

TWENTIETH DAY

Bismarck, January 28, 1972

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

Prayer was offered by Rev. Stanley Malmgren, Pastor, First Baptist Church of Bismarck.

"Almighty God we come humbly into thy presence this day acknowledging our need of thee. May each of us, both men and women, be mindful of our weaknesses and often lack of wisdom. Forgive us for our past failures and grant that as we look unto thee we may have that needed wisdom to do the work thou hast given us to do. We are grateful for all divine direction that thou hast hitherto granted unto the leaders of both our State and Nation. We pray that we may always be mindful of our daily need of thy divine guidance and assure us that when we call upon thee that thou wilt be pleased to grant us understanding in all matters, and that in following thy guidance we can be assured of blessing on both our State and Nation.

"We thank thee for hearing our prayers this day. In the name of Christ we pray, Amen."

Roll was called, and all Delegates were present except Delegates Nething, Thompson and Tudor.

A quorum was declared by the President.

REPORTS OF PROCEDURAL COMMITTEES

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

Committee Proposal No. 1-29

Committee Proposal No. 1-25

And find the same correctly re-engrossed.

DELEGATE ERICKSON, Chairman

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

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

Committee Proposal No. 1-120

Committee Proposal No. 1-26

Committee Proposal No. 1-74

Committee Proposal No. 1-87

Committee Proposal No. 1-88

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.

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

Committee Proposal No. 1-38

And find the same correctly engrossed.

DELEGATE ERICKSON, Chairman

Delegate Urdahl 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 26th day of January, 1972 and recommends that the same be corrected as follows:

On page 290, line 32, delete the word "buy" and insert in lieu thereof the word "pay"

On page 292, line 3, delete "everyone who" and insert in lieu thereof "every educable person"

On page 292, delete lines 4 and 5.

On page 301, line 25, delete the word "are" and insert in lieu thereof the word "is"

On page 305, following line 13, insert the following: "President Wenstrom called Delegate Saugstad to the rostrum to preside."

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

ANNOUNCEMENT

Delegate Tudor reported his presence at the Convention.

Delegate Thompson reported his presence at the Convention.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-97. 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 of which pertain to tax uniformity and exemptions.

Which has been read.

Delegate Lamb moved that engrossed Committee Proposal 1-97 be amended as follows:

On line 14 delete the words "Property used exclusively for non-profit"

Delete lines 15 and 16

On line 17 delete "taxation."

And insert in lieu thereof the following:

"Property used exclusively for public worship, school, hospitals, nursing homes, rest or retirement homes or cemetery purposes shall be exempt from taxation if it is non-profit as defined by law."

And renumber the lines accordingly.

Delegate Quam moved to amend the amendment, which motion was subsequently withdrawn.

The question then was on Delegate Lamb's motion to amend Committee Proposal 1-97, which motion failed.

Delegate Quam moved that Committee Proposal 1-97 be amended as follows:

Delete everything after line 9 on page 1 of the engrossed bill, 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 legislative assembly may by law define and exempt any or all classes

of property. Provided that all taxes and exemptions in force when this constitution is enacted shall remain in force until otherwise provided by statute."

And renumber the lines accordingly.

Which motion failed on a division vote.

Delegate Erickson moved that Committee Proposal 1-97 be amended as follows:

Delete everything after line 9 on page 1 of the engrossed proposal, 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 legislative assembly may by law define and exempt any or all classes of property. Property used exclusively for school, religious, cemetery, charitable or other public purposes shall be exempt from taxation. All taxes and exemptions in force when this constitution is enacted shall remain in force until otherwise provided by law.

And renumber the lines accordingly.

Which motion prevailed.

Delegate Erickson moved that the rules be suspended, and that Committee Proposal 1-97 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, 87; nays, 10, absent and not voting, 1.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Brakke	Hubrig	Omdahl
Bassingthwaite	Burke	Lamb	Sinner
Birkeland	Cart		

Absent and not voting were:

Nothing

So the proposal passed and the title was agreed to, and Committee Proposal 1-97 was referred to the Committee on Style and Drafting.

ANNOUNCEMENT

Delegate Nething reported his presence at the Convention.

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.

Which has been read.

Delegate Kelsch moved that Committee Proposal 1-116 be amended, which motion was subsequently withdrawn.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 55; nays, 41; absent and not voting, 2.

Those voting in the affirmative were:

Aas	Fritzell	Lander	Roney
Benson	Geelan	Larsen	Saugstad
Billey	Hardmeyer	Lerberg	Simonson
Binek	Hartl	Litten	Sinner
Birkeland	Haugen	Longmire	Stanton
Brakke	Hendrickson	McElroy	Sullivan
Burbidge	Hoghaug	Maxwell	Thompson
Burke	Hougen	Meidinger	Trenbeath
Butler	Hubrig	Miller	Tudor
Chase	Kessel	Nicholas	Unruh
Christensen	Ketchum	O'Toole	Urdahl
Engstrom	Knudson	Peterson	Wallin
Erickson	Kretschmar	Poulson	Mr. President
Fallgatter	Kwako	Quam	

Those voting in the negative were:

Aubol	Devine	Huckle	Rosendahl
Baker	Diehl	Jestrab	Rude
Bassingthwaite	Dobson	Kelsch	Rundle
Bender	Engelter	Lamb	Scheel
Benz	Fiedler	McIntyre	Schmit
Berg	Gipp	Nething	Solberg
Byrne	Griffin	Omdahl	Sondreal
Cart	Hernett	Paulson	Vogel
Daniels	Hill	Pearce	Warner
Dawson	Hoffner	Peters	Wicks
Decker			

Absent and not voting were:
Hildebrand Sanstead

So the proposal passed and the title was agreed to, and Committee Proposal 1-116 was referred to the Committee on Style and Drafting.

President Wenstrom announced that the Convention would be recessed until 10:00 a.m.

Convention reconvened with President Wenstrom presiding.

FIRST READING OF PROPOSALS

In accordance with the motion of Delegate Hoffner shown on page 308 of the Journal, under which Committee Proposals 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113 were to be considered, the Chief Clerk read each proposal. Deletions and repealing clauses were omitted in accordance with a motion made by Delegate Hoffner, which motion prevailed. Each proposal was explained by a member of the Committee on Legislative Functions, which was followed by general discussion on each separate proposal.

Delegate Rundle requested that the following remarks be printed in the Journal:

"There are many of you who may disagree with this statement, but in my opinion, the initiative and referendum section is the most important one we will face in this convention.

"Each delegate is entitled to his or her own opinion and I know better than to try to cram anything down your throats. Up to this point, fairness and sportsmanship have been the rule of this convention, and I would hope that this would continue.

"I have been beaten many times in this convention, and I assure you I can take it.

"I ask that an alternate proposal be placed on the ballot, leaving the old sections much the same as they are now, and another proposal as tough as anyone cares to make it be placed on the other side."

Committee Proposal No. 1-105. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 1 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Benson moved that Committee Proposal 1-105 be amended as follows:

Delete all of lines 13 through 22 and insert in lieu thereof the following:

"Section 1. The Powers Reserved. Notwithstanding any other provision in this constitution, the people reserve these powers: to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected public officers. This article shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict or impair these powers."

Which motion prevailed.

Delegate Benson moved that the rules be suspended, and that Committee Proposal 1-105 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Cart moved that the amended Committee Proposal 1-105 be amended as follows:

Delete lines 1 through 22 inclusive of the amended Committee Proposal, and insert in lieu thereof the following:

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.

SECTION 1. AMENDMENT.) Article II of the constitution of the state of North Dakota, including sections 25 through 70, is hereby amended to read as follows:

Section 25. The legislative power of this state shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. (((Ten))) **Seventeen** thousand electors at large may propose any measure by initiative petition. Every such petition shall contain the full text of the

measure and shall be filed with the Secretary of State not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. (((Seven))) **Twelve** thousand electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any state-wide election designated in the petition, or at a special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency measure such measure shall be a law until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the electors at a special election if so ordered by the Governor, or if the referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the Governor, and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The Secretary of State shall pass upon each petition, and if he finds it insufficient, he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petitions, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title, which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "committee for the petitioners" and who shall represent and act for the petitioners.

The enacting clause of all measures initiated by the electors shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the electors, the Secretary of State and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the Governor shall not extend to the measures initiated by or referred to the electors. No measure enacted or approved by a vote of the electors shall be repealed or amended for a period of seven years by the legislature, except upon a yeay and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self executing and all of its provisions treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

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, 94; nays, 2; absent and not voting, 2.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol Cart

Absent and not voting were:

Meidinger Peterson

So the proposal passed and the title was agreed to, and the Committee Proposal 1-105 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-106. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 2 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Hill moved that Committee Proposal 1-106 be amended as follows:

Delete lines 13 through 20 and insert in lieu thereof:

"Each copy of the petition shall contain the full text of the measure and the names and post office addresses of at least ten sponsors, one of whom shall be designated as chairman.

Which motion failed on a division vote.

Delegate Hill moved that Committee Proposal 1-106 be amended as follows:

In line 16, delete the numeral "25" and insert in lieu thereof the numeral "10"

Which motion failed on a division vote.

Delegate Kessel moved that consideration of Committee Proposal 1-106 be delayed until Delegate Rundle has prepared an amendment, which motion failed.

Delegate Hoffner moved that Committee Proposal 1-106 be placed on the calendar immediately following Committee Proposal 1-113, which motion prevailed.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-107. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 3 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Wicks moved that Committee Proposal 1-107 be amended as follows:

On line 19 after the period delete the following:

"No person shall give or receive compensation"

On line 20 delete **"for circulating a petition."**

Which motion prevailed.

Delegate Wicks moved that the rules be suspended, and that Committee Proposal 1-107 be deemed properly 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, 94; nays, 1; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Engelter	Knudson	Rosendahl
Aubol	Engstrom	Kretschmar	Rude
Baker	Erickson	Kwako	Rundle
Bassingthwaite	Fallgatter	Lamb	Sanstead
Bender	Fiedler	Lander	Saugstad
Benson	Fritzell	Larsen	Scheel
Benz	Geelan	Lerberg	Schmit
Berg	Gipp	Longmire	Simonson
Billey	Griffin	McElroy	Sinner
Binek	Hardmeyer	McIntyre	Solberg
Birkeland	Hartl	Maxwell	Sondreal
Brakke	Haugen	Miller	Stanton
Burbidge	Hendrickson	Nothing	Sullivan
Burke	Hernett	Nicholas	Thompson
Butler	Hildebrand	O'Toole	Trenbeath
Byrne	Hill	Omdahl	Tudor
Chase	Hoffner	Paulson	Unruh
Christensen	Hoghaug	Pearce	Urdahl

Daniels	Hougen	Peters	Vogel
Dawson	Huckle	Peterson	Wallin
Decker	Jestrab	Poulson	Warner
Devine	Kelsch	Quam	Wicks
Diehl	Kessel	Roney	Mr. President
Dobson	Ketchum		

Those voting in the negative were:
Cart

Absent and not voting:
Hubrig Litten Meidinger

So the proposal passed and the title was agreed to, and Committee Proposal 1-107 was referred to the Committee on Style and Drafting.

Delegate Erickson requested unanimous consent to withdraw Delegate Proposal 2-47, which request was granted.

President Wenstrom declared the Convention would recess until 1:00 p.m.

Convention reconvened at 1:00 p.m., with President Wenstrom presiding.

FIRST READING OF PROPOSALS

Committee Proposal No. 1-108. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 4 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Solberg moved that Committee Proposal 1-108 be amended as follows:

On line 15 delete the word "three" and insert in lieu thereof the word "two"

Delegate Rundle moved an amendment to the amendment of Delegate Solberg as follows:

Delete the amendment as proposed by Delegate Solberg, and insert the following:

On page 1, delete lines 13 through 16 and insert in lieu thereof the following:

Section 4. Signature Requirement. The petitions may be submitted to the secretary of state if signed by seven thousand electors in the case of a referred measure and if signed by ten thousand electors in the case of an initiated measure.

Delegate Rundle requested a recorded roll call vote, which request was granted.

ROLL CALL

The roll was called and there were ayes, 32; nays, 60; absent and not voting, 6.

Those voting in the affirmative were:

Aas	Decker	Larsen	Rundle
Baker	Devine	McElroy	Saugstad
Bassingthwaite	Engelter	Maxwell	Scheel
Berg	Fallgatter	Meidinger	Stanton
Binek	Fiedler	Pearce	Thompson
Cart	Kessel	Peters	Trenbeath
Christensen	Ketchum	Poulson	Tudor
Daniels	Kwako	Rude	Wallin

Those voting in the negative were:

Aubol	Fritzell	Jestrab	Paulson
Bender	Geelan	Kelsch	Peterson

Benson	Gipp	Knudson	Roney
Benz	Griffin	Kretschmar	Rosendahl
Billey	Hardmeyer	Lamb	Sanstead
Birkeland	Hartl	Lander	Schmit
Brakke	Haugen	Lerberg	Simonson
Burbidge	Hendrickson	Litten	Sinner
Byrne	Hernett	Longmire	Solberg
Chase	Hildebrand	McIntyre	Sondreal
Dawson	Hill	Miller	Sullivan
Diehl	Hoffner	Nething	Urdahl
Dobson	Hoghaug	Nicholas	Vogel
Engstrom	Hougen	O'Toole	Wicks
Erickson	Huckle	Omdahl	Mr. President
Absent and not voting:			
Burke	Hubrig	Unruh	Warner
Butler	Quam		

The motion failed.

The question then was on the motion of Delegate Solberg to amend Committee Proposal 1-108, which motion prevailed.

Delegate Hill moved that Committee Proposal 1-108 be amended as follows:

Delete lines 13 through 16 inclusive of the amended Proposal, and insert in lieu thereof the following:

"A petition signed by at least 10,000 electors shall require a statute or proposed statute to be placed on the ballot. A referendum petition signed by at least 15,000 electors and filed within ninety days after the filing of the measure with the secretary of state shall suspend operation of the measure if so requested in the petition. A petition signed by at least 20,000 electors shall be necessary to propose a constitutional amendment."

Which motion failed.

Delegate Solberg moved that the rules be suspended, and Committee Proposal No. 1-108 be deemed properly engrossed and placed on the calendar for first passage, which motion prevailed.

Delegate Hill moved that Committee Proposal 1-108 be placed on the calendar immediately following Committee Proposal 1-106, 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, 80; nays, 12; absent and not voting, 6.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aas	Gipp	Ketchum	Rundle
Aubol	Hill	Knudson	Saugstad
Baker	Hougen	McElroy	Vogel

Absent and not voting:

Burke	Hubrig	Unruh	Warner
Butler	Quam		

So the proposal passed and the title was agreed to, and Committee Proposal 1-108 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-109. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 5 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 86; nays, 6; absent and not voting, 6.

Those voting in the affirmative were:

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

Those voting in the negative were:

Aubol	Hill	Stanton	Wallin
Chase	Rundle		

Absent and not voting:

Burke	Hubrig	Quam	Warner
Butler	Meidinger		

So the proposal passed and the title was agreed to, and Committee Proposal 1-109 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-110. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 6 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 88; nays, 2; absent and not voting, 8.

Those voting in the affirmative were:

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

Those voting in the negative were:

Cart Hill

Absent and not voting:

Burke	Fallgatter	Meidinger	Trenbeath
Butler	Hubrig	Quam	Warner

So the proposal passed and the title was agreed to, and Committee Proposal 1-110 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-111. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 7 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

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	Fiedler	Lamb	Rundle
Bender	Fritzell	Lander	Sanstead
Benson	Geelan	Larsen	Saugstad
Benz	Gipp	Lerberg	Scheel
Berg	Griffin	Litten	Schmit
Billey	Hardmeyer	Longmire	Simonson
Binek	Hartl	McElroy	Sinner
Birkeland	Haugen	McIntyre	Solberg
Brakke	Hendrickson	Maxwell	Sondreal
Burbidge	Hernett	Meidinger	Stanton
Byrne	Hildebrand	Miller	Sullivan

Cart	Hill	Nothing	Thompson
Chase	Hoffner	Nicholas	Trenbeath
Christensen	Hoghaug	O'Toole	Tudor
Daniels	Hougen	Omdahl	Unruh
Dawson	Huckle	Paulson	Urdahl
Decker	Jestrab	Pearce	Vogel
Devine	Kelsch	Peters	Wallin
Diehl	Kessel	Peterson	Wicks
Dobson	Ketchum	Poulson	Mr. President
Absent and not voting:			
Burke	Fallgatter	Quam	Warner
Butler	Hubrig		

So the proposal passed and the title was agreed to, and Committee Proposal 1-111 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-112. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 8 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Haugen moved that Committee Proposal 1-112 be amended as follows:

Following line 18, add the following:

"Any statute approved by the electors cannot be amended for five years except by a two-thirds vote of the legislature.

Delegate Cart moved an amendment to the amendment of Delegate Haugen as follows:

After the words "amended for" delete the word "five" and insert in lieu thereof the word "seven"

Which motion prevailed on a division vote.

Delegate Kelsch moved an amendment to the amendment of Delegate Haugen as follows:

After the words "**be amended**" insert the words "**or repealed**" which motion prevailed.

Delegate Sinner moved the previous question, which motion prevailed.

The question then was on the adoption of Delegate Haugen's amendments as amended, which motion prevailed.

Delegate Haugen moved that the rules be suspended, and that Committee Proposal 1-112 be deemed properly 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, 88; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

Aas	Engelter	Kessel	Peterson
Aubol	Engstrom	Ketchum	Poulson
Baker	Erickson	Knudson	Roney
Bassingthwaite	Fallgatter	Kretschmar	Rosendahl
Bender	Fiedler	Kwako	Rude
Benson	Fritzell	Lamb	Rundle
Benz	Geelan	Lander	Saugstad
Berg	Gipp	Larsen	Scheel
Billey	Griffin	Lerberg	Sinner
Binek	Hardmeyer	Litten	Solberg
Birkeland	Hartl	Longmire	Stanton

Brakke	Haugen	McElroy	Sullivan
Burbidge	Hendrickson	McIntyre	Thompson
Byrne	Hernett	Maxwell	Trenbeath
Cart	Hildebrand	Meidinger	Tudor
Chase	Hill	Miller	Unruh
Christensen	Hoffner	Nething	Urdahl
Daniels	Hoghaug	Nicholas	Vogel
Dawson	Hougen	O'Toole	Wallin
Decker	Huckle	Omdahl	Wicks
Diehl	Jestrab	Pearce	Mr. President
Dobson	Kelsch	Peters	

Those voting in the negative were:

Paulson	Sanstead	Simonson	Sondreal
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Absent and not voting:

Burke	Devine	Quam	Warner
Butler	Hubrig	Schmit	

So the proposal passed and the title was agreed to, and Committee Proposal 1-112 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-113. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 9 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Rundle moved that Committee Proposal 1-113 be amended as follows:

On page 1, delete lines 13 through 19 and insert in lieu thereof the following:

Section 9. Initiated Constitutional Amendment. A constitutional amendment may be proposed by initiative petition. If signed by twenty thousand electors the petition may be filed with the secretary of state.

And renumber the lines accordingly.

Delegate Rundle requested a recorded roll call vote, which request was not granted.

The question was on the motion of Delegate Rundle to amend Committee Proposal 1-113, which motion failed on a division vote.

Delegate Baker moved to amend Committee Proposal 1-113 as follows:

In line 15, after the word "to" delete the word "five" and insert in lieu thereof the word "three"

Which motion failed on a division vote.

Delegate Aubol moved to amend Committee Proposal 1-113 as follows:

In line 15, after the word "to" delete the word "five" and insert in lieu thereof the word "four"

Which motion prevailed.

Delegate McIntyre moved that Committee Proposal 1-113 be amended as follows:

On line 17 delete the words "filed with" and insert in lieu thereof the words "submitted to"

Which motion prevailed.

Delegate Hoffner moved that the rules be suspended, and that Committee Proposal 1-113 be deemed properly 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, 86; nays, 5; absent and not voting, 7.

Those voting in the affirmative were:

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

Those voting in the negative were:

Cart	O'Toole	Rundle	Sondreal
Maxwell			

Absent and not voting:

Burke	Hubrig	Quam	Warner
Butler	Poulson	Sanstead	

So the proposal passed and the title was agreed to, and Committee Proposal 1-113 was referred to the Committee on Style and Drafting.

Committee Proposal No. 1-106. Be it resolved by the North Dakota Constitutional Convention that sections 25 and 202 of the constitution of the state of North Dakota be repealed; and that a new section 2 of Article XVI to the constitution of the state of North Dakota be created, all of which pertain to constitutional rights reserved in the people.

Which has been read.

Delegate Kessel moved that Committee Proposal 1-106 be amended as follows:

Delete lines 13 through 20, and insert in lieu thereof the following:

"Section 2. Petition. A petition to initiate or to refer a measure shall contain the full text of the measure and the names and post office addresses of at least twenty-five sponsors, one of whom shall be designated as chairman."

Which motion failed on a division vote.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 72; nays, 18; absent and not voting, 8.

Those voting in the affirmative were:

Aubol	Dobson	Ketchum	Peters
Bender	Engelter	Knudson	Rosendahl

342 JOURNAL OF THE CONSTITUTIONAL CONVENTION

Benson	Engstrom	Kretschmar	Rude
Benz	Fallgatter	Kwako	Scheel
Berg	Fiedler	Lamb	Schmit
Billey	Fritzell	Lander	Simonson
Binek	Geelan	Lerberg	Sinner
Birkeland	Gipp	Litten	Solberg
Brakke	Griffin	Longmire	Sondreal
Burbidge	Hardmeyer	McElroy	Sullivan
Byrne	Hartl	McIntyre	Thompson
Chase	Haugen	Maxwell	Trenbeath
Christensen	Hendrickson	Meidinger	Tudor
Daniels	Hildebrand	Miller	Unruh
Dawson	Hoffner	O'Toole	Urdahl
Decker	Huckle	Omdahl	Vogel
Devine	Jestrab	Paulson	Wicks
Diehl	Kelsch	Pearce	Mr. President

Those voting in the negative were:

Aas	Hill	Nothing	Rundle
Baker	Hoghaug	Nicholas	Saugstad
Bassingthwaite	Hougen	Peterson	Stanton
Cart	Kessel	Roney	Wallin
Erickson	Larsen		

Absent and not voting:

Burke	Hernett	Poulson	Sanstead
Butler	Hubrig	Quam	Warner

So the proposal passed and the title was agreed to, and Committee Proposal 1-106 was referred to the Committee on Style and Drafting.

Delegate Haugen requested unanimous consent of the Convention to withdraw Delegate Proposals 2-62 and 2-70, which request was granted.

Delegate Haugen moved that Committee Proposal 1-117 be indefinitely postponed.

Delegate Lander requested a recorded roll call vote on the motion to indefinitely postpone Committee Proposal 1-117, which request was granted.

ROLL CALL

The roll was called and there were ayes, 64; nays, 27; absent and not voting, 7.

Those voting in the affirmative were:

Aas	Engstrom	Kretschmar	Rosendahl
Baker	Erickson	Kwako	Rundle
Bender	Fallgatter	Lerberg	Saugstad
Benson	Fiedler	Litten	Scheel
Benz	Geelan	McElroy	Simonson
Billey	Gipp	McIntyre	Sinner
Binek	Griffin	Maxwell	Solberg
Birkeland	Hardmeyer	Meidinger	Stanton
Brakke	Hartl	Miller	Sullivan
Burbidge	Haugen	Nothing	Thompson
Byrne	Hill	Nicholas	Trenbeath
Cart	Hougen	O'Toole	Tudor
Chase	Huckle	Pearce	Unruh
Dawson	Kessel	Peters	Urdahl
Decker	Ketchum	Peterson	Wallin
Diehl	Knudson	Roney	Mr. President

Those voting in the negative were:

Aubol	Engelter	Jestrab	Paulson
Bassingthwaite	Fritzell	Kelsch	Rude
Berg	Hendrickson	Lamb	Schmit
Christensen	Hernett	Lander	Sondreal

Daniels	Hildebrand	Larsen	Vogel
Devine	Hoffner	Longmire	Wicks
Dobson	Hoghaug	Omdahl	
Absent and not voting:			
Burke	Hubrig	Quam	Warner
Butler	Poulson	Sanstead	

The motion prevailed. Committee Proposal 1-117 has been indefinitely postponed.

MOTIONS

Delegate Dobson moved that the Convention reconsider its action by which Committee Proposal 1-72 was passed, which motion prevailed.

Delegate Pearce moved that the Budget Committee be authorized to allocate and eventually pay \$5000 for the purpose of matching funds of the North Dakota Higher Education Facilities Commission, which motion prevailed.

Delegate Pearce moved that the Budget Committee be authorized to accept what in their judgment is the best bid to prepare a composite picture of the Constitutional Convention, which motion prevailed.

Delegate Aubol moved that the Convention reconsider the action by which Committee Proposal 1-11 was passed, which motion failed.

Delegate Dobson moved that Committee Proposal 1-72 be placed at the head of the Tenth Order on the Calendar, which motion prevailed.

Delegate Cart requested unanimous consent of the Convention to withdraw Delegate Proposal 2-67, which request was granted.

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., January 31, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk