

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