

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 7-8

"Constitution for the State of New Columbia  
Approval Act of 1987".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-154 on first and second readings, April 14, 1987, and May 5, 1987, respectively. Following the signature of the Mayor on May 6, 1987, this legislation was assigned Act 7-19, published in the May 15, 1987, edition of the D.C. Register, (Vol. 34 page 3057) and transmitted to Congress on May 8, 1987 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-8, effective June 24, 1987.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 27, 28, 29

June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23

EFFECTIVE  
DATE JUN 24 1987

AN ACT

D.C. ACT 7 - 19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 06 1987

To recommend to Congress a revised District of Columbia  
Statehood Constitution for the State of New Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Constitution for the  
State of New Columbia Approval Act of 1987".

Sec. 2. Section 4(b) of the District of Columbia  
Statehood Constitutional Convention Initiative of 1979,  
effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec.  
1-113(b)), shall read as follows:

"(b) The proposed constitution for the State of New  
Columbia is amended to read as follows:

D.C. Code,  
1-113  
(1988 Supp.

CONSTITUTION FOR THE STATE OF NEW COLUMBIA

Note,  
D.C. Code,  
1-113  
(1988 Supp)

PREAMBLE

This constitution, to be known as the Constitution for the State of New Columbia, shall establish the means of governance of the State of New Columbia.

ARTICLE I. BILL OF RIGHTS.

Sec. 101. Freedom of religion, of speech, and of the press.

The State of New Columbia shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Sec. 102. Right to keep and bear arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Sec. 103. Quartering of soldiers.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sec. 104. Security from unwarrantable search and seizure.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 105. Rights of accused in criminal proceedings.

No person shall be held to answer for a felony offense, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself or herself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 106. Right to speedy trial, witnesses, etc.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State, and to be informed of the nature and cause of

the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor, and to have the assistance of counsel for his or her defense.

Sec. 107. Trial by jury in civil cases.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the State of New Columbia, than according to the rules of the common law.

Sec. 108. Bails, fines, punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 109. Reservation of rights of the people.

The enumeration in this constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Sec. 110. Equal protection.

The State of New Columbia shall not deny to any person within its jurisdiction the equal protection of the law.

ARTICLE II. LEGISLATIVE POWER; CONSTITUTIONAL AMENDMENT PROCEDURE.

Sec. 201. Legislative power.

The legislative power of the State of New Columbia shall extend to all rightful subjects of legislation within the State of New Columbia consistent with the Constitution of the United States and the provisions of this constitution subject to all the restrictions and limitations imposed upon the states by the 10th section of the first article of the Constitution of the United States.

Sec. 202. Constitution amending procedure.

(a) The constitution may be amended by an act passed by the affirmative vote of two-thirds of the members of the House of Delegates and ratified by a majority of the registered qualified electors of the State of New Columbia voting in the referendum held for such ratification.

(b) An amendment to the constitution ratified by the registered electors shall take effect on the date the Board of Elections and Ethics certifies that such act was ratified by a majority of the registered qualified electors voting thereon or upon the date prescribed by such amendment, whichever is later.

ARTICLE III. THE LEGISLATIVE BRANCH.

Sec. 301. Creation and membership.

(a) The legislative power of the State of New Columbia shall be vested in the legislature, which shall be called the House of Delegates and which shall be elected by the registered qualified electors of the State of New Columbia.

(b)(1) Except as provided in section 1101(c), the House of Delegates established under subsection (a) of this section shall consist of 25 members elected on a partisan basis. The President of the House of Delegates and 8 members shall be elected at large in the State of New Columbia, and 16 members shall be elected from the districts established, from time to time, under the State of New Columbia election laws. The term of office of the members of the House of Delegates shall be 4 years, and shall begin at noon on January 2nd of the year following their election.

(2) To fill a vacancy in the Office of President of the House of Delegates, the Board of Elections and Ethics shall hold a special election in the State of New Columbia on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected President of the House of Delegates to fill a vacancy in the Office of President of the House of Delegates shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as President of the House of Delegates only for the remainder of the term during which such vacancy occurred. When the Office of President of the House of Delegates becomes vacant, the House of Delegates shall select 1 of the elected at-large members of the House of Delegates to serve as President of the House of Delegates and 1 to serve as President of the House of Delegates pro tempore until the election of a new President of the House of Delegates.

(c) The House of Delegates may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the House of Delegates.

(d)(1) In the event of a vacancy in the House of Delegates of a member elected from a district, the Board of Elections and Ethics shall hold a special election in such district to fill such vacancy on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines

that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the House of Delegates shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as a member of the House of Delegates only for the remainder of the term during which such vacancy occurred.

(2) In the event of a vacancy in the House of Delegates of a member elected at large, other than a vacancy in the Office of President of the House of Delegates, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections and Ethics can hold a special election to fill such vacancy, and such special election shall be held on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise be held under the provisions of this subsection. The person appointed to fill such vacancy shall take office on the date of his or her appointment and shall serve as a member of the House of Delegates until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the House of Delegates shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as a member of the House of Delegates only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the House of Delegates of a member elected at large who is not affiliated with any political party, the House of Delegates shall appoint a similarly non-affiliated person to fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the House of Delegates shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than 7 members (including the President of the House of Delegates) serving

at large on the House of Delegates who are affiliated with the same political party.

**Sec. 302. Qualifications for holding office.**

No person shall hold the office of member of the House of Delegates, including the Office of President of the House of Delegates, unless he or she: (1) Is a qualified elector; (2) is domiciled in the State of New Columbia and if he or she is nominated for election from a particular district, resides in the district from which he or she is nominated; (3) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for such office is to be held; and (4) holds no public office (other than his or her employment in and position as a member of the House of Delegates), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the House of Delegates, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than 30 days. A member of the House of Delegates shall forfeit his or her office upon failure to maintain the qualifications required by this section, and, in the case of the President of the House of Delegates, section 303(c).

**Sec. 303. Compensation.**

(a) Each member of the House of Delegates shall receive compensation, payable in periodic installments, at the rate set up by the House of Delegates and the House of Delegates may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the House of Delegates in accordance with the provisions of this constitution, shall apply with respect to the term of members of the House of Delegates beginning after the date of enactment of such change.

(b) All members of the House of Delegates shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the House of Delegates.

(c) The President of the House of Delegates shall receive, in addition to the compensation to which he or she is entitled as a member of the House of Delegates, \$10,000 per annum, payable in equal installments, for each year he serves as President of the House of Delegates, but the President of the House of Delegates shall not engage in any

employment (whether as an employee or as a self-employed individual) or hold any position (other than his or her position as President of the House of Delegates), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith.

Sec. 304. Powers of the House of Delegates.

(a) The legislative power granted to the State of New Columbia by this constitution is vested in and shall be exercised by the House of Delegates in accordance with this constitution. In addition, except as otherwise provided in this constitution, all functions granted to or imposed upon, or vested in or transferred to the Council of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act, shall be carried out by the House of Delegates in accordance with the provisions of this constitution.

(b) The House of Delegates shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the State of New Columbia and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The House of Delegates shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the House of Delegates.

(d) Every act shall be published and codified upon becoming law as the House of Delegates may direct.

(e) An act passed by the House of Delegates shall be presented by the President of the House of Delegates to the Governor, who shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him or her, either approve or disapprove such act. If the Governor shall approve such act, the Governor shall indicate the same by affixing his or her signature thereto, and such act shall become law. If the Governor shall disapprove such act, the Governor shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him or her, return such act to the House of Delegates setting forth in writing his or her reasons for such disapproval. If any act so passed shall not be returned to the House of Delegates by the Governor within 10 calendar days after it shall have been presented to the Governor, the Governor shall be deemed to have approved it, and such act shall become law unless the House of Delegates by a recess of 10 days or more prevents its return, in which case it shall not become law. If, within 30 calendar days after an act has been timely returned by the Governor to the House of Delegates with his or her disapproval, two-thirds



of the members of the House of Delegates present and voting vote to reenact such act, the act so reenacted shall become law.

(f) In the case of any budget act adopted by the House of Delegates pursuant to section 606 and submitted to the Governor in accordance with subsection (e) of this section, the Governor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Governor so disapproves of any item or provision, he or she shall append to the act when he or she signs it a statement of the item or provision which he or she disapproves, and shall, within such 10-day period, return a copy of the act and statement with his or her objections to the House of Delegates. If, within 30 calendar days after any such item or provision so disapproved has been timely returned by the Governor to the House of Delegates, two-thirds of the members of the House of Delegates present and voting vote to reenact any such item or provision, such item or provision so reenacted shall become law. In any case in which the Governor fails to timely return any such item or provision so disapproved to the House of Delegates, the Governor shall be deemed to have approved such item or provision not returned and such item or provision not returned shall become law.

Sec. 305. The President of the House of Delegates.

(a) The President of the House of Delegates shall be the presiding officer of the House of Delegates.

(b) When the Office of Governor is vacant, the President of the House of Delegates shall act in the Governor's stead. While the President of the House of Delegates is acting Governor he or she shall not exercise any of his or her authority as President of the House of Delegates or member of the House of Delegates.

Sec. 306. Acts; resolutions; requirements for quorum.

(a)(1) The House of Delegates, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the House of Delegates present and voting, unless otherwise provided in this constitution or by the House of Delegates. Except as provided in paragraph (3) of this subsection, the House of Delegates shall use acts for all legislative purposes. Each proposed act (other than an act to which section 606 applies) shall be read twice in substantially the same form, with at least 13 days intervening between each reading.

(2) Upon final adoption by the House of Delegates each act shall be made immediately available to the public in a manner which the House of Delegates shall determine.

If the House of Delegates determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed 90 days.

(3) Resolutions shall be used (A) to express simple determinations, decisions, or directions of the House of Delegates of a special or temporary character; and (B) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor of the District of Columbia, the Board of Elections and Ethics, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the State of New Columbia, or the Convention Center Board of Directors to the Council of the District of Columbia pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.

(b) A special election may be called by resolution of the House of Delegates to present for an advisory referendum vote of the people any proposition upon which the House of Delegates desires to take action.

(c) A majority of the House of Delegates shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the House of Delegates, except a lesser number may hold hearings.

#### Sec. 307. Investigations by the House of Delegates.

(a) The House of Delegates, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the State of New Columbia, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the House of Delegates (if the House of Delegates is conducting the inquiry) or any member of the committee may issue subpoenas, and administer oaths upon resolution adopted by the House of Delegates or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the House of Delegates by resolution may seek from the Superior Court of the State of New Columbia an order requiring such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpoena issued in a case pending before such Court.

#### Sec. 308. Limitations on the House of Delegates.

The House of Delegates shall have no authority to pass any act contrary to the provisions of this constitution except as specifically provided in this constitution, or to

- (1) impose any tax on property of the United States or any of the several States;
- (2) lend the public credit for support of any private undertaking;
- (3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the State of New Columbia;
- (4) enact any act, resolution or rule which permits the building of any structure within the State of New Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910, and in effect on the date of enactment of this constitution;
- (5) enact any act or regulation relating to any court of the United States, or relating to the duties or powers of any United States attorney or any United States Marshal for the State of New Columbia.

Sec. 309. House of Delegates authority over elections. Notwithstanding any other provision of this constitution or of any other law, the House of Delegates shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the State of New Columbia.

#### ARTICLE IV. THE EXECUTIVE BRANCH.

Sec. 401. Election; qualification; vacancy; compensation.

(a) The executive power of the State of New Columbia shall be vested in the Governor who shall be responsible for the faithful execution of the laws relating to the State of New Columbia and who shall be elected by the registered qualified electors of the State of New Columbia.

(b) The Governor, established by subsection (a) of this section, shall be elected, on a partisan basis, for a term of 4 years beginning at noon on January 2nd of the year following his or her election.

(c)(1) No person shall hold the Office of Governor unless he or she: (A) Is a qualified elector; (B) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for Governor is to be held; and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his or her employment in and position

as Governor), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than 30 days. The Governor shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Governor, the Board of Elections and Ethics shall hold a special election in the State of New Columbia on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Governor to fill a vacancy in the Office of Governor shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as Governor only for the remainder of the term during which such vacancy occurred. When the Office of Governor becomes vacant the President of the House of Delegates shall become acting Governor and shall serve from the date such vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Governor at which time he or she shall again become President of the House of Delegates. While the President of the House of Delegates is acting Governor, the President of the House of Delegates shall receive the compensation regularly paid the Governor, and shall receive no compensation as President of the House of Delegates or member of the House of Delegates. While the President of the House of Delegates is acting Governor, the House of Delegates shall select one of the elected at-large members of the House of Delegates to serve as President of the House of Delegates and one to serve as President of the House of Delegates pro tempore, until the return of the regularly elected President of the House of Delegates.

(d) The Governor shall receive compensation, payable in equal installments, at the rate of pay provided to the Mayor of the District of Columbia as of the effective date of this constitution with automatic annual increases at the percentage rate afforded to career service employees of the

State of New Columbia not represented by collective bargaining unless the House of Delegates by act changes the rate. Such change in such compensation, upon enactment by the House of Delegates in accordance with the provisions of this constitution, shall apply with respect to the term of Governor next beginning after the date of such change. In addition, the Governor may receive an allowance, in such amount as the House of Delegates may from time to time establish, for official, reception, and representation expenses, which he or she shall certify in reasonable detail to the House of Delegates.

(c) No person shall be elected Governor of the State of New Columbia for more than 2 consecutive terms. For purposes of this subsection, any person who fills a vacancy in the office of Governor for more than one half of the term to which another person was first elected shall be considered to have served one term.

Sec. 402. Powers and duties.

The Governor shall be the chief executive officer of the State of New Columbia government. In addition, except as otherwise provided in this constitution, all functions granted to or vested in the Mayor of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act, shall be carried out by the Governor in accordance with this constitution. The Governor shall be responsible for the proper execution of all laws relating to the State of New Columbia, and for the proper administration of the affairs of the State of New Columbia coming under his or her jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Governor may designate the officer or officers of the executive department of the State of New Columbia who may, during periods of disability or absence from the State of New Columbia of the Governor, execute and perform the powers and duties of the Governor;

(2) The Governor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the Office of the Governor, personnel in executive departments of the State of New Columbia, and members of boards, commissions, and other agencies;

(3) The Governor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies;

(4) The Governor may submit drafts of acts to the House of Delegates;

(5) The Governor may delegate any of his or her functions (other than the function of approving or

disapproving acts passed by the House of Delegates) to any officer, employee, or agency of the executive office of the Governor, or to any director of an executive department who may, with the approval of the Governor, make a further delegation of all or a part of such functions to subordinates under his or her jurisdiction;

(6) The Governor, as custodian thereof, shall use and authenticate the corporate seal of the State of New Columbia in accordance with law;

(7) The Governor shall appoint a State of New Columbia Administrator, who shall serve at the pleasure of the Governor. The State of New Columbia Administrator shall be the chief administrative officer of the Governor, and shall assist the Governor in carrying out the Governor's functions under this constitution, and shall perform such other duties as may be assigned to him or her by the Governor.

(8) The Governor shall have the right, under rules to be adopted by the House of Delegates, to be heard by the House of Delegates or any of its committees;

(9) The Governor is authorized to issue and enforce administrative orders, not inconsistent with this constitution, or with any act of the House of Delegates, as are necessary to carry out his or her functions and duties;

(10) The Governor may reorganize the offices, agencies, and other entities within the executive branch of the government of the State of New Columbia by submitting to the House of Delegates a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the House of Delegates does not adopt, within 60 days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Governor, a resolution disapproving such reorganization; and

(11) The Governor shall have plenary power to grant pardons, commutations, and reprieves, and to remit fines and forfeitures, for all offenses against the laws of the State of New Columbia.

**Sec. 403. State planning.**

(a) The Governor shall be the central planning agency for the State of New Columbia. The Governor shall be responsible for the coordination of planning activities of the state government and the preparation and implementation of the State of New Columbia's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multi-year program of public works for the State of New Columbia, and physical, social, economic, transportation, and population elements. In carrying out his or her responsibilities under this section, the Governor shall

establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a proposed State of New Columbia element of the comprehensive plan (including amendments thereto) affecting or relating to the State of New Columbia.

(b) The Governor shall submit the State of New Columbia's elements and amendments thereto to the House of Delegates for revision or modification, and adoption by act, following public hearings.

**Sec. 404. Establishment of the Office of Attorney General.**

(a)(1) There is established within the State of New Columbia government an Office of the Attorney General for the State of New Columbia headed by an Attorney General.

(2) The Attorney General shall be appointed by the Governor with the advice and consent of the House of Delegates. The Attorney General shall serve at the pleasure of the Governor for a term of 4 years coterminous with the term of the office of the Governor as set by section 401. At the expiration of the term of office of the Attorney General, the Governor may appoint an Acting Attorney General to serve for no longer than 120 days. If the Governor fails to submit a nomination for Attorney General within 60 days of the expiration of the prior Attorney General's term of office, the Governor shall be deemed to have submitted the nomination of the Acting Attorney General to the House of Delegates for appointment pursuant to this subsection.

(3) A vacancy in the office of the Attorney General shall be filled in the same manner in which the original appointment is made. Any person so appointed to fill such a vacancy shall serve only for the remainder of the unexpired term of his or her predecessor.

(4) No person may be nominated as Attorney General of the State of New Columbia unless he or she:

(A) Is a citizen of the United States;  
 (B) Is an active member of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals and, for the five years immediately preceding nomination, has been engaged in the active practice of law in the State of New Columbia, has been on the faculty of a law school in the State of New Columbia, or has been employed as a lawyer by the United States or the State of New Columbia government; and

(C) Is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to nomination, and shall retain such

residency as long as he or she serves as such Attorney General of the State of New Columbia.

(5) The Attorney General for the State of New Columbia shall be the chief legal officer for the State of New Columbia and have charge of all law business of the State of New Columbia. In the performance of such duties he or she shall:

(A) Have charge of the prosecution of all violations of the laws of the State of New Columbia;

(B) Have charge and conduct of all civil actions, suits or proceedings instituted by and against the State of New Columbia or its agencies or entities (including the independent agencies upon their request), or in which the State of New Columbia is concerned, including all actions in which the constitutionality or validity of the laws of the State of New Columbia are challenged;

(C) Render written legal opinions and advice to the Governor, the House of Delegates, and the heads of agencies and entities of the State of New Columbia government (including the independent agencies upon their request), which opinions, in the absence of specific action by the Governor or act of the House of Delegates to the contrary, or until overruled by controlling court decision, shall be the guiding statement of law, to be followed by all State of New Columbia executive branch officers and employees in the performance of their official duties;

(D) Render, upon request, written legal opinions and advice on matters pertaining to the State of New Columbia to the President and Congress of the United States;

(E) Make recommendations to the Governor with respect to the pardon or the commutation of the sentences of persons convicted of crimes against the State of New Columbia;

(F) Develop criminal justice and law enforcement policies and assist the Governor, as directed, in the implementation of these policies;

(G) Perform all functions granted to or vested in the Corporation Counsel of the District of Columbia by law prior to the effective date of this constitution;

(H) Have the authority to appoint special counsel for a particular purpose or designated proceeding and to determine the compensation, powers, duties, and the length and manner of service of such special counsel; and

(I) Perform such other functions that the Governor may from time to time delegate to him or her.

(b) All prisoners convicted in a State of New Columbia court for any offense, including violations of municipal regulations and ordinances, shall be committed for their



terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the State of New Columbia or his or her authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served.

(c) The Attorney General for the State of New Columbia shall appoint a Marshal of the State of New Columbia who will assist the courts of the State of New Columbia and whose duties shall be as more fully prescribed by the House of Delegates.

#### ARTICLE V. THE JUDICIAL BRANCH.

##### Sec. 501. Judicial powers.

(a) The judicial power of the State of New Columbia is vested in the State of New Columbia Court of Appeals and the Superior Court of the State of New Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the State of New Columbia and of any criminal case under any law applicable exclusively to the State of New Columbia. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Governor, the House of Delegates, or any agency of the State of New Columbia. The State of New Columbia courts shall also have jurisdiction over any other matters granted to the State of New Columbia courts by other provisions of law.

(b) The chief judge of a State of New Columbia court shall be designated by the State of New Columbia Judicial Nominating Commission established by section 504 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his or her successor is designated, except that his or her term as chief judge shall not extend beyond the chief judge's term as a judge of a State of New Columbia court. He or she shall be eligible for redesignation as chief judge.

(c) A judge of a State of New Columbia court shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four or removal, suspension, or involuntary retirement pursuant to section 502 and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 503.

(d)(1) There is established a State of New Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of five members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of 6 years.

(2) The Tenure Commission shall act only at meetings called by the Chair or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chair and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this constitution as may be necessary to govern the business of the Tenure Commission.

(4) The State of New Columbia government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he or she:

(A) is a citizen of the United States;

(B) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States; and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the State of New Columbia government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his or her predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the State of New Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) Two members shall be appointed by the governing body of the unified bar created pursuant to the

rules of the State of New Columbia Court of Appeals, both of whom shall have been engaged in the practice of law in the State of New Columbia for at least five successive years preceding their appointment.

(B) Two members shall be appointed by the Governor, one of whom shall not be a lawyer.

(C) One member shall be appointed by the House of Delegates, and shall not be a lawyer.

No person may serve at the same time on both the State of New Columbia Judicial Nomination Commission and on the State of New Columbia Commission on Judicial Disabilities and Tenure.

(f) Members of the Tenure Commission shall receive compensation at the rate provided by act of the House of Delegates while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a State of New Columbia court as provided in section 502 and to make recommendations regarding the appointment of senior judges of the State of New Columbia courts.

Sec. 502. Removal; suspension; involuntary retirement.

(a)(1) A judge of a State of New Columbia court shall be removed from office upon the filing in the State of New Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the State of New Columbia.

(2) A judge of a State of New Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the State of New Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of --

(A) willful misconduct in office,  
(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a State of New Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties, and (2) the Tenure Commission files in the State of New Columbia Court

of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a State of New Columbia court shall be suspended, without salary --

(A) upon --

(i) proof of his or her conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the State of New Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his or her salary and all rights and privileges of his or her office.

(2) A judge of a State of New Columbia court shall be suspended from all judicial duties, with such retirement salary as he or she may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the State of New Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his or her judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his or her office.

(3) A judge of a State of New Columbia court shall be suspended from all or part of his or her judicial duties, with salary, if the Tenure Commission, upon concurrence of 3 members, (A) orders a hearing for the removal or retirement of the judge pursuant to this article and determines that his or her suspension is in the interest of the administration of justice, and (B) files an order of suspension in the State of New Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

### Sec. 503. Nomination and appointment of judges.

(a) Except as provided in section 504(d)(1), the Governor shall nominate, from the list of persons recommended to him or her by the State of New Columbia Judicial Nomination Commission established under section 504, and, by and with the advice and consent of the House of

Delegates, appoint all judges of the State of New Columbia courts.

(b) No person may be nominated or appointed a judge of a State of New Columbia court unless he or she:

(1) is a citizen of the United States;  
 (2) is an active member of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals and, for the five years immediately preceding nomination, has been engaged in the active practice of law in the State of New Columbia, has been on the faculty of a law school in the State of New Columbia, or has been employed as a lawyer by the United States or the State of New Columbia government;

(3) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to nomination, and shall retain such residency as long as he or she serves as such judge, except judges appointed prior to January 2, 1975, who retain residency as required at the time of their first appointment shall not be required to be residents of the State of New Columbia to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the Governor, for such nomination and appointment, by the State of New Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to nomination, as a member of the Tenure Commission or of the State of New Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his or her term of office, any judge of the State of New Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his or her term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the Governor a written evaluation of the declaring candidate's performance during his or her present term of office and his or her fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the Governor may nominate such candidate, in which case the

Governor shall submit to the House of Delegates for advice and consent the renomination of the declaring candidate as judge. If the Governor determines not to so nominate such declaring candidate, the Governor shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the Governor shall not submit to the House of Delegates for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a State of New Columbia court.

Sec. 504. State of New Columbia Judicial Nomination Commission.

(a) There is established for the State of New Columbia the State of New Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of 5 members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years.

(b)(1) No person may be appointed to the Commission unless he or she:

(A) is a citizen of the United States;  
 (B) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least 90 days immediately prior to appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States; and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the State of New Columbia government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his or her predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the State of New Columbia courts in accordance with section 503 of this constitution.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the State of New Columbia courts. Members of the Commission shall be appointed as follows:

(A) Two members shall be appointed by the governing body of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals, both of whom shall have been engaged in the practice of law in the State of New Columbia for at least five successive years preceding their appointment.

(B) Two members shall be appointed by the Governor, one of whom shall not be a lawyer.

(C) One member shall be appointed by the House of Delegates, and shall not be a lawyer.

(5) Members of the Commission shall receive compensation at the rate provided by act of the House of Delegates while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chair or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chair, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this constitution as may be necessary to govern the business of the Commission.

(3) The State of New Columbia government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a State of New Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the Governor, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the Governor may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the Governor not less than thirty days prior to the occurrence of such vacancy. In the event the Governor fails to nominate, for House of Delegates confirmation, one of the persons on the list submitted to him or her under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the House of Delegates, appoint one of those persons to fill the vacancy for which such list was originally submitted to the Governor.

(2) In the event any person recommended by the Commission to the Governor requests that his or her recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the State of New Columbia courts, the Commission shall promptly recommend to the Governor one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 503.

#### ARTICLE VI. BUDGET AND FINANCIAL MANAGEMENT.

Sec. 601. Fiscal year.

The House of Delegates shall provide by act the fiscal year of the State of New Columbia.

Sec. 602. Submission of annual budget.

(a) At such time as the House of Delegates may direct, the Governor shall prepare and submit to the House of Delegates each year, and make available to the public, an annual budget for the State of New Columbia government which shall include:

(1) The budget for the forthcoming fiscal year in such detail as the Governor determines necessary to reflect the actual financial condition of the State of New Columbia government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) An annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding 3 fiscal years;

(3) A multiyear plan for all agencies of the State of New Columbia government as required under section 603;

(4) A multiyear capital improvements plan for all agencies of the State of New Columbia government as required under section 604;

(5) A program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program



effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the State of New Columbia Auditor;

(6) An issue analysis statement consisting of a reasonable number of issues, identified by the House of Delegates in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Governor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) A summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Governor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the House of Delegates, the State of New Columbia Auditor, the State of New Columbia Board of Elections and Ethics, the State of New Columbia Judicial Nomination Commission, the Zoning Commission of the State of New Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Governor from time to time may prepare and submit to the House of Delegates such proposed supplemental or deficiency budget recommendations as in his or her judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Governor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Governor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

#### Sec. 603. Multiyear plan.

The Governor shall prepare and include in the annual budget a multiyear plan for all agencies included in the State of New Columbia budget, for all sources of funding, and for such program categories as the Governor identifies. Such plan shall be based on the actual experience of the immediately preceding 3 fiscal years, on the approved current fiscal year budget, and on estimates for at least the 4 succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying:

- (1) Future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;
- (2) Future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;
- (3) Future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding 4 fiscal years;
- (4) The effects of current and proposed capital projects on future operating budget requirements;
- (5) Revenues and funds likely to be available from existing revenue sources at current rates or levels;
- (6) The specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;
- (7) The actuarial status and anticipated costs and revenues of retirement systems covering State of New Columbia employees; and
- (8) Total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 604; and for each such fiscal year, the percentage relationship of the total debt service payments to the bonding limitation for the current and forthcoming fiscal year as specified in section 719(b).

Sec. 604. Multiyear capital improvements plan.

The Governor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the State of New Columbia which shall be based upon the approved current fiscal year budget and shall include:

- (1) The status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least 4 fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;
- (2) An analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Governor as the central planning agency for the State of New Columbia pursuant to section 402;

- (3) Identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and
- (4) Appropriate maps or other graphics.

Sec. 605. State of New Columbia courts' budget.

The State of New Columbia courts shall prepare and annually submit to the Governor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the State of New Columbia court system. All such estimates shall be forwarded by the Governor to the House of Delegates, for its action pursuant to sections 606 and 719(b), without revision but subject to his or her recommendations. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the State of New Columbia Auditor.

Sec. 606. Adoption of budget by House of Delegates.

The House of Delegates, within 50 calendar days after receipt of the budget proposal from the Governor, and after public hearing, shall by act adopt the annual budget for the State of New Columbia government. Any supplements thereto shall also be adopted by act by the House of Delegates after public hearing. No amount may be obligated or expended by any officer or employee of the State of New Columbia government unless such amount has been approved by act of the House of Delegates, and then only according to such act.

Sec. 607. Consistency of budget, accounting, and personnel systems.

The Governor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the House of Delegates. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the House of Delegates authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable acts of the House of Delegates and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

Sec. 608. Financial duties of the Governor.

(a) Subject to the limitations in section 719, the Governor shall have charge of the administration of the financial affairs of the State of New Columbia and to that end the Governor shall:

(1) Supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) Maintain systems of accounting and internal control designed to provide:

(A) Full disclosure of the financial results of the State of New Columbia government's activities;

(B) Adequate financial information needed by the State of New Columbia government for management purposes;

~~(C) Effective control over and~~ accountability for all funds, property, and other assets;

(D) Reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) Submit to the House of Delegates a financial statement in any detail and at such times as the House of Delegates may specify;

(4) Submit to the House of Delegates, by February 1st of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) Supervise and be responsible for the assessment of all property subject to assessment and special assessments within the limits of the State of New Columbia for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) Supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the State of New Columbia, as required by law, and receive all moneys receivable by the State of New Columbia from the federal government or from any court, agency, or instrumentality of the State of New Columbia;

(7) Have custody of all public funds belonging to or under the control of the State of New Columbia, or any agency of the State of New Columbia government, and deposit all funds coming into his or her hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the House of Delegates;

(8) Have custody of all investments and invested funds of the State of New Columbia government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the State of New Columbia and the receipt and delivery of State of New

Columbia bonds and notes for transfer, registration, or exchange; and

(9) Apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

(b) Notwithstanding subsection (a) of this section, the Governor may make any payments required by subsection (b) or subsection (c) of section 714 and take any actions authorized by an act of the House of Delegates under section 707 or under subsection (a)(4)(A), or subsection (c), of section 717.

#### Sec. 609. Accounting supervision and control.

The Governor shall:

(1) Prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the State of New Columbia government;

(2) Examine and approve all contracts, orders, and other documents by which the State of New Columbia government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) Audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the State of New Columbia government and with the advice of the legal officials of the State of New Columbia determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) Perform internal audits of accounts and operations and agency records of the State of New Columbia government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

#### Sec. 610. General and special funds.

The General Fund of the State of New Columbia shall be composed of those revenues which on the effective date of this constitution have been paid into the Treasury of the

District of Columbia and credited either to the General Fund of the District of Columbia or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the effective date of this constitution. The House of Delegates may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the State of New Columbia. All money received by any agency, officer, or employee of the State of New Columbia in its or his or her official capacity shall belong to the State of New Columbia government and shall be paid promptly to the Governor for deposit in the appropriate fund.

Sec. 611. Contracts extending beyond one year.

No contract involving expenditures out of an appropriation which is available for more than 1 year shall be made for a period of more than 5 years unless, with respect to a particular contract, the House of Delegates, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the House of Delegates.

Sec. 612. Annual budget for the Board of Education.

With respect to the annual budget for the Board of Education in the State of New Columbia, the Governor and the House of Delegates may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

Sec. 613. State of New Columbia Auditor.

(a) There is established for the State of New Columbia the Office of State of New Columbia Auditor who shall be appointed by the President of the House of Delegates, subject to the approval of a majority of the House of Delegates. The State of New Columbia Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the House of Delegates.

(b) The State of New Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the State of New Columbia in accordance with such principles and procedures and under such rules and regulations as he or she may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the State of New Columbia Auditor shall give due regard to generally accepted principles of

auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The State of New Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the State of New Columbia government and necessary to facilitate the audit.

(d) The State of New Columbia Auditor shall submit his or her audit reports to the the Governor and the House of Delegates. Such reports shall set forth the scope of the audits conducted by him or her and shall include such comments and information as the State of New Columbia Auditor may deem necessary to keep the Governor and the House of Delegates informed of the operations to which the reports relate, together with such recommendations with respect thereto as he or she may deem advisable.

(e) The House of Delegates shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Governor shall state in writing to the House of Delegates, within an appropriate time, what action he or she has taken to effectuate the recommendations made by the State of New Columbia Auditor in his or her reports.

#### ARTICLE VII. BORROWING.

Sec. 701. State of New Columbia's authority to issue and redeem general obligation bonds for capital projects.

(a) Subject to the limitations in section 719(b), the State of New Columbia may incur indebtedness by issuing general obligation bonds to refund indebtedness of the State of New Columbia at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Governor, subject to the provisions of section 702, may from time to time determine to be necessary to make such bonds marketable.

(b) The State of New Columbia may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Governor prior to the issuance of such obligations.

Sec. 702. Contents of borrowing legislation and elections on issuing general obligation bonds.

The House of Delegates may by act authorize the issuance of general obligation bonds for the purposes

specified in section 701. Such an act shall contain, at least, provisions:

(1) Briefly describing each project to be financed by the act;

(2) Identifying the act authorizing each such project;

(3) Setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project;

(4) Setting forth the maximum rate of interest to be paid on such indebtedness;

(5) Setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and

(6) Setting forth, in the event that the House of Delegates determines in its discretion to submit the question of issuing such bonds to a vote of the qualified voters of the State of New Columbia, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

Sec. 703. Publication of borrowing legislation.

(a) After each act of the House of Delegates of the State of New Columbia under section 702(a) authorizing the issuance of general obligation bonds has taken effect, the Governor shall publish such act at least once in at least 1 newspaper of general circulation within the State of New Columbia together with a notice that such act has taken effect. Each such notice shall be in substantially the following form:

"NOTICE

The following act of the House of Delegates of the State of New Columbia (published with this notice) authorizing the issuance of general obligation bonds has taken effect. As provided in the constitution of the State of New Columbia, the time within which a suit, action or proceeding questioning the validity of such bonds may be commenced expires at the end of the 20-day period beginning on the date of the 1st publication of this notice.

" . . . . . "Governor."

(b) Neither the failure to publish the notice provided in subsection (a) of this section nor any error in any publication of such notice shall impair the effectiveness of the act of the House of Delegates authorizing the issuance



of such bonds or the validity of any bond issued pursuant to such act.

Sec. 704. Short period of limitation

(a) At the end of the 20-day period beginning on the date of the 1st publication pursuant to section 703(a) of the notice that an act authorizing the issuance of general obligation bonds has taken effect:

(1) Any recital or statement of fact contained in such act or in the preamble or title of such act shall be deemed to be true for the purpose of determining the validity of the bonds authorized by such act, and the State of New Columbia and all others interested shall be estopped from denying any such recital or statement of fact; and

(2) Such act, and all proceedings in connection with the authorization of the issuance of such bonds including any election held on the question of issuing such bonds, shall be deemed to have been duly and regularly taken, passed, and done by the State of New Columbia, in compliance with this constitution and all other applicable laws for the purpose of determining the validity of such act and proceedings; and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of such act or proceedings except in a suit, action, or proceeding commenced before the end of such 20-day period.

(b) At the end of the 20-day period beginning on the date of the 1st publication pursuant to section 703(a) of the notice that an act authorizing the issuance of general obligation bond has taken effect, no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of any general obligation bond issued pursuant to such act if:

(1) Such general obligation bond was purchased in good faith and for fair value; and

(2) Such general obligation bond contains substantially the following statement which shall bind the State of New Columbia:

"It is hereby certified and recited that all conditions, act, and things required by the State of New Columbia constitution and other applicable laws to exist, to have happened, and to have been performed precedent to and in the issuance of this bond exist, have happened, and have been performed and that the issue of bonds, of which this is one, together with all other indebtedness of the State of New Columbia, is within every debt and other limit prescribed by law."

Sec. 705. Issuance of general obligation bonds.

(a) After an act of the House of Delegates authorizing the issuance of general obligation bonds under section

701(a) takes effect, the Governor may issue such general obligation bonds as authorized by such act of the House of Delegates. An issue of general obligation bonds may be all or any part of the aggregate principal amount of bonds authorized by such act.

(b) The principal amount of the general obligation bonds of each issue shall be payable in annual installments beginning not more than 3 years after the date of such bonds and ending not more than 30 years after such date.

(c) The general obligation bonds of each issue shall be executed by the manual or facsimile signature of such officials as may be designated to sign such bonds by the act of the House of Delegates authorizing the issuance of the bonds, except that at least 1 such signature shall be manual. Coupons attached to the bonds shall be authenticated by the facsimile signature of the Governor unless the House of Delegates provides otherwise.

Sec. 706. Public or private sale.

(a) Except as provided in subsection (b) of this section, general obligation bonds issued under this article shall be sold at public sale upon sealed proposals after publication of a notice of such sale at least once not less than 10 days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds published in the city of New York, New York, and in 1 or more newspapers of general circulation published in the State of New Columbia. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the State of New Columbia as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Governor shall reserve the right to reject any and all bids.

(b) Any issue of general obligation bonds which is additionally secured by a security interest created in State of New Columbia revenues may be sold at either a public sale under subsection (a) or at private sale on a negotiated basis in such manner as the Governor may determine to be in the public interest unless the House of Delegates, in the act authorizing the issuance of the bonds, provides otherwise.

Sec. 707. Authority to create security interests in State of New Columbia revenues.

(a) An act of the House of Delegates authorizing the issuance of general obligation bonds under section 701(a) may create a security interest in any State of New Columbia

revenues as additional security for the payment of the bonds authorized by such act.

(b) Any such act creating a security interest in State of New Columbia revenues may contain provisions (which may be part of the contract with the holders of such bonds):

- (1) Describing the particular State of New Columbia revenues which are subject to such security interest;
- (2) Creating a reasonably required debt service reserve fund or any other special fund;
- (3) Authorizing the Governor of the State of New Columbia to execute a trust indenture securing the bonds;
- (4) Vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable;
- (5) Authorizing the Governor of the State of New Columbia to enter into and amend agreements concerning:
  - (A) The custody, collection, use, disposition, security, investment, and payment of the proceeds of the bonds and the State of New Columbia revenues which are subject to such security interest; and
  - (B) The doing of any act (or the refraining from doing any act) that the State of New Columbia would have the right to do in the absence of such an agreement;
- (6) Prescribing the remedies of the holders of the bonds in the event of a default; and
- (7) Authorizing the Governor of the State of New Columbia to take any other actions in connection with the issuance, sale, delivery, security, and payment of the bonds.

(c) Any security interest in State of New Columbia revenues created under subsection (a) of this section shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the State of New Columbia whether or not such individual or legal entity has notice of such lien.

**Sec. 708. Borrowing to meet appropriations.**

(a) In the absence of unappropriated revenues available to meet appropriations made pursuant to section 606, the House of Delegates may by act authorize the issuance of general obligation notes. The total amount of all such general obligation notes originally issued during a

fiscal year shall not exceed 2 per centum of the total appropriations for the State of New Columbia for such fiscal year.

(b) Any general obligation note issued under subsection (a) of this section, as authorized by an act of the House of Delegates, may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the act authorizing the original issuance of such note takes effect.

**Sec. 709. Borrowing in anticipation of revenues.**

(a) In anticipation of the collection or receipt of revenues for a fiscal year, the House of Delegates may by act authorize the issuance of general obligation notes for such fiscal year, to be known as revenue anticipation notes.

(b) The total amount of all revenue anticipation notes issued under subsection (a) of this section outstanding at any time during a fiscal year shall not exceed 20 per centum of the total anticipated revenue of the State of New Columbia for such fiscal year, as certified by the Governor under this subsection. The Governor shall certify, as of a date which occurs not more than 15 days before each original issuance of such revenue anticipation notes, the total anticipated revenue of the State of New Columbia for such fiscal year.

(c) Any revenue anticipation note issued under subsection (a) of this section may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year during which the note was originally issued.

**Sec. 710. Notes Redeemable prior to maturity.**

No notes issued pursuant to this article shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

**Sec. 711. Sales of notes.**

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertising.

**Sec. 712. Special tax.**

Any act of the House of Delegates authorizing the issuance of general obligation bonds under section 701(a) shall provide for the annual levy of a special tax or charge, if the House of Delegates determines that such tax or charge is necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in amounts which

together with other State of New Columbia revenues available and applicable will be sufficient to pay the principal of and interest on such general obligation bonds as they become due and payable. Such tax or charge shall be levied and collected at the same time and in the same manner as other State of New Columbia taxes are levied and collected, and when collected shall be set aside in a separate debt service fund and irrevocably dedicated to the payment of such principal and interest.

Sec. 713. Full faith and credit of State of New Columbia pledged.

The full faith and credit of the State of New Columbia is pledged for the payment of the principal of and interest on any general obligation bond or note issued under section 701(a), 708(a), or 709(a), whether or not such pledge is stated in such bond or note or in the act authorizing the issuance of such bond or note.

Sec. 714. Payment of the general obligation bonds and notes.

(a) The House of Delegates shall provide in each annual budget for the State of New Columbia government for a fiscal year adopted by the House of Delegates pursuant to section 606 sufficient funds to pay the principal of and interest on all general obligation bonds or notes issued under section 701(a), 708(a), or 709(a) becoming due and payable during such fiscal year.

(b) The Governor shall insure that the principal of and interest on all general obligation bonds and notes issued under 701(a), 708(a), or 709(a) are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

(c) If the Governor determines that no other funds are available to pay the principal and interest due and payable during any fiscal year on any general obligation bond or note issued under section 701(a), 708(a), or 709(a), the annual federal payment appropriated for such fiscal year shall first be used to pay such principal or interest.

Sec. 715. Tax exemption.

Bonds and notes issued by the House of Delegates pursuant to this article and the interest thereon may be exempt from all State of New Columbia taxation except estate, inheritance, and gift taxes.

Sec. 716. Legal investment.

Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance

associations, executors, administrators, guardians, trustees, and other fiduciaries within the State of New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this article, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. Banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this article. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

Sec. 717. Financing of State of New Columbia contributions by general obligation bonds.

Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the State of New Columbia share of the cost of the adopted regional system described in the National Capital Transportation Act of 1969 may be payable from the proceeds of the sale of State of New Columbia general obligation bonds issued pursuant to this article.

Sec. 718. Revenue bonds and other obligations.

(a)(1) The House of Delegates may by act authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, to refinance, or to assist in the financing or refinancing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, college and university programs which provide loans for the payment of educational expenses for or on behalf of students, cultural facilities, educational facilities, mass commuting facilities, sewage disposal facilities, solid waste disposal facilities, facilities for the local furnishing of electric energy or gas, facilities for the furnishing of water, local district heating or cooling facilities, hazardous waste disposal facilities, manufacturing facilities, and any other undertaking that the House of Delegates determines to be for a public purpose. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other

security, or by the purchase, lease, or sale of any property.

(2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the State of New Columbia and shall be a negotiable instrument.

(3) Any revenue bond, note or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the act of the House of Delegates authorizing the issuance of such bond, note, or other obligation. Subject to subsection (c) of this section, any act of the House of Delegates authorizing the issuance of such bond, note, or other obligation may provide for:

(A) The payment of such bond, note, or other obligation from any available revenues, assets, or property; and

(B) The securing of such bond, note, or other obligation by the mortgage of real property or the creation of any security interest in available revenues, assets, or other property.

(4)(A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the House of Delegates may enter into or authorize the Governor to enter into any agreement concerning the acquisition, use, or disposition of any funds or property. Any such agreement may create any security interest in any funds or property, may provide for the custody, collection, security, investment, and payment of any funds (including any funds held in trust) for the payment of such bond, note, or other obligation, may mortgage any property, may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such bond, note, or other obligation, and may provide for the doing of any act (or the refraining from doing of any act) which the State of New Columbia has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

(B) Any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery or any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid,

binding, and perfected with respect to any individual or legal entity having claims against the State of New Columbia, whether or not such individual or legal entity has notice of such lien.

(C) Any funds of the State of New Columbia held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the State of New Columbia and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

(b) Any and all such bonds, notes, or other obligations shall not be general obligations of the State of New Columbia and shall not be a pledge of or involve the faith and credit or the taxing power of the State of New Columbia, shall not constitute a debt of the State of New Columbia, and shall not constitute lending of the public credit for private undertakings as contained in section 308(2).

(c) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the House of Delegates without the necessity of submitting the question of such issuance to the registered qualified electors of the State of New Columbia for approval or disapproval.

(d) Any act of the House of Delegates authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a)(1) of this section may:

(1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued;

(2) Identify the act authorizing such purpose;

(3) Prescribe the form, terms, provisions, manner and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations;

(4) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default;

(5) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and

(6) Authorize the Governor to take any actions in connection with the issuance, sale, delivery, security, and payment of such notes, bonds, or other obligations, including the prescribing of any terms or conditions not contained in such act of the House of Delegates.

(e)(1) The House of Delegates may delegate to any housing finance agency established by it (whether established before or after the date of enactment of this subsection) the authority of the House of Delegates under subsection (a) of this section to issue revenue bonds,



notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low- and moderate-income housing. The House of Delegates shall define for the purposes of the preceding sentence what undertakings shall constitute undertakings in the area of primarily low- and moderate-income housing. Any such housing finance agency may exercise authority delegated to it by the House of Delegates as described in the 1st sentence of this paragraph (whether such delegation is made before or after the date of enactment of this subsection) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the State of New Columbia under a delegation of authority described in paragraph (1) of this subsection shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the House of Delegates.

Sec. 719. Limitations on borrowing and spending.

(a)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such loans, to exceed 14 per centum of the State of New Columbia revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such loans and the sale of general obligation or revenue bonds) which the Governor estimates, and the State of New Columbia Auditor certifies, will be credited to the State of New Columbia during the fiscal year in which the bonds will be issued. Capital project loans include all borrowings from the United States Treasury, except those funds advanced to the State of New Columbia by the Secretary of the Treasury under the provisions of section 2 of title VII of the District of Columbia Revenue Act of 1937.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957, and obligations incurred by the Redevelopment Land Agency and the National Capital Housing Authority shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding paragraph.

(3) The 14 per centum limitation specified in paragraph (1) of this subsection shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 14 percent of the State of New Columbia revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such loans and the sale of general obligation or revenue bonds) which the Governor estimates, and the State of New Columbia Auditor certifies, will be credited to the State of New Columbia during the fiscal year for which the bonds will be issued;

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and such loans;

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such loan to be issued;

(D) If in any 1 fiscal year the sum arrived at by adding subparagraphs (B) and (C) of this paragraph exceeds the amount determined under subparagraph (A) of this paragraph then the proposed general obligation bond or loan in subparagraph (C) of this paragraph cannot be issued.

(b) The House of Delegates shall not approve any budget which would result in expenditures being made by the State of New Columbia government, during any fiscal year, in excess of all resources which the Governor estimates will be available from all funds available to the State of New Columbia for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The House of Delegates shall be required to adopt such tax increases to the extent its budget is approved. For the purposes of this section, the House of Delegates shall use a federal payment amount not to exceed the amount authorized by Congress.

(c) The Governor shall not forward to the House of Delegates a budget which is not balanced according to the provision of subsection (b) of this section.

#### ARTICLE VIII. INDEPENDENT AGENCIES.

##### Sec. 801. Board of Elections and Ethics.

(a) There is created a State of New Columbia Board of Elections and Ethics (hereafter in this article referred to as the "Board"), to be composed of 3 members, no more than 2 of whom shall be of the same political party, appointed by the Governor, with the advice and consent of the House of Delegates. Members shall be appointed to serve for terms of 3 years.

(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he or she is filling.

(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor or her has been appointed and qualifies.

(d) The Governor shall, from time to time, designate the Chair of the Board.

Sec. 802. Zoning Commission.

(a)(1) To protect the public health, secure the public safety, and to protect property in the State of New Columbia there is created a Zoning Commission for the State of New Columbia, which shall consist of 5 members appointed by the Governor, by and with the advice and consent of the House of Delegates. Each member shall serve for a term of 4 years.

(2) Members of the Zoning Commission shall be entitled to receive compensation as determined by the Governor, with the approval of a majority of the House of Delegates.

(3) Members of the Zoning Commission may be reappointed. Each member shall serve until his or her successor has been appointed and qualifies.

(4) The Chair of the Zoning Commission shall be selected by the members.

(5) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the State of New Columbia as provided by law.

(b) Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital.

(c)(1) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission has held a public hearing, after notice, on such proposed regulation, map, or amendment.

(2) The notice required by paragraph (1) of this subsection shall be published at least 30 days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be heard at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

Sec. 803. Public Service Commission.

There shall be a Public Service Commission, to be composed of 3 members appointed by the Governor with the advice and consent of the House of Delegates, whose function shall be to insure that every public utility doing business

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within the State of New Columbia is required to furnish services and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminating charge for such facility or service is prohibited and is hereby declared unlawful.

**Sec. 804. Armory Board.**

There is established an Armory Board, to be composed of the Commanding General of the State of New Columbia National Guard, and 2 other members appointed by the Governor of the State of New Columbia by and with the advice and consent of the House of Delegates of the State of New Columbia. The members appointed by the Governor shall each serve for a term of 4 years.

**Sec. 805. Board of Education.**

(a) The control of the public schools in the State of New Columbia is vested in a Board of Education to consist of 11 elected members, 3 of whom are to be elected at large, and 1 to be elected from each of the 8 school election districts established under State of New Columbia election laws. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such laws. If the House of Delegates redistricts the State of New Columbia into 16 districts, pursuant to section 1101(c), the House of Delegates is authorized to increase the number of school election districts and provide for staggered terms of office for the members elected from these districts, by act.

**ARTICLE IX. INITIATIVE; REFERENDUM; RECALL.**

**Sec. 901. Definitions.**

(a) The term "initiative" means the process by which the electors of the State of New Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the State of New Columbia for their approval or disapproval.

(b) The term "referendum" means the process by which the registered qualified electors of the State of New Columbia may repeal acts of the House of Delegates of the State of New Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operation budget).

**Sec. 902. Process.**

(a) An initiative or referendum may be proposed by the presentation of a petition to the State of New Columbia Board of Elections and Ethics containing the signatures of registered qualified electors equal in number to 5 percent of the registered electors in the State of New Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of 5/8ths or more of the districts. The number of registered electors which is used for computing these requirements shall be according to the latest official count of registered electors by the Board of Elections and Ethics which was issued 30 or more days prior to submission of the signatures for the particular initiative or referendum petition.

Sec. 903. Submission of measure at election.

The Board of Elections and Ethics shall submit an initiative measure without alteration at the next general, special or primary election held at least 90 days after the measure is received. The Board of Elections and Ethics shall hold an election on a referendum measure within 114 days of its receipt of a petition as provided in section 902. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a petition as provided in section 902, the Board of Elections and Ethics may present the referendum at that election.

Sec. 904. Rejection of measure.

If a majority of the registered qualified electors voting in a referendum on a referred law vote to disapprove the law, such action shall be deemed a repeal of the law or that portion of the law on the referendum ballot and no action may be taken by the House of Delegates of the State of New Columbia with regard to the matter presented at referendum for the 365 days following the date of the State of New Columbia Board of Elections and Ethics' certification of the vote concerning the referendum.

Sec. 905. Approval of measure.

If a majority of the registered qualified electors adopt legislation by initiative, then the adopted initiative shall be an act of the House of Delegates upon the certification of the vote on such initiative by the Board of Elections and Ethics, and such act shall become law.

Sec. 906. Short title and summary.

The Board of Elections and Ethics shall be empowered to propose a short title and summary of the initiative and referendum matter which accurately reflects the intent and meaning of the proposed referendum or initiative. Any

citizen may petition the Superior Court of the State of New Columbia no later than 30 days prior to the election at which the initiative or referendum will be held for a writ in the nature of mandamus to correct any inaccurate short title and summary by the Board of Elections and Ethics and to mandate that Board to properly state the summary of the initiative or referendum measure.

Sec. 907. "Recall" defined.

The term "recall" means the process by which the qualified electors of the State of New Columbia may call for the holding of an election to remove or retain an elected official of the State of New Columbia prior to the expiration of his or her term.

Sec. 908. Process.

Any elected officer of the State of New Columbia government may be recalled by the registered electors of the election district from which he or she was elected or by the registered electors of the State of New Columbia at large in the case of an at-large elected officer, whenever a petition demanding his or her recall, signed by 10 percent of the registered electors thereof, is filed with the Board of Elections and Ethics. The 10 percent shall be computed from the total number of the registered electors from the district, according to the latest official count of registered electors by the Board of Elections and Ethics which was issued 30 or more days prior to submission of the signatures for the particular recall petition. In the case of an at-large elected official, the 10 percent shall include 10 percent of the registered electors in each of 5/8ths or more of the State of New Columbia's districts. The Board of Elections and Ethics shall hold an election within 114 days of its receipt of a petition as provided in section 902. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a petition as provided in section 902, then the Board of Elections and Ethics may present the recall question at that election.

Sec. 909. Time limits on initiation of process.

The process of recalling an elected official may not be initiated within the first 365 days nor the last 365 days of his or her term of office. Nor may the process be initiated within 1 year after a recall election has been determined in his or her favor.

Sec. 910. When official removed; filling of vacancies.

An elected official is removed from office if a majority of the qualified electors voting in the election

vote to remove him or her. The vacancy created by such recall shall be filled in the same manner as other vacancies in the office.

## ARTICLE X. MISCELLANEOUS.

Sec. 1001. Advisory neighborhood commissions.

(a) The House of Delegates shall by act divide the State of New Columbia into neighborhood commission areas following each decennial census reapportionment. In designating such neighborhoods, the House of Delegates shall consider natural geographic boundaries, election districts, and divisions of the State of New Columbia made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood commission shall be nonpartisan, and shall be administered by the Board of Elections and Ethics. Advisory neighborhood commission members shall be elected from single-member districts within each neighborhood commission area by the registered qualified electors of such district.

(c) Each advisory neighborhood commission:

(1) May advise the State of New Columbia government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood commission area;

(2) May employ staff and expend, for public purposes within its neighborhood commission area, public funds and other funds donated to it; and

(3) Shall have such other powers and duties as may be provided by act of the House of Delegates.

(d) In the manner provided by act of the House of Delegates, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood commission of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood commission area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood commissions, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood commission area, the State of New Columbia government shall allot funds to the advisory neighborhood commissions out of the general revenues of the State of New Columbia in an amount which is not less than the amount provided in the prior fiscal year. The funding apportioned to each advisory neighborhood commission shall bear the same ratio to the full sum allotted as the population of the neighborhood bears to the population of

the State of New Columbia. The House of Delegates may authorize additional methods of financing advisory neighborhood commissions.

(f) The House of Delegates shall by act make provisions for the handling of funds and accounts by each advisory neighborhood commission and shall establish guidelines with respect to the employment of persons by each advisory neighborhood commission which shall include fixing the status of such employees with respect to the State of New Columbia government, but all such provisions and guidelines shall be uniform for all advisory neighborhood commissions and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood commission. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the State of New Columbia.

(g) The House of Delegates shall have authority, in accordance with the provisions of this constitution, to legislate with respect to the advisory neighborhood commissions established in this section.

(h) The issues and concerns raised by an affected advisory neighborhood commission in the recommendations of that commission shall be given great weight during the deliberations by a State of New Columbia governmental agency, board, or commission.

#### Sec. 1002. Agreements.

(a) The Governor shall annually estimate the amount of the State of New Columbia's principal and interest expense which is required to service State of New Columbia obligations attributable to the Maryland and Virginia pro rata share of State of New Columbia sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those states. Such amounts as determined by the Governor pursuant to the agreements described in subsection (b) of this section shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the State of New Columbia's capital project obligations as provided in section 719(a).

(b) The Governor shall enter into agreements with the states and local jurisdictions concerned for annual payments to the State of New Columbia of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost



of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

(c) The Governor is authorized to enter into agreements with the President of the United States or the President's designee for the purpose of obligating the State of New Columbia to provide police, fire, and other essential services to the District of Columbia.

Sec. 1003. Contract authority of Governor regarding costs of Potomac River reservoir; contract payments; appropriations.

(a) The Governor is authorized to contract with the United States, any state in the Potomac River basin, any agency or political subdivision thereof, and any other competent state or local authority, with respect to the payment by the State of New Columbia to the United States, either directly or indirectly, of the State of New Columbia's equitable share of any part or parts of the non-federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Governor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the House of Delegates, all payments made by the State of New Columbia and all moneys received by the State of New Columbia pursuant to any contract made under the authority of this constitution shall be paid from, or be deposited in, a fund designated by the Governor. Charges for water delivered from the State of New Columbia water system for use outside the State of New Columbia may be adjusted to reflect the portions of any payments made by the State of New Columbia under contracts authorized by this constitution which are equitably attributable to such use outside the State of New Columbia.

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Sec. 1004. Open meetings.

(a) All meetings (including hearings) of any department, agency, board, or commission of the State of New Columbia government, including meetings of the House of Delegates of the State of New Columbia, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the State of New Columbia government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

#### ARTICLE XI. TRANSITION PROVISIONS.

Sec. 1101. Transfer of the offices of members of the Council of the District of Columbia, Chairman of the Council of the District of Columbia, and Mayor of the District of Columbia.

(a) The Council of the District of Columbia and the offices of Chairman of the Council of the District of Columbia and Mayor of the District of Columbia, as established by sections 401, 411, and 421 of the District of Columbia Government Self-Government and Governmental Reorganization Act, are abolished as of the effective date of this constitution.

(b) In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the Council of the District of Columbia, the Chairman of the Council of the District of Columbia, and the Mayor of the District of Columbia in office as of the effective date of this constitution shall be deemed members of the House of Delegates, President of the House of Delegates, and Governor, respectively, until the expiration of that term of office held on the effective date of this constitution. Vacancies in these offices during the holdover term shall be filled as provided in sections 301(b), 301(d), and 401.

(c) New members of the House of Delegates shall be elected to take office on January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution. In the interim period between the effective date of this constitution and 1 year from the effective date of this constitution, the members of the House of Delegates shall by act:

(1) Increase the membership of the House of Delegates to 25 effective January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution by increasing the number of at large members to 8 and by either:

(A) Redistricting the State of New Columbia into 16 districts; or

(B) Providing for the election of 2 district representatives from each of the existing 8 districts of the State of New Columbia; and

(2) Provide for an initial 2 year term of office for 12 of the 18 members of the House of Delegates taking office on January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution. Thereafter, the term of office of all members of the House of Delegates shall be 4 years.

(d) Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council of the District of Columbia, or the Mayor of the District of Columbia shall be held after the effective date of this constitution by members of the House of Delegates, the President of the House of Delegates, and the Governor, respectively.

(e) For those boards and commissions established by articles V and VIII of this constitution, members not federally appointed and in office as of the effective date of this constitution shall continue to serve until the expiration of that term of office held on the effective date of this constitution. The terms of federally appointed members shall expire as of the effective date of this constitution and no vacancies shall be deemed to be created by the abolition of these positions.

Sec. 1102. Continuation of State of New Columbia court system.

(a) In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the District of Columbia Superior Court and the Court of Appeals of the District of Columbia appointed as of the effective date of this constitution shall be deemed members of the State of New Columbia Superior Court and the Court of Appeals of the State of New Columbia, respectively, until the expiration of that term of office held on the effective date of this constitution.

(b) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District of Columbia Commission on Judicial Disabilities and Tenure, and the Judicial Nomination Commission shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of article V of this constitution.

(c) The term and qualifications of any judge of any District of Columbia court appointed prior to the effective

date of this constitution shall not be affected by the provisions of article V of this constitution. No provision of this constitution shall be construed to extend the term of any such judge. Judges of the State of New Columbia courts and members of the State of New Columbia Commission on Judicial Disabilities and Tenure and the Judicial Nomination Commission appointed after the effective date of this constitution shall be appointed according to article V.

(d) Nothing in this constitution shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, dealing with retirement, or to authorize a decrease in the level of compensation of the judges of the District of Columbia courts or the members of the Commission on Judicial Disabilities and Tenure or the Judicial Nomination Commission as of the effective date of this constitution. The compensation received by judges of the State of New Columbia courts shall not be diminished during their continuance in office.

**Sec. 1103. Continuation of Board of Education.**

In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the District of Columbia Board of Education in office as of the effective date of this constitution shall be deemed members of the Board of Education established by section 805 until the expiration of that term of office held on the effective date of this constitution. The term of any member elected to the District of Columbia Board of Education and the powers and duties of the Board of Education shall not be affected by the provisions of section 805. No provision of section 805 shall be construed to extend the term of any current Board of Education member or to terminate the term of any such member.

**Sec. 1104. Pending actions and proceedings.**

All existing writs, actions, suit, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this constitution. The State of New Columbia shall be the legal successor to the District of Columbia in all matters.

**Sec. 1105. Laws in force.**

Upon the effective date of this constitution, all of the laws then in force in the District of Columbia shall be and continue in force and effect throughout the State of New Columbia, except as modified or changed by the State of New Columbia admissions act, or by this constitution, or as thereafter modified or changed by the legislature of the State of New Columbia or by initiative as provided in Article IX.

Sec. 1106. Personnel rights.

Nothing in this constitution shall be construed as affecting the rights of employees of the State of New Columbia who were employed by the District of Columbia government prior to the effective date of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.) ("Merit Personnel Act"), to personnel benefits, including, but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulations adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the Merit Personnel Act.

Sec. 1107. Debts; assets; records.

The debts and liabilities of the District of Columbia as of the effective date of this constitution shall be assumed by the State of New Columbia, and debts owed to the District of Columbia shall be collected by the State of New Columbia. Assets and records of the District of Columbia shall become the property of the State of New Columbia.

Sec. 1108. Residency and qualifications.

Residence, citizenship, or other qualifications under the District of Columbia may be used towards the fulfillment of corresponding qualifications required by this constitution.

Sec. 1109. Adjustments.

The Governor, with the approval of the House of Delegates, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the State of New Columbia to the United States, or by the United States to the State of New Columbia, shall be ascertained and paid.

Sec. 1110. Voting rights.

Any person who resides in any area which was a part of the District of Columbia immediately prior to the admission

of the State of New Columbia but which is not included in the State of New Columbia may, at his or her option, be deemed to be a resident of the State of New Columbia for purposes of voting in a State of New Columbia election unless that person claims residency in another state for voting purposes.

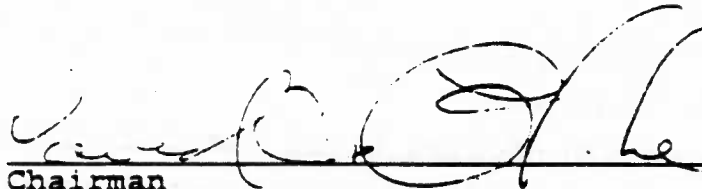
ARTICLE XII. RULES OF CONSTRUCTION.

Sec. 1201. Construction of constitution.

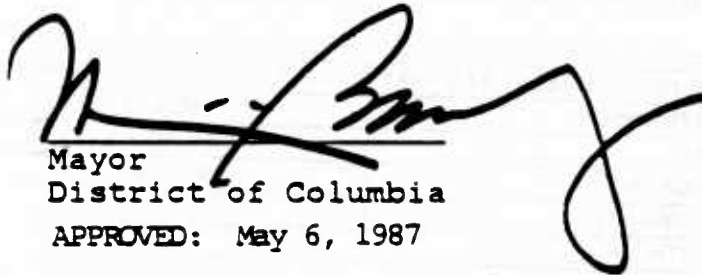
To the extent that any provisions of this constitution are inconsistent with the provisions of any other laws applicable exclusively in or to the State of New Columbia, the provisions of this constitution shall prevail and shall be deemed to supersede the provisions of such laws.

Sec. 3. No proposed Constitution for the State of New Columbia shall take effect as the Constitution of the State of New Columbia until approved by the Congress of the United States and ratified in a referendum by a majority of the registered qualified electors of the District of Columbia voting thereon.

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: May 6, 1987



COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: 37-154

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-14-87

VOICE VOTE: By Majority, Member Schwartz voted no

Recorded vote on request

Absent: Winter

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

5/5/87  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-5-87

VOICE VOTE: By Majority, Member Schwartz voted no

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

5/5/87  
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD