

# CONSTITUTIONAL AMENDMENTS, PROPOSED

## CHAPTER 530

SENATE CONCURRENT RESOLUTION NO. 4010  
(Hoffner, Reiten)

### OPEN MEETINGS

A concurrent resolution for a constitutional amendment requiring all meetings of governmental bodies to be open to the public, unless otherwise provided by law, and for the amendment of section 50 of the Constitution of the State of North Dakota, relating to open meetings of the legislative assembly and its committees, and providing an effective date.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the primary election to be held in September 1974, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1. AMENDMENT.) The Constitution of the State of North Dakota shall be amended by adding thereto the following article:

Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public.

SECTION 2. AMENDMENT.) Section 50 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 50. All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, shall be open to the public.

SECTION 3. EFFECTIVE DATE.) The provisions of section 1 of this resolution, if approved by the people, shall take effect on July 1, 1975.

## CHAPTER 531

SENATE CONCURRENT RESOLUTION NO. 4031  
(Litten)

JOINT BALLOT FOR GOVERNOR  
AND LIEUTENANT GOVERNOR

A concurrent resolution for the amendment of sections 74 and 77 of the Constitution of the State of North Dakota, relating to the election of the governor and lieutenant governor and to the powers and duties of the lieutenant governor.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to sections 74 and 77 of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1974 in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 74 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 74. The governor and lieutenant governor shall be elected upon a joint ballot by the qualified electors of the state beginning with elections held in 1976. A single vote shall be cast upon a joint ballot by each qualified elector for the joint candidates representing the political party or affiliation of his choice. The joint candidates having the highest number of votes shall be declared elected, but if two or more joint candidates shall have an equal and highest number of votes for governor and lieutenant governor, the two houses of the legislative assembly at its next regular session shall forthwith in joint session choose one pair of such joint candidates for said offices. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

SECTION 2. AMENDMENT.) Section 77 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 77. The powers and duties of the lieutenant governor shall be to serve as president of the senate, but he shall have no vote unless they be equally divided. Additional duties shall be prescribed by the governor. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

## CHAPTER 532

HOUSE CONCURRENT RESOLUTION NO. 3002  
(McGauvran, Austin, Lundene)  
(From Legislative Council Study)

## SIZE OF TRIAL JURIES

A concurrent resolution proposing an amendment to section 7 of the Constitution of the state of North Dakota, relating to the size of trial juries and the number of jurors required to render a decision in civil and criminal cases, and providing an effective date.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendment to section 7 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota at the primary election to be held in 1974, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 7 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Section 7. The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous.

SECTION 2. EFFECTIVE DATE.) The provisions of section 1 of this proposed amendment, amending section 7 of the Constitution of the state of North Dakota, shall, if adopted, be effective on July 1, 1975.

Filed April 4, 1973

## CHAPTER 533

HOUSE CONCURRENT RESOLUTION NO. 3017  
(Hartl, Kretschmar, Ganser, Winkjer)

RETIREMENT, DISCIPLINE, AND  
REMOVAL OF JUDGES

A concurrent resolution for the amendment of the Constitution of the state of North Dakota relating to the retirement, discipline, and removal of supreme and district court judges.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Constitution of the state of North Dakota be amended by adding thereto the following section, which is agreed to and which shall be submitted to the qualified electors of the state of North Dakota at the general election to be held in 1974, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

SECTION 1. AMENDMENT.) The Constitution of the state of North Dakota shall be amended by adding thereto the following section:

The legislative assembly may provide for the retirement, discipline and removal of judges of the supreme court and district court. The removal procedure provided for herein may be used in addition to the impeachment proceedings provided for in sections 194, 195, and 196.

Filed April 4, 1973

## CHAPTER 534

HOUSE CONCURRENT RESOLUTION NO. 3050  
(Solberg, Kingsbury)

## LEGISLATIVE COMPENSATION COMMISSION

A concurrent resolution for the amendment of section 45 of the Constitution of the state of North Dakota, relating to compensation of members of the Legislative Assembly and providing an independent commission to set legislative pay and compensation.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendment to section 45 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in 1974, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 45 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Section 45. There is hereby established a legislative compensation commission to establish salaries and expense allowances for the members of the legislative assembly.

The compensation commission shall consist of five members appointed by the governor for terms, and with powers, duties, and functions, as prescribed by law.

Filed April 4, 1973