dakota, both of which pertain to the executive branch of government, be created.

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

Committee on Education, Resources and Public Lands introduced:

Committee Proposal No. 1-101. Be it resolved by the North Dakota Constitutional Convention that section 139 of the constitution of the state of North Dakota be repealed; and that article XVII to the constitution of the state of North Dakota be created, both of which pertain to public utilities.

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

Committee on Executive Functions introduced:

Committee Proposal No. 1-102. Be it resolved by the North Dakota Constitutional Convention that sections 71 and 72 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 of which pertain to the executive branch of government.

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

Committee on Executive Functions introduced:

Committee Proposal No. 1-103. Be it resolved by the North Dakota Constitutional Convention that section 81 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota, pertaining to ethics, be created.

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

Convention was declared at ease for five minutes by President Wenstrom.

REPORTS OF SUBSTANTIVE COMMITTEES

January 19, 1972

Mr. President: A majority of your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-53 has had the same under consideration and recommends that the same do pass.

Delegate Maxwell
 Delegate Daniels
 Delegate Fielder
 Delegate Geelan
 Delegate Hubrig
 Delegate Lamb
 Delegate O'Toole
 Delegate Schmit
 Delegate Urdahl

DELEGATE MAXWELL, Chairman

Delegate Maxwell moved that the report be adopted.

January 19, 1972

Mr. President: A minority of your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-53 has had the same under consideration and recommends that Committee Proposal 1-53 be amended as follows:

On line 1 delete the comma after the word Dakota

Delete line 2 and insert in lieu thereof the following:

"be repealed; and that a new section to the constitution of the state of North Dakota be created; both of which pertain to freedom to obtain employment."

After line 5 add the following:

"Section 2.) A new section to the constitution of the state of North Dakota is hereby created to read as follows:

There shall be no discrimination against a qualified person's right to practice a trade or profession or to obtain or hold employment because of race, color, sex, creed, or membership or non-membership in a trade or labor organization or professional group"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Delegate Burbidge
 Delegate Bender
 Delegate Decker
 Delegate Huckle
 Delegate Thompson
 Delegate Tudor

DELEGATE MAXWELL, Chairman

Delegate Burbidge moved that the report of the minority be substituted for the report of the majority.

A recorded roll call vote was requested on the motion to adopt the Report of the Minority, which request was granted.

ROLL CALL

The question then was on the motion to adopt the Report of the Minority on Committee Proposal 1-53, the roll was called and there were ayes, 62; nays, 33; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Devine	Kessel	Paulson
Baker	Diehl	Ketchum	Peters
Bender	Engstrom	Knudson	Poulson
Benson	Erickson	Kretschmar	Roney
Berg	Fallgatter	Kwako	Rundle
Billey	Fritzell	Lander	Saugstad
Birkeland	Griffin	Lerberg	Scheel

Burbidge	Hartl	Litten	Solberg
Burke	Hendrickson	Longmire	Stanton
Butler	Hernett	McElroy	Thompson
Byrne	Hill	McIntyre	Trenbeath
Cart	Hoghaug	Meidinger	Tudor
Chase	Hougen	Miller	Unruh
Christensen	Huckle	Nething	Wallin
Dawson	Jestrab	Nicholas	Wicks
Decker	Kelsch		

Those voting in the negative were:

Aubol	Gipp	Maxwell	Schmit
Bassingthwaite	Hardmeyer	O'Toole	Sinner
Binek	Haugen	Omdahl	Sondreal
Brakke	Hildebrand	Pearce	Sullivan
Daniels	Hoffner	Peterson	Urdahl
Dobson	Hubrig	Rosendahl	Vogel
Engelter	Lamb	Rude	Warner
Fiedler	Larsen	Sanstead	Mr. President
Geelan			

Absent and not voting:

Benz	Quam	Simonson
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The Report of the Minority is substituted for the Report of the Majority, and will be placed on the 6th Order of the Calendar.

MOTION

Delegate Hoffner moved that the remarks of Delegates Burbidge and Maxwell pertaining to the Minority and Majority Reports on Committee Proposal 1-53 be printed in the Journal, which motion prevailed.

Mr. Burbidge:

"Since being appointed to the sub-committee on this issue some six months ago, I have heard much testimony on the subject. I have spent a fair amount of time on personal discussion on the matter and have received quite a little personal mail. I should like to share my experience and observations with you.

"I find two areas of agreement on the subject, one of which deeply concerns us all and the other compliments us all.

"The first area of agreement is that this issue has a substantial bearing on citizen approval of our whole constitution. Each side on this issue has stated very sincerely and frankly that if we take action contrary to their point of view, serious consequences could develop. I commend each side on being so candid and so honest.

"The other area of agreement — and I find this almost unanimous — is that delegate opinion of the subject is not greatly influenced by the game of numbers or by a desire to be on the popular side. Our individual decision on this matter will be based on what each of us feel is right — on what we can support with honesty and with dignity. This doesn't make agreement any easier, but it should increase citizen confidence in our actions on this and other important matters.

"As we face the areas of disagreement, one of the conflicts of which I have become most aware is the clash of Emphasis on Detail vs. Emphasis on Principle. Some learned and sincere people have become such constitutional purists, on this one issue at least, that they would delete "right-to-work" from our constitution because it offends their sensitivities on their definition of constitutional material. I take note of their conclusions on this detail, though I respectfully disagree.

"There is room in our constitution to deal with such basic people-to-people rights as freedom of religion and freedom of press. There was room in our old constitution to deal with "right-to-work". Have we suddenly become so sophisticated that we can-

not acknowledge this basic right because it doesn't fit into our narrow definition of constitutional matter? Is space in this constitution so exclusive and so precious that there isn't room for 50 words protecting the individual's right to dissent? Are we so tidy in our constitutional housekeeping that we become excessively concerned about cluttering up our constitution with a simple statement of rights?

"Even if our constitutional purists are right, they are right only on detail — on definition and on form. If we must err in constitution making, let us err on detail because we have an infinitely greater obligation to be right on principle. Let's now look at the principle involved — let's now look at the basic issue that is before us.

"We start out our effort on constitution making with the basic and stated premise 'all rights are inherent in the people'. It is our grave and awesome responsibility in the Bill of Rights to transfer some of these rights to government and to reserve other rights to people.

"The subject we are dealing with now concerns both the people's right to govern and the individual's right to dissent — both constitutional matters. Let's look at the constitutional ramifications involved with the power to discriminate.

"The power to discriminate is the power to dominate, to coerce, to police. The power to police is a governmental power.

"The power to discriminate is the power to create monopoly — the power to deny or limit entry into a field of endeavor based on an arbitrary internal decision of the self-interest, non-governmental group involved.

"The power to discriminate is the power to set public policy if private, self-interest groups are granted the exclusive right of domination over their field. The public would thus be governed — often on very important and vital matters by the internal decisions of the private special interest group.

"The power to discriminate is the power to discourage innovation and change — a matter of vital importance.

"The power to discriminate is the power to limit service.

"The power to discriminate is the power to limit dissent — the power to silence minorities within an organization who, for whatever reason, question the policies or the practices of their leaders. Its indirect but important result is a less effective organization with the leaders less responsive to the wishes and objectives of its members. Let's not forget that if the members of a private organization have the power to dissent, they have an effective Bill of Rights — they can not be a captive minority. The right to dissent has an important role in the democratic process.

"Some have said that this proposal is anti-organization — I couldn't disagree more. This is neither its intent nor its effect. I hold firmly to the belief that the most effective organization is one whose members want to belong to it because it is effectively carrying out the role for which it was created. The most effective organization is one whose leaders are motivated by the knowledge that they must do the job or lose the support of the followers.

"Since the power to discriminate is the power to police, the power to create monopoly, the power to limit innovation and change, the power to set public policy, the power to limit service and, most of all, the power to limit dissent, it is the power to govern. The power to govern and the framework of government is the basic question before this convention. It is not a mundane, legislative detail. It is and should be, a matter of basic concern.

"Now lets look for a moment at the framework of government. In matters of state and local government we divide responsibilities

and delineate and limit powers. We provide for due process to protect both the rights of the individual and of society. The deliberations of this convention are primarily to this end.

"The proposal before you says in effect that the transfer of the power to govern, either by commission or omission, shall not be made to special interest non-governmental groups. It says in effect that the Legislature shall not franchise the power of government — shall not give non-governmental groups dictatorial power for licensing or employment in their special interest field. It says in effect, that decisions in licensing of professionals for the public's protection shall be made by boards appointed by and approved by elective officials responsible to and answerable to the electorate. It says in effect that due process of law shall be available to anyone questioning the goals or the decisions of the appointed board.

"In summary, the proposal before you guarantees that the power to govern shall remain in the framework of government — shall be subject to the Bill of Rights, shall be either directly or indirectly answerable to the citizens for periodic elective approval and shall be responsive to the safeguard of judicial remedy.

"Fellow delegates, we have before us a proposal whose intent and objective is right and is a basic constitutional matter. I strongly urge your approval of the minority report. If the minority report should prevail today with your support, we will have the privilege on the 10th order tomorrow to hold dialogue and discussion on the best alternative to support the intent and objective of the minority on the Bill of Rights Committee."

Delegate Maxwell: "Mr. President:

"This is a day of destiny for the 1972 Constitutional Convention. On this day, Wednesday, January 19, 1972, the fate of the new Constitution will be settled. That fate will not be resolved on election day next spring, but here today, now.

"A majority of the Bill of Rights Committee solicits your endorsement of a course that we are confident is a correct one, and one that is best calculated to assure the success for the product of this Convention. We submit that the Majority Proposal is the correct one because it is founded upon firm constitutional grounds, because it would result in a Constitution that is fair and equitable and right, because it would deal even-handedly with all citizens. We submit that the Minority or Burbidge Proposal is not constitutionally sound and would produce a Constitution that would unfairly and unjustly and unnecessarily discriminate against two groups of citizens in this state — organized labor and the organized Bar of North Dakota. We submit that with such a provision this Constitution is doomed. We suggest that the work of this Convention cannot possibly survive the malignancy of such a defect.

"The Bill of Rights Committee has voted to delete Section 23 from the Constitution on what I see has been academically correct constitutional grounds. These grounds are that it deals with statutory rather than constitutional matter. We have all of us heard and read — have probably said at one time or another — a lot about what belongs properly in a Constitution and what should be left to the Legislature. I am frank to say that until a year ago or so, I had not given a great deal of thought or study to the distinction. I think this was true of all of us to start with. We have since learned that the basic function of a constitution is to establish the essential machinery of government and to protect individuals from governmental abuse. Some have simplified formulas. Some of the simplified formulas go something like this: A constitution's role is to protect people from government. Protecting people from people is statutory.

"I have heard and so have you, and we have heard it again this morning that the right to work is a basic right, and therefore it should

be in the Constitution. We don't know what the authority is for the proposition that this is a basic right. It is not found in the common law or in the Magna Charta or in the Declaration of Independence. You won't find it in the Constitution of the United States or any of the amendments to that document. Two-thirds of the states of this nation don't even have a right-to-work law on their statute books, much less in their constitutions. Out of the fifty states, only six or seven in addition to this state have such a provision in their constitutions. The other forty-three or forty-four have no reference to it whatsoever. In fact, about half a dozen states go to the exact opposite pole and set out as a constitutional basic right the right of labor to organize and to bargain collectively, so how very basic these rights are in these dozen or so states that have spoken on labor-management relations depends upon which of the two special interest has the ascendancy and can exert the necessary pressure at the time that the Constitution is written.

Our Committee saw Section 23 as not being a basic right at all, but an attempt to regulate people in their relations with each other. This section does not limit the power of government, as a constitution should. Instead, it expands the power of government to regulate citizens, and the Burbidge proposal would go even further in that direction, and this, Mr. President, is legislative. The posture of the committee is not one of opposition to the right-to-work law. It is not that at all. It is simply that this is a subject that belongs in the statutes and not in the constitution, and of course, the right-to-work laws and right-to-work propositions are fully covered in our present statutes. I have counted eight separate and individual statutes dealing with the right to work, and each one of those will remain unaffected by the dissolution of Section 23 from the Constitution.

"We have Section 34-01-14, passed by the 1947 Legislature, and it reads: 'The rights of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor unions or labor organization, and all contracts in negation or abrogation of such rights are hereby declared to be invalid, void and unenforceable.' This is the law that was referred by petition to the people, and was approved on June 29, 1948, by a two-to-one margin. As a result of that referendum, this law is strongly rooted in our state, and it would take a two-thirds vote of both Houses of a Legislature to amend or repeal it. Even if we didn't have that, there are seven others.

"There is 34-08-02, which states: '. . . the public policy of this state is declared to be that a worker of this state shall be free to decline to associate with his fellows.' There is 34-09-01, which reads practically the same, but goes on a little bit farther, 'The public policy of this state is declared to be that a worker shall be free to decline to associate with his fellows and shall be free to obtain employment wherever possible without interference or being hindered in any way.'

"There is 34-01-06, which says: 'Every person, corporation, or agent thereof, who maliciously interferes or hinders, in any way, any citizens of this state from obtaining employment or from enjoying employment already obtained from any other person or corporation, is guilty of a misdemeanor.'

"Section 34-12-02 says: 'Employees shall be free to decline to associate with their fellows and shall be free to obtain employment wherever possible without interference or being hindered in any way.'

"Section 34-01-04 states: 'Every person who by any use of force, threats, or intimidation, prevents or endeavors to prevent any hired workman from continuing or performing his work or from accepting any new work or employment is guilty of a misdemeanor.'

“Section 12-03-01 states: ‘Persons shall be deemed guilty of a misdemeanor if one or more conspire to prevent another from exercising a lawful trade or calling.’

“Section 34-12-03: ‘It shall be an unfair labor practice for a labor organization or its agents to restrain or coerce employees in the exercise of rights guaranteed by law, to cause or to attempt to cause an employer to discriminate or restrain or coerce employees in the exercise of rights afforded by law, or to hinder or prevent the pursuit of any lawful work or employment.’

“How much, Mr. President, how much right-to-work protection must it take? Leaving it out of the Constitution where it does not belong will affect these eight statutes in no way. They will remain as they are and continue to control labor-management relations with their force and effectiveness undiminished. Adopting the Burbidge Proposal will change absolutely nothing as far as labor-management relations are concerned — the only thing that such action will accomplish is to insure the defeat of this Constitution.

“Why is a vote for the Burbidge Proposal tantamount to a vote to defeat the Constitution? Because, if we adopt the Burbidge Proposal, we court the hostility of the entire labor organization. We alienate this powerful and now friendly group. From that point on, defeat becomes a painfully simple and a crystal clear matter of mathematics. In September, 1970, about 96,000 people voted on the question of calling this convention, and remember, this was in conjunction with the primary election. At the special election to be held this spring, I doubt that that many will turn out. But let us say 100,000 voters do turn out — which is more than voted on the calling of a Constitutional Convention. The same 40,000 voters that voted against the Constitutional Convention will be there again to oppose the Constitution. Few of those 40,000 were from organized labor, and labor had endorsed and worked for a “yes” vote on the Constitutional Convention. That means, Mr. President, that labor would need to muster 10,000 votes to defeat the Constitution. They could do that over night, and you know it. With 29,000 members and further labor family votes of 50,000, it would be easy, and if we affront labor with an anti-labor Constitution, what else can we expect. Many labor representatives and laboring men and women have appeared before our committee. They have asked for nothing special or unreasonable. They have asked only one thing, that this convention treat labor equally with everyone else. That is all, just that they are treated the same as everyone.

“Mr. President, that is a just request to make of this Convention. A Constitution should be written so that the citizens — all of them, can equally respect and admire and love it. The laboring man who belongs to a union is just as entitled as an employer or anyone else to have a Constitution he can be proud of. It isn’t necessary to put something in offensive to him. It isn’t necessary, it isn’t right, and it isn’t fair, and if we do, we have wrecked the Convention. The seed we sow today will be ready for harvest at election time this spring. Whether the fruit it yields will be bitter or sweet depends on what we do now. The Majority of the Committee has pointed what we feel is the proper course of this convention. We respectfully ask that you endorse our action.”

President Wenstrom declared a fifteen minute recess. Convention reconvened with President Wenstrom presiding.

REPORT OF SUBTANTIVE COMMITTEE

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-32 has had the same under consideration and recommends that the same do pass.

DELEGATE HOFFNER, Chairman

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

FIRST READING OF PROPOSALS

Committee Proposal No. 1-64. Be it resolved by the North Dakota Constitutional Convention that section 2 of the present constitution of the state of North Dakota, which pertains to political power in the people, be retained in its present form.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 82; nays, 0; absent and not voting, 16.

Those voting in the affirmative were:

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

Absent and not voting:

Aubol	Fallgatter	Ketchum	McIntyre
Benz	Fiedler	Kretschmar	Nicholas
Brakke	Hildebrand	Lamb	Quam
Dawson	Kessel	McElroy	Simonson

So the proposal passed and the title was agreed to and Committee Proposal 1-64 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-65. Be it resolved by the North Dakota Constitutional Convention that section 11 of the present constitution of the state of North Dakota, which pertains to uniform operation of laws, be retained.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 84; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

Aas	Dobson	Knudson	Rude
Baker	Engelter	Kwako	Fundle
Bassingthwaite	Engstrom	Lander	Sanstead
Bender	Erickson	Larsen	Saugstad
Benson	Fritzell	Lerberg	Scheel
Berg	Geelan	Litten	Schmit
Billey	Gipp	Longmire	Sinner
Binek	Griffin	Maxwell	Solberg
Birkeland	Hardmeyer	Meidinger	Sondreal
Burbidge	Hartl	Miller	Stanton
Burke	Haugen	Nothing	Sullivan

222 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Butler	Hendrickson	Nicholas	Thompson
Byrne	Hernett	O'Toole	Trenbeath
Cart	Hill	Omdahl	Tudor
Chase	Hoffner	Paulson	Unruh
Christensen	Hoghaug	Pearce	Urdahl
Daniels	Hougen	Peters	Vogel
Dawson	Hubrig	Peterson	Wallin
Decker	Huckle	Poulson	Warner
Devine	Jestrab	Roney	Wicks
Diehl	Kelsch	Rosendahl	Mr. President

Absent and not voting:

Aubol	Fiedler	Kretschmar	McIntyre
Benz	Hildebrand	Lamb	Quam
Brakke	Kessel	McElroy	Simonson
Fallgatter	Ketchum		

So the proposal passed and the title was agreed to, and Committee Proposal 1-65 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-66. Be it resolved by the North Dakota Constitutional Convention that section 13 of the present constitution of the state of North Dakota, which pertains to rights of a defendant in criminal prosecutions, be retained.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 92; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

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

Absent and not voting:

Benz	Haugen	Quam	Simonson
Cart	Hildebrand		

So the proposal passed and the title was agreed to, and Committee Proposal 1-66 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-67. Be it resolved by the North Dakota Constitutional Convention that section 20 of the present constitution of the state of North Dakota, which pertains to not granting special privileges and immunities, be retained.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 94; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

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

Absent and not voting:

Benz	Quam	Simonson	Solberg
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So the proposal passed and the title was agreed to, and Committee Proposal 1-67 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-68. Be it resolved by the North Dakota Constitutional Convention that section 24 of the present constitution of the state of North Dakota, which pertains to declaration of rights remaining inviolate, be retained.

Which has been read.

ROLL CALL

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

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
Berg	Geelan	Larsen	Scheel
Billey	Gipp	Lerberg	Schmit
Binek	Griffin	Litten	Sinner
Birkeland	Hardmeyer	Longmire	Solberg
Brakke	Hartl	McElroy	Sondreal
Burbidge	Haugen	McIntyre	Stanton
Burke	Hendrickson	Maxwell	Sullivan
Butler	Hernett	Meidinger	Thompson
Byrne	Hildebrand	Miller	Trenbeath
Cart	Hill	Nething	Tudor
Chase	Hoffner	Nicholas	Unruh
Christensen	Hoghaug	O'Toole	Urdahl

Daniels	Hougen	Paulson	Vogel
Dawson	Hubrig	Pearce	Wallin
Decker	Huckle	Peters	Warner
Devine	Jestrab	Peterson	Wicks
Diehl	Kelsch	Poulson	Mr. President
Dobson	Kessel		

Those voting in the negative were:

Omdahl

Absent and not voting:

Benz	Quam	Simonson
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So the proposal passed and the title was agreed to, and Committee Proposal 1-68 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-71. Be it resolved by the North Dakota Constitutional Convention that section 6 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 bail.

Which has been read.

Delegate Omdahl moved that Committee Proposal 1-71 be placed at the foot of the calendar, which motion prevailed.

Committee Proposal No. 1-73. Be it resolved by the North Dakota Constitutional Convention that section 4 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 religious freedom.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 77; nays, 17; absent and not voting, 4.

Those voting in the affirmative were:

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

Those voting in the negative were:

Baker	Huckle	Omdahl	Saugstad
Berg	Kelsch	Peterson	Stanton
Hartl	Lander	Rundle	Trenbeath
Hoghaug	Nething	Sanstead	Wallin
Hougen			

Absent and not voting:

Benz	Nicholas	Quam	Simonson
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So the proposal passed and the title was agreed to, and Commit-

tee Proposal 1-73 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-78. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, which pertains to the death penalty, be created.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 76; nays, 17; absent and not voting, 5.

Those voting in the affirmative were:

Aas	Fallgatter	Ketchum	Rude
Aubol	Fiedler	Kretschmar	Rundle
Bassingthwaite	Gipp	Kwako	Sanstead
Bender	Griffin	Lamb	Saugstad
Benson	Hardmeyer	Lerberg	Scheel
Berg	Hartl	Litten	Schmit
Binek	Haugen	Longmire	Sinner
Birkeland	Henrickson	McIntyre	Solberg
Brakke	Hernett	Maxwell	Sondreal
Burbidge	Hildebrand	Meidinger	Stanton
Burke	Hill	O'Toole	Trenbeath
Butler	Hoffner	Omdahl	Tudor
Byrne	Hoghaug	Paulson	Unruh
Cart	Hougen	Pearce	Urdahl
Daniels	Hubrig	Peters	Vogel
Dawson	Huckle	Peterson	Wallin
Diehl	Jestrab	Poulson	Warner
Dobson	Kelsch	Roney	Wicks
Engstrom	Kessel	Rosendahl	Mr. President

Those voting in the negative were:

Baker	Devine	Knudson	Miller
Billey	Engelter	Lander	Nething
Chase	Erickson	Larsen	Sullivan
Christensen	Fritzell	McElroy	Thompson
Decker			

Absent and not voting:

Benz	Nicholas	Quam	Simonson
Geelan			

So the proposal passed and the title was agreed to, and Committee Proposal 1-78 was referred to the Committee on Style and Drafting.

REPORTS OF SUBSTANTIVE COMMITTEES

January 19, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-57 has had the same under consideration and recommends that the same be amended as follows:

After line 11 add the following new paragraph:

"No public funds may be expended in support of any organization which, in the selection of its membership, discriminates on the basis of race, color or national origin."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-60 has

had the same under consideration and recommends that the same be amended as follows:

In line 11 after the word "criminally" insert the words "for a felony"

In line 13 after the period insert the following: "The legislative assembly may change, regulate, or abolish the grand jury system."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-79 has had the same under consideration and recommends that the same be amended as follows:

In line 2 of the title after the word "keep" delete "and bear"

Delete all of Lines 6 and 7 and insert in lieu thereof the following:

"No law shall abridge the right of the citizens to keep arms for self defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the unlawful carrying of concealed weapons."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-89 has had the same under consideration and recommends that the same be amended as follows:

In line 11 after the word "and" insert the following:

"the interests of the general public and"

In line 12 after the word "or" insert "estimated just compensation"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: A Majority of your Committee on Finance and Taxation to whom was referred Committee Proposal No. 1-97 has had the some under consideration and recomends that the same do pass.

Delegate Unruh
Delegate McElroy
Delegate Burke
Delegate Aas
Delegate Ketchum
Delegate Lerberg
Delegate Miller
Delegate Nicholas
Delegate Quam
Delegate Saugstad

DELEGATE HAUGEN, Chairman

Delegate Unruh moved that the Majority report be adopted.

Mr. President: A Minority of your Committee on Finance and

Taxation to whom was referred Committee Proposal No. 1-97 has had the same under consideration and recommends that the same be amended as follows:

Delete all of lines 10 through 17 and insert in lieu thereof the following:

"TAX UNIFORMITY AND EXEMPTIONS. Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax. The legislature may by law exempt any or all classes of personal property from taxation and within the meaning of this section, fixtures, buildings and improvements of every character, whatsoever, upon land shall be deemed personal property.

Provided, however, that property used exclusively for schools, religious, cemetery, charitable or other public purposes shall be exempt from taxation. (Taxes and exemptions in force when this constitution is enacted shall remain in force until otherwise provided by law.)

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Delegate Cart
 Delegate Trenbeath
 Delegate Binek

DELEGATE HAUGEN, Chairman

Delegate Cart moved that the Minority report be substituted for the Report of the Majority.

Delegate Haugen moved that action on the Committee Reports on Committee Proposal 1-97 be laid over one Convention Day and copies of the Report of the Minority be laid on the desk of the delegates, which motion prevailed.

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-23 has had the same under consideration and recommends that the same be amended as follows:

Delete all of lines 7, 8 and 9.

In line 10 delete "**greatest obligations of citizenship, the**" and insert in lieu thereof the word "**The**"

In line 11 delete the word "**these**"

In line 12 delete the word "**shall**" and insert in lieu thereof the word "**may**" and also in line 12 delete the word "**such**"

In line 13 insert a period after the word "**assembly**" and delete the remainder of the line

Delete all of line 14

And renumber the lines accordingly.

And when so amended recommends the same do pass.

DELEGATE MAXWELL, Chairman

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

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-48 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., Thursday, January 20, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk