

SECOND DAY

Bismarck, January 4, 1972

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

Prayer was offered by Rev. Richard Unkenholz, Pastor, First United Methodist Church, Bismarck.

"O God, we thank You for the newly-discovered challenges and unclimbed heights in this temporary life. In times of change and reevaluation, guide us with Your eternal wisdom. Give counsel and help to each of those who deliberate here.

"Grant that what is done in this Convention, even today, may result in benefit for many generations yet to come. Help each of us to hold the rights and needs of others to be as important as our own.

"Help each delegate to evaluate fairly the suggestions, ideas and convictions brought to this place of decision. Grant that out of the struggle and testing entered into here there may emerge a document that will broaden and enrich the possibilities of life in our State of North Dakota.

"We pray in the name of the Christ who lives and who leads, Amen."

Roll was called, and all Delegates were present except Delegates Sinner and Decker.

A quorum was declared by President Wenstrom.

COMMUNICATIONS

The North Dakota Constitutional Convention
State Capitol
Bismarck, North **Dakota**

I send my wishes for success to the delegates on the North Dakota Constitutional Convention. The task you undertake is most important. It could create the basic structure of government which will guide North Dakota into its second century. The various proposals of the convention committees about which I have read show a great understanding on the basic problems affecting our state government. They will furnish an excellent starting point for the deliberation on this convention. I share your hope and confidence that these proposals under the careful study of the delegates assembled can become a worthy document for submission to the people of North Dakota.

Quentin N. Burdick
United States Senator

Frank Wenstrom, President
Constitutional Convention, Capitol Building
Bismarck, North Dakota

Please extend my greetings to the delegates and guests at the Constitutional Convention. Your task is a vital one for the future

of our state and I am confident you will meet the challenges before you. All North Dakotans are grateful for your dedication. Best wishes for every success.

Sincerely,
Mark Andrews
Member of Congress

December 30, 1971

Honorable Frank A. Wenstrom
Constitutional Convention Office
State Capitol
Bismarck, North Dakota 58501

Dear Frank:

It appears that I will be unable to attend the opening days of the Constitutional Convention. I have had some back surgery, and I was a little optimistic about the time it would take to regain my strength. I am hoping to be in Bismarck the second week and, if all goes well, maybe the latter part of the first week.

Please extend my regrets to the rest of my committee at least and to other delegates who might wonder where I am. I look forward to joining you all as soon as possible.

Best personal regards.

George A. Sinner

Delegate Decker reported his presence at the Convention.

INTRODUCTION OF DELEGATE PROPOSALS

Delegate Hubrig introduced:

Delegate Proposal No. 2-43. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota pertaining to penalties for drug offenses, be created.

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

Delegate Billey introduced:

Delegate Proposal No. 2-44. Be it resolved by the North Dakota Constitutional Convention that article 54 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 education.

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

Delegate Dobson introduced:

Delegate Proposal No. 2-45. 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 reimbursement to counties for costs of the special election on the proposed constitution, be created.

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

Delegate Dobson introduced:

Delegate Proposal No. 2-46. Be it resolved by the North Dakota Constitutional Convention that section 98 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 filling of vacancies in the offices of justice or judge.

Was read the first time and referred to the Committee on Judicial Functions and Political Subdivisions.

Delegate Erickson introduced:

Delegate Proposal No. 2-47. Be it resolved by the North Dakota Constitutional Convention that section 176 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 pertaining to uniformity of taxation.

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

Delegate Hubrig introduced:

Delegate Proposal No. 2-48. 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 a Bill of Rights for minors, be created.

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

Delegate Peterson introduced:

Delegate Proposal No. 2-49. Be it resolved by the North Dakota Constitutional Convention that sections 147, 148, 149, 150, 151 and 152 of the constitution of the state of North Dakota be repealed; and that article V, section 1, of the constitution of the state of North Dakota be created; all of which pertain to education.

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

Delegate Trenbeath introduced:

Delegate Proposal No. 2-50. 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.

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

Delegate Rundle introduced:

Delegate Proposal No. 2-51. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota, which pertain to matters of initiative and referendum and amendments to the state constitution, respectively, be amended.

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

Delegate Cart introduced:

Delegate Proposal No. 2-52. Be it resolved by the North Dakota Constitutional Convention that article II of the constitution of the state of North Dakota, including sections 25 through 70 and pertaining to the legislative branch of government, be amended.

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

President Wenstrom ordered the Convention to be at ease, pursuant to the Committee on Employment.

COMMUNICATIONS

The Honorable Frank Wenstrom
President

CONSTITUTIONAL CONVENTION
State Capitol
Bismarck, North Dakota 58501

Dear Mr. Wenstrom:

We have had several inquiries regarding the use of the Supreme Court library during the evenings by delegates to the Convention.

For the convenience of the delegates, we have made available a key to the library which will be in the possession of Mrs. Dunn,

the clerk of the Supreme Court. Anyone wanting to use the library facilities during the evening hours may, by calling on our clerk during office hours, arrange for securing the key.

The library, of course, is always open to the delegates during office hours and we invite the members of the Constitutional Convention to make use of it. Mr. Dewald, our librarian, will be ready to be of any assistance possible to members of the Convention.

Very sincerely yours,
Alvin C. Strutz

President Wenstrom announced the appointment of the following committees:

EMPLOYMENT COMMITTEE

- Litten, Chairman
- Lamb
- Solberg
- Byrne
- Hoghaug
- Sanstead
- Knudson

ENROLLING AND ENGROSSING COMMITTEE

- Erickson
- Urdahl
- Warner
- Aubol
- Kwako

REVISION AND CORRECTION OF THE JOURNAL COMMITTEE

- Simonson
- Dobson
- Paulson

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Employment appointed to provide employees for the Plenary Session submits the following names for the positions specified at the salary levels listed, and under such terms and conditions as herein provided:

Position and Personnel	Compen- sation Per Day	Total Expen- diture
CHIEF CLERK		
Roy Gilbreath	\$40.00	\$1,200
ASSISTANT CHIEF CLERK		
Leo Leidholm	35.00	1,050
DESK REPORTER		
Barbara King	40.00	1,200
PROPOSAL CLERK		
Vern Asheim	30.00	900
CALENDAR CLERK		
Florence Nemer	25.00	750
CHIEF COMMITTEE CLERK AND STENOGRAPHER		
Lois J. Scherr	27.00	810
COMMITTEE CLERKS AND STENOGRAPHERS		
Dorothy Litchfield	25.00	750
Carolyn Sette	25.00	750

Position and Personnel	Compen- sation Per Day	Total Expen- diture
Meg Rausch	25.00	750
Louise Ebert	25.00	750
Lela Knudsen	25.00	750
Karen Sando	25.00	750
JoAnn Owens	25.00	750
ENROLLING AND ENGROSSING CLERKS		
Marie Skjod	25.00	750
Bernice Herner	25.00	750
Vonnie Wold	25.00	750
SERGEANT-AT ARMS		
Cecil Crandell	25.00	750
ASSISTANT SERGEANT-AT-ARMS		
Harry Iszler	20.00	600
Ed Garvin	20.00	600
Palmer Rustan	20.00	600
CHIEF PAGE AND PROPOSAL BOOK CLERK		
Clara Wendt	22.00	660
PAGES AND PROPOSAL BOOK CLERKS		
Marjorie Cleveland	20.00	600
Ruth Guthrie	20.00	600
Wanda Froelich	20.00	600
Olger Sandven	20.00	600
Avis Hagen	20.00	600
Terry Olson	20.00	600
JANITORS AND ENGINEERS		
Janitor	16.00	480
(to be filled by Director of Institutions)		
Janitor	16.00	480
(to be filled by Director of Institutions)		
Engineer	16.00	480
(to be filled by Director of Institutions)		
INFORMATION AND TELEPHONE CLERKS		
Marjorie Trangsrud	20.00	600
Shelly Mushik	20.00	600
Gladys Derrick	20.00	600
CHIEF PROPOSAL AND JOURNAL ROOM CLERK		
Al Bradley	21.00	630
PROPOSAL AND JOURNAL ROOM CLERKS		
Hazel Ludemann	19.00	570
Tom Tharalson	19.00	570
Larry Dorrheim	19.00	570
PARKING LOT ATTENDANTS		
Ferd Hetterle	21.00	630
Keith Harrison	21.00	630
JOURNAL PROOFREADERS		
Frieda Borth	25.00	750
Gertrude Learn	25.00	750
TAPING CLERK		
Debbie Hertz	19.00	570

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The foregoing list is based on a thirty day employment period with the employment costs totaling \$971.00 per day for a total cost of \$29,130.

Delegate C. Warner Litten, Chairman

Delegate Litten moved that the report be adopted.

ROLL CALL

The roll was called and there were ayes 94; nays 0; absent and not voting 4.

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
Benz	Geelan	Lerberg	Scheel
Berg	Gipp	Litten	Schmit
Billey	Griffin	Longmire	Simonson
Binek	Hardmeyer	McElroy	Solberg
Birkeland	Hartl	McIntyre	Sondreal
Brakke	Haugen	Maxwell	Stanton
Burbidge	Hendrickson	Meidinger	Sullivan
Burke	Hernett	Miller	Thompson
Butler	Hildebrand	Nething	Trenbeath
Byrne	Hoffner	Nicholas	Tudor
Chase	Hoghaug	O'Toole	Unruh
Christensen	Hougen	Omdahl	Urdahl
Daniels	Hubrig	Paulson	Vogel
Dawson	Huckle	Peters	Wallin
Decker	Jestrab	Peterson	Warner
Devine	Kelsch	Paulson	Wicks
Diehl	Kessel	Quam	Mr. President
Dobson	Ketchum		

Absent and not voting:

Cart	Hill	Pearce	Sinner
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The report of the Employment Committee was adopted.

President Wenstrom administered the oath of office to the employees.

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your procedural committee appointed to review and recommend changes in the temporary rules has had the same under consideration and recommends that the Temporary Rules of the Convention be amended as follows:

Rule 8. COMMITTEES

The President of the Convention shall appoint the following six substantive committees:

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

The President of the Convention shall appoint the following ((five)) seven procedural committees:

1. Budget
2. Rules
3. Style and Drafting
4. Public Information

5. Coordinating and Transition
6. **Committee on Calendar**
7. **Committee on Enrolling and Engrossing**

Delegate Saugstad moved the adoption of Rule 8 as presented, which motion prevailed.

Rule 11. COMMITTEE MEETINGS

A committee shall meet at the call of the chairman, who shall also set its agenda, or upon the written request of a majority of the members or at the direction of the Convention.

All meetings and records of the Convention and all committees, subcommittees and hearings shall be open to the public and the news media.

((All committees and subcommittees and hearings shall be open to the public and the news media.))

Committees and subcommittees may hold meetings and public hearings in the city of Bismarck, or upon the affirmative vote of the majority of the members of the committee and after consultation with and approval by the President, may hold meetings and public hearings at any other place in the state.

No committee shall sit during the (((sessions of the))) **time the Convention is actually meeting in plenary session** without special leave of the Convention by a majority vote of those voting.

A majority of any committee constitutes a quorum.

Committees may meet jointly with the consent of their respective chairmen.

Prior to the plenary session, no committee meetings or hearings may be held unless notice thereof is given ((in the following manner: The president of the Convention shall be furnished a written notice, signed by the chairman or members of the committee calling the meeting. The notice shall state the date, hour, and the place of the proposed meeting (which shall be not less than 96 hours after the president has been furnished such notice) and the proposal number or subject matter to be considered. The president shall mail or deliver a copy of the notice to all delegates of the Convention, at least 72 hours prior to the time set for such meeting and shall post such notice in the State Capitol))) **to all delegates** at least 72 hours prior to the time set for such meeting ((s)).

No substantive committee or a subcommittee thereof shall meet between the dates of November 15, 1971, and January 3, 1972, inclusive, without the permission of the President.

During the plenary session, ((no committee hearings shall be held unless such a notice shall have been delivered to the president and posted in the State Capitol at least 24 hours prior to such hearings.)) **each chairman shall inform the clerk of the Convention of the time and place of meetings of his committee. The clerk shall post notice of such meeting in the state capitol.**

Delegate Hubrig moved the adoption of Rule 11 as presented, which motion prevailed.

Rule 12.1. POWERS OF STYLE AND DRAFTING COMMITTEE

1. **To review and correct grammar, punctuation, and usage of the words used in each section.**

2. **To look for and bring to the attention of the Convention for its action, any sections which are in conflict with each other or need to be clarified.**

3. **To remove inaccurate, repetitious, unnecessary and inconsistent language.**

4. To arrange the order and number of the articles and arrange the order and number of the sections in each article.

Delegate Wicks moved that Rule 12.1 be amended as follows:

Insert "title and" between the words "to" and "arrange" and between the words "and" and "arrange" in paragraph 4.

Which motion prevailed.

Delegate Wicks moved that Rule 12.1 be adopted as amended, which motion prevailed.

Rule 13. REPORTS OF COMMITTEES

The affirmative vote of a majority of the members of a committee having the right to vote shall be necessary to report a proposal out of committee. **Such report shall be signed by the chairman of the committee and shall recommend one of the following:**

- 1. That such proposal be adopted.**
- 2. That such proposal be amended, and when amended be adopted.**
- 3. That no recommendation is made on such proposal.**
- 4. That such proposal be indefinitely postponed.**

Reports by subcommittees shall be considered by the entire committee before recommending any action thereon by the Convention.

((All committee recommendations shall be accompanied by a concise written explanation of the reasons for the committee's action.))

The report or reports of a minority of any committee shall be received in the same manner as the majority report and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor.

((At least three of the)) **Three or more** members of any committee may make a minority report.

The minutes of interim committees or subcommittees shall be sent to all delegates of the Convention.

The minutes of a committee shall report its consideration of all citizen's ideas referred to it in writing.

It shall be the duty of each committee chairman during the plenary session to report to the president of the Convention each Monday, or at his request, the proposals, by number, remaining for consideration in his committee.

Delegate Trenbeath moved that Rule 13 be amended to delete line 17 of Rule 13 of the Committee Report, which deletion includes "if offered as such on the floor", which motion prevailed.

Delegate Trenbeath moved that Rule 13 be adopted as amended, which motion prevailed.

Rule 13.1. PLACEMENT OF PROPOSALS ON CALENDAR

If a committee report is for adoption of the proposal or for no recommendation and the report is accepted, the proposal, unless the same is re-referred, shall be placed on the calendar for first passage which shall be not sooner than the next Convention day.

If a committee report is for amendment of the proposal under consideration, and the report is accepted, the amendments shall be placed on the calendar for the next Convention day, for their adoption or rejection under the sixth order of business. After consideration of and action on the amendments, the proposal shall be placed on the calendar for the following Convention day in accordance with Rule 19, unless the same is re-referred.

No proposal recommended by a committee for amendment for which the amendments have been adopted on sixth order shall

be considered by the Convention for adoption unless the same has been properly engrossed.

If a committee report is for indefinite postponement of the proposal under consideration, and the report is adopted, the proposal shall not be placed on the calendar but shall be deemed defeated.

On the twenty-eighth Convention day and thereafter the provisions of this rule requiring that proposals or amendments to proposals be laid over shall be inoperative, and such proposals and amendments to proposals may be considered and acted upon during the same Convention day that the committee report is adopted.

Delegate Trenbeath moved that Rule 13.1 be amended as follows:

Delete paragraphs 1 and 2 and insert in lieu thereof the following:

If a committee report is for adoption, no recommendation, or for amendment of a proposal, and the report is accepted, the proposal shall be placed on the calendar, for amendment, or first passage which shall be not sooner than the next convention day.

No proposal that has been amended shall be voted on for first passage until one convention day has passed.

Which motion prevailed.

Delegate Trenbeath moved that Rule 13.1 as amended be adopted, which motion prevailed.

Rule 15. CALLS OF THE CONVENTION

Calls of the Convention ((may)) shall be ordered upon ((motion by the affirmative vote of the majority of the members present and voting but the total vote in favor of such call shall be not less than 15)) demand of not less than fifteen delegates.

After a call of the Convention is ordered, the doors shall be closed and the members shall not be permitted to leave the floor of the Convention without permission of the President of the Convention.

((The sergeant-at-arms shall notify all members within the bar of the Convention of the call.))

The roll of the Convention shall be called and the absentees noted.

The sergeant-at-arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the clerk of the Convention to the sergeant-at-arms, who shall bring such absentees to the floor of the Convention with all possible speed.

In case the sergeant-at-arms requires assistance in addition to the regularly appointed assistant sergeants-at-arms of the Convention, the President, upon motion, may deputize as a special assistant sergeant-at-arms any person properly qualified.

The Convention may proceed to other business under a call of the Convention pending the arrival of the absentees.

A call of the Convention may be dispensed with by ((a majority vote of the members)) an affirmative vote of not less than fifty delegates.

Delegate Fallgatter moved the adoption of Rule 15 as presented, which motion prevailed.

Delegate Geelan requested that Rule 19 be discussed at this time, which request was granted.

Rule 19. ORDER OF CONSIDERATION OF PROPOSALS AND FINAL DRAFT

The regular order to be taken by proposals introduced in the Convention shall be as follows:

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1. Introduction ((, first reading by title,)) and reference to a committee or committees by the President, and reproduction and distribution in a manner and amount as ordered by the President unless otherwise ordered by a majority of the delegates voting.

2. Report of committee and ((placing on the calendar of the convention under General Orders of the Day)) **action of the Convention on the committee report.**

3. (((Consideration by the Convention in order of report from committee.)) **Placing proposal on calendar, first reading and action of Convention on first passage.**

4. Reference to the Committee on Style and Drafting.

5. Report of Committee on Style and Drafting ((to the Convention)) and **action of the Convention on the report.**

6. (((Second)) **If the adopted committee report calls for any revision, second reading ((,)) and vote on second passage.**

7. Re-reference to Committee on Style and Drafting for incorporation in final draft.

8. (((Final report)) **Report by Committee on Style and Drafting ((for incorporation in final draft)) and acceptance of report.**

9. Consideration by the Convention on ((third)) **final reading and final vote on passage ((of any complete revision by article and as a whole, or in the case of any amendment by sections as a whole)).**

10. Signing the final draft by delegates.

Delegate Kelsch moved that Rule 19 be adopted as presented, which motion prevailed.

Rule 16. ORDER OF BUSINESS

The order of business of the Convention shall be as follows:

1. Call to order
2. Invocation
3. Roll call
4. Approval of journal
5. Reports of standing committees
- 6. Consideration of amendments**
- (((6))) 7. Reports of select committees
- (((7))) 8. Communications
- (((8))) 9. Introduction ((and first reading)) and reference of proposals **to committees**
- (((9))) **10. ((Second)) First reading and first passage of proposals**
- (((10))) **11. ((Third)) Second reading and second passage of proposals**
- (((11))) **12. Motions and resolutions**
- (((12))) **13. Unfinished business**
- (((13))) **14. Special orders of the day**
- (((14))) **15. General orders of the day**
- 16. Final reading and passage of proposals**

Delegate Kelsch moved that Rule 16 be amended as follows:

Delete the words ((Any subject matter made the special order for a particular day, not having been reached on that day, shall come up for the consideration under the order of "Unfinished Business" at the next succeeding session of the convention.))

Which motion prevailed.

Delegate Kelsch moved that Rule 16 as amended be adopted, which motion prevailed.

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

Convention reconvened with President Wenstrom presiding.

Consideration of the Report of the Rules Committee continued.

Rule 17. JOURNAL. TRANSCRIPT. CALENDAR.

The clerk of the Convention shall keep a journal of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof ((,)) and make such corrections as may be ((necessary)) **approved.**

The journal shall contain all formal actions of the Convention, including the introduction of all proposals, motions and resolutions, and the actions of the Convention thereon. The clerk of the Convention shall furnish each delegate a copy of the journal of the previous day.

The clerk of the Convention, under the direction of the president, shall maintain a calendar of the business of the Convention, and he shall furnish each delegate with a copy of the calendar for that day ((and a list of committee meetings scheduled for the following day)).

A Convention reporter shall keep a verbatim record by electronic recording device or otherwise of Convention proceedings and shall, within the time prescribed in his appointment by the Convention, provide a verbatim transcript of all proceedings of the sessions of the Convention.

Delegate Fallgatter moved the adoption of Rule 17 as presented, which motion prevailed.

Rule 18. INTRODUCTION OF PROPOSALS

Any citizen or group of citizens of the State of North Dakota may ((, until the 1st of September, 1971,)) submit in writing directly to the President of the Convention any ideas for consideration by the Convention. The President shall refer all such material to an appropriate committee of the Convention. The committee may, after consideration of the ideas, prepare any proposals it deems appropriate for presentation to the entire Convention.

All other matters intended to become a part of any revised constitution or constitutional amendment shall be introduced by a delegate or delegates in the form of a proposal and endorsed by the delegate or delegates introducing them or shall originate as committee proposals.

A proposal introduced by a delegate shall be designated a delegate proposal.

A proposal introduced by a committee shall be designated a committee proposal.

All proposals shall be introduced by delivery to the ((clerk)) **President** of the Convention on a form prescribed by him. Proposals shall be reproduced and distributed ((under the direction of the clerk of the Convention)) **to each delegate.**

When a delegate proposal is introduced, it shall be referred by the President to the proper standing committee, **which committee shall report its action on such proposal to the Convention.**

((During the interim period between the organizational session and the plenary session of the Convention, proposals shall be received by the President and referred to the proper standing committee.))

No delegate proposal shall be introduced after the fifth day of the plenary session, and no committee proposal shall be introduced after the twentieth day of the plenary session.

Delegate Butler moved that Rule 18 be amended as follows:

In line 2, delete "1st of September, 1971" and substitute in lieu thereof "fifteenth day of the Constitutional Convention", which motion prevailed.

Delegate Aubol moved that Rule 18 be amended as follows: Delete the word "fifth" in line 29 of the Proposed Rule 18 as presented in the Report of the Committee on Rules, and substitute in lieu thereof the word "eighth", which motion failed on a division vote.

Delegate Wicks moved the adoption of Rule 18 as amended, which motion prevailed.

Rule 18.1. WITHDRAWAL OF PROPOSALS

Any committee or delegate proposal may be withdrawn from further consideration by motion of the committee, if a committee proposal, or by request of the delegate or delegates sponsoring the same, if a delegate proposal; provided the unanimous consent of the Convention is obtained.

Delegate Baker moved that Rule 18.1, as presented in the Report of the Committee on Rules be amended as follows:

In line 4, delete the word "unanimous" which motion failed.

Delegate Wicks moved the adoption of Rule 18.1 as presented, which motion prevailed.

Rule 20. AMENDMENTS TO PROPOSALS

((Proposals and amendments to be written.)) No ((delegate or committee proposal or)) amendment shall be considered unless ((it is submitted in writing and a copy thereof delivered to the floor desk of each delegate)) prior to the time the amendment is offered ((.) it is submitted in writing, a copy thereof delivered to the clerk of the Convention and, except for amendments offered from the floor, a copy placed on the floor desk of each delegate. Amendments may be offered from the floor of the Convention without delivery to the floor desk of each delegate, but must be in writing and a copy delivered to the clerk.

Amendments ((to)) shall be germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment or substitute motion.

Delegate Trenbeath moved that Rule 20 be amended as follows: Prior to the first paragraph of Rule 20 insert the following:

The majority or minority report of a committee may not be amended from the floor. After a committee report is adopted the proposals contained therein may be amended from the floor.

Delete the words "or substitute motion" at the end of Rule 20, which motion was seconded.

Delegate Decker moved that the above amendment to Rule 20 be amended as follows:

Prior to the first paragraph of Rule 20 insert the following:

The majority or minority report of a committee may not be amended from the floor until after the committee report is adopted from the floor.

Delete the words "or substitute motion" at the end of Rule 20, which motion failed.

The question then was on the motion of Delegate Trenbeath's motion to amend Rule 20, which motion prevailed.

Delegate Trenbeath moved the adoption of Rule 20 as amended, which motion prevailed.

Rule 21. MAJORITY VOTE REQUIRED ON PROPOSALS

A majority of the total number of delegates (50) shall be required for approval of any section to be included in a proposed constitution or amendments to the constitution.

The vote shall be taken by ayes and nays and entered on the Journal.

No proposal shall be (((finally))) voted upon by the Convention except after the expiration of (((72 hours))) **two Convention days** from its introduction.

Voting by electrical roll call system. When taking the ayes and nays on any question to be voted upon, the electrical roll call system may be used and when so used shall have the same force and effect as a roll call taken as otherwise provided in these rules.

When the Convention is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the President or presiding officer shall announce: "The question is on the (((passage of (designation of matter to be voted upon).))) All in favor of such question shall vote 'aye'; those opposed shall vote 'nay'. The Convention will now proceed to vote."

After affording the delegates sufficient time in which to vote, the presiding officer shall announce: "Have all voted?" and after a short pause shall then say: "Does any delegate desire to change his vote?" and after another short pause shall say: "The clerk shall proceed to record the vote."

The clerk shall immediately (((start the vote recording equipment,))) **call the roll** and when completely recorded the President shall announce the results to the Convention. The clerk shall enter upon the journal the result in the manner provided by the rules of the Convention.

Any delegate shall be privileged to vote or change his vote after the vote recording equipment has started to operate and prior to the time the clerk has recorded the vote.

No delegate shall vote for another delegate nor shall any person not a delegate cast a vote for any delegate. (((Any delegate who shall vote or attempt to vote for another delegate may be punished in such manner as the Convention may determine.)))

Following the vote on a proposal, any delegate shall have the privilege of making a brief statement on the reason for his vote which statement, if requested, shall be printed in the journal.

Delegate Fallgatter moved that Rule 21 as presented be adopted, which motion prevailed.

(((Rule 24. COMMITTEE OF THE WHOLE

CHAIRMAN. When the convention shall have decided to go into the Committee of the Whole, the president shall preside at sessions of the committee.

CONSIDERATION OF COMMITTEE REPORTS. When the Convention deems it necessary, it may by a majority vote of those voting resolve itself into a Committee of the Whole to consider committee reports, or any other convention business, and no business shall be in order until the whole of the reports or other convention business is considered or passed over, or the committee rise. Unless a particular proposal is ordered up, the Committee of the Whole shall consider, act upon or pass over all matters referred to it by the convention in the order of their reference.

READING, DEBATE, AMENDMENT. In the Committee of the Whole proposals shall be read through, debated and acted upon by sections. All amendments shall be in writing and shall be reported to the convention by the chairman.

MOTION THAT THE COMMITTEE OF THE WHOLE RISE. A motion that the Committee of the Whole shall rise shall always be in order unless a member of the committee is speaking or a vote is being taken, and shall be decided by a majority vote of those present and voting.

RECONSIDERATION. A motion to reconsider shall be in order in the Committee of the Whole and may be adopted by a majority vote of those present and voting.

APPLICATION OF CONVENTION RULES. The Rules of the Convention shall be observed in the Committee of the Whole, as far as they may be applicable, except that it cannot adjourn the convention; a majority of those present and voting shall govern its action; it cannot refer matters to any other committee, except the Committee on Style and Drafting; and a motion to postpone indefinitely or a call of the convention shall not be in order.

A delegate may speak more than once in the Committee of the Whole.

A journal of the proceedings in the Committee of the Whole shall be kept as in convention.))

Delegate Saugstad moved that Rule 24 as presented be deleted, and the remaining rules be re-numbered accordingly, which motion prevailed.

Rule 25. MOTIONS AND RESOLUTIONS

STATING MOTION AND RESOLUTIONS. When a motion is made, it shall be stated by the President, or if in writing, it shall be handed to the clerk of the Convention and read aloud before being debated.

Every resolution ((, other than a proposal,)) shall be **properly numbered**, read by title, and shall be referred by the President to the appropriate committee. If the rules are suspended to permit immediate consideration of a resolution, the resolution shall be read in full before it is considered.

REDUCED TO WRITING. Every motion shall be reduced to writing if the President or a majority of those voting shall request it, and all motions, oral or written, shall be entered upon the journal, together with the name of the delegates making it ((, unless withdrawn by the maker or ruled out of order by the President)).

DIVISION OF QUESTION. Any delegate may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that when one is removed or deferred a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible.

WITHDRAWAL OF MOTIONS. After a motion has been stated by the President or read by the clerk of the Convention, it shall be deemed to be in possession of the Convention but may be withdrawn by the maker at any time before being amended or put to a vote.

Delegate Geelan moved that Rule 25 as presented be adopted, which motion prevailed.

Rule 27. DEBATE

LIMITATION ON DEBATE. The Convention by a **two-thirds vote of the delegates present** may limit the time of debate on any subject matter before the Convention, designate a method of allocating the period allowed for debate among delegates and take appropriate action to control dilatory procedure.

TIMES DELEGATES MAY SPEAK. No delegate may speak more than once on the same question without leave of the President or a majority of those present and voting unless he be the mover of the matter pending or chairman of the committee that reported it, said chairman's designee or unless another delegate has yielded his time to speak or he is asked a question on the matter by another delegate. By majority vote, limits on times delegates may speak shall be suspended and shall remain suspended until the suspension is removed by majority vote.

CONDUCT IN DEBATE. When any delegate is about to speak in debate or present any matter to the Convention, he shall rise and address himself to "Mr. President"; he shall not speak until recognized and when recognized he shall confine himself to the question under debate and avoid personalities.

DELEGATE CALLED TO ORDER. If any delegate in speaking transgresses the rules of the Convention, the President shall call him to order; in which case that delegate shall immediately sit down and shall not rise unless to explain or proceed in order.

CONDUCT ON THE FLOOR. While the President is putting any question, or while the roll is being called or taken, no delegate shall walk out; nor shall any delegate engage in discourteous conduct at any time.

Delegate Saugstad moved the adoption of Rule 27 as presented, which motion prevailed.

Delegate Longmire moved that Rule 25 be amended as follows: Delete that section entitled "Division of Question", which motion prevailed.

Delegate Longmire moved that a new Rule 24 be adopted as follows: "Division of Question. Any delegate may call for a division of the question which shall be divided." and the Rules renumbered accordingly, which motion prevailed.

Delegate Hendrickson moved to amend the new Rule 24 by adding the following:

if it comprehends propositions in substance so distinct that when one is removed or deferred a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible,

which motion prevailed.

Delegate Longmire moved that the Convention stand in recess for ten minutes, which motion prevailed.

The Convention reconvened with President Wenstrom presiding.

Consideration of the Report of the Rules Committee continued.

Rule 29. MOTION FOR RECONSIDERATION

Any delegate may move for a reconsideration of any question at the same or next two succeeding ((session of the Convention)) **Convention days** or the Committee on Style and Drafting may move for reconsideration on any subsequent day if notice of the intention to do so is given in writing to the clerk of the Convention who shall enter this notice in the Journal.

After (((the next))) two succeeding (((session))) **Convention days**, it shall take a two-thirds vote for a motion to reconsider.

The motion for reconsideration cannot be made on the same question more than once in each Convention day.

Delegate Geelan moved that Rule 29 be amended as follows:

Insert after the first paragraph the following language:

The same majority shall be required to adopt a motion to reconsider as was required to take the original action.

which motion prevailed.

Delegate Geelan moved that Rule 29 as amended be adopted, which motion prevailed.

Delegate Hubrig moved that Rule 30 as presented be adopted, which motion prevailed.

Rule 30. APPEALS

FORM OF QUESTION ON APPEALS. On all appeals from decisions of the Chair, the question shall be "Shall the ruling of the Chair stand?" which question shall be decided by a majority of those voting.

DEBATE ON APPEALS. No delegate shall speak on the question of an appeal more than once without leave of the Convention by a majority vote of those voting.

((**TABLING APPEALS.** An appeal may be laid on the table but shall not carry with it the subject matter before the Convention at the time such appeal is taken.))

Rule 31. PRECEDENCE OF MOTIONS

When a question is under debate, no motion shall be received but

1. To fix the time to which to adjourn — **debatable — majority present**
2. To adjourn — **not debatable — majority present**
3. To take a recess — **not debatable — majority present**
4. To reconsider — **debatable — see Rule 29**
- ((5. To lay on the table))
- ((6)) 5. For a quorum call of the Convention — **not debatable — majority present**
- ((7)) 6. To limit debate — **debatable — see Rule 27**
- ((8)) 7. For the previous question — **not debatable — see Rule 28**
- ((9)) 8. To postpone to a day certain — **debatable — majority present**
- ((10)) 9. To ((commit)) **refer to committee — debatable — majority present**
- ((11)) 10. To amend — **debatable — majority present**
- ((12)) 11. To postpone indefinitely — **debatable — 50 votes**

Such motions shall take precedence in the order in which they are listed ((, and shall be decided by a majority vote of those voting, except the motion to postpone indefinitely, which shall be passed only by a majority vote of all the delegates (50 elected))).

When a recess is taken while any question is pending, consideration of such question shall be resumed upon reassembling unless otherwise determined.

When a proposal is being considered at any stage of procedure and a motion is made to postpone indefinitely or to commit, amendments to the proposal shall first be in order before taking a vote on any such motion.

Delegate Kelsch moved that Rule 31 be amended as follows:

Delete the word "commit" in the last paragraph of Rule 31 and insert in lieu thereof "refer to committee" which motion prevailed.

Delegate Kelsch moved that Rule 31 as amended be adopted, which motion prevailed.

POINT OF PARLIAMENTARY PROCEDURE

Delegate Hendrickson rose on a point of parliamentary procedure, asking since Robert's Rules do not require a second on motions on committee reports, is it necessary that seconds are required here. The President ruled the Convention Rules take precedence unless no such rule is provided, then Robert's Rules apply.

Delegate Hendrickson then moved that a second not be required for motions on committee reports, which motion prevailed.

((**Rule 32. MOTIONS NOT DEBATABLE**

A motion to adjourn shall always be in order except when a motion to fix the time to which to adjourn is pending.

A motion to adjourn, a motion to lay on the table, and all matters relating to questions of order shall be decided without debate.

A motion for recess, pending the consideration of other business, shall not be debatable.)))

Delegate Kelsch moved that Rules 32 be deleted in its entirety and the rules renumbered accordingly, which motion prevailed.

Rule 34. CONVENTION FLOOR

ASSIGNMENT OF SEATS. Except in the case of the delegates who have been elected as officers of the Convention, the seats of the delegates on the Convention floor shall be arranged in alphabetical order by surnames.

If a vacancy occurs the person selected to fill the vacancy shall continue to have the seat of the delegate who vacated the position.

ADMISSION TO FLOOR. No person, other than a Convention delegate, an officer, employee or news correspondent accredited by the President shall be admitted on the floor of the Convention unless by the vote of the delegates. **While on the floor, employees of the Convention may answer questions or inquiries made by the President.**

The words "Floor of the Convention" shall mean the space of the main floor of the Convention, excluding the space designated for visitors and for the press.

PRESS REPRESENTATIVES. The President shall assign accredited news correspondents press facilities in the Convention chamber. News correspondents using cameras, tape recorders and similar devices shall conduct themselves so as not to interfere with the orderly course of the proceedings of the session.

Delegate Wicks moved the adoption of Rule 34 as presented, which motion prevailed.

Rule 37. AMENDMENT OR SUSPENSION OF RULES

While the Convention is not in session, the Rules Committee may amend the rules from time to time subject to the unanimous approval of the president and vice presidents.

This shall include the right to change the composition of standing committees as regards number, scope, and membership, with the consent of the committee and delegates concerned.

Upon reconvening of the Convention, any such amendments to the rules shall be presented to the Convention and before they may be deemed thereafter binding must be approved by an affirmative vote of a majority of all the delegates (50) to the Convention.

The President shall mail each delegate the text of any rule so amended within ten days of the amendment.

The operation of these rules may be suspended or amended by a two-thirds vote of delegates-elect.

During the last two days of the Convention, the rules may be suspended by affirmative vote of fifty delegates.

Delegate Chase moved to amend Rule 37 as presented as follows:

Delete Paragraph 5, and substitute in lieu there: "The operation of these Rules may be suspended or amended by a majority vote of delegates elect — until such time as these temporary rules are made permanent by the Convention. When these rules are made permanent then $\frac{2}{3}$ vote of delegates elect will be required to suspend or amend the rules."

which motion prevailed.

Delegate Rundle moved that paragraph one of Rule 37 be deleted, which motion was then withdrawn.

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Delegate Rundle moved that paragraphs one, two, three and four of Rule 37 be stricken, which motion failed.

Delegate Geelan moved the adoption of Rule 37, as amended, which motion prevailed.

Delegate Omdahl moved that the Convention reconsider the action by which Rule 18 was adopted, which motion prevailed.

Delegate Omdahl moved the amend Rule 18 as presented as follows:

In line 28 of Rule 18, delete "the" and in line 29, delete "fifth day of the plenary session" and substitute in lieu thereof "to noon Monday, January 10, 1972"

which motion prevailed.

Delegate Saugstad moved to adopt Rule 18 as amended, which motion prevailed.

DELEGATE GEELAN, Chairman

Delegate Geelan moved that the Report of the Rules Committee as amended be adopted, which motion prevailed.

Delegate Hoffner moved that the Convention recess at 3 o'clock every afternoon for the next week to go into committee hearings at that time, which motion was then withdrawn.

Delegate Maxwell moved that during the month of January, this Convention meet in general session on Monday, Tuesday, Wednesday, Thursday and Friday of each week, and that it be recessed on Saturdays, which motion prevailed.

Delegate Haugen moved that committee meetings be held in the morning for the balance of this week.

Delegate Unruh moved to amend the motion that the Convention recess until 9 o'clock a.m. on Wednesday, and following completion of any business by the Plenary Session, the Delegates then go into committee meetings, which motion prevailed.

The question then was on the motion of Delegate Haugen that committee meetings be held in the morning for the balance of this week, which motion prevailed.

ANNOUNCEMENT

President Wenstrom announced the following appointments to the Calendar Committee: Delegate Saugstad, Chairman; Delegates Meidinger, Hernet, Haugen, Longmire, Hoffner, and Maxwell.

Delegate Longmire moved that the Convention adjourn until 9 a.m., Wednesday, January 5, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk