

FOURTH DAY

Bismarck, January 6, 1972

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

Prayer was offered by Rev. Walter Dingfield, Pastor, Bismarck Baptist Church.

"Our loving Heavenly Father, we approach Thee this morning in the precious Name of Thy Son, our Saviour. We come to Thee with thanksgiving for Thy wonderful Grace and goodness showing us daily that you still love us and care for us. We enter into this day with the realization that Thou art God — the Creator and the Redeemer. We do acknowledge our dependence upon you for strength, for guidance and for wisdom. Guide these delegates in their deliberations. Help them to discern that which needs to be changed, and that which still remains as valid and needful for our society. May there constantly be the fear of the Lord and the love for fellow man in the hearts and souls of each. May all things be done to the glory of God. These petitions, our Father, we are asking in the Name of Christ who is our Life. Amen."

Roll was called and all Delegates were present except Delegate Gipp.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 4th day of January, 1972 and recommends that the same be corrected as follows:

Page 101, lines 9 and 10, delete the words "Church of the Nazarene" and insert in lieu thereof "First United Methodist Church"

Page 116, line 49, delete the word "main" and following the word "motion" delete "or" and substitute in lieu thereof "on"

Page 116, line 54, following the word "motions" delete the word "or" and substitute in lieu thereof the word "on"

And when so corrected recommends that the same be approved.

DELEGATE SIMONSON, Chairman

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

REPORTS OF SUBSTANTIVE COMMITTEE

Mr. President: Your Committee on Preamble, Bill of Rights and Suffrage to whom was referred Committee Proposal No. 1-4 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.

Mr. President: Your Committee on Education, Resources and Public Lands to whom was referred Committee Proposal No. 1-20 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 Preamble, Bill of Rights and Suffrage to whom was referred Delegate Proposal No. 2-43 has had the same under consideration and recommends that the same be indefinitely postponed.

DELEGATE MAXWELL, Chairman

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

CONSIDERATION OF AMENDMENTS

Delegate Longmire moved that the amendments to Proposal 1-14 as recommended by the Committee on Judicial Functions and Political Subdivisions as printed on page 120 of the Convention Journal be adopted, which motion prevailed.

MOTIONS

Delegate Hoffner moved that Delegate Proposal 2-26 be returned from the Committee on Legislative Functions, which motion prevailed.

Delegate Hoffner moved that Delegate Proposal 2-26 be re-referred to the Committee on Preamble, Bill of Rights and Suffrage, which motion prevailed.

INTRODUCTION OF COMMITTEE PROPOSALS

The Committee on Finance and Taxation introduced:

Committee Proposal No. 1-23. Be it resolved by the North Dakota Constitutional Convention that sections 174, 175, 178, 179 and 186 be repealed; and that new sections to the constitution of the state of North Dakota be created; all of which pertain to finance and taxation and state moneys.

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

The Committee on Finance and Taxation introduced:

Committee Proposal No. 1-24. Be it resolved by the North Dakota Constitutional Convention that sections 177, pertaining to hail tax; 180, pertaining to poll tax; 181, pertaining to passage of laws to carry out provision of finance and taxation article; and 187, pertaining to certificate of indebtedness to be signed by auditor and secretary of state; of the constitution of the state of North Dakota, be repealed.

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

INTRODUCTION OF DELEGATE PROPOSALS

Delegate Brakke introduced:

Delegate Proposal No. 2-53. 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 right to obtain employment or practice a profession, and preclusion of corporations from engaging in farming, be created.

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

Delegate Hubrig introduced:

Delegate Proposal No. 2-54. 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 environment, be created.

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

Delegate Hubrig introduced:

Delegate Proposal No. 2-55. 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 environment, be created.

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

REPORT OF SUBSTANTIVE COMMITTEE

January 5, 1972

Mr. President: Your Committee on Executive Functions to whom was referred Committee Proposal No. 1-10 has had the same under consideration and recommends that the same be amended as follows:

In line 12 delete "STATE MILITIA" and insert in lieu thereof "MILITARY FORCES"

And when so amended recommends the same do pass.

DELEGATE HERNETT, Chairman

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

FIRST READING OF PROPOSALS

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

Which has been read.

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

In Line 2 of the Proposal, delete the word "amended" and insert in lieu thereof the word "adopted"

In Line 4, delete the word "Amendment)"

In line 5, delete the words "amended to read as follows" and the word "created;" be inserted in lieu thereof,

Which motion failed.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 74; nays, 23; absent and not voting, 1.

Those voting in the affirmative were:

Aubol	Geeran	Litten	Scheel
Bender	Harameyer	Longmire	Schmit
Benson	Haugen	McIntyre	Simonson
Billey	Henrickson	Maxwell	Sinner
Binek	Hernettt	Meidinger	Solberg
Birkeland	Hildebrand	Miller	Sondreal
Brakke	Hill	Nething	Stanton
Burbidge	Hoffner	Nicholas	Sullivan
Butler	Hoghaug	O'Toole	Thompson
Byrne	Hougen	Omdahl	Trenbeath
Daniels	Hubrig	Paulson	Tudor
Dawson	Huckle	Pearce	Unruh
Decker	Kelsch	Poulson	Urdahl
Devine	Kessel	Quam	Vogel
Dobson	Ketchum	Roney	Wallin
Engelter	Knudson	Rude	Warner
Erickson	Kretschmar	Sanstead	Wicks
Fallgatter	Lamb	Saugstad	Mr. President
Fritzell	Lerberg		

Those voting in the negative were:

Aas	Cart	Griffin	McElroy
Baker	Chase	Hartl	Pefers
Bassingthwaite	Christensen	Jestrab	Peterson
Benz	Diehl	Kwako	Rosendahl
Berg	Engstrom	Lander	Rundle
Burke	Fiedler	Larsen	

Absent and not voting:

Gipp

So the proposal passed and the title was agreed to.

Committee Proposal No. 1-22. Be it resolved by the North Dakota Constitutional Convention that articles 14 and 19, pertaining to mills and elevators in Minnesota, Wisconsin and North Dakota; article 24, pertaining to hail tax; articles 59, 65 and 87, pertaining to veterans' bonuses; article 60, pertaining to the medical center; and article 76, pertaining to bonds, of the amendments to the constitution of the state of North Dakota, be repealed.

Which has been read.

Delegate Baker called for a division of the question, in such manner that article 60, pertaining to the medical center, be voted on separately.

The question then was on the first passage of the proposal excluding article 60 from Proposal 1-22.

ROLL CALL

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

Those voting in the affirmative were:

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

Those voting in the negative were:

Butler	Decker	McElroy
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Absent and not voting:

Gipp

So the proposal excluding article 60 passed on a division of the question and the title was agreed to.

The question then was on the first passage of article 60, pertaining to the medical center, as contained in Committee Proposal 1-22.

ROLL CALL

The question being on the first passage of the proposal, the roll was called and there were ayes, 82; nays, 15; absent and not voting, 1.

Those voting in the affirmative were:

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

Those voting in the negative were:

Devine	Lander	Pearce	Tudor
Fritzell	Larsen	Peters	Unruh
Geelan	Longmire	Peterson	Warner
Hubrig	O'Toole	Sullivan	

Absent and not voting:

Gipp

So the proposal passed in its entirety on a division of the question, and the title was agreed to.

EXPLANATION OF A VOTE

Delegate Jestrab explained her vote on Proposal 1-1.

"I strongly favor religious liberty, but I did favor the 1889 version."

Delegate Saugstad moved that Committee Proposals 1-1 and 1-22 be re-referred to the Committee on Style and Drafting, which motion prevailed.

INTRODUCTION OF COMMITTEE PROPOSALS

Committee on Executive Functions introduced:

Committee Proposal No. 1-25. Be it resolved by the North Dakota Constitutional Convention that sections 79 and 80 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 the veto power of the governor, be created.

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

Committee on Executive Functions introduced:

Committee Proposal No. 1-26. Be it resolved by the North Dakota Constitutional Convention that section 77 of the constitution of the state of North Dakota be repealed; and that a new section to the constitution of the state of North Dakota, pertaining to gubernatorial succession, be created.

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

Committee on Executive Functions introduced:

Committee Proposal No. 1-27. Be it resolved by the North Dakota Constitutional Convention that sections 75 and 76 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 powers and duties of the governor, be created.

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

Committee on Executive Functions introduced:

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.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-29. Be it resolved by the North Dakota Constitutional Convention that section 29 of Article II of the constitution of the state of North Dakota be repealed; and that section 4 of Article II to the constitution of the state of North Dakota be created; both of which pertain to reapportionment of the state legislature.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-30. Be it resolved by the North Dakota Constitutional Convention that section 211 of Article II of the constitution of the state of North Dakota be repealed; and that section 27 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the oath of office.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-31. Be it resolved by the North Dakota Constitutional Convention that section 194 of Article II 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; both of which pertain to grounds for impeachment.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-32. Be it resolved by the North Dakota Constitutional Convention that section 194 of Article II 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; both of which pertain to grounds for impeachment.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-33. Be it resolved by the North Dakota Constitutional Convention that sections 197 and 198 of Article II of the constitution of the state of North Dakota be repealed; and that sections 23 and 24 of Article II to the constitution of the state of North Dakota be created; all pertaining to impeachment.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-34. Be it resolved by the North Dakota Constitutional Convention that section 29 of Article II to the constitution of the state of North Dakota, which pertains to the matter of legislative ethics, be created.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-35. Be it resolved by the North Dakota Constitutional Convention that section 202 of Article II of the constitution of the state of North Dakota be repealed; and that sections 25 and 26 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the manner in which the constitution may be altered.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-36. Be it resolved by the North Dakota Constitutional Convention that section 202 of Article II of the constitution of the state of North Dakota be repealed; and that sections 25 and 26 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the manner in which the constitution may be altered.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-37. Be it resolved by the North Dakota Constitutional Convention that section 41 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.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-38. Be it resolved by the North Dakota Constitutional Convention that section 37 of Article II of the constitution of the state of North Dakota be repealed; and that section 7 of Article II to the constitution of the state of North Dakota be created; both of which pertain to restrictions on the office-holding capabilities of state legislators.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-39. Be it resolved by the North Dakota Constitutional Convention that section 45 of Article II of the constitution of the state of North Dakota be repealed; and that section 10 of Article II to the constitution of the state of North Dakota be created; both of which pertain to legislative compensation.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-40. Be it resolved by the North Dakota Constitutional Convention that section 28 of Article II to the constitution of the state of North Dakota, which pertains to the office of legislative auditor, be created.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-41. Be it resolved by the North Dakota Constitutional Convention that section 29 of Article II of the constitution of the state of North Dakota be repealed; and that section 4 of Article II to the constitution of the state of North Dakota be created; both of which pertain to reapportionment of the state legislature.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-42. Be it resolved by the North Dakota Constitutional Convention that section 25 of Article II of the constitution of the state of North Dakota be repealed; and that section 1 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the legislative system.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-43. Be it resolved by the North Dakota Constitutional Convention that section 25 of Article II of the constitution of the state of North Dakota be repealed; and that section 1 of Article II to the constitution of the state of North Dakota be created; both of which pertain to the legislative system.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-44. Be it resolved by the North Dakota Constitutional Convention that sections 27 and 30 of Article II of the constitution of the state of North Dakota be repealed; and that sections 2 and 5 of Article II to the constitution of the state of North Dakota be created; all pertaining to legislative terms of office.

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

Committee on Legislative Functions introduced:

Committee Proposal No. 1-45. Be it resolved by the North Dakota Constitutional Convention that section 28 of Article II of the constitution of the state of North Dakota be repealed; and that section 3 of Article II to the constitution of the state of North Dakota be created; both of which pertain to qualifications for legislative office.

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

Committee on Preamble, Bill of Rights and Suffrage introduced:

Committee Proposal No. 1-46. Be it resolved by the North Dakota Constitutional Convention that section 1 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 inalienable rights.

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. 1-47. Be it resolved by the North Dakota Constitutional Convention that section 3 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 supreme law of the land.

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. 1-48. Be it resolved by the North Dakota Constitutional Convention that section 10 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 right to assemble.

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. 1-49. Be it resolved by the North Dakota Constitutional Convention that section 12 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 military being subordinate to the civil power.

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. 1-50. Be it resolved by the North Dakota Constitutional Convention that section 17 of the constitution of the state of North Dakota, which pertains to slavery, be repealed.

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. 1-51. Be it resolved by the North Dakota Constitutional Convention that section 19 of the constitution of the state of North Dakota, which pertains to treason against the state, be repealed.

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. 1-52. Be it resolved by the North Dakota Constitutional Convention that section 21 of the constitution of the state of North Dakota, which pertains to provisions of the constitution being mandatory and prohibitory, be repealed.

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. 1-53. 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.

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. 1-54. Be it resolved by the North Dakota Constitutional Convention that section 209 of the constitution of the state of North Dakota, which pertains to child labor, be repealed.

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. 1-55. Be it resolved by the North Dakota Constitutional Convention that section 212 of the constitution of the state of North Dakota, which pertains to blacklists, be repealed.

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. 1-56. Be it resolved by the North Dakota Constitutional Convention that section 213 of the constitution of the state of North Dakota, which pertains to property rights of women, be repealed.

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

INTRODUCTION OF A DELEGATE PROPOSAL

Delegate Burke introduced:

Delegate Proposal No. 2-56. Be it resolved by the North Dakota Constitutional Convention that a new section to the constitution of the state of North Dakota, pertaining to the limitation of terms of elected officials, be created.

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

ANNOUNCEMENT

President Wenstrom announced the following additions to the Committee on Style and Drafting: Delegates Hendrickson, Jestrab, Urdahl, and Hougen.

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

Delegate Saugstad moved that the Convention stand adjourned until 9:00 a.m., Friday, January 7, 1972, which motion prevailed.

ROY GILBREATH, Chief Clerk