

NEW COLUMBIA   
**STATEHOOD**  
COMMISSION



NEW COLUMBIA STATEHOOD COMMISSION  
INVITES YOU TO THE

*Draft Constitution Release*

FRIDAY, MAY 6, 2016 • 2:00 P.M. - 3:30 P.M.

PRESIDENT LINCOLN'S COTTAGE  
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- I. HISTORIC PERSPECTIVE
- II. PUBLIC ENGAGEMENT PROCESS
- III. DISCUSSION DRAFT CONSTITUTION

## **I. HISTORIC PERSPECTIVE**

### **Background**

In 1980, citizens of the District called for convening a Constitutional Convention for the purpose of creating a constitution for the “State of New Columbia” so that statehood could be pursued following the Tennessee Plan. That plan, which initially led to Tennessee being admitted as a State of the United States in 1789, requires that the citizens of an area seeking admission as a state vote to adopt a constitution that is both consistent with the Constitution of the United States of America and that embraces a republican form of government. That constitution is then sent to the President and the Congress requesting statehood. That request for statehood can be granted by the Congress through an Act of Congress.

The 1982 Constitutional Convention produced the 1982 Constitution for the State of New Columbia that was approved by a majority of the citizens voting in a referendum in 1982. Pursuant to the Tennessee Plan, that Constitution was sent to the President and the Congress with a request for statehood. During our research, we did not find that any President or any session of Congress has ever responded to that submission. There is no Constitutional provision or federal law that governs this type of submission. So, Congress is not required to act in any particular amount of time. Arguably, the submission expired with the expiration of the 1982 session of Congress pursuant to the same rules as other pending matters.

In 1987, the Council of the District of Columbia enacted D.C. Law 7-8 which was a slightly revised version of the 1982 Constitution of the State of New Columbia. That document has never been voted upon by the citizens of the District. It is simply an Act of the Council that recommends to the Congress a revised version of the 1982 Constitution of the State of New Columbia. During our research, we did not find that any President or any session of the Congress has ever responded to the 1987 submission.

If we are to pursue the Tennessee Plan in 2017, we must have a constitution that has been approved by the citizens of the District and submitted to the President and the Congress. The 1982 Constitution that was submitted to the President and the Congress as a part of the Tennessee Plan process was not acted upon by the Congress and expired as a document that any subsequent Congress could act upon because there is no evidence that it was refiled during another session to keep it “alive” in the Congress. Minimally, the passage of nearly 35 years since the 1982 vote by the citizens of the District is not contemporaneous with the views of the current citizens or current law. The 1982 Constitution was revised by the Council in 1987; however, that version of the Constitution was passed by the Council but not approved by the citizens. As a result, we are left with a 1982 Constitution submission that most likely has expired, and a 1987 Constitution that has not been approved by the citizens.

## **Updating the 1987 Constitution**

Compliance with the Tennessee Plan requires that the constitution that is submitted to the President and the Congress be approved by the citizens of the District. The 1987 Constitution has never been approved by the citizens of the District. The simplest solution to that issue might seem to be to have the citizens of the District vote on and approve the 1987 Constitution. That solution has several draw-backs.

First, there have been a number of changes to the structure of the District government since 1987 that create conflicts or inconsistencies with the 1987 Constitution. For example, the Home Rule Act (the District's existing de facto constitution) was amended by the citizens to provide for an elected Attorney General. The changes to and requirements of that office that were made by the citizens of the District will need to be incorporated into the language of the 1987 Constitution. Second, the Congress created an "independent" office of Chief Financial Officer, a position now deeply embedded in our day – to – day governance. The addition of those offices into the executive branch of the District government will also need to be incorporated (in some way) into the 1987 Constitution.

In addition, the Congress has provided federal funding for the Superior Court, the Court of Appeals, the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the housing of all adult felons convicted of D.C. Code offenses. The jurisdiction/authority of several agencies including the Board of Education have changed. For example, the role and function of the Armory Board have been changed. The role and function of the Board of Elections and Ethics have changed. These changes, and others, need to be accommodated in law but do not rise to the Constitutional level and are not included in the updated version of the 1987 Constitution. If they were to be included, each modification would require a constitutional amendment rather than regular legislative action.

Moreover, since the introduction of the two previous Constitutions, the District endured a significant financial crisis, necessitating the imposition of a Control Board. Since our emergence from the Control Board, we have self-governed with balanced budgets and a credit rating that is the envy of jurisdictions across the country. Drafting a revised constitution enables us to incorporate the lessons learned from self-administration, without encrusting upon our Constitution structures imposed upon the District by Congress when our democracy and habits of self-government and financial responsibility were less engrained.

The legal team/working group assembled by the Commission has worked to incorporate these changes into a proposed updated version of the 1987 Constitution. The goal was to remain true to the essential principles of the 1987 Constitution, while making those changes that were mandated by intervening actions of the citizens of the District, the Council of the District of Columbia, and/or the federal government.

## **The Need for a Contemporaneous Document**

The approval of any constitution by the Congress will require that the proposed constitution minimize controversy and that it be similar to the constitutions of the other 50 states. In that regard, the Constitution of the State of New Columbia (1) should be presented to the citizens of the District so as to allow them to demonstrate their current support for statehood; (2) should be simplified and harmonized in a way that does not radically alter the current organization status of the District governmental structure (which Congress is familiar with); and (3) should not create political disgruntlement among affected local parties that would cause them to seek a remedy for their unhappiness in the Congress or dampen local support for admission as the 51<sup>st</sup> state.

The 1987 Constitution is a 52 page document that largely tracks the language from the Home Rule Act which currently serves as our Constitution, as well as the body of our legislative laws. Much of that language is, in the working group's view, unnecessary for a constitution, but is better suited for legislative acts by the Council (House of Delegates). Thus, the working group included language required for a Constitutional foundation in the Constitution and left out the provisions of the Home Rule Act that are legislative, which would require an amendment to the Constitution for non-substantive changes. Amending the Constitution should not be an easy thing to do, but amending the constitution to change the name and function of the Board and Elections and Ethics to the Board of Elections, for example, should not require a constitutional amendment.

The 1987 Constitution needs to be updated so as to accommodate changes in our government since 1987, and to broaden the universe of supporters for the current government (in form and function) transitioning from that of a city/county/ state to that of a state as seamlessly as possible. The 1987 Constitution also needs to be updated to reflect the reality of our current governmental operation and to accommodate future changes in our governmental structure.

Attached is the discussion draft of the Constitution for the State of New Columbia for your consideration that has been produced by the working group.

## **II. PUBLIC ENGAGEMENT PROCESS**

The New Columbia Statehood Commission (the “Commission”) is hereby announcing the process and guiding principles that ultimately will result in allowing D.C. residents to approve a state Constitution and petition Congress to admit the State of New Columbia into the Union. The process provides for public participation in developing the Constitution, along with the Commission and the Council. It will culminate with the Council adopting a resolution calling for an Advisory Referendum in the November 8, 2016, general election through which the people may approve the Constitution and formally call on their elected officials to petition Congress for statehood. This process follows the “Tennessee Plan” of having the electorate vote to approve: (1) statehood, (2) a Constitution, (3) state boundaries, and (4) a republican form of government, and petitioning Congress for admission into the Union. The Commission invites all District residents to participate in this process.

### **Summary**

The process for moving toward statehood will be an Advisory Referendum Resolution (“Referendum Resolution”). Leading up to the Referendum Resolution, the process will include soliciting input from District residents, convening a Constitutional Convention, consideration of amendments to the Constitution, and approval of the Constitution by the Commission. We anticipate that the Council will place before the voters the question of whether it should petition Congress to enact the New Columbia Admission Act (“Admission Act”), and whether the voters wish to approve the Constitution and approve the other elements to follow the Tennessee Plan. The final Constitution will be included in a Referendum Resolution and submitted to the Council for approval.

The Commission intends to complete its work by June 30<sup>th</sup> in order to submit the Constitution to the Council for its consideration, and for the Council to seek approval of the Referendum Resolution. In order for the Council and Commission to complete their work to have the Referendum on the November 8 ballot, and for this work to be publicized at the Democratic and Republican National Conventions, the Council must submit the Referendum Resolution to the Board of Elections by July 8<sup>th</sup>. The Commission has noted that holding the referendum on this date is necessary in order for the District to present its package of credentials for admission to the Union to the new President and Congress in January of 2017, in accordance with the Tennessee Plan.

### **Guiding Principles**

The Commission will use seven principles to guide the drafting of the proposed state Constitution. These principles will guide the Commission, Council, and the public in developing the final Constitution that will be placed before the voters for approval. According to these principles, the Constitution should:

- (1) Promote stability by maintaining the District's basic current governing structure;
- (2) Build upon the work of statehood efforts in the 1980s, but simplify and modernize the Constitutions developed then;
- (3) Establish the structures necessary for good government;
- (4) Empower the legislature and executive to govern in the interests of the people who elect them;
- (5) Produce orderly and responsible governance;
- (6) Reflect the values of District residents; and
- (7) Demonstrate that the District merits congressional admission as a state.

### Process for Consideration of Constitution

To meet the Commission's rapid timeline, expedited procedures will be required. Described below is a process for the Commission to consider public input, being mindful of the twin goals of adhering to a strict timeline yet allowing for the maximum amount of community engagement.

In order to understand the necessity for expedited procedures for adoption of the Constitution, one must first look back to the last District of Columbia Constitutional Convention, which occurred in 1982. During that process, District residents elected 45 delegates to attend the Constitutional Convention, which itself lasted approximately four months. The process began on November 4, 1980, when sixty percent of District residents voted and approved the District of Columbia Statehood Constitutional Convention Initiative of 1979 (DC Law 3-171). This law called for the creation of a state Constitutional Convention to advance statehood for the District of Columbia. During 1981, the DC Statehood Commission was established. On November 4, 1981, forty-five delegates were elected to the Constitutional Convention to serve two or three year terms. The elected delegates to the District of Columbia Constitutional Convention convened to write a Constitution for the State of New Columbia on January 31, 1982. After much deliberation, on May 27, 1982, the Convention chose New Columbia as the name for the new state and approved the new Constitution on May 29, 1982. On November 2, 1982, D.C. voters ratified the Constitution for the State of New Columbia.

The District does not need to duplicate the 1982 process, including the public election of delegates, to approve the Constitution in time to submit the Constitution to the Council by June 30, and for the Council to submit the document to the Board of Elections by July 8<sup>th</sup>. Technological innovations since 1982 make a much more simultaneous and directly participatory process possible for updating rapidly the 1982 and subsequent 1987 Constitution, which was approved by Council legislation (DC Law 7-8). We will start from many of the decisions those delegates took months to decide, such as the name of our new state.

The District currently has in place the legal structures necessary to consider a revised Constitution. In 2014, the District of Columbia Council created the New Columbia Statehood Commission to coordinate the District's statehood initiatives (DC Law 20-481). The Commission is an independent agency within the District government that provides support to the Statehood Congressional Delegation, the Mayor, and the Council in promoting statehood for the residents

of the District. The Commission is co-chaired by Mayor Muriel Bowser and Council Chairman Phil Mendelson, and includes Statehood Senators Paul Strauss and Michael D. Brown, and Representative Franklin Garcia. The established rules of the Commission developed by the Attorney General will govern its own deliberations and decision-making. To ensure an expedited process, this Commission will oversee the consideration of the revised Constitution while ensuring the input of District residents.

District resident participation in the process is critical and will be felt at every stage of the process, including a full opportunity for residents to voice their views and offer their suggestions about the content of the Constitution. First and foremost, District residents will express their opinion when they vote on Election Day, November 8th whether to approve the Constitution and whether they wish the Council and the Mayor to petition the President and Congress for statehood. There will be many other opportunities for resident input prior to the election, including but not limited to:

- (1) a website where residents can provide comments;
- (2) committees on which residents can serve or observe meetings;
- (3) town hall meetings in which residents can participate;
- (4) a two-day Constitutional Convention where residents can offer comments and testify;
- (5) public hearings the Council may wish to hold; and
- (6) solicitation of comments and possible hearings by the Board of Elections.

In order to meet the timeline for submission of the Resolution to the Board of Elections on July 8<sup>th</sup>, while at the same time ensuring participation of D.C. residents as described above, the following procedure would provide a fair and open process:

- (1) **Release of draft Constitution to the public and file with the Council.** The Statehood Commission will release a draft of the new Constitution for consideration by District residents and the Council no later than May 6<sup>th</sup>.
- (2) **Set up a website to receive comments electronically.** The Commission has created a website to solicit and receive comments by District residents. This section of the [statehood.dc.gov](http://statehood.dc.gov) website will be operational as soon as the draft Constitution is released, and the Commission will publicize the website address widely. The Commission will enter all testimony and submissions filed electronically into the record of the Constitutional Convention and will attribute the same weight as if the testimony were submitted during the Constitutional Convention weekend.
- (3) **Convening of town hall meetings.** The Commission has planned a series of town hall meetings in all 8 Wards during the month of May and early June to ensure participation by District residents who may not be able to attend the Constitutional Convention weekend. Just as with the website, the Commission will place all testimony and submissions from the hearings/town hall meetings



will be entered into the record of the Constitutional Convention and will attribute the same weight as if it were submitted during the Constitutional Convention weekend.

- (4) **Convening of Constitutional Convention.** The Commission will convene the Constitutional Convention during the weekend of June 17<sup>th</sup> and 18<sup>th</sup> to take testimony (which may include proposed amendments) from District residents. At this time, the Commission will also hear reports from the Committees working on various aspects of the promotion of the Constitution and statehood (see below).
- (5) **Consideration of the Constitution by the Commission.** At its scheduled meeting on June 24<sup>th</sup>, the Commission will decide, given the feedback it has received from District residents, whether and how to amend the draft Constitution during a public mark up and vote. The Commission will then submit its final approved draft of the Constitution to the Mayor in her role as Chief Executive Officer of the District, and the Mayor shall submit the final Constitution to the Council for its consideration no later than June 30<sup>th</sup>. This version of the document will supplant the original draft submitted to the Council in May. At this time, the Commission also will transmit to the Council the full record of all public comments received by the Commission in order for the Council to have a comprehensive record of the legislative history of the Constitution.
- (6) **Council consideration of the Constitution and Referendum Resolution.** The Council may hold hearings and take testimony on the Constitution simultaneously to the Commission's consideration of the document, under a schedule to be determined by the Council. The Council then will vote on the Referendum Resolution, including the final Constitution, to be submitted to the Board of Elections by the July 8<sup>th</sup> deadline.
- (7) **Board of Elections Consideration.** At a public meeting in July, the Board of Elections will certify the ballot language proposed by the Council in the Referendum Resolution and certify for the ballot the Advisory Referendum, which will put the approval of the Constitution in keeping with the elements of the Tennessee Plan to District voters.
- (8) **District residents approve the Constitution and approve all elements of the Tennessee Plan.** Assuming the Board of Elections certifies the Referendum for the ballot; residents will vote whether to approve the Constitution and all elements of the Tennessee Plan on November 8<sup>th</sup>.
- (9) **District officials petition Congress to enact the Admission Act.** Assuming voters approve the Advisory Referendum, District officials will then petition Congress to enact the Admission Act, consistent with the people's will. The Council may also adopt appropriate legislation as necessary.

## Committees

In addition to the process presented above for District residents to consider and approve the Constitution and approve all elements of the Tennessee Plan, the Statehood Commission also has created several committees to give residents the opportunity to help promote the referendum and the Constitution and press Congress to pass the Admissions Act. Those committees include:

- (1) **All 8 Wards**, which will educate District residents about the benefits of statehood and organize District residents to support the statehood effort;
- (2) **All Americans for DC Statehood**, which will present strategies to engage the country;
- (3) **Advocacy**, which will determine what messages and financial support will be required to support the statehood initiative;
- (4) **Communications**, which will develop outreach to the media and District residents; and
- (5) **Cleveland/Philadelphia**, which will conduct education and advocacy for statehood at the conventions.

The Commission will release the membership of the committees no later than May 12<sup>th</sup>, and hold organizational meetings the week of May 16<sup>th</sup> and 17<sup>th</sup>. In addition, the committees may desire to hold their own public roundtable/town hall meetings during late May and early June to solicit District residents' views on the subject matter of the committees. The committees also will report on their progress to the Constitutional Convention in June, and their testimony will become part of the formal record of the proceedings.

## Procedure for Receiving Oral and Written Testimony

For the Commission to complete its work within its strict deadlines, there must necessarily be a sensible procedure for the Commission to receive oral and written submissions through any of the various means of engagement created by the Commission for residents to participate in the process. Those procedures will follow the Council's procedure for taking oral testimony (three minutes for presentations by individuals and five minutes for organizations) as well as limiting all individuals to submissions of no more than 3 pages in length (with reasonable margins and fonts) and limiting organizations to submissions of no more than 5 pages in length (with reasonable margins and fonts).

## Conclusion

The process outlined above will ensure that the District completes its work on the revised Constitution, Admission Act, and Referendum Resolution in time for the Advisory Referendum to be placed on the November 8<sup>th</sup> ballot for consideration by District residents. In addition, this process allows all District residents who wish to provide their views regarding the Constitution to have those views heard and considered. This procedure will allow the Constitution to be approved by residents in time for the Commission to present the District's credentials for admission into the Union to the new President and Congress when they take office in January 2017. The Commission looks forward to working with the Council and District residents to establish the State of New Columbia.

# III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

## DISCUSSION DRAFT

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# The Constitution of the State of New Columbia

## PREAMBLE

*Whereas*, We the people of the District of Columbia desire to become a state of the United States of America, where, like citizens of the other states, we will enjoy the full rights of citizens of the United States of America: to democracy and a republican form of government, to enact our own laws governing state affairs, and to voting representation in the United States Congress.

*Now, Therefore, We the People of the District of Columbia* do adopt this Constitution, to be known as the Constitution of the State of New Columbia, to establish the means of self-governance of the State of New Columbia and to take our place, irrevocably, as a state, among the states comprising the United States of America.

## BILL OF RIGHTS

### **I. 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.

### **II. 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.

### **III. 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.

### **IV. 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.

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**V. 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.

**VI. Right to a speedy jury trial, witnesses, assistance of counsel**

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.

**VII. 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.

**VIII. Bails, fines, and punishments**

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

**IX. Reservation of the 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.

**X. Equal protection**

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

# III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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### ARTICLE I THE LEGISLATIVE BRANCH

#### Section

1. Legislative power
2. Composition; election of members; vacancies
3. Qualifications for holding office
4. Acts, resolutions, procedures, and specific authorities
5. Speaker of the House of Delegates
6. Legislative districts
7. Advisory Neighborhood Commissions

#### Sec. 1. Legislative power

The legislative power of the State of New Columbia shall be vested in a legislature to be known as the House of Delegates, and shall extend to all rightful subjects of legislation within the State of New Columbia, consistent with the Constitution of the United States of America and the provisions of this Constitution.

#### Sec. 2. Composition; election of members; vacancies

- a. The House of Delegates shall consist of 13 members:
  1. The Speaker of the House of Delegates who shall be elected on a partisan basis at large by the qualified voters of all of the State of New Columbia.
  2. Four members shall be elected on a partisan basis at large by the qualified voters of all of the State of New Columbia.
  3. Eight members shall be elected on a partisan basis by the qualified voters from each of the 8 legislative districts of the State of New Columbia.
- b. The term of office for Delegates shall be 4 years, and shall begin at noon on January 2nd of the year following their election.
- c. The House of Delegates may establish its committee structure by Resolution.
- d. By a 5/6 vote of its members, the House of Delegates may adopt a resolution of expulsion of one of its members, if it finds, based on substantial evidence, that the member took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

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- e. (1) In the event of a vacancy in the House of Delegates of a member elected from a legislative district, the elections agency shall hold a special election in the District. The person elected as a member to fill a vacancy in the House of Delegates shall take office on the day on which the elections agency certifies the election, and shall serve as a member of the House of Delegates only for the remainder of the term during which such vacancy occurred, unless re-elected in a subsequent election. (2) Other than a vacancy in the Office of Speaker caused by a vacancy in the Office of the Governor, in the event of a vacancy in the House of Delegates of a member elected at large who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the elections agency can hold a special election to fill such vacancy. The person appointed to fill such vacancy shall take office on the date of the appointment and shall serve as an At Large member of the House of Delegates until the day on which the elections agency certifies the election of a candidate elected to fill such vacancy in either a special election or a general election. The person elected to fill such a vacancy shall take office on the day the elections agency certifies the election, and shall serve only for the remainder of the term during which such vacancy occurred. With respect to a vacancy 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.

#### Sec. 3. Qualifications for holding office

- a. No person shall hold the office of member of the House of Delegates, including the Speaker of the House, unless he or she: (1) is a qualified voter of the State of New Columbia; (2) resides in and is domiciled in the State of New Columbia and if he or she is nominated for election from a particular legislative 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.

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- b. The Speaker of the House of Delegates shall not engage in any outside employment, whether as an employee or through self-employment, or hold any position, other than Speaker of the House of Delegates, for which he or she is compensated in excess of actual expenses.
- c. A member of the House of Delegates shall forfeit his or her office upon failure to maintain the qualifications required by this section or upon conviction of a felony.

#### Sec. 4. Acts; resolutions; procedures; specific authorities

- a. (1) The House of Delegates, to discharge the powers and duties imposed herein, shall pass Acts, adopt Resolutions and adopt rules, upon a vote of a majority of the members of the House of Delegates present and voting, unless a greater proportion of members is provided in this Constitution.  
(2) Except as provided in paragraph (4) of this subsection, the House of Delegates shall use Acts for all legislative purposes.  
(3) The House of Delegates shall hold two readings for all Acts, except upon declaration by two-thirds of its members of an emergency, in which case such Act shall only be effective for a period not to exceed 90 days.  
(4) 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 to the Council of the District of Columbia under the Home Rule Act. Such resolutions must be specifically authorized by Act and must be designed to implement that Act.  
(5) Resolutions may be approved upon a single reading and may take effect immediately upon such approval.
- b. Every Act shall be published upon becoming law, and Resolutions shall be published promptly after approval by the House of Delegates. The House of Delegates shall adopt and publish rules of procedures which shall include provision for adequate public notice of intended actions of the House of Delegates. Proposed Acts and proposed Resolutions shall be made promptly available to the public.
- c. An Act passed by the House of Delegates shall be presented by the Speaker of the House of Delegates to the Governor, who shall, within 10 calendar days after the Act is presented, either approve or disapprove such Act. To approve an Act, the Governor shall affix his or her signature to it, and such Act shall become law. To disapprove such Act, the Governor shall, within 10 calendar days after it is presented to him or her, return such Act to the House of Delegates setting forth in writing the 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 being presented to the Governor, the Governor shall be deemed to

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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. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays and legal holidays.

- d. 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 shall become law without the Governor's signature.
- e. (1) In the case of any Budget Act adopted by the House of Delegates and submitted to the Governor, the Governor shall have power to disapprove any items or provisions, or both, and approve the remainder. To exercise such disapproval, the Governor shall append to the signed Act a statement indicating the item(s) or provision(s) which he or she disapproves, and shall, within such 10-day period, return a copy of the Act and statement to the House of Delegates.  
(2) If, within 30 calendar days after any such Budget Act 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, it shall become law.
- f. By Act, the House of Delegates shall have authority to create or abolish any office, agency, department, or instrumentality of the State of New Columbia.
- g. The House of Delegates may appoint an Auditor, who shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established by the House of Delegates, not to exceed the rate of pay of the Speaker of the House. The Auditor may conduct audits and investigations of such matters as may be referred to it by the House of Delegates or as otherwise authorized by the rules of the House of Delegates. In carrying out an audit or investigation, the Auditor shall have access to all books, accounts, records, reports, findings and other papers, things, or property belonging to or in use by any agency of the State of New Columbia necessary to facilitate the audit and not subject to a privilege.
- h. The House of Delegates, or any Committee or person authorized by it, shall have the power to investigate any matter relating to the affairs of the State of New Columbia, and for that purpose may issue subpoenas and administer oaths to require the attendance and testimony and the production of evidence. In conducting a lawful investigation, the House of Delegates or one of its Committees may seek enforcement of any subpoena it issues in the Superior Court of the State of New Columbia.



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- i. The House of Delegates may by Resolution call for an advisory referendum upon any matter upon which the House of Delegates desires to take action.
- j. A majority of the number of non-vacant seats of the House of Delegates shall constitute a quorum for the transaction of business.
- k. The House of Delegates may establish by its rules what number of members constitutes a quorum for holding hearings or voting in a committee of the House of Delegates.

#### Sec. 5. Speaker of the House of Delegates

- a. The Speaker of the House of Delegates shall be the presiding officer of the House of Delegates.
- b. When the Office of Governor is vacant, the Speaker of the House of Delegates shall act in the Governor's stead. While the Speaker of the House of Delegates is acting as Governor he or she shall not exercise any of his or her authority as Speaker of the House of Delegates or a member of the House of Delegates. While the Speaker 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 Speaker, until the return of the regularly elected Speaker of the House of Delegates.

#### Sec. 6. Legislative districts

The boundaries of the legislative districts shall be established from time to time, at least decennially, by an Act of the House of Delegates. Each legislative district shall consist of contiguous territory, be compact in form, and be of substantially equal population to the other legislative districts.

#### Sec. 7. Advisory Neighborhood Commissions

- a. The House of Delegates shall by Act divide the State of New Columbia into neighborhood commission areas of substantially equal population, which neighborhoods shall be represented by an elected Advisory Neighborhood Commissioner. Each Advisory Neighborhood Commissioner shall be elected from a single member district on a nonpartisan basis. Candidates for Advisory Neighborhood Commissioner shall qualify for election by gathering signatures of at least five percent of the qualified voters in their neighborhood commission area.

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- b. Each Advisory Neighborhood Commission may: (1) advise the House of Delegates and the Executive Branch on matters of public policy; (2) employ staff and expend public funds as authorized by the annual budget for the State of New Columbia for public purposes within its neighborhood commission area; and (3) shall have such other advisory powers and responsibilities as the House of Delegates may establish by Act.

### ARTICLE II THE EXECUTIVE BRANCH

#### Section

1. Executive power
2. Election of Governor
3. Qualifications for holding office; vacancy; compensation
4. Powers and duties of the Governor
5. Office of Attorney General
6. Office of the Chief Financial Officer
7. State Board of Education

#### Sec. 1. Executive power

The executive power of the State of New Columbia shall be vested in the Governor.

#### Sec. 2. Election of Governor

The Governor shall be elected on a partisan basis by the qualified voters of the State of New Columbia for a term of 4 years beginning at noon on January 2nd of the year following his or her election.

#### Sec. 3. Qualifications for holding office; vacancy; compensation

- a. (1) No person shall hold the Office of Governor unless he or she: (A) is a qualified voter of the State of New Columbia; (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

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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 elections agency shall hold a special election at least 70 days and not more than 174 days after such vacancy occurs, unless it 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.

The person elected Governor to fill a vacancy in the Office of Governor shall take office on the day the elections agency 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 Speaker of the House of Delegates shall become acting Governor and shall serve from the date such vacancy occurs until the date on which the elections agency certifies the election of the new Governor, at which time he or she shall again become Speaker of the House of Delegates. While the Speaker of the House is acting Governor, he or she shall receive the compensation regularly paid the Governor, and shall receive no compensation as Speaker or member of the House of Delegates.

- b. Should vacancies arise simultaneously for both the Speaker of the House of Delegates and the Governor, the order of succession shall be the At Large members of the House of Delegates in order of seniority of continuous service, followed by the Attorney General. Temporary or partial disability, or short periods of unavailability, shall not constitute a vacancy nor trigger a special election.
- c. The Governor shall receive compensation, payable in equal installments, at a rate of pay established by Act. The House of Delegates shall not reduce the salary of the Governor. Any changes in the Governor's compensation, upon enactment by the House of Delegates, shall apply beginning with the next gubernatorial term after the effective date of such Act.
- d. The Governor shall forfeit office upon conviction of a felony.

#### Sec. 4. Powers and duties of the Governor

The Governor shall be the chief executive officer of the State of New Columbia government. The Governor shall be responsible for the faithful execution of the laws of the State of New Columbia and for carrying out such other powers and authorities that may reside in or be vested in the Office of the Governor. The Governor shall be responsible for the proper execution of all laws of 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:

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- a. The Governor may designate the officer or officers of the executive branch of the State of New Columbia, who may, during periods of absence from the State of New Columbia, or disability, execute and perform the powers and duties of the Governor.
- b. The Governor shall administer the personnel functions of the executive branch of the State of New Columbia, including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel in the Office of the Governor, personnel in departments of the State of New Columbia, and members and employees of boards, offices, commissions, and other agencies.
- c. The Governor shall, through the heads of administrative boards, offices, commissions, and agencies, supervise and direct the activities of such boards, offices, commissions, and agencies.
- d. The Governor may submit proposed Acts and Resolutions to the House of Delegates.
- e. 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.
- f. The Governor, shall be the custodian of the corporate seal of the State of New Columbia and shall use and authenticate it in accordance with law.
- g. The Governor shall appoint an Administrator and Chief Operating Officer, who shall serve at the pleasure of the Governor, who shall assist the Governor in carrying out the Governor's functions under this Constitution, and whose salary shall be set by the Governor.
- h. The Governor shall have the right to be heard by the House of Delegates or any of its committees.
- i. The Governor may issue and enforce administrative orders, not inconsistent with this Constitution, or with any act of the House of Delegates, to carry out his or her functions and duties.
- j. The Governor may reorganize the offices, agencies, and other entities within the executive branch of the government of the State of New Columbia.

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- k. The Governor shall have plenary power to grant pardons, commutations, and reprieves, and to remit, forgive or reduce fines and forfeitures, for all offenses against the laws of the State of New Columbia.
- l. To advance the general welfare and provide for public safety, the Governor may enter into compacts and agreements with other states, localities, non-profit chartered entities, the federal government and federal instrumentalities, and may enter into public-private partnerships, and, consistent with federal law, may enter into agreements with foreign nations, cities or businesses, provided that any financial obligations of such compacts, agreements, and partnerships shall be approved by the House of Delegates.
- m. The Governor shall be the planning authority for the State of New Columbia.
- n. The Governor shall have charge of the administration of the financial affairs of the State of New Columbia, except authority assigned by this Constitution to the Chief Financial Officer, and shall have authority to examine and approve all contracts, orders, and other documents by which the State of New Columbia incurs financial or other obligations.

#### Sec. 5. Office of Attorney General

- a. There is established within the executive branch of the State of New Columbia government an Office of the Attorney General for the State of New Columbia headed by an Attorney General. The Attorney General shall be elected by the qualified voters of the State of New Columbia, on a partisan basis, for a term of 4 years beginning at noon on January 2 of the year following his or her election.
- b. (1) If a vacancy in the position of Attorney General occurs as a consequence of resignation, permanent disability, death, or other reason, the elections agency shall hold a special election. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day on which the elections agency certifies his or her election, and shall serve as Attorney General for the remainder of the term during which such vacancy occurred. (2) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve until the date the elections agency certifies the election of the new Attorney General, at which time he or she shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, he or she shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General.
- c. The term of office of the Attorney General shall coincide with the term of office of the Governor.

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#### Sec. 6. Chief Financial Officer for the State of New Columbia

- a. The Chief Financial Officer for the State of New Columbia shall be appointed by the Governor with the advice and consent, by resolution, of the House of Delegates, and shall report to the Governor. The Chief Financial Officer shall be appointed for a term of 5 years. Any Chief Financial Officer may continue to serve beyond his or her term until a successor takes office.
- b. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of resignation, permanent disability, death, or other reason, the Governor shall appoint one of the Deputy Chief Financial Officers, or any other person qualified to serve, to serve as the Chief Financial Officer in an acting capacity. The Governor shall thereafter nominate a person to serve as Chief Financial Officer, for the remainder of the term during which the vacancy occurred; provided, that the Governor shall submit the nomination to the House of Delegates for its approval as provided in paragraph (1) of this subsection.
- c. The Chief Financial Officer may be removed for cause by the Governor, subject to the approval of the House of Delegates by a resolution approved by not fewer than 2/3 of the members of the House of Delegates present and voting.
- d. The Chief Financial Officer shall, under the direction of the Governor, prepare the budgets and financial plans for the State of New Columbia for submission by the Governor to the House of Delegates.
- e. Under the direction of the Governor, who has the specific responsibility for formulating budget policy, and using the technical and human resources of the Office of the Chief Financial Officer, the Chief Financial Officer shall: (1) assure that all financial information submitted by the Governor to the House of Delegates or for any other official purpose is accurate and complete; (2) prepare and submit to the Governor and the House of Delegates and make public annual fiscal year estimates of all revenue for the State of New Columbia and quarterly re-estimates of the revenues of New Columbia during the fiscal year; (3) supervise and assume responsibility for financial transactions to ensure adequate control over revenues and resources; (4) maintain systems of accounting and internal control designed to provide full disclosure of the impact of the activities of the New Columbia government, adequate financial information necessary for management purposes, effective control over and accountability for all funds, property, and other assets of the State of New Columbia, and reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget; (5) submit to the House of Delegates a financial statement containing such details and at such times as the House of Delegates may specify; (6) supervise and assume responsibility for the assessment of all property subject to assessments and taxes: which includes preparing tax maps, and providing notice of taxes and special assessments;

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(7) supervise and assume responsibility for the levying and collection of all taxes, special assessments, licensing fees and other revenues of the State of New Columbia and receiving all amounts paid to it; (8) maintain custody of all public funds; (9) apportion funds made available so as to prevent deficiencies or a need for supplemental appropriations; (10) certify all contracts and leases prior to execution as to the availability of funds; (11) determine the regularity, legality and correctness of bills, invoices, payrolls, claims, demands or charges; (12) supervise and administer all borrowing programs; (13) administer the cash management program of the State of New Columbia; (14) administer such payroll and retirement systems as the House of Delegates may by Act assign to it; (15) govern the accounting policies and systems of the State of New Columbia; (16) timely prepare the yearly, quarterly and monthly financial reports of the accounting and financial operations of the State of New Columbia; (17) prepare fiscal impact statements on such regulations, multi-year contracts, agreements, and proposed legislation as the Governor and House of Delegates may require by Act or request; (18) certify all collective bargaining agreements and nonunion pay proposals as to the availability of funds before submission to the House of Delegates, and prepare any financial analysis requested by the Governor of proposed terms or agreements.

#### Sec. 7. The State Board of Education

##### a. Composition; elections

1. The State Board of Education shall consist of nine members, one from each legislative district and one elected At-Large. By Act, the length of terms and provisions for addressing vacancies may be established.
2. A President and Vice President of the State Board of Education shall be elected from among the members of the State Board of Education.

##### b. Powers

1. The State Board of Education shall be responsible for advising the Governor on educational matters, including state standards, state policies, including those governing special, academic, vocational, charter and other schools, state objectives and state regulations.
2. By Act, the House of Delegates may establish which educational policies, if any, shall be subject to the approval of the State Board of Education; provided, such policies shall not include policies that were not subject to the approval of the state board of education for the District of Columbia that existed immediately prior to the effective date of this Constitution.



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### ARTICLE III THE JUDICIAL BRANCH

#### Section

1. Judicial power
2. Nomination and appointment to the State of New Columbia Courts
3. Qualification for nomination and appointment; removal
4. Powers of the State of New Columbia Courts
5. Designation of Chief Judges

#### Sec. 1. Judicial power

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. Collectively these shall be referred to as the State of New Columbia Courts.

#### Sec. 2. Nomination and appointment to the State of New Columbia Courts

- a. The Governor shall nominate, from the list of persons recommended to him or her by the State of New Columbia Judicial Nomination Commission, and, by and with the advice and consent of the House of Delegates, appoint all judges of the State of New Columbia Courts.
- b. A judge appointed to the State of New Columbia Courts shall be appointed for a term of fifteen years, unless removed or suspended, and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and is sworn in. A judge in good standing may be reappointed.

#### Sec. 3. Qualification for nomination and appointment; compensation; removal

- a. No person may be nominated, appointed or re-appointed as a judge of the State of New Columbia Courts unless he or she:
  1. has resided and been domiciled in the State of New Columbia for at least 1 year prior to nomination;
  2. is an active member of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals and has been active in that bar for at least five years; and
  3. is recommended to the Governor, for such nomination and appointment, by the State of New Columbia Judicial Nomination Commission.



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- b. Judges may not be removed or sanctioned for the good faith legal determinations they render. A judge of the State of New Columbia Courts shall be removed from office upon 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 or a determination, following a process established by law, of:
1. willful misconduct in office;
  2. willful and persistent failure to perform judicial duties;
  3. any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute;
  4. failure to maintain residency in the State of New Columbia; or
  5. 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.

#### Sec. 4. Powers of the State of New Columbia Courts

The Superior Court of the State of New Columbia shall have 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 of the State of New Columbia. The State of New Columbia Court of Appeals shall have 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.

#### Sec. 5. Designation of Chief Judges

The Chief Judge of the State of New Columbia Court of Appeals and the Chief Judge of the Superior Court for the State of New Columbia shall be designated by the Judicial Nomination Commission from among the judges of their respective courts in regular active service, and shall serve as Chief Judge for a term of four years or until a successor is designated, except that a term as Chief Judge shall not extend beyond the Chief Judge's term as a judge of a State of New Columbia Courts. A Chief Judge shall be eligible for re-designation as Chief Judge.

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### ARTICLE IV BUDGET AND FINANCIAL MANAGEMENT

#### Section

1. Fiscal year
2. Submission of annual budget
3. Adoption of budget by House of Delegates
4. Annual financial statements and audits
5. Balanced budget
6. Delegates' contract review
7. Emergency and contingency reserve fund

#### Sec. 1. Fiscal year

The House of Delegates shall establish by Act the fiscal year of the State of New Columbia.

#### Sec. 2. Submission of annual budget

- a. The Governor shall prepare and submit to the House of Delegates each year, at such time as the House of Delegates shall direct, and shall make available to the public at such time, an annual budget for the State of New Columbia government. It shall:
  1. (A) Reflect the actual financial condition of the State of New Columbia government, (B) Specify the agencies and purposes for which funds are being requested; and (C) Be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated resources from existing sources and proposed resources.
  2. Be accompanied by: (A) An annual budget message which shall include supporting financial and statistical information for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding 3 fiscal years; (B) Multiyear operating and capital improvement plans for all agencies; (C) A summary of the budget 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 House of Delegates, the Office of the Attorney General, the Office of the Chief Financial Officer, and the State Board of Education.
- c. The Governor may prepare and submit to the House of Delegates such supplemental or deficiency budget proposals as are necessary, including proposals to increase resources to meet any such increased expenditure, and may prepare and submit to the House of

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Delegates proposed reprogrammings of budgeted amounts. Such proposals shall be subject to the approval of the House of Delegates by Act or Resolution; provided, the House of Delegates may by Act designate categories and classes of supplemental and deficiency budget modifications and reprogrammings for which approval by the House of Delegates is not required or for which approval of the House will be deemed to have occurred upon the expiration of a period of time after the Governor submits the proposal to the House of Delegates.

#### Sec. 3. Adoption of budget by House of Delegates

The House of Delegates, within 70 calendar days after receipt of the budget proposal from the Governor, and after a public hearing, shall adopt by Act the annual budget for the State of New Columbia government. 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, or as otherwise provided in section 2(c) of this Article.

#### Sec. 4. Annual financial statement and audits

Within 120 days following the close of the fiscal year, the Governor shall submit to the House of Delegates a complete and audited financial statement and report for the preceding fiscal year.

#### Sec. 5. Balanced budget

- a. The House of Delegates shall not approve any budget which would result in expenditures being 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.
- b. The Governor shall not forward to the House of Delegates a budget which is not balanced. The budget shall identify any new sources of revenue which shall be required in order to balance the budget as submitted.

#### Sec. 6. Review of Contracts by the House of Delegates

By Act, the House of Delegates may establish which contracts shall be subject to its review prior to the contract going into effect; provided, the scope of contracts subject to the review of the House of Delegates shall not exceed those contracts that were subject to approval of the Council of the District of Columbia under the Home Rule Act, and the procedures and timelines for such review and approval may be no more restrictive or lengthy than the procedures and timelines provided for in the Home Rule Act.

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#### Sec. 7. Emergency and contingency reserve funds

- a. (1) The Governor shall deposit into an emergency cash reserve fund not later than the first day of each fiscal year such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures of the government of the State of New Columbia; provided, if the Governor uses money from the fund during a fiscal year, the State of New Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, if an amount is allocated from the emergency cash reserve fund for cash flow management purposes, the Governor shall fully replenish the fund in the amount allocated not later than the earlier of the expiration of the 9-month period which begins on the date the allocation is made or the last day of the fiscal year.

(2) The Governor may use the emergency cash reserve fund to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity or a state of emergency as declared by the Governor, for unexpected obligations of federal law and for cash flow management purposes in an amount of not more than 50 percent of the balance of the fund.
- b. (1) The Governor shall deposit into a contingency cash reserve fund not later than the first day of each fiscal year such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures of the government of the State of New Columbia; provided, the government of the State of New Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, if an amount is allocated from the contingency cash reserve fund for cash flow management purposes, the Governor shall fully replenish the fund in the amount allocated not later than the earlier of the expiration of the 9-month period which begins on the date the allocation is made or the last day of the fiscal year.

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(2) The Governor may use the contingency cash reserve fund to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by federal law or new public safety, health, welfare, or education needs or requirements that have been identified after the budget process has occurred, for opportunities to achieve cost savings, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast, and for cash flow management purposes in an amount of not more than 50 percent of the balance of the fund.

#### ARTICLE V BORROWING

##### Section

1. Authority to issue and redeem general obligation bonds for capital projects
2. Contents of borrowing legislation and elections on issuing general obligation bonds
3. Issuance of general obligation bonds
4. Borrowing to meet appropriations and in anticipation of revenues
5. Special tax
6. Full faith and credit of State of New Columbia pledged
7. Payment of the general obligation bonds and notes
8. Revenue bonds and other obligations
9. Limitations on borrowing and spending

##### Sec. 1. Authority to issue and redeem general obligation bonds for capital projects

- a. 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 capital projects, including paying its share of regional transportation 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 2, may 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.

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#### Sec. 2. 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 1. Such an Act shall contain, at least, provisions: briefly describing each project to be financed by the Act; identifying the Act authorizing each such project or category of projects; setting forth the maximum amount of debt principal which may be incurred for the projects; setting forth the maximum rate of interest to be paid on such indebtedness; and setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year.

#### Sec. 3. Issuance of general obligation bonds

- a. After an Act of the House of Delegates authorizing the issuance of general obligation bonds has taken effect, the Governor may issue such general obligation bonds. 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 limitation period for suits regarding these general obligation bonds shall be no greater than 30 days and shall be provided for more specifically by Act.

#### Sec. 4. Borrowing to meet appropriations and in anticipation of revenues

- a. In the absence of unappropriated revenues available to meet appropriations, the House of Delegates may by Act authorize the issuance of general obligation notes.
- b. In anticipation of the collection or receipt of revenues for a fiscal year, the House of Delegates may by Act authorize the issuance of revenue anticipation notes.
- c. The total amount of any general obligation notes originally issued during a fiscal year shall not exceed two percent of the total appropriations for the State of New Columbia for such fiscal year, and the total amount of all revenue anticipation notes outstanding at any time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of the State of New Columbia for such fiscal year.
- d. Any general obligation note issued under subsection (a) of this section, or any revenue anticipation note issued under subsection (b) 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.

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#### Sec. 5. Special tax

Any Act of the House of Delegates authorizing the issuance of general obligation bonds shall provide for the annual levy of a special tax or charge, if 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.

#### Sec. 6. 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 this Article, 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. 7. Payment of the general obligation bonds and notes

- a. In each annual budget, the House of Delegates shall provide sufficient funds to pay the principal of and interest on all general obligation bonds or notes due and payable during such fiscal year.
- b. The Governor shall insure that the principal and interest on all general obligation bonds and notes issued under this Article are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

#### Sec. 8. Revenue bonds and other obligations

- a. (1) The House of Delegates may by Act or Resolution authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, or assist in the financing or refinancing of undertakings in the areas of: housing; health; transit; utilities; preschool, primary, secondary, vocational, adult, rehabilitative, re-entry, and higher education; educational loans; facilities for culture, sports, mass commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous waste disposal, or local district heating or cooling; or the local furnishing of energy or water; manufacturing, 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.



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(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 or Resolution of the House of Delegates authorizing the issuance of such bond, note, or other obligation. Any act of the House of Delegates authorizing the issuance of such bond, note, or other obligation, or any delegation of such authority, 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 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 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. (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



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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.
- c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or Resolution of the House of Delegates without the necessity of submitting the question of such issuance to the registered qualified voters of the State of New Columbia for approval or disapproval.
- d. Any Act or Resolution of the House of Delegates authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) 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 or Resolution of the House of Delegates.
- e. (1) The House of Delegates may by Act delegate to any department of the executive branch the authority of the House of Delegates under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money for the purposes described in subsection (a) of this section..

#### Sec. 9. Limitations on borrowing and spending

- a. No general obligation bonds (other than bonds to refund outstanding indebtedness) 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 Treasury loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues

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directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities ((including fees or revenues directed to servicing or securing revenue bonds issued for such purposes)), retirement contributions, revenues from retirement systems, and revenues derived from the sale of general obligation or revenue bonds) which the Governor estimates, and the Chief Financial Officer certifies, will be credited to the State of New Columbia during the fiscal year in which the bonds will be issued.

- b. The 17% limitation specified in this subsection shall be calculated in a manner provided by Act of the House of Delegates.

#### ARTICLE VI INITIATIVE; REFERENDUM; RECALL

##### Section

1. Definitions; computation
2. Process
3. Submission of measure at election
4. Rejection of measure
5. Approval of measure
6. Short title and summary
7. Recall process
8. Time limits on initiation of process
9. When official removed; filling of vacancies

##### Sec. 1. Definitions; computation

- a. The term "initiative" means the process by which the citizens may propose laws (except laws appropriating funds or authorizing discrimination) and present such proposed laws directly to the voters of the State of New Columbia for their approval or disapproval.
- b. The term "referendum" means the process by which the voters of the State of New Columbia may repeal acts of the House of Delegates. This provision shall not apply to emergency acts, acts levying taxes, acts appropriating funds, or advisory referenda.
- c. The term "recall" means the process by which the voters of the State of New Columbia may call for the holding of an election to remove or retain an elected official prior to the expiration of his or her term.

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- d. The latest official count of registered voters by the State of New Columbia elections agency, which was issued 30 or more days prior to submission of the signatures for any particular initiative, referendum, or recall petition, shall be used for computing the signature requirements of this Article.

#### Sec. 2. Process

An initiative or referendum may be proposed by the presentation to the elections agency of a petition containing the signatures of 5 percent of the registered voters in the State of New Columbia; provided that the total signatures submitted include 5 percent of the registered voters in each of 5 or more of the legislative districts.

#### Sec. 3. Submission of measure at election

- a. The elections agency 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.
- b. The elections agency shall hold an election on a referendum measure or a recall petition within 114 days of its receipt of a petition. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a referendum or recall petition, the elections agency may present the referendum at that election.

#### Sec. 4. Rejection of measure

If a majority of the registered voters who vote in a referendum vote to disapprove the referred Act, such action shall be deemed a repeal of the Act or that portion of the Act on the referendum ballot. No action may be taken by the House of Delegates to advance the matter presented for 365 days following the date of the elections agency's certification of the vote.

#### Sec. 5. Approval of measure

If a majority of the registered voters who vote adopt legislation by initiative, then the adopted initiative shall become law upon the certification of the vote by the elections agency.

#### Sec. 6. Short title and summary

The elections agency may propose a short title and summary of the initiative and referendum matter, which shall accurately reflect the intent and meaning of the proposed referendum or initiative.

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#### Sec. 7. Recall process

Any elected official of the State of New Columbia government may be recalled by the registered voters of the legislative district from which he or she was elected or by the registered voters of the State of New Columbia at large in the case of an At-Large elected official. A recall may be proposed by the filing with the elections agency of a petition demanding the recall of the elected official, signed by 10 percent of the registered voters in the elected official's legislative district or, if the elected official is elected at-large, signed by 10 percent of the registered voters in the State of New Columbia, including at least 10 percent of the registered voters in each of 5 or more of the legislative districts.

#### Sec. 8. Time limits on initiation of process

The process of recalling an elected official may not be initiated within 1 year after a recall election has been determined in favor of the same elected official, unless the petition describes and the elections agency is satisfied that there exist compelling new facts that have emerged warranting consideration of a new recall petition within that year.

#### Sec. 9. When official removed; filling of vacancies

When a majority of qualified voters votes to remove an elected official from office, that person shall be removed immediately upon certification of the results of the vote. The vacancy created by such recall shall be filled in the same manner as other vacancies in the office.

### ARTICLE VII MISCELLANEOUS

#### Section

1. Openness and transparency
2. Construction of Constitution
3. Constitution amending procedure
4. Effective date

#### Sec. 1. Openness and transparency

The government of the State of New Columbia shall operate on principles of openness, transparency and democratic participation. Specific obligations regarding participation and transparency may be established by Act of the House of Delegates and administrative orders of the Governor.

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#### Sec. 2. Construction of Constitution

To the extent that any provisions of this Constitution are inconsistent with the provisions of any other laws of 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. Constitution amending procedure

- a. The Constitution may be amended by an Act passed by the affirmative vote of a majority of the members of the House of Delegates and ratified by a majority of the qualified voters who vote in a ratification referendum.
- b. Ratified constitutional amendments take effect either on the date the elections agency certifies the ratification, or the date prescribed by the amendment, whichever is later.

#### Sec. 4. Effective date

This Constitution shall take effect upon affirmative vote by the United States Congress to admit New Columbia as a state of the United States of America with the same rights as other states.

### ARTICLE VIII TRANSFER OF OFFICES

#### Section

1. Transfer of offices
2. Continuation of State of New Columbia court system
3. Pending actions and proceedings
4. Laws in force and prior powers
5. Personnel rights
6. Debts; assets; records
7. Residency and qualifications
8. Adjustments
9. Voting rights

#### Sec. 1. Transfer of offices

The Council of the District of Columbia and the offices of Chairman of the Council and Mayor are abolished as of the effective date of this Constitution.

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- a. To provide continuity during the transition from the government of the District of Columbia to the State of New Columbia, the members of the Council, the Chairman of the Council, the Mayor, the Attorney General, members of the State Board of Education and Advisory Neighborhood Commissioners in office as of the effective date of this Constitution shall be deemed members of the House of Delegates, Speaker of the House of Delegates, Governor, Attorney General, and members of the State Board of Education respectively, until the expiration of the term of office each such individual held immediately prior to the effective date of this Constitution. Vacancies in these offices occurring during the holdover term shall be filled as provided in Articles I, II, and IV.
- b. New members of the House of Delegates shall be elected on the same schedule as existing Councilmembers of the District of Columbia.
- c. Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall be held after the effective date of this Constitution by members of the House of Delegates, the Speaker of the House of Delegates, and the Governor, respectively, to the extent not inconsistent with this Constitution.
- d. For boards and commissions, 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.
- e. The terms of federally appointed members to any District of Columbia board or commission 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 unless the Governor or House of Delegates creates a new position on the board or commission.
- f. The individual serving as Chief Financial Officer as of the effective date of this Constitution shall be deemed to have been appointed as Chief Financial Officer under Article II, for a term to expire on July 1 of the year in which his or her previously extant term would have expired.

#### Sec. 2. Continuation of State of New Columbia court system

- a. To provide continuity during the transition from the government of the District of Columbia and the State of New Columbia, 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,

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respectively, until the expiration of that term of office held immediately prior to the effective date of this Constitution.

- b. The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the Judicial Nomination Commission, and the Commission on Judicial Disability and Tenure shall continue subject to the provisions of Article III of this Constitution; provided, by Act, the House of Delegates may modify or reallocate the functions of the District of Columbia Commission on Judicial Disabilities and Tenure.
- 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 III 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 appointed after the effective date of this Constitution shall be appointed according to Article III.
- 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 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. 3. Pending actions and proceedings

All existing writs, actions, suits, 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 may be 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. 4. Laws in force and prior powers

- a. Acts of the Council of the District of Columbia preceding the Constitution of this House of Delegates shall be considered valid as if they were enacted by the House of Delegates.
- b. Upon the effective date of this Constitution, all of the laws then in force in the District of Columbia, including regulations and Mayor's Orders, shall continue in force and effect throughout the State of New Columbia, except as modified by the State of New Columbia Admission Act, or by this Constitution, or as thereafter modified in accordance with this Constitution.

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- c. All powers previously vested in the Council of the District of Columbia by Congress through the District of Columbia Home Rule Act, to the extent not inconsistent with Constitution and to the extent not thereafter having been transferred or repealed, shall be vested in the House of Delegates in accordance with the provisions of this Constitution.
- d. Except as otherwise provided in this Constitution, all functions previously granted to or vested in the Mayor of the District of Columbia, through the District of Columbia Home Rule Act, and to the extent not thereafter having been transferred or repealed, shall be vested in the Governor in accordance with the provisions of this Constitution.
- e. The annual compensation of the Governor on the effective date of this Constitution shall be the annual compensation provided to the Mayor of the District of Columbia immediately prior to the effective date of this Constitution.

#### Sec. 5. Personnel rights

Nothing in this Constitution shall be construed as affecting the rights under District of Columbia law of employees of the State of New Columbia who were employed by the District of Columbia government prior to the effective date of this Constitution to personnel benefits, including, but not limited to pay, tenure, leave, retirement, health and life insurance, and employee disability and death benefits, or regulations adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of this Constitution, provided, all such benefits shall thereafter be subject to modification by Act or regulation.

#### Sec. 6. 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. 7. Residency and qualifications

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



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#### Sec. 8. Adjustments

The Governor 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. 9. 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.