

## FIFTEENTH DAY

Bismarck, January 21, 1972

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

Prayer was offered by Rev. A. Ben Dove, Pastor, Mandan Presbyterian Church, Mandan.

"Almighty God, Lord of order and author of man's freedom, lend a generous measure of Your own spirit of wisdom and courage to this assembly. Oh God, we know too well the weakness and selfishness of men, including ourselves. And for these we ask forgiveness. But grant that this convention will be able to look beyond our limitations to the potential of those who will live under this new constitution.

"Even as we learn from the past, save us from accepting that view as our total vision. Grant each delegate here a boldness born of trust. Amid the heat and the pressure of this forum, enable them together to shape a document clean and sharp — a frame broad enough to meet the new trials and opportunities which already appear.

"Gracious God, we are grateful that here, through the work of human minds and hands, You too are at work. Let that be both hope and spur to Your servants here. This we pray confidently in Christ's name. Amen."

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

A quorum was declared by the President.

## REPORT OF PROCEDURAL COMMITTEE

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

Delegate Proposal No. 2-23

Committee Proposal No. 1-37

Committee Proposal No. 1-53

Committee Proposal No. 1-60

Committee Proposal No. 1-79

Committee Proposal No. 1-89

And find the same correctly engrossed.

DELEGATE ERICKSON, Chairman

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

## REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 19th day of January, 1972 and recommends that the same be corrected as follows:

On page 213, delete lines 29 and 30.

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On page 219, in line 19, delete "feasibly" and insert in lieu thereof "being"

On page 219, lines 40 and 41, delete "recorded" and insert in lieu thereof "rooted"

On page 220, line 31, delete "If you have" and insert in lieu thereof "Few of"

On page 220, line 32, delete the word "who"

On page 221, line 33, delete the word "high" and insert in lieu thereof the word "yes"

On page 220, line 51, delete the word "not"

On page 226, line 58, delete "which motion prevailed and the report was adopted."

On page 227, line 25, and line 26, delete "be adopted, which motion prevailed and the report was adopted." and insert in lieu thereof "be substituted for the Report of the Majority."

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.

### MOTIONS

Delegate Lamb moved that the Convention reconsider its action by which Committee Proposal 1-84 was lost, which motion prevailed on a division vote requested by the President.

Delegate Lamb moved that Committee Proposal 1-84 be placed at the foot of the calendar, which motion prevailed.

Delegate Lander moved that the calendar sequence of one day be added to rather than being re-arranged numerically the following day, which motion prevailed.

### CONSIDERATION OF AMENDMENTS

Delegate Hoffner has moved that the amendments to Committee Proposal 1-36, as recommended by the Committee on Legislative Functions and as printed on pages 231 and 232 of the Journal, be adopted, which motion prevailed.

Delegate Hoffner has moved that the amendments to Committee Proposal 1-45, as recommended by the Committee on Legislative Functions and as printed on page 232 of the Journal, be adopted, which motion prevailed.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-57, as recommended by the Committee on Preamble, Bill of Rights and Suffrage, and as printed on page 225 of the Journal, be adopted, which motion failed.

Delegate Maxwell has moved that the amendments to Committee Proposal 1-72, as recommended by the Committee on Preamble, Bill of Rights and Suffrage and as printed on page 233 of the Journal, be adopted, which motion prevailed.

### REPORTS OF SUBSTANTIVE COMMITTEES

In regard to Committee Proposal 1-14, which had been laid over one Convention day, the Reports of the Majority and the Minority of the Committee on Judicial Functions and Political Subdivisions, which reports are shown on pages 203 and 204 of the Journal, were considered.

The motion of Delegate Hoghaug that the Minority Report be substituted for the report of the Majority, which motion failed on a division vote.

The question then was on the motion of Delegate Longmire to adopt the report of the Majority on Committee Proposal 1-14, which motion prevailed.

January 19, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-85 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-82 has had the same under consideration and recommends that the same do pass.

DELEGATE MAXWELL, Chairman

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

January 20, 1972

Mr. President: A Majority of your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-83 has had the same under consideration and recommends that the same do pass.

Delegate Maxwell  
 Delegate Bender  
 Delegate Daniels  
 Delegate Fiedler  
 Delegate Geelan  
 Delegate Hubrig  
 Delegate Huckle  
 Delegate Lamb  
 Delegate O'Toole  
 Delegate Schmit  
 Delegate Urdahl

DELEGATE MAXWELL, Chairman

Delegate Maxwell moved that the report be adopted.

Mr. President: A Minority of your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-83 has had the same under consideration and recommends that Committee Proposal 1-83 be amended as follows:

On Line 11 after the comma and before the word "the" insert the following: **"provide for no party registration of voters,"**

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Delegate Burbidge  
 Delegate Decker  
 Delegate Thompson  
 Delegate Tudor

DELEGATE MAXWELL, Chairman

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

MOTION

Delegate Lander moved that Committee Proposal 1-83 be laid over two convention days, which motion prevailed.

REPORTS OF SUBSTANTIVE COMMITTEES

January 21, 1972

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-114 has had the same under consideration and recommends that the same do pass.

DELEGATE MEIDINGER, Chairman

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

January 21, 1972

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-115 has had the same under consideration and recommends that the same do pass.

DELEGATE MEIDINGER, Chairman

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

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-29 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 "29" insert "and 35" and after the words "Article II" insert the words "and section 214 of Article XVIII"

On line 4 delete the word "both" and insert the word "all"

On line 6 delete the second word "Section" and insert the word "Sections" and after the numeral "29" insert the words "and 35" and after the words "Article II" insert the words "and section 214 of Article XVIII"

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

On line 17 delete the word "electors" and insert in lieu thereof the word "persons"

On line 21 after the word "large" insert the words "in single or combined senatorial districts"

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.

Mr. President: Your Committee on Legislative Functions to whom was referred Committee Proposal No. 1-70 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.

#### INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Finance and Taxation introduced:

**Committee Proposal No. 1-116.** Be it resolved by the North Dakota Constitutional Convention that section 174 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 raising of revenues.

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

Committee on Finance and Taxation introduced:

**Committee Proposal No. 1-117.** Be it resolved by the North Dakota Constitutional Convention that section 174 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 raising of revenues.

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

Committee on Preamble, Bill of Rights and Suffrage introduced:

**Committee Proposal No. 1-118.** 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 having a justiciable right to an electoral system not prejudicial to his candidacy, be created.

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

Committee on Preamble, Bill of Rights and Suffrage introduced:

**Committee Proposal No. 1-119.** Be it resolved by the North Dakota Constitutional Convention that section 7 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 jury trial.

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

#### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-28.** Be it resolved by the North Dakota Constitutional Convention that sections 73 and 84 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 qualifications and compensation of elected officials, be created.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-28 be amended as follows:

On the engrossed bill, in line 13, following word "the" delete the word "five" and insert in lieu thereof the word "two"

Which motion prevailed.

Delegate Larsen moved that Committee Proposal No. 1-28 be amended as follows:

On line 13, delete the word "twenty-five" and insert in lieu thereof the word "twenty-one"

Which motion prevailed on a division vote at the request of the President.

Delegate Kelsch moved that the rules be suspended, and that Committee Proposal 1-28 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

#### ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 89; nays, 3; absent and not voting, 6.

Those voting in the affirmative were:

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

Diehl	Jestrab	Peters	Warner
Dobson	Kelsch	Peterson	Wicks
Engelter	Kessel	Poulson	Mr. President
Engstrom			

Those voting in the negative were:

Aas	Cart	Lerberg
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Absent and not voting:

Benz	Miller	Roney	Simonson
Butler	Quam		

So the proposal passed and the title was agreed to, and Committee Proposal 1-28 was referred to the Committee on Style and Drafting.

MOTION

Delegate Decker moved that Committee Proposal 1-60 be returned to the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

Delegate Meidinger moved that Committee Proposal 1-17 be returned to the floor from the Committee on Education, Resources and Public Lands, which motion prevailed.

Delegate Meidinger requested unanimous consent to withdraw Committee Proposal 1-17, which request was granted.

Delegate Longmire moves that the rules be suspended and

1. That the committee reports dealing with proposal 1-11 be placed on the 5th order:
  - A. That a ten minute interval be granted for the minority to explain the minority report
  - B. That ten minutes be granted for the majority to explain the majority report
  - C. There be open discussion of both minority and majority reports following the explanations under sections A & B hereof
  - D. No amendments of the majority and minority reports on committee proposal 1-11 be allowed
  - E. No other motions be allowed
  - F. At the conclusion of debate a vote be taken on the minority report
 

If a majority of the delegates vote aye in favor of the minority report the minority report be determined properly engrossed and placed on the 10th order for first passage.
  - G. If the minority report receives less than a majority vote of the delegates the majority report be deemed properly engrossed and placed on the 10th order for first passage
  - H. That debate on the two reports be held commencing at 10:00 a.m., Tuesday, January 25.

Delegate Sinner moved the previous question, which motion prevailed.

The question then was on the motion of Delegate Longmire in regard to Committee Proposal 1-11, which motion prevailed.

FIRST READING OF PROPOSALS

**Committee Proposal No. 1-32.** Be it resolved by the North Dakota Constitutional Convention that sections 194, 195 and 196 of Article XIV of the constitution of the state of North Dakota be repealed; and that section 22 of Article II to the constitution of the state of North Dakota be created; all of which pertain to grounds for impeachment.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-32 be amended as follows:

On line 12 of the engrossed proposal delete the words "elected state officers and"

On line 13 after the word "subdivision" add the following: "and all elected state officers"

On line 15 delete the following: "chronic and"

On line 17 and 18 delete "those elected to the house" and insert in lieu thereof the following: "the elected representatives"

On line 19 after the word "of" add the word "the"

And renumber the lines accordingly.

Which motion prevailed.

Delegate Kelsch moved that the rules be suspended, and Committee Proposal 1-32 be deemed properly re-engrossed and placed on the calendar for first passage, which motion prevailed.

### ROLL CALL

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 89; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

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

Absent and not voting:

Benz	Fallgatter	Pearce	Simonson
Binek	Miller	Quam	Warner
Butler			

So the proposal passed and the title was agreed to, and Committee Proposal 1-32 was referred to the Committee on Style and Drafting.

### ANNOUNCEMENT

Delegate Haugen reported his presence at the Convention.

### FIRST READING OF PROPOSALS

**Committee Proposal No. 1-37.** Be it resolved by the North Dakota Constitutional Convention that sections 41, 53, 55 and 56 of Article II of the constitution of the state of North Dakota be repealed; and that section 8 of Article II to the constitution of the state of North Dakota be created; both of which pertain to a legislative timetable.

Which has been read.

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Delegates Haugen moved that Committee Proposal 1-37 be amended as follows:

In line 18 of the engrossed bill, delete **"The Legislative Assembly may authorize its committees"**

In line 19, delete **"to meet at any time during the biennium."** and re-number the lines accordingly, which motion failed.

Delegate Trenbeath moved that Committee Proposal 1-37 be amended as follows:

In line 21 of the engrossed bill, following the word "house" add the following **", but the total recess days shall not exceed sixteen natural days while meeting in plenary session"**

Delegate Saugstad moved that the Convention stand recessed until 1:45 p.m., which motion prevailed.

The Convention re-convened at 1:45 p.m., with President Wenstrom presiding.

Delegate Trenbeath requested permission to withdraw his motion to amend Committee Proposal 1-37, which request was granted.

Delegate Trenbeath moved that Committee Proposal 1-37 be amended as follows:

In line 21 of the engrossed bill, after the period following the word "house" add the following:

**"The plenary sessions shall be held during the months of December, January, February and March; except for impeachment proceedings or special sessions."**

And renumber the lines accordingly.

Which motion failed.

**ROLL CALL**

The question being on the first passage of the proposal, as amended, the roll was called and there were ayes, 78; nays, 7; absent and not voting, 13.

Those voting in the affirmative were:

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

Those voting in the negative were:

Cart	Roney	Schmit	Wallin
Haugen	Rundle	Trenbeath	

Absent and not voting:

Benz	Fallgatter	Miller	Stanton
Burke	Griffin	Quam	Sullivan
Butler	Hougen	Simonson	Warner
Devine			

So the proposal passed and the title was agreed to, and Committee Proposal 1-37 was referred to the Committee on Style and Drafting.

**Committee Proposal No. 1-53.** Be it resolved by the North Dakota Constitutional Convention that section 23 of the constitution of the state of North Dakota, pertaining to freedom to obtain employment, be repealed.

Which has been read.

Delegate Burbidge moved that Committee Proposal 1-53 be amended as follows:

On line 10 of the engrossed proposal 1-53, after the word "qualified" insert the word "**natural**"

On line 11, after the second word "or" and before the word "to" insert the words "**of a citizen**"

And renumber the lines accordingly, which motion prevailed.

Delegate Aubol moved that Committee Proposal 1-53 be placed at the foot of the calendar, which motion was subsequently withdrawn.

Delegate Dobson moved that Committee Proposal 1-53 be amended as follows:

Delete all of lines 1 through 14 of the engrossed proposal and insert in lieu thereof the following:

"That section 23 of the present constitution of the state of North Dakota, which pertains to freedom to obtain employment, be retained in its present form.

SECTION 1.) Section 23 of the present constitution of the state of North Dakota is retained in its present form and reads as follows:

Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor."

Which motion failed.

Delegate Kelsch moved that the rules be suspended, and Committee Proposal 1-53 be deemed properly re-engrossed and placed on the calendar for first passage, which motion failed on a division vote.

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

Delegate Saugstad moved that the Convention be adjourned until 9:00 a.m., Monday, January 24, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk