



Constitution Commission Report

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Table of Contents

I. Introduction	- 1 -
II. Guiding Principles	- 3 -
III. Public Engagement Process.....	- 4 -
IV. Public Comment and Response	- 4 -
V. Boundaries	- 10 -
VI. Attachments	- 11 -
A. May 6 Draft of Constitution	
B. Comment Log	
C. June 28 Draft Constitution	
D. Office of Planning Documents and Maps	
E. Town Hall Flyer	
F. Convention Flyer	
G. Advisory Referendum Resolution	

Report Commissioned by the New Columbia Statehood Commission

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I. Introduction

In 1980, citizens of the District voted to convene 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 1796, requires that the citizens of an area seeking admission as a state vote to approve the following four elements: (1) the desire for statehood, (2) a constitution, (3) state boundaries, and (4) a republican form of government. The constitution itself must be both consistent with the Constitution of the United States of America and embrace a republican, i.e. representative, 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 rather than using the process that requires an affirmative vote for admission as a state by three-fourths of the states.

The 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 have ever responded to that submission. Because no Constitutional provision or federal law governs this type of submission, 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 contained a 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 was simply an Act of the Council that recommended to the Congress a revised version of the 1982 Constitution of the State of New Columbia. The New Columbia Admission Act, regularly introduced by Congresswoman Eleanor Holmes Norton, refers to the 1987 Constitution. During our research, we did not find that any President or any session of the Congress have ever responded to the 1987 submission.

In order to successfully pursue the Tennessee Plan in 2017, Washington, DC must have a constitution that has been approved by the citizens of the District and submitted to the President and the Congress. With the passage of nearly 35 years, the Constitution on which the citizens of the District voted is not contemporaneous with 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.

In 2014, the Council of the District of Columbia created the New Columbia Statehood Commission to coordinate the District's statehood initiatives. The Commission is comprised of Commission co-chairs Mayor Muriel Bowser and Council Chairman Phil

Mendelson, and members Senators Paul Strauss and Michael D. Brown, and Representative Franklin Garcia. At the 2016 Emancipation Day breakfast, Mayor Bowser, alongside Chairman Mendelson, announced that Washington, DC would pursue the Tennessee Plan by creating a contemporary constitution and a national advocacy strategy to finally give Washington, DC the rights it deserves.

Revision of 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 simplest solution to that problem 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. Second, the Congress created an "independent" office of Chief Financial Officer, a position now deeply embedded in our day-to-day governance.

In addition, the Congress has provided federal funding for the Superior Court, the D. C. 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 the Board of Education has changed. The role and function of the Armory Board and the Board of Elections and Ethics have changed. These changes, and others, need to be accommodated in a revised version of the 1987 Constitution in order to present a contemporary document to citizens for approval.

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 enabled 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 ingrained.

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

The Commission has worked to incorporate these changes into a revised 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. Without the acknowledgement of those changes, the conversation about our Constitution, among citizens and others, would move away from a discussion on the merits of the statehood issue to a sideshow about why this, that, or the other real or perceived inconsistencies were not resolved.

The Creation of a Contemporaneous Document

Final approval for statehood, and therefore the constitution, must come from the Congress. The approval of any constitution by the Congress requires that the proposed constitution reflect stability and continuity of an effective government, thereby demonstrating the fortitude for financial accountability and good governance. Conformity requires that the new constitution be similar to the constitutions of the other 50 states. In that regard, on May 6, 2016, the Commission released a discussion draft Constitution of the State of New Columbia that (1) could be presented to the citizens of the District so as to allow them to demonstrate their current support for statehood; (2) simplified and harmonized the 1987 Constitution in a way that does not radically alter the District's current governmental structure, with which Congress is familiar; and (3) would 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 51st state.

II. Guiding Principles

The New Columbia Statehood Commission considered the previous constitutions and statehood efforts, the need for a smooth transition, and the requirement of Congressional approval when drafting the new constitution. With these parameters in mind, the Commission established seven principles for the drafting of the proposed state Constitution. These principles were adopted to guide the Commission and inform the Council and the public in developing the Constitution. 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.

Though these principles were sometimes in tension with each other, all of the Commission's decisions were based in one or more of these principles.

III. Public Engagement Process

The Commission established a timeline to have the constitution and question of statehood on the November ballot so that the District could petition the new President and Congress in January, 2017, when the petition will likely have the most visibility and support. The Commission approved a public engagement process that took advantage of technological innovations since 1982 to give every Washington, DC resident multiple opportunities to provide input on any and all constitutional issues. This allowed for a more simultaneous and directly participatory process than the 1982 Constitutional Convention and for people who became residents or came of age in the intervening 34 years to have input.

The Commission released a draft constitution for public input and discussion on May 6, 2016, at the Lincoln Cottage, the historic site where President Lincoln drafted the Emancipation Proclamation. The draft constitution allowed the public a foundation to discuss what provisions and elements should be included in the constitution. Residents submitted testimony online, in person at District-wide Town Halls and other public meetings, and over the course of a three-day Constitutional Convention. Hundreds of residents engaged throughout the process, and the Commission published a log of 500 comments.

The Commission reviewed and considered the testimony and comments from District residents, keeping in mind experiences from the 50 states and the aforementioned guiding principles, in deciding on amendments to the draft before submitting it to the Council and, in turn, District residents. Approval of the constitution will come from the voters in November.

IV. Public Comment and Response

The Commission received in-person testimony and online comments from a variety of interested District residents. Many residents made the same or similar comments about particular issues. The Commission summarized the comments received into a log of 500 comments. Public sessions were recorded and posted online, and digital copies of online and hardcopy submissions have been made to preserve the record of all comments. The Commission reviewed the comment log and considered the comments in deciding which amendments were needed to the draft constitution. Full responses may be found in the attached comment log. Following is a section-by-section summary of the comments received and the Commission's response, with references to the attached log.

A. Most Frequent Comments

Throughout the process, the most energy and comments focused on four issues: the name of the State, the Bill of Rights, the composition of the legislature, and the process for amendment. The Commissioners acted upon these issues at the June 28, 2016, public meeting.

State Name: Residents questioned the name of New Columbia, which was chosen during the 1982 Constitutional Convention and has been carried forward in statehood efforts. Residents offered a variety of suggestions, including Douglass Commonwealth, New Washington, Potomac, and Anacostia. During deliberations, Senator Brown moved to keep the name New Columbia because it was chosen by the people in 1982 and has long been associated with the statehood movement. The Commission voted unanimously to keep the name New Columbia.

Bill of Rights: People suggested that the Bill of Rights should not mimic the Federal Bill of Rights, taking particular issue with the inclusion of the Second Right, which is analogous to the Second Amendment to the U.S. Constitution. Commenters also said there should be a broader range of protected rights. There were a variety of specific suggestions, which included the right to vote, the right to privacy, equal protection, the right to education, and protections for LGBTQ people and the environment. One suggestion was the inclusion of a construction clause that tells the courts that the state Bill of Rights may be interpreted differently. During deliberations, Senator Strauss moved to reject changes to the 6th and 7th Rights as noted in the mark, but he withdrew the motion after discussion by the Commission. Senator Brown moved to include a right to education, a right to vote, and LGBTQ protections. Mayor Bowser noted that, though she supports these protections, including particular rights in the constitution could be read to eliminate unenumerated rights. Chairman Mendelson said that a Bill of Rights should be a restriction on the power of government rather than be aspirational for what the government should do. The Commission voted against further changing the Bill of Rights, with only Senator Brown voting in favor.

Legislature: Some commenters disagreed with the size of the legislature. There were varying proposals about the appropriate size, but many felt that the current structure of eight Ward members and five At Large members was too small for a proper state legislature. Many drew comparisons to the legislatures of similarly-populated states. Others suggested that the legislature should be bicameral, with varying suggestions for exactly how that should be designed. At deliberations, Senator Brown said that the legislature is too small, particularly as compared to states of similar population, and moved to change the legislature to 25 members. Senator Strauss noted that the compact size of the state means that comparisons to other states are not necessarily helpful. Mayor Bowser moved to propose a 21 member House of Delegates, comprising one at large seat for Speaker of the House, four at large members, and 16 members from legislative districts, two from each. Chairman Mendelson stated that more legislators do not necessarily make a system more democratic and that the current Council is progressive. He also said that a small legislature makes a more effective check on the other branches of government. He further disputed the contention that a large legislature is less likely to be corruptible. Representative Garcia voiced his support for Mayor Bowser's proposal. Senator Strauss said that the important issue is to remove Congressional oversight. Mayor Bowser said that the goal is not to consider those currently in power but rather the legislature of the new state. The Commission voted to amend the constitution per Mayor Bowser's motion, with Chairman Mendelson voting against.

Amendments: Residents said that citizens should be able to amend the constitution. Suggestions for this included allowing a citizen’s initiative process that would permit citizens to propose an amendment for voter ratification or having a Constitutional Convention with elected delegates within three to five years after achieving statehood. The Commission discussed the amendment process, and Chairman Mendelson noted that it is easy to suggest amendments to the legislature. He also noted that a requirement to have a constitutional convention would be destabilizing. Senator Brown said that the constitution should include a convention provision because of the views of the public. Mayor Bowser proposed that there be language added to allow the House of Delegates to call for a constitutional convention on the fifth anniversary of statehood to review transitional issues. She said that the pressure of that date would put the burden on the House of Delegates to explain why there should not be a convention, if they so choose. The Commission voted unanimously to include the provision proposed by the Mayor. Mayor Bowser clarified that any proposals from a constitutional convention would require ratification by the voters.

B. General Comments

The Commission received 150 general comments, as reflected on the attached log. Although not all comments were actionable, the Commission acted upon many. Some thanked the Commission for their work to achieve statehood. Others offered suggestions about how to engage residents and build support for the process moving forward or detailed the problems inherent in Washington, DC’s lack of statehood. There were also suggestions on issues the Commission believes are best decided by legislation. These included issues relating to independent agencies, the voting age, charter schools, and names of governmental divisions.

Comments also questioned the need for a new constitution and the process. Residents noted that 1982 Constitution was ratified by voters and that the 1987 Constitution was passed by the Council, so the Congressional Admission Act could use either of these versions. Concerns were raised about the short timeline adopted by the Commission. Some also expressed frustration that, though residents were able to give public testimony at different events, they were not able to directly vote on amendments to the draft or elect citizen delegates who would draft a constitution.

The Commission accepts Comment 12, that gender pronouns should be removed so that the constitution will be inclusive of all gender identities. The constitution has been amended to remove these references throughout. The Commission also accepts Comment 45, that references to the Home Rule Act should be removed, except where necessary to effect the transfer of functions and offices.

C. Preamble

The Commission received one comment on the Preamble that said the Preamble should refer to a “representative” form of government rather than a “republican” form of government. The Commission has chosen to keep the current language, as Article IV,

Section 4 of the U.S. Constitution says that the “United States shall guarantee to every State in this Union a Republican Form of Government...”

D. Bill of Rights

The Commission received 32 comments on the Bill of Rights. Many focused on the broad changes as noted in the Most Frequent Comments. The Commission accepts three changes to the existing Bill of Rights. The Commission accepts Comment 155, that the right to a jury trial should be limited to felonies in the 6th Right, and has amended the language to reflect this. The Commission accepts Comment 156, that the value in controversy for a right to a civil trial should be higher than \$20 in the 7th Right, and has amended the amount to reflect an amount within the jurisdiction of the Superior Court. The Commission accepts Comment 158 and has stricken the phrase “within its jurisdiction” from the 10th Right. The Commission accepts Comment 168, to include a construction clause that tells the courts that the state Bill of Rights may be interpreted differently than the federal Bill of Rights.

E. Article I – The Legislative Branch

The Commission received 122 comments on Article I. Many focused on the composition of the legislature noted in the Most Frequent Comments. Many suggested alternative election systems, instant runoff voting, proportional representation, and top-two primaries. Some suggested eliminating partisan elections and imposing term limits and longer residency requirements. Commenters took issue with vacancy provisions. Suggestions for changes included the elimination of party choice for At Large members and the elimination of special elections. Residents also said that a ban on outside employment should apply to all Delegates. Many opposed a budget line-item veto for the Governor.

Some commenters wanted to change the Auditor provisions. Many also suggested changes to the Advisory Neighborhood Commission (ANC) provisions, ranging from broader and more defined powers to removal from the constitution in favor of legislation.

The Commission accepts Comments 184 and 198, that the election cycle should be established. The Commission accepts Comment 222, that the phrase “partisan basis” is unclear. The Commission added language to Article VII, Section 2 clarifying that “partisan” only governs when the name of a political party may appear next to the name of a candidate and that the House of Delegates may establish any primary or runoff system it finds appropriate. The Commission accepts Comment 235, that the vacancy provisions for the Governor and Attorney General should align, but disagrees that all elected officials should have the same procedures. The Commission accepts Comment 238, that the legislature should fill a vacancy of the Speaker of the House. The Commission accepts Comments 284 and 287, that current electoral boundaries should continue. The Commission accepts Comments 227, 229, 241, 268, 273, and 302 for technical edits.

F. Article II – The Executive Branch

The Commission received 80 comments on Article II. Some concerns were similar to those in Article I, particularly about partisan elections, term limits, and residency requirements. Some suggested that a Lieutenant Governor position be created. Others questioned the Governor's power to reorganize the Executive, and some suggested an independent planning agency.

The Commission accepts Comment 308, that the election schedule should be established. The Commission accepts part of Comment 322, that the Attorney General's salary should not be lowered by the House of Delegates. The Commission accepts Comment 327, that the Governor should have enumerated power over the National Guard. The Commission accepts Comment 331, that the Governor should not be able to delegate the power to pardon. The Commission accepts Comment 333, that the Governor should be permitted to decide whether to appoint an Administrator and a Chief Operating Officer. The Commission accepts Comments 340 and 353, giving the Attorney General personnel powers over that Office. The Commission accepts Comment 348, enumerating the Attorney General's powers, consistent with existing law at the time of admission. The Commission accepts Comments 378 and 379, changing the language regarding the State Board of Education. The Commission accepts Comment 382, that the elections agency should be established in the constitution. The Commission accepts Comment 323, 326, 342, 345, 351, 363, 365, 374, and 376 for technical edits.

G. Article III – The Judicial Branch

The Commission received 25 comments on Article III. Comments suggested changes to reappointment policies, including term or age limits or a retention vote. Some suggested the residency requirement should be longer, and others suggested the powers of the courts are too detailed.

The Commission accepts Comments 386 and 409, that the language in Article III should allow for new intermediate courts. The Commission accepts Comment 389, that the House of Delegates should not be allowed to reduce judicial salaries. The Commission accepts Comment 394, that the power to confirm judges should be by Resolution. The Commission accepts Comment 395, that the Judicial Nomination Commission should be created. The Commission accepts Comment 403, that the Commission on Judicial Disabilities and Tenure should be created. The Commission accepts Comment 407, that the word "disability" should be replaced by "incapacity."

Consistent with the current process, the selection process in Article III does not include magistrate judges and other judges performing similar functions.

H. Article IV – Budget and Financial Management

The Commission received 22 comments on Article IV. A few commenters suggested that independent agencies be permitted to propose their own budgets to the House rather than

through the Governor. Another suggested that budgetary reprogrammings not be allowed. Consistent with the guiding principle of stability, no change was made. A few individuals questioned requiring a balanced budget and emergency and contingency funds. These exist in current law and were retained to promote stability, ensure responsible governance, encourage market stability and strengthen the new state's financial health.

The Commission accepts Comment 427, that the House of Delegates should have the power of "review and approval" over contracts to permit retroactive approval, rather than review prior to the contract taking effect. There were comments suggesting the elimination of this power and some suggesting the expansion of it that were not accepted.

I. Article V – Borrowing

The Commission received 17 comments on Article V. The Commission accepts Comments 434-435, 437-441, 443-447, and 449. Most were suggested edits from the Office of the Chief Financial Officer and Office of the Attorney General that expanded the language from the previous draft and ensure that the constitution accords with common practice and current law. Many of the comments expanded or specified definitions, including of the terms "capital projects" and "public purpose" and how the 17% debt limit should be set.

J. Article VI – Initiative; Referendum; Recall

The Commission received 22 comments on Article VI. Some dealt with proposals to give citizens a way to amend the constitution, as noted in the Most Frequent Comments. Comments recommended that the language of the initiative and referendum process should be expanded to allow for the appropriation of funds or the cancellation of appropriations. Others suggested changes to the signature requirements and a change to the recall provisions.

The Commission accepts Comments 454-456, that initiative and referenda should not be used to authorize discrimination. The language is amended to prevent this. The Commission accepts Comment 465, that initiatives and referenda should not be on primary ballots, and Comment 469, that recalls should not be used for the State Board of Education and ANCs.

K. Article VII – Miscellaneous

The Commission received 13 comments on Article VII. Some of the comments focused on the amending procedure noted in the Most Frequent Comments. The Commission accepts Comments 480 and 484. Comment 480 reflects concerns that requiring a majority vote of the House of Delegates to send a constitutional amendment to the voters for ratification was too low a threshold. The Commission has amended Section 3 to require a two-thirds vote of the House. Comment 484 questioned whether the effective

date is realistic. The Commission has amended the effective date to reference the passage of an Admission Act rather than a vote of Congress.

L. Article VIII – Transfer of Offices

The Commission received 14 comments on Article VIII. Witnesses commented that there should be no transfer of power, and that all offices should be newly elected or judges appointed after achieving statehood, with varying suggested timelines.

The Commission accepts Comment 492, correcting a drafting error to transfer current ANCs to the new State. The Commission accepts Comment 494, that federal members of boards and commissions should be dealt with through legislation and not all immediately eliminated. The Commission accepts Comment 497, that the laws of Washington, DC should become the laws of New Columbia. The language has been amended to reflect these changes.

V. Boundaries

On the first day of the Constitutional Convention, Monday, June 13, 2016, the Commission received testimony on the proposed boundaries from Eric Shaw, the Director of the District of Columbia Office of Planning. The Office of Planning worked closely with the Commission to delineate the boundaries of the federal seat of government and of the State of New Columbia.

Guiding Principles

The Office of Planning delineated the boundaries based on the following principles:

- (1) All residences within New Columbia will exist outside of the federal seat of government. The only residence located within the federal seat of government will be the White House;
- (2) The seat of operations for federal cabinet, congressional, and judicial offices, along with prominent federal monuments and memorials, will be located within the federal seat of government with one exception; and
- (3) The boundaries of New Columbia and the federal seat of government would be based on boundaries defined in established planning precedents.

The borders of the District of Columbia are delineated by boundary stones laid in 1791 and 1792. These stones are spaced every mile and define a 10-mile by 10-mile square. Included in Attachment D is a spreadsheet detailing the GPS coordinates of each of the stones. In 1846 the land located west of the Potomac was retroceded to the Commonwealth of Virginia. Today, the borders of the District of Columbia are Eastern Avenue, Western Avenue, Southern Avenue and the western bank of the Potomac River that lies within the original 10-mile by 10-mile square. Twenty-six of the 40 boundary stones are part of the current boundaries of the District of Columbia.

The proposed boundaries for the State of New Columbia will be that of the current boundaries of the District of Columbia, *excluding* the federal seat of government.

We propose that the boundaries for the federal seat of government be based on the planning area identified as the “kite area” within The McMillan Plan of 1901-02 with some modifications to meet the principles detailed above. The McMillan Plan is recognized as the planning document that created what we know as monumental Washington. Included in Attachment D is further background on the McMillan Plan, including a description of the “kite area,” drafted by the State Historic Preservation Office.

Modifications to the kite area defined in The McMillan Plan of 1901-02, to delineate proposed boundaries of the federal seat of government are as follows:

- (1) The adjustment of the boundaries so that the John A. Wilson Building will be located within the State of New Columbia;
- (2) The inclusion of the Kennedy Center within the boundaries of the federal seat of government. The Kennedy Center is a prominent memorial erected in honor of President John F. Kennedy;
- (3) The adjustment of the southwest boundary to follow the alignment of Interstate 395; and
- (4) The exclusion of an area identified in the National Capital Planning Commission SW EcoDistrict Plan, published in January 2013. This area is bounded by Independence Avenue to the north, Maine Avenue to the south, 12th Street to the west, and 4th Street to the east.

The 15-block EcoDistrict area includes eight federal buildings, eight private buildings, and three federal parks. The federal government has recently initiated efforts to redevelop the properties within this planning area for non-governmental and residential uses.

Included in Attachment D are a written description of the boundaries of the federal seat of government and two maps showing the boundaries.

VI. Attachments

- A. May 6 Draft of Constitution
- B. Comment Log
- C. June 28 Draft Constitution
- D. Office of Planning Documents and Maps
- E. Town Hall Flyer
- F. Convention Flyer
- G. Advisory Referendum Resolution

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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

DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

- 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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

- 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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

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:

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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;

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

(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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

DISCUSSION DRAFT

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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

(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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

(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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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,

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

- 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.

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA DISCUSSION DRAFT

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.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
General				
1	General	The State name should be changed.	NCSC Decision	The Commission voted to keep the name New Columbia because of its association with the Statehood movement.
2	General	The State name should be kept, because the bill in Congress uses this name.	NCSC Decision	The Commission voted to keep the name New Columbia because of its association with the Statehood movement.
3	General	There is not enough time to deliberate this, as the timeline is short.	No Action	While the Commission approved an aggressive timeline, modern technology allows us to consider input from all District residents and take advantage of the upcoming national election.
4	General	The 1982 or 1987 constitutions already exist.	No Action	The Commission has drafted a new constitution so that it is contemporaneous with both realities of our current government, including an elected Attorney General, and a new petition to Congress.
5	General	There are too many colonial provisions and too many provisions of the Home Rule Act.	No Action	The Commission drafted the constitution using the guiding principles to attempt to balance maintaining consistency with designing the government of the new state. Certain provisions imposed on Washington, DC by Congress, such as the reserved seats for minority party Councilmembers, have been removed.
6	General	What sort of resources are available to make public aware?	No Action	Working groups are working on this issue right now and will continue to work on this issue.
7	General	If we want democracy, we have to give democracy.	No Action	The Commission agrees that democracy is important.
8	General	How will the State take over the National Guard?	No Action	This issue is currently governed by local law and would continue to be so.
9	General	Thanks for giving us something to work for.	No Action	Thank you for your involvement and dedication. The Commission knows how important statehood is and that the support and input of citizens will help us achieve it.
10	General	Regarding partisan elections throughout, does a candidate need to win a party primary to get on the ballot?	No Action	The primary system would be governed by legislation. The House of Delegates has the power to determine these requirements.
11	General	US Citizenship should be required for all positions specified in the 1987 constitution, including the House of Delegates, Governor, CFO, Public Service Commissioners, and Zoning Commissioner.	No Action	If a person is a registered voter, they are a citizen. Decisions about whether to limit these positions to citizenship are best left to the people by vote or legislation from the House of Delegates.
12	General	Replace gendered pronouns throughout the document.	NCSC Mark	The Commission agrees with this comment. Language is amended to removed the pronouns.
13	General	Will the ballot in November be one question or four?	No Action	The Commission will propose language that will be one question. The Board of Elections will have the final decision on exact language that will appear on the ballot.
14	General	This is not a legitimate constitutional convention to design the constitution.	No Action	The Commission approved a public engagement process that allows for input from any and every interested resident. All Commissioners are District-wide elected officials accountable to the voters.
15	General	Publicize the rules of how the days of the constitutional convention will operate.	No Action	The Commission released the public engagement process regarding public testimony with the draft constitution. The details of each convention day were publicized when the program was finalized.
16	General	A second draft of the constitution should be released.	No Action	After voting on these recommended changes, the Commission will release the updated document.
17	General	This constitution will go down in history.	No Action	The Commission agrees. We are working to become the next state, which will be historic.
18	General	We should work collaboratively on community outreach.	No Action	Working groups, specifically the All 8 Wards and Communications Working Groups, are working on this now.
19	General	We have met the three requirements for statehood by having sufficient land, population, and revenue.	No Action	The Commission agrees. Washington, DC deserves the rights of statehood.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
20	General	Will the power come from the people?	No Action	Yes! It is a fundamental American ideal and inherent in the draft constitution that the power derives from the people.
21	General	We should have a republican form of government.	No Action	The draft constitution designs a republican form of government by creating an elected House of Delegates and Governor, as is required for admission by the US Constitution.
22	General	We should establish the borders and have the land from Virginia returned.	No Action	The Commission released proposed boundaries at the first night of the Constitutional Convention. Arlington and Alexandria retroceded to Virginia in 1846 and so are part of the Commonwealth of Virginia.
23	General	The Attorney General should have been made the head of the Legal Advisory Committee.	No Action	Staff from the Attorney General's office was a part of the Legal Advisory Committee.
24	General	The constitution should include a human rights charter.	No Action	Washington, DC currently has a robust human rights charter, which exists in law, that would continue to have effect.
25	General	We should call Wards counties.	No Action	Designations for names can be decided by legislation.
26	General	Pay caps should not be in a constitution, as it limits flexibility.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
27	General	We should not let this opportunity pass us by, even if people have problems with the process or individual aspects of the constitution.	No Action	The Commission agrees. Though it is impossible to design a constitution that will be perfect to every resident, statehood is incredibly important for Washington, DC. The Commission has considered all competing interests during this process.
28	General	Elections should be publically financed.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
29	General	There should be provisions for independent agencies.	No Action	Independent agencies are best created by legislation to allow for flexibility and allow democracy to determine which agencies should be independent.
30	General	We could just write a new constitution after the elections.	No Action	In order to present a complete petition for statehood to the incoming President and Congress at the start of the new year, the constitution needs to be on the November ballot.
31	General	DC is a federal territory and vassal to the US Congress. The DC government is hoarding federal funds that it is using to fund their fraudulent and seceding acts against the United States and US Congress.	No Action	The Commission's goal is to join the United States, not secede from it. While the entirety of Washington, DC is currently a federal territory, Statehood allows the federal tax-paying residents to finally have the right to Congressional representation and local autonomy enjoyed by the rest of the country.
32	General	How will Kendall School and Model Secondary School for the deaf be funded?	No Action	They will be funded in the same way they are now, by current law.
33	General	It would be helpful to explain the rationale behind the decisions made.	No Action	The Commission drafted the constitution based on the principles that we adopted and released.
34	General	A general ethics provision should be added.	No Action	This is best decided by legislation.
35	General	Planning for statehood should be handled by an elected Commission with 7 Commissioners who serve 4 year terms.	No Action	Every member of the New Columbia Statehood Commission, the Mayor, the Council Chairman, and the three members of the Shadow Congressional delegation, are all District-wide elected officials. The Commission's makeup allows for stability, in accordance with the first guiding principle.
36	General	The Statehood movement has excluded Republican voices, which should be included.	No Action	The Commission agrees that DC Republicans are crucial to the movement, particularly to help win support from Republican members of Congress. The DC GOP has been involved with our Working Groups, and we hope that Republicans both here and across the country will support our right to Congressional representation, self-governance, and local autonomy.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
37	General	You should contact the drafters of Mexico City's constitution.	No Action	The Commission believes it is important to focus most on the needs and input of residents of Washington, DC.
38	General	Rights of the minority should not be able to be overturned by the majority.	No Action	The Commissions agrees. The protected classes that exist in law would continue to be protected.
39	General	There should be no private prisons or halfway houses and a prohibition on private profit from prisoners.	No Action	This is best decided by legislation.
40	General	A state bank should be created to control resources.	No Action	This is best decided by legislation.
41	General	Establish the voting age.	No Action	This is best decided by legislation.
42	General	The Constitution is too long.	No Action	The Commission drafted the constitution to balance the need for stability and an established structure for good government in the first and third principles with the goal of simplifying the constitution in the second principle.
43	General	DC residents should have the same constitutional right to representation as other US citizens.	No Action	The Commission agrees. That is why we and our staff have worked so hard to develop a constitution and statehood petition to submit to the President and Congress next year.
44	General	The constitution in general is too specific and should leave more details to legislation, regulation, and operational policy.	No Action	The Commission drafted the constitution to balance the fourth principle's goal of empowering the legislature and executive to govern with the need for an established structure for good government in the third principle and the goal of simplifying the constitution in the second principle.
45	General	There should be no references to the Home Rule Act in the Constitution.	NCSC Mark	The Commission agrees with this comment. Language has been drafted to remove references where practicable.
46	General	The constitution should affirm the government's authority and obligation to protect the environment and citizen's health and wellbeing.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
47	General	I agree with the approach of a clear and simple constitution that may provide us the rights we need without jeopardizing our approach.	No Action	The Commission agrees and has worked to draft a constitution that balances these important interests.
48	General	"First past the post" voting should be eliminated in favor of alternate vote systems.	No Action	This is best decided by legislation.
49	General	We should reach out to young people.	No Action	The All 8 Wards and Communications Working Group both have plans to focus on youth outreach.
50	General	The Washington Post should take this on to educate people.	No Action	There has been press coverage throughout the process, but we welcome all efforts to educate Americans about the fight for statehood.
51	General	Comments should be posted online.	No Action	The Commission has posted summary comments online so that everyone can see what issues are receiving input.
52	General	We should pay and fund the statehood delegation.	No Action	This is best decided by legislation.
53	General	This is a civil rights issue, and people should know that.	No Action	The Commission agrees. Our working groups are currently strategizing how to get the message out.
54	General	We need new people in the statehood fight.	No Action	The Commission agrees. Our working groups are currently strategizing how to get the message out.
55	General	We should establish protections from special interests so they do not overwhelm this process as they did with the 1982 Constitution.	No Action	The plan adopted by the Commission allows for input from every resident.
56	General	As a delegate to the 1982 Constitutional Convention, it was a highly undemocratic process.	No Action	The Commission did not exist in 1982, but we adopted a plan so that every resident could give input and feedback on the constitution.
57	General	Even if we do not have a perfect state, we deserve the rights it brings.	No Action	The Commission agrees. That is why we are fighting for statehood.
58	General	Lack of statehood is big government interference.	No Action	The Commission agrees. That is why we are fighting for local autonomy.
59	General	We should rename office of District government now to call the Mayor Governor and the Chairman Speaker.	No Action	The Commission is focused on creating the positions of Governor and Speaker, but we welcome any ideas that will help us achieve that goal.
60	General	There should be more detail so that each Ward feels included.	No Action	The All 8 Wards Working Group has a plan to reach out to every Ward to make them aware and get them involved.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
61	General	We cannot sacrifice local government for statehood.	No Action	The Commission wants to achieve statehood so that we may have the right to true self-governance and local autonomy.
62	General	Fairness is important, particularly in education.	No Action	The Commission agrees.
63	General	"Taxation without representation" should be the official song of statehood.	No Action	The Commission welcomes the support of the song, and we are glad we were able to hear the song at the Constitutional Convention.
64	General	We should put 3/5 of our taxes in an escrow account until we have representation.	No Action	The Commission welcomes new ideas to help us achieve statehood, but we also must ensure that we comply with federal law.
65	General	We should get veterans and churches involved.	No Action	The All 8 Wards Working Group is designed to get residents involved.
66	General	The Statehood delegation should be made employees of DC government so that other employees can donate their leave to them.	No Action	This is best decided by legislation.
67	General	We shouldn't limit our ability to grow when creating the boundaries.	No Action	The boundaries adopted by the Commission are necessarily limited by the boundaries of Maryland, Virginia, and the new federal seat of government.
68	General	There should be a right to open data and information, particularly with regard to contracting.	No Action	This is best decided by legislation.
69	General	Congress treats DC as a colony.	No Action	The Commission agrees. That is why we are working hard for statehood.
70	General	Disenfranchisement of DC residents violates the International Covenant on Civil and Political Rights, to which the US is a signatory.	No Action	The Commission agrees. We are fighting to change this.
71	General	We need representatives in Congress to support the Convention on Rights of Persons with Disabilities.	No Action	The Commission agrees. We need federal voting representation to fight for the rights of our residents.
72	General	People need to realize that Washington, DC is more than just the Congress and White House.	No Action	The Commission agrees. Washington, DC is home to nearly 700,000 people who want the rights enjoyed by other everyday Americans.
73	General	We need a huge positive vote for statehood.	No Action	The Commission agrees. We need your help and support to get it.
74	General	It is important for people to contact their friends and families with representation to support statehood.	No Action	The Commission agrees. We need your help and support to do that.
75	General	We should not say that we'll make changes later.	No Action	The Commission's main priority is statehood for Washington, DC. If we find that something does not work in our state government, we can and should be able to change it.
76	General	It is important to draft the constitution quickly and precisely.	No Action	The Commission agrees.
77	General	Our rights, including LGBT rights, should not be subject to the whims of Congress.	No Action	The Commission agrees. That is why we are working hard for statehood.
78	General	Our tax dollars should be spent by our locally elected leaders.	No Action	The Commission agrees. That is why we are working hard for statehood.
79	General	People in other states should not have more of a say over DC and DC taxes than we do.	No Action	The Commission agrees. That is why we are working hard for statehood.
80	General	The Boundaries are well-drawn. It demonstrates that Washington, DC is more than Congress and the White House.	No Action	The Commission thanks the Office of Planning for their help and support.
81	General	Taking away voting rights is silencing society.	No Action	The Commission agrees. That is why we are working hard for statehood.
82	General	It is important to build on the previous foundation of statehood efforts.	No Action	The Commission agrees. That is why we looked to the previous constitutions for guidance and have reached out to statehood activists, both long-time and new, for support in achieving our goals.
83	General	The constitution is a competent statement of best practices of the 50 states.	No Action	The Commission looked at practices across the country in drafting the constitution.
84	General	The boundaries should include Trump Hotel.	No Action	The Office of Planning drew the boundaries to remove all residences and maintain the federal seat of government.
85	General	We need to tell the world we oppose bigotry and racism.	No Action	Washington, DC is and will continue to be a city that opposes bigotry and racism, as our laws demonstrate.
86	General	We need national attention around this issue.	No Action	Working groups are working on this issue right now and will continue to work on this issue.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
87	General	This process is undemocratic, and we should just use the 1982 Constitution.	No Action	The plan adopted by the Commission allows for input from every resident.
88	General	With this process, every citizen can provide input.	No Action	The Commission adopted the plan to achieve this goal.
89	General	Washington, DC is the best city in America.	No Action	The Commission agrees - soon, we will be the best State!
90	General	Kids support DC Statehood, too.	No Action	The Commission is grateful for the support of all residents, regardless of age.
91	General	Lawyers, academics, and politicians should not write the constitution.	No Action	The plan adopted by the Commission allows for input from every resident. The Legal Advisory Committee, which consisted of lawyers from private, public interest, and government practice, guided the Commission with their legal and constitutional knowledge and expertise.
92	General	There should be a different system for commenting and discussion, like a wiki page.	No Action	The Commission used the online resources immediately available to us.
93	General	There should be a right to open budgeting.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
94	General	We should discuss abolishing the state income tax and fair taxation.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
95	General	While a radical constitution may be ideal, statehood should be the main goal.	No Action	The Commission's main priority is statehood for Washington, DC, but we have also prioritized the values of the residents.
96	General	Emancipation Day should focus on statehood in the future.	No Action	The Commission is working so that we will celebrate statehood at the next Emancipation Day.
97	General	Even with a conservative constitution, we will still be a progressive city.	No Action	The Commission agrees. Our values will continue in law and our spirit.
98	General	We should engage universities and recruit more millenials.	No Action	Working groups are working on this issue right now and will continue to work on this issue.
99	General	Millenials are watching the process and providing input.	No Action	The Commission is grateful for the support of all residents, regardless of age.
100	General	We should have municipalities instead of Wards.	No Action	Designations for names can be decided by legislation.
101	General	We should not create a constitution and push for statehood at the same time.	No Action	The Commission is following the Tennessee plan for statehood because we believe that residents deserve the rights enjoyed by all other tax-paying American citizens.
102	General	It is important to have a constitution we all want.	No Action	The Commission agrees. Though it is impossible to design a constitution that will be perfect to every resident, statehood is incredibly important for Washington, DC. The Commission has prioritized our values during this process.
103	General	We should give contracting preference to contractors that donate to statehood efforts.	No Action	This is best decided by legislation.
104	General	We should ask all groups, from sports teams to embassy delegations, to support statehood.	No Action	Working groups are working to gain broad support right now and will continue to work on this issue.
105	General	Statehood is a libertarian cause and should have support from that community.	No Action	The Commission agrees and welcomes the support of every resident and American, regardless of political affiliation.
106	General	Voters should be registered automatically when applying for a license or identification card.	No Action	This is best decided by legislation.
107	General	Undocumented immigrants should not be eligible to vote.	No Action	This is best decided by legislation.
108	General	Registered voters who don't vote should be fined based on their income.	No Action	This is best decided by legislation.
109	General	State-owned property should not be sold without a referendum.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
110	General	State funds should not fund religious or private schools.	No Action	This is best decided by legislation.
111	General	Residents who must be out at night for their job should be allowed a permit to carry a gun.	No Action	This is best decided by legislation.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
112	General	It is absurd that DC must wait on Congress to spend its own money, and it costs us money.	No Action	The Commission agrees. That is why we are working hard for statehood.
113	General	The draft is overly concerned with an easy transition from Home Rule to statehood.	No Action	The Commission believes that a smooth transition from federal district to state is important for the well-being of our residents and our financial health.
114	General	The most important thing when advocating on Capitol Hill for statehood is showing support, so the referendum should only ask that question.	No Action	The Commission is following the Tennessee plan for statehood because we believe that residents deserve the rights enjoyed by all other tax-paying American citizens.
115	General	The constitution should not include changes made to District government in recent years and should not simplify previous constitutions.	No Action	The Commission has drafted a new constitution so that it is contemporaneous with both realities of our current government, including an elected Attorney General, and a new petition to Congress so that it will have the best chance of achieving our goal effectively.
116	General	We should oppose the imposition of charter schools, the SOAR Act, and mayoral control of education.	No Action	This is best decided by legislation.
117	General	We should delay this process until their can be a lengthier process to draft the constitution.	No Action	The Commission is following the Tennessee plan for statehood because we believe that residents deserve the rights enjoyed by all other tax-paying American citizens.
118	General	The chances of statehood are zero, because it will add two more senators. One hundred is a beautiful number.	No Action	There have been 100 Senators for less than 60 years, and that number can and should change. The Commission believes that the disenfranchisement of the nearly 700,000 residents of Washington, DC is a violation of our fundamental civil rights as tax-paying American citizens and that this is more important than the current number of Senators.
119	General	DC should just become part of Maryland.	No Action	Washington, DC has not been a part of Maryland for more than 200 years. We have our own identity and have earned the right to be our own state.
120	General	Commenting should not have been limited to uploading files and should have been smart-phone friendly.	No Action	The Commission approved a public engagement process that allowed residents a variety of ways to provide input and that we could utilize from the start of the process.
121	General	We should have a vote that calls on Congress to pass a constitutional amendment that repeals the 23rd amendment.	No Action	Upon becoming a state, the 23rd Amendment would apply to the federal seat of government.
122	General	We should be able to choose the new state name democratically.	NCSC Decision	The Commission voted to keep the name New Columbia because of its association with the Statehood movement.
123	General	Wards 7 and 8 will be treated worse under statehood. There should be more benefits and services, like road repair and traffic reduction, affordable housing, emergency room access, economic development, and better government treatment. Explain how Statehood will benefit Wards 7 and 8.	No Action	Statehood will allow us to have full local control of our budget and revenues, so that we will no longer have to have our laws and appropriations approved by Congress. This will give the state government more flexibility to respond to the needs of residents.
124	General	Marijuana legalization sends the wrong message and is profiting companies. It should end.	No Action	This is best decided by legislation.
125	General	There is too much of a focus on online outreach.	No Action	The working groups have used online and hard-copy resources to reach out to residents. Working groups will continue to work on this going forward.
126	General	Public safety should be an explicitly stated goal of the government.	No Action	This is best decided by legislation.
127	General	There should be a constitutional primer to educate people about provisions of other state constitutions.	No Action	Working groups are working to educate the public about the statehood effort.
128	General	The constitution should be specific about police powers.	No Action	Police powers are an inherent state power.
129	General	We should adopt a basic constitution to maximize the chance for passage.	No Action	The Commission agrees and has worked to draft a constitution that will be passed by Congress.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
130	General	This is a terrific effort that is building on the efforts from the 80s.	No Action	The Commission looked to the previous constitutions for guidance in drafting our new constitution.
131	General	Congress should be more concerned with their own districts and not the affairs of Washington, DC.	No Action	The Commission agrees.
132	General	Students should be involved in this process.	No Action	The All 8 Wards working group consists of current students and focuses on outreach.
133	General	As a Republican, we should support equality and not delineate based on geographic location.	No Action	The DC GOP has been involved with our Working Groups, and the we hope that Republicans both here and across the country will support our right to Congressional representation, self-governance, and local autonomy.
134	General	The lawyers seem to be doing an excellent job.	No Action	The Commission appreciates the work and support of the Legal Advisory Committee.
135	General	We should broaden the base of public participation to include all DC residents.	No Action	The Commission agrees. Our working groups are currently strategizing how to get the message out.
136	General	We need to talk to our relatives and friends with representation.	No Action	The Commission agrees. We need your help and support to do it.
137	General	We need to let Congress know we're ready for statehood.	No Action	The Commission agrees. That is why we are using the Tennessee plan.
138	General	We must get this on the new President's desk for a signature in January.	No Action	The Commission agrees. That is why we are working to get this on the November ballot.
139	General	We're the only jurisdiction with that pays federal and local tax but has no local control or input.	No Action	The Commission agrees. That is why we are working hard for statehood.
140	General	We should have given notice to other cities, states, and governments.	No Action	The Commission has focused on the input of Washington, DC residents to draft the constitution. Working groups will work to get support across the country.
141	General	All Wards should have been involved in the process.	No Action	The Commission held meetings across Washington, DC. Throughout the process, we have had residents from all Wards attend events and give feedback.
142	General	There should be a 'no' vote in November until the process is different.	No Action	The Commission hopes that residents will vote for statehood in November.
143	General	Statehood will give people a sense of agency.	No Action	The Commission agrees. That is why we are working hard for statehood.
144	General	We need to pay attention to the future steps in the process.	No Action	The Commission agrees. There is more work to be done after the constitution is drafted.
145	General	We need representation for veterans.	No Action	The Commission agrees. That is why we are working hard for statehood.
146	General	We need a financial analysis of budgetary demands and costs of statehood, including potential expansions of the legislature.	No Action	The exact cost is uncertain, but the Commission believes that finally achieving statehood, Congressional representation, and the right to local control of our laws and budget are well worth the costs.
147	General	There should be an office like the Congressional Budget Office to have an expanded role in budget development and spending oversight.	No Action	This is best decided by legislation.
148	General	DC should have a member of the House but not two Senators.	No Action	The Commission believes that residents deserve full Congressional representation and statehood, including 2 Senators, as enjoyed by our fellow Americans.
149	General	We should amend the Home Rule Charter to provide for 25 members of the Council.	No Action	The Commission is focused on achieving statehood.
150	General	The November referendum should ask whether DC residents should be exempted from federal income tax until statehood.	No Action	The Commission welcomes new ideas to help us achieve statehood, but we also must ensure that we comply with federal law.
Preamble				
151	All	The Preamble should refer to a "representative form of government" instead of a "republican form of government."	No Action	The language corresponds to the requirements of the US Constitution.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
Bill of Rights				
152	2nd	We shouldn't include the Second Amendment in our constitution.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
153	2nd	The phrase "well-regulated militia" should eliminate ambiguities that might threaten reasonable gun laws.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Language has been added to Article VII, Sec. 2 to direct the Courts that they may interpret provisions of the Constitution differently than federal law.
154	3rd	We shouldn't include the Third Amendment in our constitution.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
155	6th	This provision should be limited to felonies.	NCSC Mark	The Commission agrees with this comment. The language is amended and the phrase "where the potential sentence exceeds 180 days" is added to specify the right to a jury trial.
156	7th	The amount for a case in controversy is too low. This provision should be changed or set a value in controversy higher than \$20 so that a small claims court could continue to exist.	NCSC Mark	The Commission agrees with this comment. "Exceed twenty dollars" is changed to say "fall within the jurisdiction of the Superior Court."
157	7th	The end of Section VII should refer to "New Columbia law" rather than the rules of the common law.	No Action	"Common law" refers to non-statutory law, while "New Columbia law" refers to laws passed by the legislature and codified.
158	10th	Strike "within its jurisdiction" from the text of the provision.	NCSC Mark	The Commission agrees with this comment. The language is struck.
159	All	We should develop a separate Bill of Rights.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
160	All	Include a right to privacy, similar to the California Constitution.	NCSC Decision	The Commission voted to keep the same Rights as drafted, which includes the right to privacy.
161	All	Include a right to education.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
162	All	Include the following rights: freedom of assembly and expression; freedom of religion and separation of church and state; freedom from discrimination; right to privacy.	NCSC Decision	The Commission voted to keep the same Rights as drafted, which includes many of these rights.
163	All	Expand equal protection and include that corporations aren't people.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
164	All	There should be a prohibition of all forms of torture and inhuman or degrading treatment.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
165	All	The right to vote should be enshrined, including provisions to prohibit voter ID laws and to permit formerly incarcerated people to vote and establishing eligibility.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
166	All	Should we have longer list of rights, similar to the 1982 constitution?	NCSC Decision	The Commission voted to keep the same Rights as drafted.
167	All	By incorporating the federal Bill of Rights, we will be beholden to federal interpretations of those provisions.	NCSC Decision	Under the principles of federalism, state courts can interpret state law differently than federal law. To ensure this protection, language has been added to Article VII, Sec. 2 to direct the Courts that they may interpret provisions of the Constitution differently than federal law.
168	All	We could have a provision saying our courts can interpret law differently than the federal bill of rights.	NCSC Decision	The Commission accepts this comment. Language has been added to Article VII, Sec. 2 to direct the Courts that they may interpret provisions of the Constitution differently than federal law.
169	All	Should we retain a bill of rights? What benefit will result?	NCSC Decision	The Commission voted to keep the same Rights as drafted. All State constitutions contain a Bill of Rights.
170	All	There should be protections against unreasonable searches and wiretapping and for abortion rights.	NCSC Decision	The Commission voted to keep the same Rights as drafted. This includes a protection against unreasonable searches. Any expansion of rights is best decided by legislation.
171	All	There should be a section on due process rights.	NCSC Decision	The Bill of Rights includes the right to due process.
172	All	There should be a right to drug use.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
173	All	We should have an Equal Rights Amendment and bar discrimination on sex, gender, LGBTQ status, and disability.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Laws that prevent discrimination will continue.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
174	All	The right to counsel should be guaranteed for criminal, civil, and administrative cases.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
175	All	The Bill of Rights should be integrated into the document, not included as a separate list.	NCSC Decision	The Commission voted to keep the same Rights as drafted.
176	All	Include enhanced criminal procedure protections and a right against extractive bail and unreasonable sentences.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
177	All	There should be gun regulations, including background checks and limits of high capacity magazines.	NCSC Decision	The Commission voted to keep the same Rights as drafted. This is best decided by legislation.
178	All	There should be a provision prohibiting discrimination on the basis of race, age, class, or sexual orientation.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Laws that prevent discrimination will continue.
179	All	There should be a right to life.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
180	All	We should not have a Bill of Rights.	NCSC Decision	The Commission voted to keep the same Rights as drafted. All State constitutions contain a Bill of Rights.
181	All	Returning citizens who served their time in prison should not be denied the right to vote.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
182	All	There should be a prohibition on the death penalty.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
183	All	We should reaffirm the 14th amendment.	NCSC Decision	The Commission voted to keep the same Rights as drafted. Any expansion of rights is best decided by legislation.
Article I				
184	All	We should include mandatory staggered terms for members of the House of Delegates.	NCSC Mark	The Commission agrees with this comment. Language is added to reference the Article VIII transfer provision.
185	All	The House of Delegates should be able to consent to confirm agency heads.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
186	All	We should not use the phrase "By Act" to clarify that actions by the House of Delegates require the Governor's signature or veto override.	No Action	The Commission does not agree with this comment.
187	All	We should clarify that the reservation of seats for the non-majority party has been removed.	No Action	This provision has been removed, as the Commission believes this requirement imposed by Congress is contrary to the principles of democracy.
188	All	Incorporate a legislative speech-and-debate clause into the constitution.	No Action	A legislative speech and debate clause is currently established in law.
189	All	The length of legislative session should be constitutionalized, between 90 and 120 days.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
190	All	Some legislative power should be reserved for the people in an initiative system.	No Action	The constitution provides for an initiative process that allows for laws proposed by citizens.
191	All	There should be an independent redistricting commission and ethics commission.	No Action	This is best decided by legislation.
192	All	There should be a minimum amount of expenditures by an officer or employee of the State that does not need approval by the House of Delegates.	No Action	The House of Delegates' ability to review contracts corresponds to current law.
193	All	There should be a code of conduct for Delegates.	No Action	This is best decided by legislation.
194	Sec. 1	The House of Delegates should be authorized to create local government units.	No Action	Nothing in the constitution prohibits the House of Delegates from creating local government units.
195	Sec. 1	The phrase "consistent with the Constitution of the United States" should be deleted, as it unnecessary. All laws must be consistent with the US Constitution.	No Action	The Commission does not agree with this comment. The statement is not incorrect and does not create a confusing standard.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
196	Sec. 2	The number of Delegates is too small. Suggestions on size vary.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
197	Sec. 2	Tie the number of delegates to the number of constituents represented.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
198	Sec. 2	Clarify whether Speaker is elected in Presidential election years and if they are staggered with Governor.	NCSC Mark	The Commission agrees with this comment. Language is added to reference the Article VIII transfer provision.
199	Sec. 2	Each delegate should represent 20-25,000 people, rather than establishing a number in the constitution.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
200	Sec. 2	There should be a mandate to always have an odd number of delegates	No Action	The Commission does not agree with this comment, as the provision would be amendable as the number of Delegates is amendable.
201	Sec. 2	There should be as many At Large members as there are districts.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
202	Sec. 2	Delegates should elect the speaker of the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
203	Sec. 2	The legislature should be bicameral.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
204	Sec. 2	More members in the legislature will cost more money.	No Action	The Commission will discuss the composition of the legislature at the public meeting.
205	Sec. 2	The Council and the ANCs should become two chambers.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
206	Sec. 2	The Legislature should be larger but not too large.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
207	Sec. 2	There should be 2 representatives per Ward.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
208	Sec. 2	At Large members should be elected using proportional or semi-proportional voting.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
209	Sec. 2	The House of Delegates should be small.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
210	Sec. 2	More Delegates does not necessarily mean more democracy. People in DC participate in government in myriad ways already, and the Wilson building is accessible within an hour for every resident.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
211	Sec. 2	Though other state legislatures are larger, many are in session for just part of the year, until April or June. Texas meets only every other year.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
212	Sec. 2	A unicameral legislature is more responsive and guards minority rights. A bicameral or larger legislature might make the legislature less responsive to citizen needs.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
213	Sec. 2	The entire House should be elected on proportional representation.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
214	Sec. 2	There should be a signature requirement to get on the ballot for Delegate.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
215	Sec. 2	After the 2020 census, the state should be divided into 10 legislative districts and new members can be elected thereafter.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
216	Sec. 2	There should be two chambers: an upper house based on proportional representation and a lower house based on geographical representation.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
217	Sec. 2	Representation does not have to be limited to geography.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
218	Sec. 2	Delegates should be elected by ranked choice/runoff voting in general or in primaries and the top two candidates in the general election.	No Action	This is best decided by legislation.
219	Sec. 2	There should be a requirement for open primaries.	No Action	This is best decided by legislation.
220	Sec. 2	Primaries should be abolished entirely in favor of instant runoff general elections.	No Action	This is best decided by legislation.
221	Sec. 2	All Delegates should be elected in one cycle and the Governor, Speaker, Attorney General and non-Delegate positions should be elected on the other.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
222	Sec. 2	References to "on a partisan basis" should not refer to the requirement of non-majority legislators.	No Action	The requirement for non-majority party legislators does not exist in this constitution. The phrase "on a partisan basis" only means that elections will include political parties. Language is added to clarify the meaning of partisan and nonpartisan.
223	Sec. 2	The minority-party reserved seats should not be eliminated.	No Action	The Commission does not agree with this comment. The Legal Advisory Committee is unaware of any jurisdiction in the country that has such a provision, and it is likely unconstitutional.
224	Sec. 2 & 4	It is not necessary to have various sections regarding the House of Delegate's powers, particularly regarding internal rules.	No Action	The Commission does not agree with this comment.
225	Sec. 2a	Councilmembers should be elected on a nonpartisan basis.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
226	Sec. 2a	There should be no at large delegates.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
227	Sec. 2a3	This section implies that each district will elect 8 representatives, for a total of 64.	NCSC Mark	The Commission agrees with this comment. The word "one" is added before "from each of the legislative districts."
228	Sec. 2b	There is no specification about when elections shall happen, but it does establish when new officials take office.	No Action	This is best decided by legislation.
229	Sec. 2d	The phrase "action that amounts to a gross failure to meet the highest standards of personal and professional conduct" may be too vague and should be clarified.	NCSC Mark	The Commission agrees with this comment. "Highest" is changed to "applicable."
230	Sec. 2d	A 5/6 majority for removal is too high, as it is functionally 11 of 12 members (as one will be the accused). The US Constitution only requires 2/3 vote.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
231	Sec. 2d	Removal by recall or felony conviction should be the only way to remove a Delegate.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
232	Sec. 2d	What does substantial mean?	No Action	This is best decided by legislation or internal rules of the House of Delegates.
233	Sec. 2e	There should be interim appointment or other provisions for vacancies in the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.

New Columbia Statehood Commission
Draft Constitution Comment Log

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234	Sec. 2e	There is too much detail, suitable for legislation, for vacancies in the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
235	Sec. 2e	Vacancy provisions for the Governor, Attorney General, at-large members, and district members should be the same.	NCSC Mark	The Commission partially agrees with this comment. Language for the Governor and Attorney General are aligned, but different Delegate offices require different vacancy fulfillment needs to ensure representation and promote stability.
236	Sec. 2e	Vacancies should be fixed with clear lines of succession and alternates rather than special elections and party committees.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
237	Sec. 2e	Vacancies should be fixed by a special election within 60 days rather than by the party committees.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
238	Sec. 2e	A vacancy for the Speaker should be filled by the legislature and not a party committee.	NCSC Mark	The Commission recommends this change. Language is added to direct the House of Delegates to select an at large member to serve as Speaker until a special election is held.
239	Sec. 2e	The Governor should temporarily appoint someone to a vacated at large seat until the next election.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
240	Sec. 2e	There should be no special elections because they are too costly.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
241	Sec. 2e1	The word "District" should not be capitalized in the first sentence.	NCSC Mark	The Commission agrees with this comment.
242	Sec. 2e2	References to a party's "central committee" is presumptive, and they should not pick successors.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability. The Commission replaces the word "central" with "state."
243	Sec. 2e2	Central committee should be defined.	No Action	The Commission does not agree with this comment. The parties decide their internal structure.
244	Sec. 3	We should use only domicile, not residence.	No Action	The Commission does not agree with this comment.
245	Sec. 3	Why are there exceptions for political convention delegates?	No Action	This is in line with current requirements.
246	Sec. 3	Is it okay to be in the military reserves but not to be called up for 30 days?	No Action	Yes; this is in line with current requirements.
247	Sec. 3	What happens regarding employment for a temporary speaker?	No Action	The qualifications for Speaker do not depend on whether the Speaker is temporary.
248	Sec. 3	The Delegates should have a term limit, with suggestions ranging from 2 to 10 terms.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
249	Sec. 3	Only citizens, and not any organization, should be allowed to donate to campaigns with a \$1,500 limit, and violators should be subject to a felony charge.	No Action	This is best decided by legislation.
250	Sec. 3	Delegates removed due to a felony conviction should not be eligible to run for any office again.	No Action	The Commission does not agree with this comment. The voters should decide whether to re-elect a candidate.
251	Sec. 3a	There should be a specified minimum age for Delegate, like 18.	No Action	Candidates must be a registered voter, which requires a minimum age.
252	Sec. 3a3	Delegates should have a longer residency requirement, with the lowest suggestion at 2 years.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
253	Sec. 3a3	The residency requirements may not be fair and may prevent some people from serving. Perhaps they could say "lived in the state for at least a year of accumulated time in the last 10 years or 5 years" to accommodate people whose job takes them out of state frequently.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
254	Sec. 3a3	Residency requirements should be before the primary or earlier.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
255	Sec. 3a4	It is not fair to ban outside government jobs but allow other outside work.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
256	Sec. 3a4	This should not be a part time job, but only the Speaker has total restrictions on outside income. All Delegates should have a ban on outside employment.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
257	Sec. 3a4	Delegate salary should be raised and paired with a ban on outside employment.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
258	Sec. 3a4	Non-speaker Delegates should be allowed outside employment but have to specify their employment and recuse themselves when business relates to it.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
259	Sec. 3a4	What do the qualifications actually mean?	No Action	It means that members of the House of Delegates who are not the speaker may not be employed in any other public/government role. Exceptions exist for being a delegate to National Conventions or being in the reserves of the US armed forces.
260	Sec. 3a4	If the House is only 13 members, there should be no outside employment allowed.	NCSC Decision	The Commission voted for a 21 member, unicameral legislature, with one at large seat for Speaker, four at large seats, and 16 Ward seats, two from each Ward.
261	Sec. 3a4	The text should say "holds no other public office" instead of "holds no office."	No Action	The Commission does not agree with this comment.
262	Sec. 3a4	The language should be changed so that current ANC's may run for Delegate.	No Action	The qualifications for office prevent a person from being a Delegate while simultaneously serving as an ANC.
263	Sec. 3b	This section should include the Governor, Attorney General, and all other members of the House of Delegates.	No Action	The Governor is prohibited from holding outside employment in Article II, Sec. 3(a)(1)(C). The suggestion for the Attorney General and other Delegates contradicts the first guiding principle that the constitution should promote stability.
264	Sec. 3c	Who is the finder of fact on residency questions?	No Action	This is best decided by legislation or internal rule. Delegates are also subject to the voters.
265	Sec. 4a	All laws should have to be passed by a majority of the members of the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
266	Sec. 4a	The House should be able to regulate itself.	No Action	It is important to define the legislative powers of the House of Delegates in regard to differing types of legislation.
267	Sec. 4a3	When does emergency or permanent legislation becomes effective?	No Action	It becomes effective upon passage by the House of Delegates and signature of the Governor.
268	Sec. 4a4	Remove paragraph (B) in the resolutions power.	NCSC Mark	The Commission partially agrees with this comment. The phrase "by the mayor" is stricken.
269	Sec. 4b	Having Acts be published upon becoming law means they will take effect before people know what they are. They should become law upon being adopted and published.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability. Section 4(b) requires that proposed Acts be made promptly available, and the law must be published. This requirement and the doctrine of openness and transparency in Article VII, Section 1 require that laws be published in a timely manner.
270	Sec. 4b	There should be included after the words "public notice" the following: "and comment, comments to be published and addressed."	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
271	Sec. 4e	The Governor should not have a line-item veto on the budget.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
272	Sec. 4f	What is the House's authority to create or abolish offices, especially in relation to the Governor's reorganization authority?	No Action	The House has the authority given to it in the constitution to create or abolish any office, agency, or department. The Governor has the authority given to it in the constitution to reorganize offices and agencies within the executive branch.
273	Sec. 4f	The words "not established in this Constitution" should be added.	NCSC Mark	The Commission agrees with this comment. The language is added.

New Columbia Statehood Commission
Draft Constitution Comment Log

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274	Sec. 4f	This authority gives the House too much power.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
275	Sec. 4f	The section violates separation of powers. It should be subject to a vote of the citizens.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
276	Sec. 4g	The Auditor position should be established and required, in line with the 1987 Constitution, and impose duties.	No Action	The Commission does not recommend this change, as the language as drafted allows the House to have flexibility in how it conducts audits.
277	Sec. 4g	The Auditor should be independent in which programs to audit and apply audit procedures the Auditor deems appropriate and should include both the legislative and executive branches.	No Action	The language as drafted allows the House to have flexibility in how audits are conducted. No language prevents the Auditor from applying the Auditor's preferred procedures.
278	Sec. 4g	The Auditor's access to documents should not be "subject to a privilege."	No Action	The language as drafted allows the House to have flexibility in how audits are conducted.
279	Sec. 4g	The words "not belonging to a Delegate, Attorney General, or Governor" at the end in place of "subject to a privilege."	No Action	The language as drafted allows the House to have flexibility in how audits are conducted.
280	Sec. 4g	The Auditor should have access to employees of the State.	No Action	No language prohibits the auditor to have access to employees.
281	Sec. 4g	The executive should be required to acknowledge and respond to audits in writing.	No Action	The language as drafted allows the House to have flexibility in how audits are conducted.
282	Sec. 4g	The Auditor's compensation should not be able to be reduced during the term.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
283	Sec. 4g	Each Auditor should be appointed to a new six-year term, regardless of whether the previous Auditor completed a six-year term.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
284	Sec. 6	Spell out if the Wards will become Legislative Districts or some other map will be used.	NCSC Mark	The Commission agrees with this comment. The phrase "in accordance with current boundaries" is added to Article VIII, Sec. 1(a).
285	Sec. 6	Legislative districts should be drawn by a non-partisan commission, be contiguous, reasonably compact, follow existing neighborhoods and boundaries where possible, and have equivalent populations.	No Action	This section requires many of these requirements. A decision to create a commission is best decided by legislation.
286	Sec. 6	There should be a section against gerrymandering.	No Action	The requirements established in the second sentence protect against gerrymandering.
287	Sec. 6	There is no reference to current districts.	NCSC Mark	The Commission agrees with this comment. The phrase "in accordance with current boundaries" is added to Article VIII, Sec. 1(a).
288	Sec. 7	Advisory Neighborhood Commissions (ANCs) should be abolished in favor of more Delegates.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
289	Sec. 7	ANCs should be created by Act, not constitutionally established.	No Action	The Commission believes all elected officials should be provided for in the constitution.
290	Sec. 7	Clarify that the House may establish whether ANCs can be paid and how many/few there are to be.	No Action	This is best decided by legislation.
291	Sec. 7	There are no basic qualifications, including residency, for ANCs. They should be the same as the House.	No Action	This is best decided by legislation.
292	Sec. 7	The House should provide by Act that ANCs should be given timely notice of Executive Branch actions in the area for input.	No Action	This is best decided by legislation. Current law will continue to have effect.
293	Sec. 7	ANC written recommendations should be given great weight during deliberations. When rejected, written reasons must be given.	No Action	This is best decided by legislation. Current law will continue to have effect.
294	Sec. 7	New Columbia should allot funding apportioned by the neighborhood's total population.	No Action	This is best decided by legislation.
295	Sec. 7	Add that the House should provide for ANC funds and accounts by Act.	No Action	This is best decided by legislation.
296	Sec. 7	ANC provisions should be changed so that students who regularly move aren't disenfranchised, either by creating an exception for students or having multimember districts.	No Action	This is best decided by legislation.
297	Sec. 7	ANCs should get a stipend.	No Action	This is best decided by legislation.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
298	Sec. 7	All ANC powers should be constitutionalized.	No Action	This is best decided by legislation.
299	Sec. 7	ANC structure should be constitutionalized.	No Action	This is best decided by legislation.
300	Sec. 7	ANCs should be expressly limited to an advisory role, and any legislative role should be prohibited.	No Action	This is best decided by legislation.
301	Sec. 7a	ANCs should not have to collect signatures.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
302	Sec. 7a	Requirements that candidates get 5% of qualified electors will be administratively cumbersome and creates disparities because of the differences between residents and registered voters.	NCSC Mark	The Commission agrees with this comment. The language is changed to require 25 signatures, in accordance with current practice.
303	Sec. 7a	ANC areas should be drawn based on the decennial census and natural geographic and historic boundaries, not based on the Single Member District concept of equal population, to avoid gerrymandering.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
304	Sec. 7b	The powers of the ANCs are poorly defined because they have no power to legislate and "advising the House" is vague.	No Action	This is best decided by legislation.
305	Sec. 7b	Advisory Neighborhood Commissions should be able to expend donated funds in addition to public funds.	No Action	Donated funds become public funds.
Article II				
306	Sec. 1	Vest the Governor with the "Chief Executive" power rather than the "executive" power.	No Action	The Commission does not agree with this comment.
307	Sec. 2	The Governor should be elected on a nonpartisan basis.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
308	Sec. 2	Clarify whether Governor is elected in Presidential election years and if they are staggered with Speaker.	NCSC Mark	The Commission agrees with this comment. The language is changed to say the Governor shall be elected on even years without a presidential election.
309	Sec. 2	The Governor should have a term limit, with suggestions ranging from 2 to 10 terms.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
310	Sec. 2	The Governor should be elected by ranked choice voting in primaries and the top two candidates in the general election.	No Action	This is best decided by legislation.
311	Sec. 3a	Clarify who determines, and by what process, whether the Governor has forfeited his or her office.	No Action	This is best decided by legislation.
312	Sec. 3a	The Governor should be replaced by an elected Lieutenant Governor rather than by the Speaker of the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
313	Sec. 3a	There should be a specified minimum age for Governor, like 18.	No Action	Candidates must be a registered voter, which requires a minimum age.
314	Sec. 3	Governors removed due to a felony conviction should not be eligible to run for any office again.	No Action	The Commission does not agree with this comment. The voters should decide whether to re-elect a candidate.
315	Sec. 3a1B	The Governor should have a longer residency requirement, with suggestions including 2 years and 4 years.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
316	Sec. 3a1C	The text should say "holds no other public office" instead of "holds no office."	No Action	The Commission does not agree with this comment.
317	Sec. 3a2	Special elections should be held between 90 and 120 days.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
318	Sec. 3a2	It should say "to fill a vacancy of the Governor's position."	No Action	The Commission does not agree with this comment. This section applies only to the position of Governor.
319	Sec. 3b	There should be a provision for the Governor to step aside temporarily, as in the US Constitution.	No Action	The last sentence of the section allows for the Governor to step aside for temporary disability or short periods of unavailability without losing the position.
320	Sec. 3c	The sentence that disallows the House from reducing a future Governor's salary should be removed.	No Action	The Commission does not agree with this comment. This prevents punitive salary reductions of an incoming Governor.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
321	Sec. 3c	The newly elected House of Delegates should newly set the salary structure for all elected officials.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
322	Sec. 3c	All elected officials should have their salaries established by the House, including the COO, and changes should not go into effect until the next election.	NCSC Mark	The Commission partially agrees with this comment. The Governor's salary is controlled by Article II, Sec. 3(c). Language is added to Sec. 5 to establish requirements for the Attorney General's salary.
323	Sec. 3d	The Governor does not forfeit office if she does not maintain residency. This should be changed.	NCSC Mark	The Commission agrees with this comment. Language has been added so that the requirements in Article II match those in Article I.
324	Sec. 4	There is too much detail for a Constitution about the duties of the Governor.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
325	Sec. 4	The Governor's appointment power for Agency Heads should be included.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
326	Sec. 4	Strike redundant language concerning the Governor's powers and duties.	NCSC Mark	The Commission agrees with this comment. Language from "and for carrying out" through "all laws of the State of New Columbia" is deleted.
327	Sec. 4	The Governor should be given explicit commander in chief authority over the National Guard.	NCSC Mark	The Commission agrees with this comment. A new section is added to include this language.
328	Sec. 4c	The Governor should not supervise and direct boards, commissions, and agencies, particularly if independent agencies aren't established.	No Action	Under the constitution, the House of Delegates may, by Act, create independent agencies. This suggestion contradicts the first guiding principle that the constitution should promote stability.
329	Sec. 4c	Boards should retain their powers.	No Action	Boards will continue under the constitution.
330	Sec. 4d	All Acts should have to originate in the House of Delegates.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
331	Sec. 4e	The Governor should not be allowed to delegate pardon power.	NCSC Mark	The Commission agrees with this comment. Pardon power is added to the list of non-delegable powers.
332	Sec. 4g	The Governor's power to appoint an Administrator and COO does not require confirmation and should.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
333	Sec. 4g	There should not be a requirement to appoint an Administrator and COO. This option should be left to the Governor.	NCSC Mark	The Commission agrees with this comment. The word may is changed to shall.
334	Sec. 4g	The Chief Operating Officer's salary should be approved by the House of Delegates	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
335	Sec. 4g	The Chief Operating Officer's and Administrator's salaries should not exceed the Governor's.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
336	Sec. 4g	Administrator and Chief Operating Officer should be defined.	No Action	The Commission does not agree with this comment. This allows for flexibility.
337	Sec. 4i	The sentence on compacts should recognize federal limits of Art. I, Sec. 10 by including "subject to federal law."	No Action	Under the principles of federalism, the Governor is already subject to federal law.
338	Sec. 4j	Why not retain the Home Rule Act and 1982 Constitution provisions giving the Council (House) passive review authority for reorganizations?	No Action	That provision contradicts the separation of powers.
339	Sec. 4j	Should the Governor have the power to reorganize executive agencies and offices?	No Action	The Executive has this power under current law, so this power is consistent with the first guiding principle that the constitution should promote stability.
340	Sec. 4j	This section gives the Governor the power to reorganize offices within the Executive branch, but the Attorney General is within this branch. The Governor should not be able to reorganize the Attorney General's office and staff.	NCSC Mark	The Commission agrees with this comment. Language is added to give the Attorney General personnel powers.
341	Sec. 4k	Does the Governor's pardon power extend to crimes committed before Statehood?	No Action	The laws of the District of Columbia become the laws of the State of New Columbia.
342	Sec. 4l	This section contradicts Article I Sec. 10 of the US Constitution.	NCSC Mark	The Commission agrees with this comment. The phrase "consistent with federal law" is moved before the words "the Governor."

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
343	Sec. 4m	"Planning authority" should be defined.	No Action	This is best decided by legislation.
344	Sec. 4m	There should be an independent planning authority.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
345	Sec. 4m	The planning authority should not be unlimited. This may discourage cooperation, as some planning will come under the purview of other branches.	NCSC Mark	The Commission agrees with this comment. The word "primary" is inserted before "planning authority."
346	Sec. 4n	Administration of financial affairs should reside in the legislature.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
347	Sec. 5	The Attorney General will still be elected under law, and the position should not be constitutionalized.	No Action	The Commission believes all elected officials should be provided for in the constitution.
348	Sec. 5	The constitution should include substantive duties of the Attorney General, including the authority to prosecute civil and criminal cases.	NCSC Mark	The Commission agrees with this comment. Language developed in consultation with the Office of the Attorney General is added to include powers of the Attorney General.
349	Sec. 5	The Attorney General should be elected by ranked choice voting in primaries and the top two candidates in the general election.	No Action	This is best decided by legislation.
350	Sec. 5	The Attorney General should be elected on a nonpartisan basis.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
351	Sec. 5	Consolidate 5(a) and (c) for the Attorney General.	NCSC Mark	The Commission agrees with this comment. The clauses are combined.
352	Sec. 5	There are no provisions on domiciliary requirements, DC bar membership, forfeiture of office, and vacancies for the Attorney General.	No Action	This is best decided by legislation.
353	Sec. 5	The Attorney General should have personnel power.	NCSC Mark	The Commission agrees with this comment. Language is added to give the Attorney General personnel powers.
354	Sec. 5	The Attorney General's term of office should be 2 years because of its tremendous political power.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
355	Sec. 5	The Attorney General should not be a part of the Executive Branch and should be independent.	No Action	The constitution provides for an independent, elected Attorney General. The constitutional provisions are included within the Executive Branch Article because the Attorney General exercises executive power.
356	Sec. 5	There should be added the following, "All candidates for Attorney General shall promise and commit that they will not be a candidate for any elected public office for the first fifteen years after leaving that position, and No Attorney General or former Attorney General shall not in fact be a candidate for any elected public office. The same requirements shall be imposed on all other attorneys in the Office of the Attorney General." This will remove politics from decisions.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
357	Sec. 5	The Attorney General should be elected on a schedule opposite of the Governor.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
358	Sec. 5b	In case there is a vacancy in the Attorney General, should the House consent to appoint the Chief Deputy?	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
359	Sec. 6	Removal of the Chief Financial Officer (CFO) is too onerous. The House should not have to give assent to removal for cause.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
360	Sec. 6	The CFO should have to report to the House of Delegates as well as the Governor.	No Action	The Commission does not agree with this comment.
361	Sec. 6	The position of Treasurer should be established, and it could be under the CFO.	No Action	This is best decided by legislation.
362	Sec. 6	Why is the CFO's term 5 years? It should be 7.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
363	Sec. 6d & e	The text in this section is gray, not black.	NCSC Mark	The text color has been corrected.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
364	Sec. 6d	The CFO should not prepare the budget under the direction of the Governor.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
365	Sec. 6e	Everything before "the Chief Financial Officer shall" should be deleted.	NCSC Mark	The Commission agrees with this comment. The language is deleted.
366	Sec. 6e	Many of the CFO's duties should be left to statute.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
367	Sec. 6e	Tax duties of CFO belong with Governor, regardless of who handles them now.	No Action	The Chief Financial Officer is appointed by the Governor.
368	Sec. 7	The State Board of Education should be handled by statute.	No Action	The Commission believes all elected officials should be provided for in the constitution.
369	Sec. 7	Clarify whether the State Board of Education's authority extends to universities, public and private.	No Action	This is best decided by legislation.
370	Sec. 7	Clarify that Governor has ultimate control over public schools, subject to the role of the House.	No Action	The Commission does not agree with this comment.
371	Sec. 7	The State Board of Education should be enlarged and have their powers enumerated.	No Action	This is best decided by legislation.
372	Sec. 7	The State Board of Education should retain its powers.	No Action	This is best decided by legislation.
373	Sec. 7	Consider whether there should be a single elected official responsible for statewide education policy.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
374	Sec. 7a	There should not be a reference to the 8 districts in case of a change.	NCSC Mark	The Commission agrees with this comment. The language is changed to say "one member from each legislative district."
375	Sec. 7a	The State Board of Education should have an established number. Suggestions include at least 17 members and 1/3 the number of the House, with a minimum of 9.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
376	Sec. 7a	It does not say that members of the State Board are elected.	NCSC Mark	The Commission agrees with this comment. The word elected is added.
377	Sec. 7b	The State Board of Education should have separate powers, including the power of taxation and separate accounts.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
378	Sec. 7b2	The State Board of Education should not have their potential powers limited to those in the Home Rule Act. The last sentence should be deleted to maintain flexibility.	NCSC Mark	The Commission agrees with this comment. Everything after the semicolon should be deleted.
379	Sec. 7b2	The words "if any" should be struck so that the State Board can adjust statutes based on federal education law.	NCSC Mark	The Commission agrees with this comment. The language is deleted.
380	Sec. 7b2	If the State Board of Education is not abolished, the Board should not be able to reject policies of the House.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
381	Sec. 7b2	Should not enshrine Mayoral control of State Board of Education in the constitution.	No Action	The constitution creates the State Board of Education to allow for external input.
382	All	The Elections agency should be created in the constitution.	NCSC Mark	The Commission agrees with this comment. Language is added to include the elections agency in the constitution.
383	All	The Executive should not have more power than the other branches.	No Action	The constitution includes a separation of powers and checks and balances on the three branches of government.
384	All	The Secretary of State should be constitutionalized and included under the Governor.	No Action	This is best decided by legislation.
385	All	There should be a code of conduct for all elected officials in this Article.	No Action	This is best decided by legislation.
Article III				
386	All	The authority to create an intermediate court of appeals or other specialized courts is missing.	NCSC Mark	The Commission agrees with this comment. The language is changed to create this authority.
387	All	How much will it cost to bring back courts and prisoners?	No Action	The exact cost is uncertain, but the Commission believes that finally achieving statehood, Congressional representation, and the right to local control of our laws and budget are well worth the costs.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
388	All	There should be term and age limits for judges.	No Action	The constitution includes removal provisions that will guide whether a judge should be removed.
389	All	The House of Delegates should not be able to reduce the salary or benefits of any judge.	NCSC Mark	The Commission agrees with this comment. Language is added to prevent the reduction of salaries of judges.
390	Sec. 1	Rename the D.C. Court of Appeals the Supreme Court.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
391	Sec. 2	The number of Judges on all Courts should be established, including new intermediate courts.	No Action	The Commission does not agree with this comment. The current constitution allows for flexibility based on need.
392	Sec. 2	Judges should be appointed for a set period of time and then have a retention vote by the people.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
393	Sec. 2	The Attorney General should have the power to appoint judges.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
394	Sec. 2a	Should there be a reference to an Act or Resolution in the section giving the House the power to confirm judicial nominations?	NCSC Mark	The Commission agrees with this comment. The phrase "by Resolution" is added.
395	Sec. 2a	The method of appointment, specified duties, and other details of the Judicial Nomination Commission should be included.	NCSC Mark	The Commission agrees with this comment. Language is added to include the Judicial Nominations Commission in the constitution.
396	Sec. 2a	The Judicial Nomination Commission should be abolished.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
397	Sec. 2b	Judges should have a life appointment.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
398	Sec. 3	The domicile requirement should be for the term of office.	No Action	This is required under Article III, Sec. 3(b)(4)
399	Sec. 3	Judges cannot be active members of the DC bar, so there should be no requirement for reappointments.	No Action	Judges are able to be judicial members of the bar and would be considered active members.
400	Sec. 3a1	Potential judges should have a longer residency requirement, with the lowest suggestion at 2 years.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
401	Sec. 3a2	Allow membership in the D.C. Bar to count towards a prospective judge's eligibility.	No Action	Article VIII, Section 7 allows this to occur.
402	Sec. 3a2	Does the five year requirement have to be consecutive?	No Action	Yes. Judges should be active members of the bar to be eligible for consideration.
403	Sec. 3b	Clarify the removal process for judges by, for example, assigning removal to something akin to a Judicial Disabilities Commission	NCSC Mark	The Commission agrees with this comment. Language is added to include the Commission on Judicial Disabilities and Tenure and its powers to reappoint or remove judges in the constitution.
404	Sec. 3b5	The phrase "habitual intemperance" should be changed to something contemporaneous.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
405	Sec. 3b5	Strike unnecessary language concerning "mental or physical disability"; should refer to any condition that interferes with the judge's performance of duty.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
406	Sec. 3b5	There should be a code of judicial conduct.	No Action	The current code of judicial conduct would continue.
407	Sec. 3b5	The wording in this section is negative to people with disabilities. "Disability" should be changed to "incapacity" or reference the Code of Judicial Conduct.	NCSC Mark	The Commission agrees with this comment. The word is changed.
408	Sec. 4	The powers of courts are too detailed. We should delete all after the first sentence.	No Action	The Commission does not agree with this comment.
409	Sec. 5	Rewrite the Chief Judges section to allow for possibility of intermediate courts.	NCSC Mark	The Commission agrees with this comment. The language is changed to allow for this possibility.
410	Sec. 5	It should include what the Chief Judge's role is.	No Action	This is best decided by legislation or internal rule.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
Article IV				
411	All	There is too much detail for a Constitution about the budget.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as these provisions exist in current law. This encourages market stability during the transfer to statehood.
412	All	Should we say whether anyone has standing to sue over an un-balanced budget?	No Action	The Commission does not agree with this comment.
413	All	Can the state declare bankruptcy? If so, should it be in the constitution?	No Action	Bankruptcy is governed by federal law.
414	All	We should talk about how we raise money as well as how much we raise, to balance between access and user fees.	No Action	This is best decided by legislation.
415	Sec. 2	The budget should have to be made public before a vote by the House of Delegates.	No Action	Section 2(a) directs the Governor to submit a budget to the House of Delegates and make it available to the public at such time.
416	Sec. 2b	The word "for" should be changed to "proposed by" so that independent agencies may propose budgets that meet their needs.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in current law.
417	Sec. 2b	The Attorney General, State Board of Education, Chief Financial Officer, and other agencies like that should submit their own budgets.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability. Agencies will submit budgets in line with the current process to make their needs and wishes known, but it would be submitted as part of the Governor's budget to ensure the submission of a balanced budget.
418	Sec. 2c	Budgetary reprogrammings should not be allowed.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in current law.
419	Sec. 3	It says the House shall adopt the budget but does not give it the power to amend the Governor's submission.	No Action	The Commission does not agree with this comment. The House of Delegates has the power to adopt by Act the budget it deems appropriate, in accordance with current practice.
420	Sec. 3	ANCs should be able to review and vote on the budget.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
421	Sec. 3 and 4	Could Adoption of Budget and Financial Statements be left to legislation?	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in our current governing document, the Home Rule Charter. This encourages market stability during the transfer to statehood.
422	Sec. 5	The balanced budget requirement is too vague in how it is determined.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in current law. This encourages market stability during the transfer to statehood.
423	Sec. 5	There should be a provision for limited deficit spending.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
424	Sec. 5	There should not be a mandate for a balanced budget.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in current law. This encourages market stability during the transfer to statehood.
425	Sec. 6	The House of Delegates should not have the power to approve contracts. This could be phased out.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
426	Sec. 6	The House of Delegates should not have their power to approve contracts limited.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
427	Sec. 6	Strike the phrase "review prior to the contract going into effect" and insert "review and approval" in its place.	NCSC Mark	The Commission agrees with this comment. The language is changed.
428	Sec. 7	Do various payments to emergency and contingency fund count against the balanced budget?	No Action	Yes, repayments to funds are budgeted items.
429	Sec. 7	Why have emergency and contingency funds?	No Action	This encourages market stability during the transfer to statehood and strengthens our overall financial health.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
430	Sec. 7	There should not be restraints on the replenishment of emergency and reserve funds.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability, as this phrasing exists in current law. This encourages market stability during the transfer to statehood.
431	Sec. 7	The House should be able to change the percentages in this section by Act.	No Action	The current provisions encourage market stability during the transfer to statehood and strengthen our overall financial health.
432	Sec. 7	Do we need to include emergency and contingency reserve funds in the Constitution? The Legislature should be allowed to decide the particulars of the size, use, and replenishment of funds.	No Action	This encourages market stability during the transfer to statehood and strengthens our overall financial health.
Article V				
433	All	There is too much detail for a Constitution about the required conditions for borrowing.	No Action	This encourages market stability during the transfer to statehood.
434	All	The Office of the Chief Financial Officer (OCFO) recommends that there should be a section that exempts bonds from most taxes.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
435	All	The OCFO recommends that there should be a section on Legal Investment that allows New Columbia fiduciaries to invest in bonds issued under this Article.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
436	All	There should be a special tax mechanism to fund environmental goals to create a green city.	No Action	This is best decided by legislation.
437	Sec. 1	The Office of the Chief Financial Officer (OCFO) recommends that there should be a definition of "capital projects."	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
438	Sec. 2	The OCFO recommends that there should be more detail in what provisions the Act shall include, including language authorizing the sale of bonds and the creation of security interests.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
439	Sec. 2	The OCFO recommends that there should be a requirement to print the Act in a newspaper.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
440	Sec. 3c	The OCFO recommends that this section should be deleted.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
441	Sec. 4c	The OCFO recommends that this section should specify how anticipated revenue is calculated.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
442	Sec. 5	Special taxes should have an end date as a requirement for adoption.	No Action	The phrase 'if necessary' limits the time such a tax may be in effect.
443	Sec. 7	The OCFO recommends that payment of principal, interest, and redemption premiums on general obligation bonds should not be subject to appropriations.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
444	Sec. 8a	The OCFO recommends that there be added a subsection 5 that explains which obligations and expenditures are not subject to appropriations.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
445	Sec. 8a1	The OCFO recommends that "for a public purpose" be defined.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
446	Sec. 8a4	Only the Governor or an independent agency should be allowed to enter into these agreements, not the House of Delegates.	NCSC Mark	The Commission agrees with this comment. The sentence is amended to read "the House of Delegates may authorize the Governor to enter into..."
447	Sec. 8e1	The OCFO recommends that "department of the executive branch" should be changed to "independent instrumentality of New Columbia."	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
448	Sec. 9	The debt cap should not be set at 17%	No Action	This encourages market stability during the transfer to statehood.
449	Sec. 9	The OCFO recommends that the 17% limitation should be set in accordance with Section 603(b)(3) of the Home Rule Act.	NCSC Mark	The Commission agrees with the changes and language suggested by the OCFO.
Article VI				
450	All	Election and recall process needs to be strong to hold elected officials accountable.	No Action	The recall provisions in the draft are stronger than in the Home Rule Act because it eliminates the time limit and allows a second recall.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
451	Sec. 1	Citizen initiatives should not be able to amend Constitution.	NCSC Decision	The Commission voted to keep the constitutional amendment process as drafted, without a citizen's initiative process.
452	Sec. 1	Initiatives should be allowed to cancel appropriated funds.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
453	Sec. 1	Initiatives should be able to raise and appropriate funds.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
454	Sec. 1	Language should be taken from current DC law to prohibit initiatives and referenda that violate the Human Rights Act.	NCSC Mark	The Commission agrees with this comment. Language is added to prevent initiatives and referenda that authorize or have the effect of authorizing discrimination.
455	Sec. 1a	Initiatives should also prohibit laws that have the effect of authorizing discrimination.	NCSC Mark	The Commission agrees with this comment. Language is added to prevent initiatives that have the effect of authorizing discrimination.
456	Sec. 1b	Referenda should not be allowed on acts prohibiting or having the effect of prohibiting discrimination.	NCSC Mark	The Commission agrees with this comment. Language is added to prevent referenda that authorize or have the effect of authorizing discrimination.
457	Sec. 1b	The referendum language is too broad and allows a passionate minority to protect their interests.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
458	Sec. 1b	Referenda should apply to emergency acts and appropriation of funds.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
459	Sec. 1d	Why must the registered voter count be taken at least 30 days before?	No Action	Balloteers need to know how many signatures to collect in order to meet the percentage requirements before election day.
460	Sec. 2	Percentages should apply to total population rather than total registered voters, though only registered voters could sign.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
461	Sec. 2	The signature requirements should be lower.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
462	Sec. 2	ANCs should be able to vote to start an initiative that would then be authorized to go on the ballot.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
463	Sec. 2	Petitioners should be limited to 180 days to collect signatures.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
464	Sec. 2	There should only be a requirement for 5 percent of the total registered voters, no other requirements.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
465	Sec. 3	Should initiatives and referenda be on special election or primary ballots?	NCSC Mark	The Commission agrees with this comment. Language is amended to put initiative and referenda only on statewide general or special elections.
466	Sec. 3	The time limits for initiatives and referenda should be switched.	No Action	The Commission does not agree with this comment.
467	Sec. 5	Measures should take effect within 90 days of certification.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
468	Sec. 7	The recall provision should prevent a recalled official from running for the same job again.	No Action	The Commission does not agree with this comment. The voters should decide whether to re-elect a candidate.
469	Sec. 7	Recalls should not be used for the State Board of Education and ANCs.	NCSC Mark	The Commission agrees with this comment. Language is added to limit recalls to officials elected on a partisan basis.
470	Sec. 8	Recalls should be permitted only once per term.	No Action	The Commission does not agree with this comment. New circumstances may arise, and the voters should be able to hold the official accountable.
471	Sec. 8	Recalls filed within a year of failed recalls should not require approval by the elections agency.	No Action	The Commission does not agree with this comment. This provision balances the need for accountability, should new circumstances arise, against the realities of costs of recall elections.
Article VII				
472	All	There should be another constitutional convention before the end of the year.	No Action	In order to submit a complete statehood petition to the new President and Congress in accordance with the Tennessee plan, voters need to have approved the constitution in advance of the submission.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
473	All	The constitution should call for a constitutional convention with delegates within 5 years.	NCSC Decision	The Commission voted to allow for a transitional constitutional convention on or about the fifth anniversary of statehood.
474	All	The constitution should include what qualifies as a constitutional convention.	NCSC Decision	The Commission voted to allow for a transitional constitutional convention on or about the fifth anniversary of statehood. The parameters will be established by legislation.
475	All	Voters should be able to call for a constitutional convention by referendum that the legislature must then provide for within 6 months.	NCSC Decision	The Commission voted to allow for a transitional constitutional convention on or about the fifth anniversary of statehood, as called by the House of Delegates.
476	All	There should be a separation of powers clause preventing employees of one branch from holding functions in another branch.	No Action	This is best decided by legislation. Elected officials are prevented from holding other public office.
477	Sec. 1	There should be a required quarterly publication of the use of public dollars and expenditures.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
478	Sec. 1	It is not clear what effect the "openness and transparency" language is meant to have; it should be clarified or struck.	No Action	This is best decided by legislation.
479	Sec. 1	We should include a core value of public participation so that all people have a voice.	No Action	This is best decided by legislation.
480	Sec. 3	It is too easy to amend the constitution. It should be 2/3 of the House of Delegates and 2 votes by the Council. Others suggest 60% or 3/4 requirement for passage.	NCSC Mark	The Commission partially agrees with this comment. Language is amended to require a 2/3 vote by the House of Delegates.
481	Sec. 3	The citizens should be able to initiate a constitutional amendment. It should include an option to amend by citizen's initiative or a constitutional convention.	NCSC Decision	The Commission voted to keep the constitutional amendment process as drafted, though there is a provision for a transitional constitutional convention on or about the fifth anniversary of statehood.
482	Sec. 3	Is a ratification referendum mandated? If so, say so.	No Action	Yes. The language in the draft specifies that the constitution may be amended by the House of Delegates only if ratified by a majority of voters in a referendum.
483	Sec. 3a	There should be a requirement of passage by a majority of voters at 2 referenda.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
484	Sec. 4	Is the effective date realistic? What should be separate from constitution?	NCSC Mark	The Commission agrees with this comment. "Upon affirmative vote by the United States Congress" is changed to "upon passage of an Admission Act." Further, "unless otherwise provided therein" is added to the end.
Article VIII				
485	All	The transition provisions should call for immediate elections.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
486	All	Should there be a time frame for new elections post-statehood?	No Action	The Admission Act will allow for the election of Senators and Representatives.
487	All	All offices should be voted on within one year after admission.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
488	All	The constitution should follow the 1982 timeline for new elections of offices after statehood.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
489	All	Current officials should have their terms end on January 3rd after the next general election.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
490	Sec. 1	A new State of New Columbia wouldn't have the authority to abolish the District government or declare itself the heir to District government institutions and proceedings; only Congress could do that.	No Action	By approving the constitution in an Admission Act, Congress would be exercising its authority to abolish the District government and transfer those powers to our new state.
491	Sec. 1	There should be a provision that the shadow delegation become the Senators and Representative of the new state.	No Action	The election of Congressional representation will be governed by the Admission Act passed by Congress.
492	Sec. 1a	This section does not specify that ANCs become ANCs under the new state.	NCSC Mark	The Commission agrees with this comment. The language is added.

New Columbia Statehood Commission
Draft Constitution Comment Log

Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
493	Sec. 1b	The phrase "same schedule" is vague and should be rewritten to clarify that House members will retain staggered terms.	No Action	The Commission does not agree with this comment. The existing schedule of elections for members of the House of Delegates contains staggered terms.
494	Sec. 1e	Federal members of boards and commissions should be dealt with individually through legislation, not through a broad constitutional provision.	NCSC Mark	The Commission agrees with this comment. Language is added to have positions expire after 90 days unless otherwise provided by law.
495	Sec. 2a	Judge terms should end on January 3rd after the second general election.	No Action	This suggestion contradicts the first guiding principle that the constitution should promote stability.
496	Sec. 3	Court orders under which DC is working need to be carried over.	No Action	Article VII, Section 3 carries over orders.
497	Sec. 4b	The transition provision for District laws should say that New Columbia is adopting the District's laws, not that the laws will "continue in force and effect."	NCSC Mark	The Commission agrees with this comment. Language is amended to say that the laws "shall become the laws of the State of New Columbia and continue in force and effect..."
498	Sec. 9	It is uncertain whether a State of New Columbia could lawfully empower non-residents to vote in its elections.	No Action	This would be handled in the Admission Act passed by Congress.

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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 oneself, 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 and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against the accused; to have compulsory process for obtaining witnesses in favor of the accused, and to have the assistance of counsel for defense of the accused. Where the potential sentence exceeds 180 days, the accused shall enjoy the right to trial by an impartial jury of the state.

VII. Trial by jury in civil cases

In suits at common law, where the value in controversy shall fall within the jurisdiction of the Superior Court, 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 the equal protection of the law.

ARTICLE I THE LEGISLATIVE BRANCH

Section

1. Legislative power
2. Composition; election of members; vacancies
3. Qualifications for holding office

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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, one 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. Delegates shall be elected in accordance with the schedule established in Article VIII, Sec. 1(b) of this Constitution.
- 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 applicable standards of personal and professional conduct.
- 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 position of Speaker of the House, the House of Delegates shall select by

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

majority vote a member elected at large who shall serve as Speaker of the House, until the elections agency can hold a special election to fill such vacancy. (3) 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 state 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 that person: (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 nominated for election from a particular legislative district, resides in the district from which that person 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 employment in and the position as a member of the House of Delegates), for which that person is compensated in an amount in excess of 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.
- 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 that person is compensated in excess of actual expenses.
- c. A member of the House of Delegates shall forfeit the office upon failure to maintain the qualifications required by this section or upon conviction of a felony.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 as authorized by an Act of the House of Delegates or of a kind historically or traditionally transmitted to the Council of the District of Columbia under the laws of the former District of Columbia. 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 the Governor's 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 the Governor, 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 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 the Governor's disapproval, two-thirds of the members of the

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 the Governor 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 not established in this Constitution.
- 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.
- 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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- 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 acting as Governor, the Speaker of the House of Delegates shall not exercise any 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 commission. Members of each advisory neighborhood commission shall be known as Advisory Neighborhood Commissioners and 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 twenty-five qualified voters in their neighborhood commission area.
- 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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 that person's election. The Governor shall be elected in even years when there is no presidential election.

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

- a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified voter of the State of New Columbia; (B) resides and is 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 employment in and the position as Governor), for which that person is compensated in an amount in excess of actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than 30 days.
- (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 CONSTITUTION OF 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 the 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 the acting Governor shall again become Speaker of the House of Delegates. While the Speaker of the House is acting Governor, that person 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 the office upon failure to maintain qualifications required by this section or 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 the proper administration of the affairs of the State of New Columbia coming under the Governor's jurisdiction or control, including but not limited to the following powers, duties, and functions:

- 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 CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 the Governor's functions (other than the function of approving or disapproving Acts passed by the House of Delegates or the power to grant pardons) 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 that person's 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 may 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 the Governor's 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.
- 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, and consistent with federal law, 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 may enter into agreements with foreign

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 primary planning authority for the State of New Columbia.
- n. The Governor shall be the Commander in Chief over the National Guard of New Columbia.
- o. 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 that person's election. The term of office of the Attorney General shall coincide with the term of office of the Governor.
- b. (1) To fill a vacancy in the position of Attorney General, 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 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 the 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 the Acting Attorney General shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, that person shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General.
- c. The Attorney General is the chief law officer of the State of New Columbia and shall possess all powers afforded the Attorney General by the common and statutory law of the State of New Columbia and possessed by the Attorney General for the former District of Columbia, and shall be responsible for upholding the public interest. The Attorney

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of the public interest.

- d. The Attorney General may furnish opinions in writing on the Attorney General's initiative or when requested to do so by the Governor or the House of Delegates.
- e. The administration, organization, and operation of the Office of the Attorney General shall be under the jurisdiction and control of the Attorney General. The Attorney General's duties shall include supervising and directing the activities of the Office, administering the personnel functions of the Office (including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel), reorganizing the Office, and approving contracts, orders, and other documents by which the State of New Columbia incurs financial or other obligations for the Office of the Attorney General.
- f. The Attorney General 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 Attorney General.

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 the appointed 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 (a) 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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- 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. 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; (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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

1. The State Board of Education shall consist of one member elected 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 shall be subject to the approval of the State Board of Education.

Sec. 8. Elections agency

The authority to manage and supervise elections, initiatives, referenda, and recalls provided under this constitution shall be vested in an elections agency. The House of Delegates shall, by law, provide for the composition, method of selection, and procedures for the elections agency to use in carrying out its duties.

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; compensation
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, the Superior Court of the State of New Columbia, and other courts as

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

may be established by law. 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 the Governor by the State of New Columbia Judicial Nomination Commission, and, by and with the advice and consent of the House of Delegates by Resolution, 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 who is found well-qualified by the Commission on Judicial Disabilities and Tenure shall be reappointed.
- c. The House of Delegates shall, by law, provide for the composition, method of selection, and procedures for the Judicial Nominations Commission to use in carrying out its duties under this Article.

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

- a. No person may be nominated, appointed or re-appointed as a judge of the State of New Columbia Courts unless that person:
 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.
- 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;

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

4. failure to maintain residency in the State of New Columbia; or
 5. a mental or physical incapacity (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of that person's judicial duties.
- c. The authority to reappoint, remove, or sanction a judge of the State of New Columbia Courts as provided in subsection b shall be vested in a Commission on Judicial Disabilities and Tenure. The House of Delegates shall, by law, provide for the composition, method of selection, and procedures for the Commission on Judicial Disabilities and Tenure to use in carrying out its duties under this Article.
 - d. All Judges of the State of New Columbia Courts 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 Judges.

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

All Chief Judges of the State of New Columbia Courts shall be designated by the State of New Columbia 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.

ARTICLE IV BUDGET AND FINANCIAL MANAGEMENT

Section

1. Fiscal year
2. Submission of annual budget

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

3. Adoption of budget by House of Delegates
4. Annual financial statements and audits
5. Balanced budget
6. Review of Contracts by the House of Delegates
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 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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 Chief Financial Officer 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 and approval; 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 former Council of the District of Columbia, 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 law of the former District of Columbia.

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 CONSTITUTION OF THE STATE OF NEW COLUMBIA

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.

(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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 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 its various 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.
- c. For purposes of Section 1, capital projects means any physical public betterment or improvement, the acquisition of property of permanent nature, or the purchase of equipment or furnishings.

Sec. 2. Contents of borrowing legislation and elections on issuing general obligation bonds

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- a. 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; setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; authorizing the bonds to be sold at public sale or at private sale on a negotiated basis, as determined by the Governor in the public interest; authorizing the Governor to enter into and amend agreements in connection with the bond issue, including a trust indenture; vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient or desirable; authorizing the creation of a security interest in State of New Columbia revenues as additional security for the payment of the bonds; describing the particular State of New Columbia revenues which are subject to such security interest; prescribing the validity of such security interest; prescribing remedies of the bondholders in the event of a default; and such other covenants, provisions and conditions necessary to issue the additional bonds as parity bonds.
- b. The Governor shall publish the enacted Act in at least one newspaper of general circulation within the State of New Columbia with the notification that the time within which a suit, action or proceeding questioning the validity of such bonds may be commenced expires at the end of the 20-day period beginning on the date of the first publication of the notice.
- c. Failure to publish the notice or any error in any publication shall not impair the effect of the Act or the validity of the bonds issued pursuant to the Act.

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.

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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- 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 that 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.
- 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.

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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- 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.
- c. All amounts obligated or expended by the State of New Columbia for the payment of principal of, interest on, or redemption premium for any general obligation bonds issued under this Article or issued before the effective date of this Constitution are not subject to appropriation.

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 will contribute to the health, education, safety or welfare of, or the creation or preservation of jobs for, residents of New Columbia, or to economic development of New Columbia, and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.
- (2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the State of New Columbia and shall be a negotiable instrument.
- (3) Any revenue bond, note or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the Act 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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

(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 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 depository of such funds. Any depository of such funds may give security for the deposit of such funds.

(5) The following obligations and expenditures by the State of New Columbia shall not be subject to appropriations: (A) All amounts (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued under this section, or issued before the effective date of this Constitution; (B) All amounts obligated or expended for the payment of principal of, interest on, or redemption premium for or to secure any bonds issued under this Section or issued before the effective date of this Constitution; and (C) All amounts obligated or expended pursuant to commitments made in connection with the issuance of the revenue bond, note, or other obligation for repair, maintenance, and capital improvements relating to undertakings financed through any revenue bond, note, or other obligation issued under this section or issued before the effective date of this Constitution..

- 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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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) 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; (3) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default; (4) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and (5) 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 independent instrumentality of New Columbia 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 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 Section 9a. shall be calculated in the following manner:

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- (1) Determine the dollar amount equivalent to 17% of the State of New Columbia revenues as specified in Section 9a;
- (2) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds (less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects) and such Treasury loans;
- (3) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued; and
- (4) If in any one fiscal year the sum arrived at by adding subparagraphs (2) and (3) of this section exceeds the amount determined under subparagraph (1) of this section then the proposed general obligation bond or such Treasury loan in subparagraph (3) of this paragraph cannot be issued.

Sec. 10. Tax Exemption

Bonds and notes issued pursuant to this Article and the interest thereon shall be exempt from all taxes of the State of New Columbia, except estate, inheritance, and gift taxes.

Sec. 11. Legal Investment

Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the State of New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds.

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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 and present such proposed laws directly to the voters of the State of New Columbia for their approval or disapproval. This provision shall not apply to acts appropriating funds or to acts authorizing or having the effect of authorizing discrimination.
- 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, acts prohibiting or having the effect of prohibiting discrimination, 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 that official's term.
- 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 or referendum measure without alteration at the next statewide general or special election held at least 90 days after the measure is received.
- b. The elections agency shall hold an election on a recall petition within 114 days of its receipt of a petition. If a previously scheduled general or special election will occur

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

between 54 and 114 days of its receipt of a recall petition, the elections agency may present the recall petition 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 shall 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.

Sec. 7. Recall process

Any elected official, elected on a partisan basis, of the State of New Columbia government may be recalled by the registered voters of the legislative district from which that official 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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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.

Sec. 2. Construction of Constitution

- a. 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.
- b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall determine only when the name of a political party may appear next to the name of a candidate on the ballot but shall not limit in any way the authority of the House of Delegates to establish any type of primary or runoff system it may find appropriate.

Sec. 3. Constitution amending procedure

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

- a. The Constitution may be amended by an Act passed by the affirmative vote of a two-thirds 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 passage of an Admission Act to admit New Columbia as a state of the United States of America with the same rights as other states, unless otherwise provided therein.

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.

- 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 and Advisory Neighborhood Commissions respectively (in accordance with current boundaries), until the expiration of the term of office each such individual held

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 on the 90th day from the effective date of this Constitution unless otherwise provided by law, 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 that individual's 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, 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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 become the laws of the State of New Columbia and 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.
- 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

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

Rule Act, to the extent not inconsistent with the Constitution and to the extent not thereafter having been transferred or repealed, shall be vested in the Office of 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.

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.

THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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 that person's 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.

DRAFT



**TESTIMONY OF ERIC SHAW
DIRECTOR, OFFICE OF PLANNING**

**BEFORE
THE NEW COLUMBIA STATEHOOD COMMISSION**

MONDAY, JUNE 13, 2016

**CONSTITUTIONAL CONVENTION
2235 SHANNON PLACE SE, ROOM 2032
WASHINGTON, DC 20020**

Good evening members of the New Columbia Statehood Commission. My name is Eric Shaw, and I am the Director of the District of Columbia Office of Planning. My staff and I and have been working closely with Commission staff to delineate the boundaries of the federal seat of government and of the state of New Columbia.

We have delineated the boundaries based on the following principles:

1. All residences within New Columbia will exist outside of the federal seat of government. The only residence located within the federal seat of government will be the White House;
2. The seat of operations for federal cabinet, congressional and judicial offices, along with prominent federal monuments and memorials will be located within the federal seat of government. There is an exception to this expectation that I will note later; and
3. The boundaries of New Columbia and the federal seat of government would be based on boundaries defined in established planning precedents.

The borders of the District of Columbia are delineated by boundary stones laid in 1791 and 92. These stones are spaced every mile and define a 10-mile by 10-mile square. I have attached below a spreadsheet detailing the GPS coordinates of each of the stones. In 1846 the land located west of the Potomac was retroceded to the Commonwealth of Virginia. Today the borders of the District of Columbia are Eastern Avenue, Western Avenue, Southern Avenue and the western bank of the Potomac River that lies within the original 10-mile by 10-mile square. Twenty-six of the 40 boundary stones are part of the current boundaries of the District of Columbia.

The proposed boundaries for the state of New Columbia will be that of the current boundaries of the District of Columbia, **excluding** the federal seat of government.

We propose that the boundaries for the federal seat of government be based on the planning area identified as the “kite area” within The McMillan Plan of 1901-02 with some modifications to meet the principles that I detailed earlier. The McMillan Plan is recognized as *the* planning document that created what we know as monumental Washington. I have attached below further background on the McMillan Plan, including a description of the “kite area,” drafted by the State Office of Historic Preservation.

Modifications to the kite area defined in The McMillan Plan of 1901-02, to delineate proposed boundaries of the federal seat of government are as follows:

1. The adjustment of the boundaries so that the John A. Wilson Building will be located within the state of New Columbia;
2. The inclusion of the Kennedy Center within the boundaries of the federal seat of government. The Kennedy Center is a prominent memorial erected in honor of President John F. Kennedy;
3. The adjustment of the southwest boundary to follow the alignment of Interstate 395; and

4. The exclusion of an area identified in the National Capital Planning Commission SW EcoDistrict Plan, published in January 2013. This area is bounded by Independence Avenue to the north, Maine Avenue to the south, 12th Street to the west, and 4th Street to the east.

The 15-block EcoDistrict area includes eight federal buildings, eight private buildings, and three federal parks. The federal government has recently initiated efforts to redevelop the properties within this planning area for non-governmental and residential uses.

I have attached below a written description of the boundaries of the federal seat of government and a map showing the boundaries.

The Office of Planning looks forward to continuing to support the New Columbia Statehood Commission on this historic effort.

ATTACHMENT A – LOCATION OF DC BOUNDARY STONES

STONE_NUM	LOCATION_D	NARRATIVE	X	Y	Z	Z_FT	DISTANCE*
NORTH	150 feet west of the exit from Chevy Chase Crest Apts and 20 feet south of the 1880 block of East-West Highway (MD410) in Silver Spring, MD.		396449.5350	147558.1370	79.0410	259.3200	0.8500
NE1	A bronze plaque exists on the sidewalk in front of convenience store at 7847 Eastern Ave in Silver Spring, MD.	SURVEYED CENTER OF THE PLAQUE	397596.3220	146410.2870	108.3290	355.4100	0.0000
NE2	South corner of a front lawn at 6890 Maple Ave, NE		398735.3701	145270.0561	85.4080	280.2100	2.0500
NE3	About 140 feet northwest of intersection of Chillum Rd and Eastern Ave, NE		399853.4650	144151.1289	56.4000	185.0400	1.3200
NE4	About 75 feet northwest of the intersection of Eastern Ave and Sargent Rd, NE		401022.1615	142981.1776	36.9050	121.0800	1.9500
NE5	Center of a front lawn at 4609 Eastern Ave., NE.		402166.4792	141835.9109	18.5260	60.7800	1.9300
NE6	South corner of a front lawn at 3601 Eastern Ave., NE.		403352.8032	140648.6499	17.2060	56.4500	1.9500
NE7	About 100 ft. SE of the South corner of a series of raised monuments on the 18th block of Fort Lincoln Cemetery, Cottage City, MD. West of the Garden of the Crucifixion, along the boundary fence.		404452.8560	139547.2399	25.2620	82.8800	1.2000
NE8	About 500 ft. NE of intersection of Kenilworth and Eastern Ayes, behind a D.C. Public Housing Project, NE.		405595.3690	138403.9790	4.9380	16.2000	1.6000
NE9	West corner of the front lawn at 919 Eastern Ave., NE.		406738.0024	137259.9420	37.8620	124.2200	2.3000
EAST	About 100 ft. East of the intersection of Eastern and Southern Aves.		407880.1200	136116.6810	28.6240	93.9100	1.9000
SE1	Opposite the end of D St., along Southern Ave., SE.		406742.2050	134981.0800	61.9200	203.1500	2.4000
SE2	N corner of a front lawn at 4345 Southern Ave., SE.		405603.7090	133844.6301	88.2760	289.6200	2.1000
SE3	Opposite 3908 Southern Ave., surrounded by ivy.		404463.5306	132706.0963	74.2310	243.5400	2.7000
SE5	Opposite the NE end of Valley Terrace, along Southern Ave., Next to a parking lot for the Southern Ave. Metro stop, SE.		402184.3100	130431.9279	34.6590	113.7100	1.8000
SE6	About 20 ft. West of the entrance to the Tribles Co., 901 Southern Ave., SE.		401044.2453	129294.3916	58.5100	191.9600	2.2500
SE7	About 25 ft. East of the intersection of Indian Head Hwy. and Southern Ave., SE. Just SE of the bridge going over Oxon Run on Indian Head Hwy.		399904.7845	128157.5424	12.5270	41.1000	1.4000
SE8	SE corner of the D.C. Village Impound Lot, SW.	STONE UNDER 4' OF WATER, COORDINATES APPROX.	398762.3166	127016.8414	5.2900	17.3600	-6.0500
SE9	About 1000 ft. SW of the South end of Oxon Cove Bridge along Interstate 295, about 120 ft. East of the Potomac river bed.		397938.1580	126194.1220	2.0410	6.6960	1.7000
SW1	On the NW corner of a lot at 1220 Wilkes Street, Alex. VA.		395275.2067	125944.0426	8.9090	29.2300	1.7000
SW2	On the sidewalk just West of 7 Russell Rd., Alex. VA.		394559.5063	126649.2671	8.6620	28.4200	2.4400
SW3	North end of a parking lot of the First Baptist Church of Alexandria at 2932 King St., Alex., VA		393111.8066	128100.1608	52.9710	173.7900	1.4000
SW4	Just off the sidewalk on King St., about 150 ft. NW of Wakefield St., Alex., VA.		391908.8495	129310.1990	60.0120	196.8900	0.3000
SW5	About 100 ft. NE of the intersection of King St. and Walter Reed Dr., on The N side of Walter Reed Dr., An., VA.		390733.4370	130481.2980	37.4010	122.7070	0.5000
SW6	In the median strip of S. Jefferson Street between Columbia and Leesburg Pikes, Fairfax Co./Arlington, VA.		389647.6382	131568.7526	64.9740	213.1700	2.1000

SW7	Along the SW fence on the grounds of Carlin Springs Elementary School, Arl., VA.		388480.7701	132736.6848	81.7780	268.3000	1.7000
SW8	About 120 ft. SE of a water tower in an apartment complex parking lot on the SE corner of John Marshall Dr. and Wilson Blvd., Falls Church, VA.		387335.2983	133881.7158	124.4140	408.1800	1.7500
SW9	A park along Van Buren Street, N of Columbia St., F.C., VA.		386196.6208	135023.8586	85.0090	278.9000	0.9000
WEST	Andrew Ellicott Park, 2848 N. Arizona Street, Arl., VA		385052.5270	136169.5630	104.4810	342.7850	1.7000
NW1	N corner of a back yard at 3607 Powhatan St., Arl., VA.		386195.9000	137312.6930	130.5950	428.4600	2.7500
NW2	On the NE corner of 5298 Old Dominion Drive, Arl. VA.		387338.9600	138456.3440	93.1620	305.6500	2.2000
NW3	Center of a back yard at 4013 Tazwell St., Arl. VA.		388533.2670	139648.0958	69.5590	228.2100	2.3000
NW4	The back yard of 5609 Daleclaria Place, NW. About 900 ft. N of the SW corner fence of the Daleclaria Reservoir, about 100 East of the fence.		389971.4890	141086.2360	44.6500	146.4800	2.2000
NW5	About 300 ft. SE of a concrete culvert, 600 feet West of the Daleclaria Parkway, NW. It is atop small ridge about 100 ft. SE of a small gully.		390751.8240	141866.0210	62.0200	203.4800	2.1000
NW6	Just West of a bus stop opposite Fesseden St., in between Park Place and Western Avenue, NW.		391891.5661	143004.7817	84.9940	278.8500	1.8000
NW7	Under a tree on the South corner of the front lawn of 5600 Western Ave., NW.		393031.8656	144144.1793	104.2420	342.0000	1.9500
NW8	Center of a front lawn at 6422 Western Ave., NW.		394171.1779	145282.2134	100.0780	328.3400	1.4500
NW9	5 feet East of a driveway at 2701 Daniel P1., 165 ft. NE from the midline of the intersection of Oregon Ave. and Daniel Pl., NW.		395310.2950	146419.9940	75.1730	246.6300	1.8000
SOUTH	Currently in seawall on the side of the Joint Point Lighthouse on Jones Point Park, Alexandria VA, Site currently under construction (May, 2011) and stone may be moved.	Could not survey due to site being under construction. Stone wrapped in burlap & packed in sand. Approximate coordinates (+/-0.4') obtained from AMT surveyor working for PCC at Woodrow Wilson Bridge	396473.9993	124732.9642	0.0000	0.0000	0.0000

* - The distance from the top of the stone to the grade next to it.

ATTACHMENT B – BACKGROUND ON MC MILLAN PLAN OF 1901-02

MC MILLAN PLAN OF 1901- 1902

The proposed boundaries for the federal precinct within the state of New Columbia are derived from the 1902 Report of the Senate Park Commission, also known as the McMillan Commission. That report led to the development of the McMillan Plan of 1901-1902, as well as the creation of the US Commission of Fine Arts to ensure it was faithfully carried out as Washington developed.

The McMillan Plan revived and expanded upon Pierre L'Enfant's 1791 Plan for the City of Washington, establishing the configuration and appearance of Monumental Washington, the seat of the federal government surrounding the National Mall, as we know it today (see Figure 1).



Figure 1: McMillan Commission rendering of its recommendations for central Washington. Although the execution of the plan over the ensuing century led to some variations, it has remained remarkably faithful to the configuration and design conception for the federal government's civic presence in Washington.

The McMillan Commission report describes its clear intention to reinforce L'Enfant's composition of the Capitol, White House, and Mall cross-axis in a way that simultaneously addressed the dignity of the federal government while also addressing the pressing need for new facilities to house greatly expanded public functions (see Figure 2).

These new public buildings were to surround the green space of the National Mall, creating a kite-shaped area dominated by the national civic presence (see Figure 3).

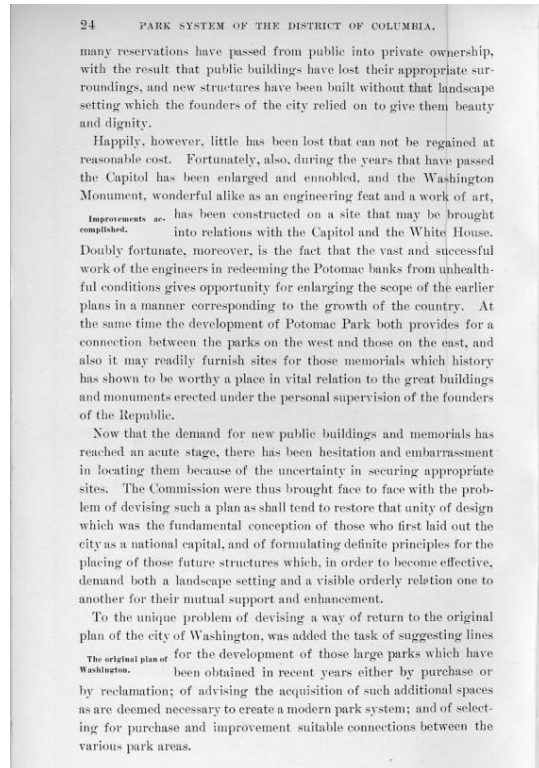
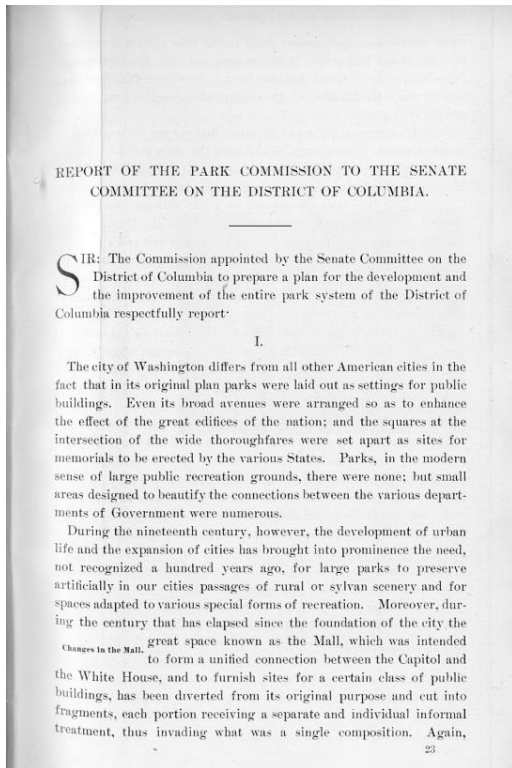


Figure 2: McMillan Commission description of its design concept for central Washington. The design focused on re-establishing the dignity of a unified monumental landscape setting for the seat of government, using the cross-axial framework established by L'Enfant, while also accommodating a greatly expanded government by adding a frame of public building sites.

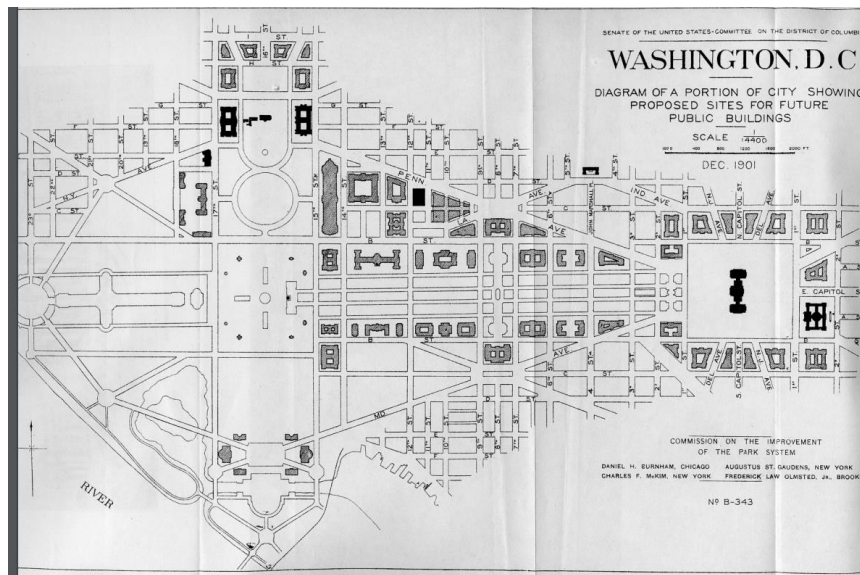


Figure 3: McMillan Commission site plan for public buildings in central Washington. The plan shows the kite-shaped area surrounding the National Mall as a government-dominated precinct of monumental structures. The current Federal Triangle, Mall museums, and frame of federal offices around the Capitol and White House grounds follow this plan closely. Further government expansion in the second half of the 20th century has occupied the Northwest Rectangle area west of the White House and the Southwest Federal Center area south of the Mall, although with some modification to the "kite" configuration.

In its report to Congress, the Commission devoted a detailed chapter to this monumental federal precinct in central Washington. The report terms the geometric composition of formal monumental landscape and public buildings “The Mall System” (see Figure 4). The area of the Mall System was further subdivided into distinct functional areas (see Figure 5).

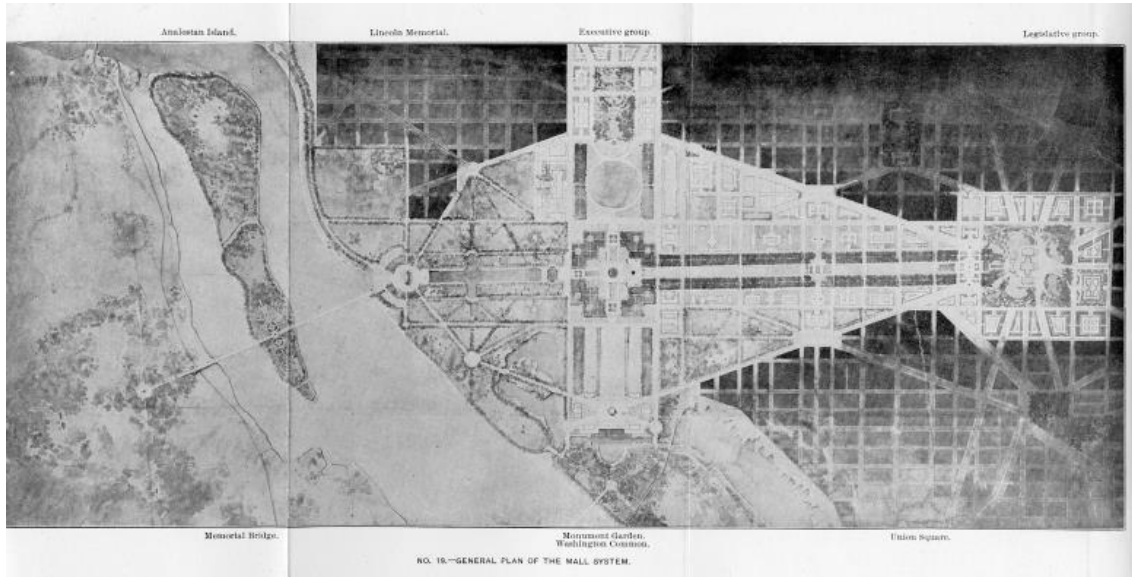


Figure 4: General Plan of The Mall System. The plan denotes specific areas for executive and legislative buildings, while also contemplating a symbolic extension of the monumental national precinct by way a memorial bridge to Arlington Cemetery in Virginia.

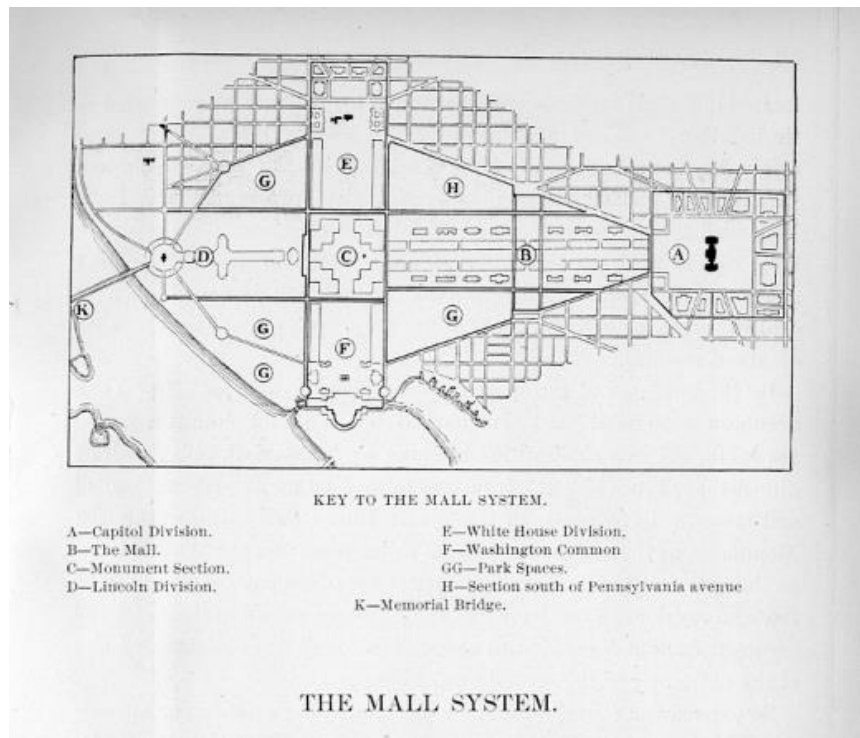


Figure 5: Subdivision of the Mall System. The Commission's plan divided the Mall system into separate areas, allowing for a variety of monumental, functional, and park uses. Two major areas originally identified as park areas were ultimately developed into the Northwest Rectangle and Southwest federal office precincts.

The Commission report to Congress summarizes the conclusions of its "very careful consideration" of the location of public buildings in the various areas around the Mall. In addition to areas for legislative and executive departments, the report envisioned sites for District government buildings as well as public museums and other buildings of a semi-public character (see Figure 6).

The report also explains why East Potomac Park was not included as part of the central Mall system, noting that was a different type of parkland similar to Rock Creek Park, the National Zoo, and other parklands scattered throughout the city (see Figure 7).

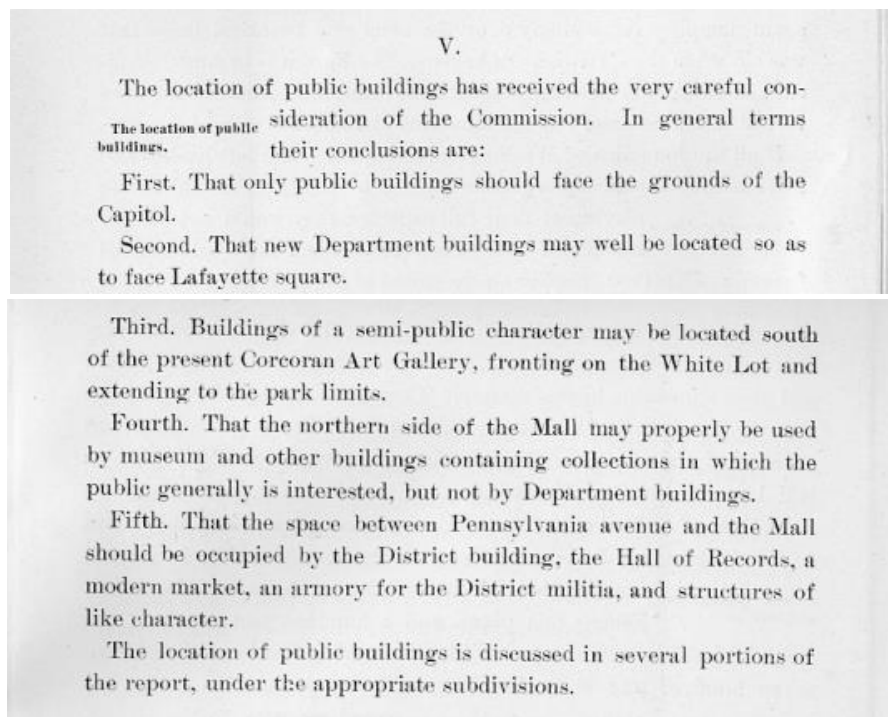


Figure 6: Conclusions on the location of public buildings. The "kite" area of the Mall system was intended to create a monumental setting for public buildings of both the federal and District governments, as well as public museums and semi-public institutions.

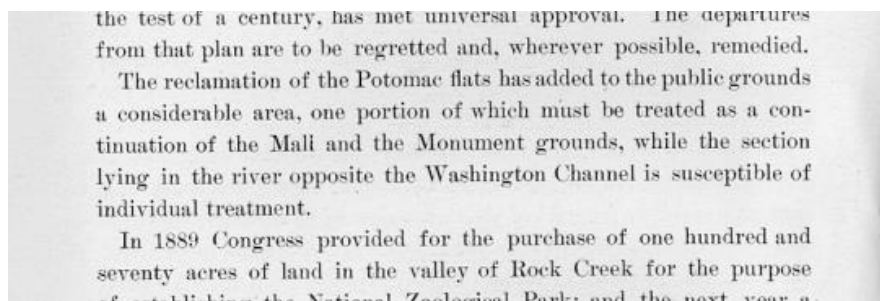


Figure 7: Different treatment of East and West Potomac Parks. While the McMillan plan treated West Potomac Park as part of the natural continuation of the Mall and Monument grounds, it considered East Potomac Park a different type of area whose expected treatment would be more similar to that of Rock Creek Park, the National Zoo, Anacostia Park, and other green areas scattered throughout the city.

ATTACHMENT C – WRITTEN DESCRIPTION OF BOUNDARIES OF THE SEAT OF FEDERAL GOVERNEMENT

DESCRIPTION OF BOUNDARIES OF THE SEAT OF FEDERAL GOVERNEMENT

Starting at the intersection of the centerline of Massachusetts Ave NE and the centerline of Second Street NE;

thence south along said Second Street NE to Second Street SE; thence continuing south on Second Street SE to its intersection with the northern property boundary of the John Adams Building of the Library of Congress;

thence east along said northern property boundary of the John Adams Buildings to its intersection with Third Street SE;

thence south along said Third Street SE to Independence Ave SE; thence west along said Independence Ave SE to Second Street SE;

thence south along said Second Street SE to C Street SE; thence west along said C Street SE to C Street SW;

thence continuing west along said C Street SW to Washington Ave SW; thence northwest along said Washington Ave NW to Second Street SW; thence south along said Second Street SW to Virginia Ave SW;

thence northwest along said Virginia Ave SW to Third Street SW; thence north along said Third Street SW to D Street SW;

thence west along said D Street SW to Fourth Street SW; thence north along said Fourth Street SW to C Street SW;

thence west along said C Street SW to Sixth Street SW; thence north along said Sixth Street SW to Independence Ave SW;

thence west along said Independence Ave SW to Twelfth Street SW; thence south along said Twelfth Street SW to D Street SW;

thence west along said D Street SW to Fourteenth Street SW;

thence in a southwesterly direction along said Fourteenth Street SW to its intersection with the eastern shore of the Potomac River;

thence in a northwesterly direction along said eastern shore of the Potomac River to its intersection with the northern property boundary of the Kennedy Center;

thence east along said northern property boundary of the Kennedy Center to its intersection with the centerline of Interstate 66;

thence south along said Interstate 66 to the E Street Expressway; thence east on said E Street Expressway to Twenty Third Street NW;

thence north along said Twenty Third Street NW to E Street NW;

thence east along said E Street NW to Eighteenth Street NW; thence south along said Eighteenth Street NW to Virginia Ave NW;

thence southeast along said Virginia Ave NW to Constitution Ave NW;

thence east along said Constitution Ave NW to Seventeenth Street NW; thence north along said Seventeenth Street NW to H Street NW;

thence east along said H Street NW to Fifteenth Street NW;

thence south along said Fifteenth Street NW to its northernmost intersection with Pennsylvania Ave NW;

thence southeast along said Pennsylvania Ave NW to Fourteenth Street NW; thence south along said Fourteenth Street NW to D Street NW;

thence east along said D Street NW to Thirteen and a Half Street NW;

thence north along said Thirteen and a Half Street NW to Pennsylvania Ave NW;

east and southeast along said Pennsylvania Ave NW to Fourth Street NW; thence north along a line extending Fourth Street NW to C Street NW;

thence east along said C Street NW to Third Street NW; thence north along said Third Street NW to D Street NW;

thence east along said D Street NW to Second Street NW;

thence south along said Second Street NW to its intersection with a line extending C Street NW;

thence east along said line extending C Street NW to C Street NW; thence continuing east along C Street NW to Louisiana Ave NW;

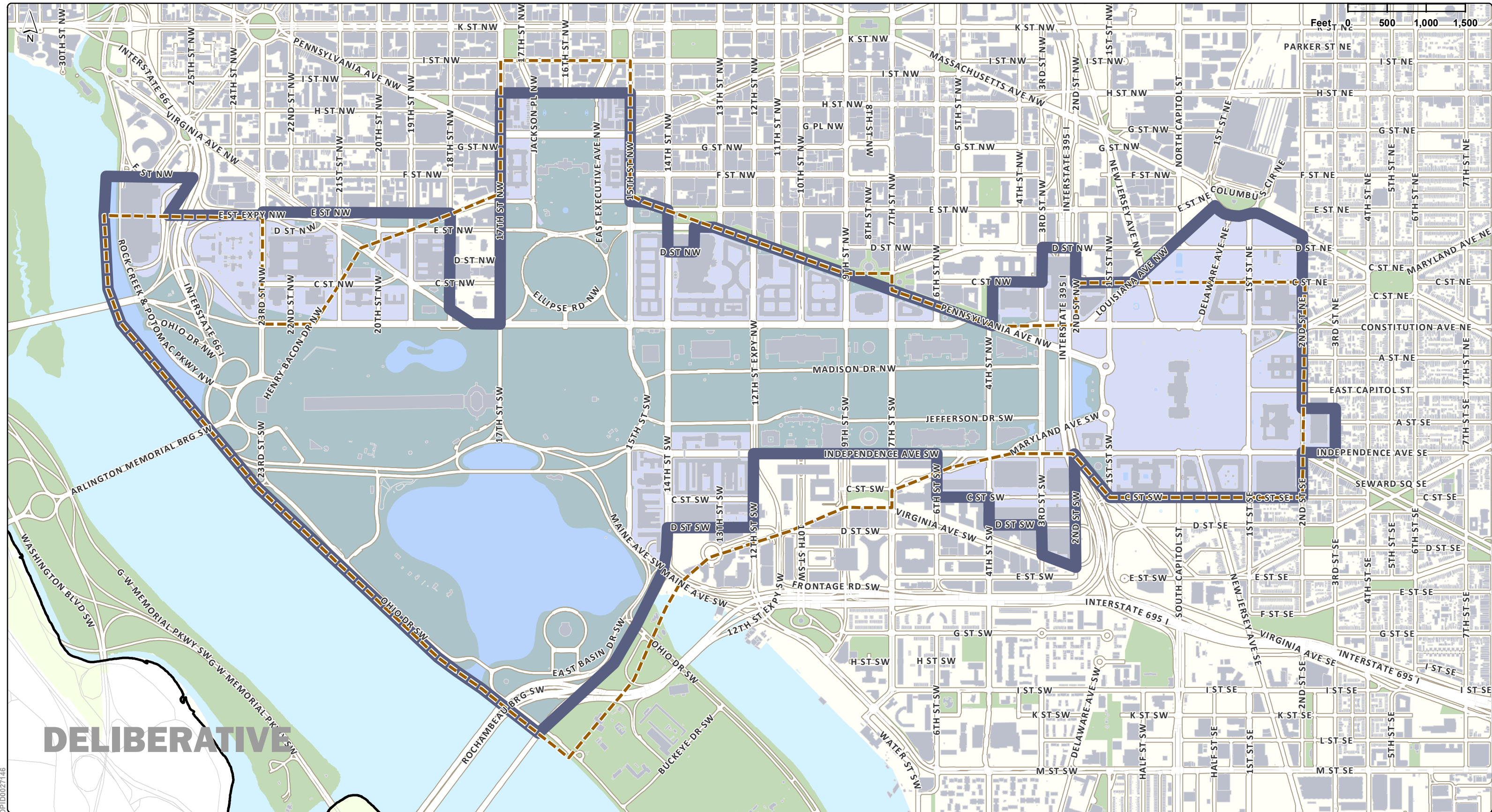
thence northeast along Louisiana Ave NW to Louisiana Ave NE;

thence continuing northeast along Louisiana Ave NE to Columbus Circle NE;

thence counter-clockwise along Columbus Circle to Massachusetts Ave NE;

thence southeast along Massachusetts Ave NE to the point of beginning.


**ATTACHMENT D – MAPS OF PROPOSED BOUNDARIES FOR NEW
COLUMBIA AND SEAT OF FEDERAL GOVERNMENT**





DFID0027146

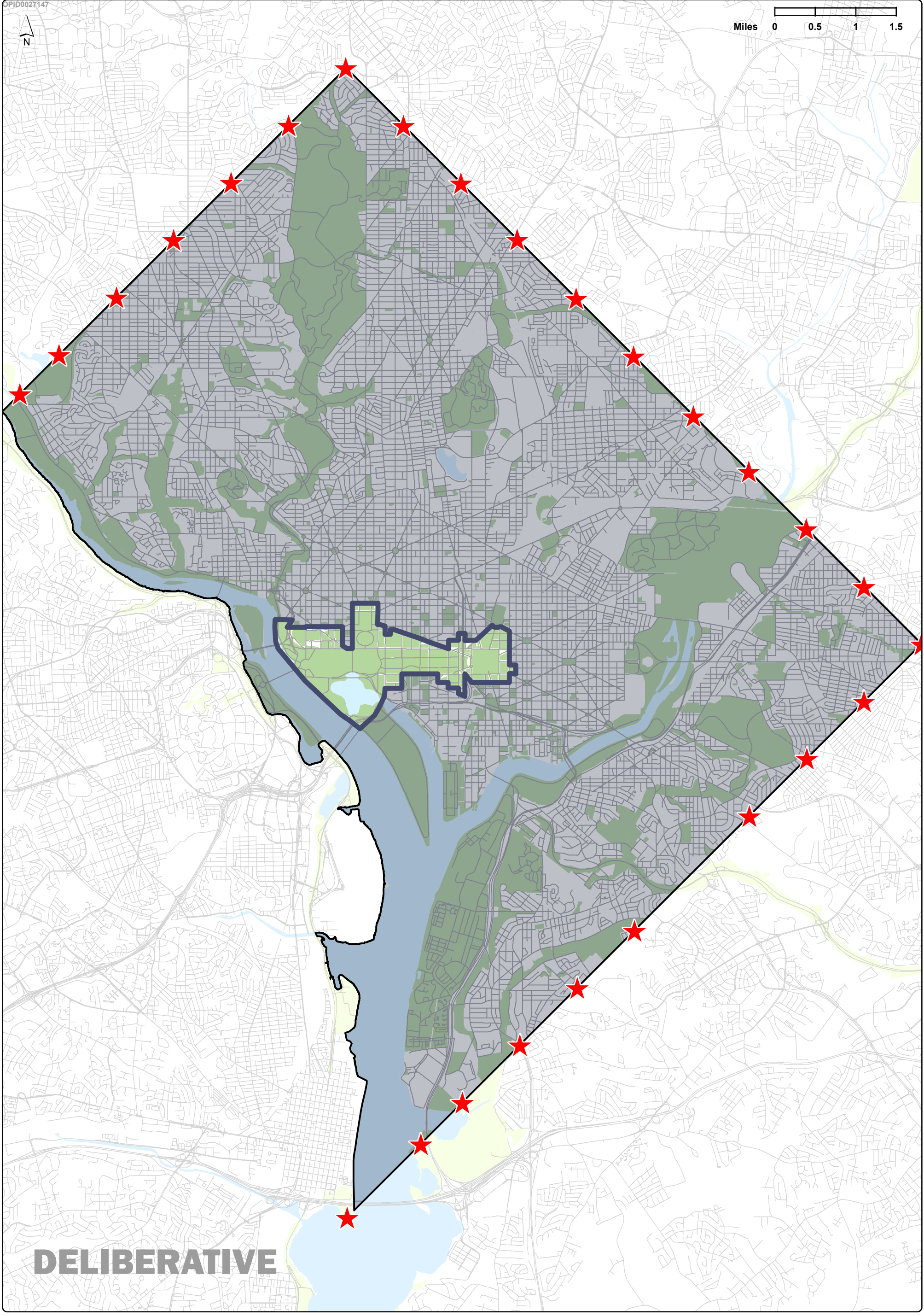
DELIBERATIVE

Proposed New Columbia

 **Office of Planning ~ June 9, 2016**
Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

-  *Proposed Seat of the Federal Government*
-  *McMillan Plan Boundary*



DELIBERATIVE




Proposed New Columbia

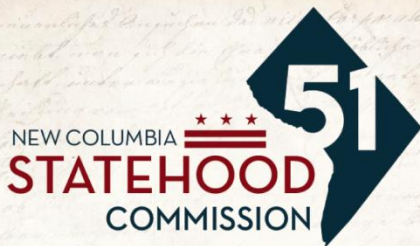


Office of Planning ~ June 9, 2016
Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



-  *Boundary Stones*
-  *Proposed New Columbia*
-  *Proposed Seat of the Federal Government*



Statehood Town Hall Meetings on the

Draft Constitution

- June 2:** Bertie Backus, UDC Community College
5171 South Dakota Ave., NE, 6PM
RSVP: [June2Statehood.Eventbrite.com](https://www.eventbrite.com/e/june2-statehood-town-hall-meeting-tickets-16979831449)
- June 4:** Thurgood Marshall Academy
2427 Martin Luther King, Jr. Ave., SE, 1 PM
RSVP: [June4Statehood.Eventbrite.com](https://www.eventbrite.com/e/june4-statehood-town-hall-meeting-tickets-16979831449)
- June 7:** African American Civil War Memorial & Museum
1925 Vermont Ave, NW, 6PM
RSVP: [June7Statehood.Eventbrite.Com](https://www.eventbrite.com/e/june7-statehood-town-hall-meeting-tickets-16979831449)
- June 8:** Raymond Recreation Center
3725 10th Street, NW, 6PM
RSVP: [June8Statehood.Eventbrite.Com](https://www.eventbrite.com/e/june8-statehood-town-hall-meeting-tickets-16979831449)

The Commission will receive public testimony from residents as described in the public engagement process. The draft constitution and engagement process rules are available at statehood.dc.gov

NEW COLUMBIA
STATEHOOD
COMMISSION



Get involved!

THE NEW COLUMBIA STATEHOOD COMMISSION

INVITES RESIDENTS OF THE

DISTRICT OF COLUMBIA

TO PARTICIPATE IN THE

Constitutional Convention

MONDAY, JUNE 13 • 6:30 P.M. - 9:00 P.M.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

2235 SHANNON PLACE SE, ROOM 2032

FRIDAY, JUNE 17 • 6:00 P.M. - 10:00 P.M.

WOODROW WILSON HIGH SCHOOL

3950 CHESAPEAKE STREET NW

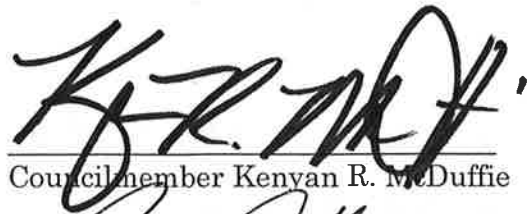
SATURDAY, JUNE 18 • 9:00 A.M. - 1:00 P.M.

WOODROW WILSON HIGH SCHOOL

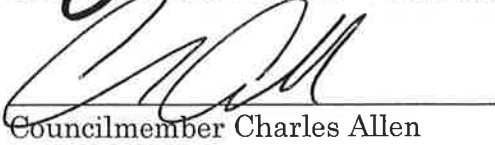
3950 CHESAPEAKE STREET NW

REGISTER TODAY! @ [HTTP://BIT.LY/1XOJMOA](http://bit.ly/1XOJMOA)

STATEHOOD.DC.GOV

1 
2 Councilmember Kenyan R. McDuffie

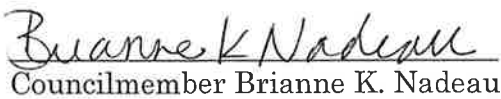

Chairman Phil Mendelson

3
4 
5 Councilmember Charles Allen

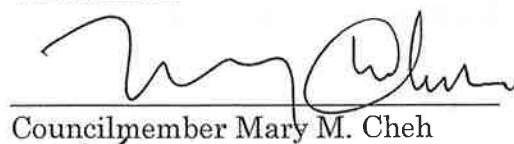
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7 Councilmember Anita Bonds

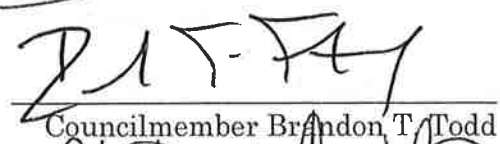
8
9 
10 Councilmember David Grosso

11 
12 Councilmember Elissa Silverman

13 
14 Councilmember Brianne K. Nadeau

15 
16 Councilmember Jack Evans

17 
18 Councilmember Mary M. Cheh

19 
20 Councilmember Brandon T. Todd

21 
22 Councilmember Vincent B. Orange, Sr

23 
24 Councilmember Yvette M. Alexander

25 
26 Councilmember LaRuby May

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31 A PROPOSED RESOLUTION

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36 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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40
41 Chairman Mendelson introduced the following bill which was referred to the Committee

42
43
44 To approve the submission of a proposed advisory referendum to the Board of Elections for
45 inclusion on the ballot for the November 8, 2016, General Election to ask the electorate
46 if the Council should petition Congress to enact a statehood admission act to provide
47 for the State of New Columbia and to approve a Constitution.
48

49 BE IT RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
50 this resolution may be cited as the “Advisory Referendum on the State of New Columbia
51 Admission Act Resolution of 2016”.

52 Sec. 2. Pursuant to section 412(b) of the District of Columbia Home Rule Act,
53 approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-204.12(b)), the Council
54 seeks to petition Congress to enact a statehood admission act to provide for the State of
55 New Columbia to be declared admitted to the Union and to approve a state Constitution;
56 and hereby approves an advisory referendum, which shall ask the voters whether such
57 petition should be approved, to read as follows:

58

59 **“ADVISORY REFERENDUM”**

60

Short Title

61 “Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016.”

62

Summary Statement

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72

To ask the voters on November 8, 2016, through an advisory referendum, if the Council should petition Congress to enact a statehood admission act to admit the State of New Columbia to the Union. Advising the Council to approve this proposal would establish that the citizens of the District of Columbia (“District”) (1) agree that the District should be admitted to the union as the State of New Columbia; (2) approve a Constitution of the State of New Columbia to be adopted by the Council; (3) approve the State of New Columbia’s boundaries, as adopted by the New Columbia Statehood Commission on June 13, 2016; and (4) agree that the State of New Columbia shall guarantee an elected representative form of government.

73 Shall the voters of the District of Columbia advise the Council to approve or reject this
74 proposal?

75 YES, to approve ____

76 NO, to reject ____

77

78 Sec. 3. The District of Columbia Public Library shall make drafts of the state
79 constitution and proposed boundaries available for public inspection at every branch.

80 Sec. 4. Fiscal impact statement.

81 The Council adopts the fiscal impact statement in the committee report as the fiscal
82 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
83 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

84 Sec. 5. Effective date.

85 This act shall take effect upon publication in the District of Columbia Register.