

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 18, 2016

SUBJECT: Report on PR 21-913, “Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016”

The Committee of the Whole, to which PR 21-913, the “Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016” was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On October 4, 2016, Proposed Resolution 21-913, the “Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016” was introduced by Chairman Mendelson. The purpose of PR 21-913 is to approve the proposed constitution for the State of New Columbia and to approve for transmittal to Congress the proposed boundary between the federal enclave and the State of New Columbia.

For over 200 years, citizens residing in the District of Columbia have been denied the same right of citizenship enjoyed by U.S. Citizens of the 50 states: right of a vote in Congress. This grievance is made worse because Congress has plenary authority over all matters in the District, although no members of Congress are elected by District residents. Denying the vote to the citizens of the District of Columbia deprive residents of a fundamental right in a democracy: the right to self-governance. Self-governance reflects community values and priorities. Self-governance is more sensitive to constituents. Self-governance is the essence of every town hall, city council, county board, and state legislature in the United States of America. The only option

to gain full voting representation and full self-governance, as enjoyed by residents of the 50 states, is statehood for the District.

The modern movement for statehood for the current District of Columbia was first proposed in 1971. Most recently, the New Columbia Admissions Act of 2015 was introduced in both the House of Representatives and the Senate. That bill would establish statehood by carving out the geographic federal core of the city to remain a federal enclave, while establishing the remainder of the city as the state of New Columbia. Full statehood is the most practical way to fully restore the rights of those who now live in the Nation's capital. Despite the efforts of District residents since the struggle for statehood – including passage of a constitution in 1982 by a constitutional convention, and a revision of that constitution by the Council in 1987 – a vote on an admission act has not come to fruition.

In 2014, the Council adopted the *New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014* (D.C. Law 20-271). This Act combined four existing commissions established to promote statehood for the District of Columbia into a single New Columbia Statehood Commission (“Commission”). The Commission is comprised of the Mayor, the Chairman of the Council, and the members of the Statehood Delegation (two Senators and a Representative elected for the District of Columbia, sometimes referred to as “Shadow” Members of Congress).

In 2016, the Commission announced that the District of Columbia would pursue statehood through an approach modelled on the approach of Tennessee. This would entail creation of a contemporary constitution and boundaries for the proposed State of New Columbia. The approach means being fully ready for statehood when we next petition Congress for admission. The new constitution and boundaries would supersede previous proposals including constitutions adopted by voters in 1982 and amended by the Council in 1987. The Commission set out to convene a series of town hall meetings in April and May, culminating with a 3-day District-wide constitutional convention. The Commission then adopted a draft constitution and boundaries for the State of New Columbia on June 28, 2016.

The Commission recommended a constitution establishing a governing structure for the new State of New Columbia modelled generally on the current District charter known as the Home Rule Act. It establishes three branches of government: Legislative, Executive, and Judicial. It also establishes budget and financial controls; initiative, referendum, and recall procedures; constitutional construction and convention procedures; and transfer of current office procedures. Notably it would establish the House of Delegates as the legislative branch replacing the Council, the Governor as the executive authority replacing the Mayor, and the New Columbia Courts as the judicial branch bringing the federally administered local courts under the jurisdiction of the New Columbia government.

On July 12, 2016, the Council approved the “Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016,”¹ approving the submission of a proposed advisory referendum to the District of Columbia Board of Elections, for inclusion on the ballot for the general election to be held on November 8, 2016. The advisory referendum asks the

¹ Resolution 21-570; 63 DCR 9627, eff. July 12, 2016.

electorate whether the Council should petition Congress to enact a statehood admission act to admit the State of New Columbia. Passage of the referendum would establish that the citizens of the 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 28, 2016; and (4) agree that the State of New Columbia shall guarantee an elected representative form of government.²

Chairman Mendelson, at the request of the Mayor, introduced the "Constitution for the State of New Columbia Approval Amendment Act of 2016" (Bill 21-826) on July 11, 2016. Bill 21-826 would adopt, by act, the constitution adopted by the Commission and repeal the 1982 version of the constitution codified in the D.C. Code. On September 14, 2016, the New Columbia Statehood Commission met at the request of the Mayor to correct the boundaries in two areas. These changes are reflected in PR 21-902 introduced September 19th at the request of the Mayor.

Many Councilmembers have stated that the Council should act on the Constitution before the November 8, 2016 advisory referendum on statehood. The Committee agrees. To move quickly, make modifications, and to reflect the fact that the Constitution cannot become law until after Congressional action and voter ratification, the Committee has decided the best approach is to utilize a resolution rather than an act. Accordingly, PR21-913 was introduced on October 4, 2016. The effect of PR 21-913 is to correct the boundaries adopted by the Commission on June 28th, include the boundary changes proposed in PR 21-902, adopt a Constitution as proposed in the Advisory Referendum, and to make improvements to the Constitution from what was adopted by the Commission on June 28th.

The Commission included a detailed report on its deliberations and rationale for provisions included in the version adopted on June 28, 2016, including the boundaries. That report is attached and incorporated by reference. The Committee recommends that the resolution that is the vehicle for Council approval of the constitution and boundaries be made effective only upon approval of the advisory referendum by a plurality of voters in the November 8, 2016 election and that then the constitution and recommended boundaries be forwarded to the Congress. The Committee also recommends additional changes to the constitution many of which are described below.

Article I – Legislative Branch

The Commission, like past iterations of a New Columbia constitution, styled the unicameral legislative body for the State of New Columbia as the House of Delegates. Currently, three states have a House of Delegates: Maryland, Virginia, and West Virginia – all in mid-Atlantic region like the proposed State of New Columbia. However, in those states, the House of Delegates is the lower house of a bicameral legislature and its members are titled Delegates. In addition, in the United States Congress, Members of Congress from territories and

² The New Columbia Statehood Commission met in September to revise the boundaries and those revisions are reflected in the Committee Print to this report.

the District of Columbia are titled Delegates. The Committee believes that having Delegate members of a House of Delegates implies both a lower house of a bicameral legislature, and the Delegate title harkens back to the District of Columbia's second-class treatment as a territory in the United States Congress.

The only other unicameral legislature in the Union is the State of Nebraska legislature which is known as the Legislature, or colloquially the Unicameral. Its members are known officially as Senators, because when Nebraska had a bicameral legislature, the current body was known as the Senate. Some of the most prominent examples of unicameral sub-national legislatures, analogous to a state legislature in the United States, exist in Canada and Australia where most state-level legislatures are unicameral and known as Legislative Assemblies. Therefore, the Committee recommends naming New Columbia's legislature the Legislative Assembly with members known simply as Representatives.

The Home Rule Act for the District of Columbia established, under the auspices of the Council of the District of Columbia, an independent auditor whose role is to conduct audits and investigations of the accounts and operations of the District government. The Auditor is given unique authority to carry out those functions by having access to all books, accounts, records, reports, findings, and other papers, this, or property belonging to any agency of the District government. The Auditor has been a strong tool for the legislative branch for producing reports describing financial and management control issues in District agencies.

As recommended by the Commission, the House of Delegates could appoint an Auditor, but would not be required to do so. Instead, the Committee recommends including the Auditor as an entity established under the legislative branch based largely on the Home Rule Act construct of the office. It would preserve the authority of the Auditor and compel the Governor or other independent executive offices to comply with requests of the Auditor.

Other substantive changes to Article I (Legislative Branch) include:

- Expulsion of a Representative could occur with a 4/5 rather than 5/6 vote of the members – 17 rather than 18 of the membership. This makes the possibility of expulsion for gross misdeeds a little less impossible, and 4/5 is an easier fraction to understand.
- The filling of vacancies may occur any time no later than the second day following appointment or election certification, which is more practicable than on the same day (especially if the appointment or certification occurs in the evening or on a weekend).
- The cumbersome language qualifying that Representatives may serve as delegates to a political convention, etc., or may serve in a reserve component of the armed forces is simplified to permit Representatives to serve as an official or delegate of a political party, and no prohibition is implied about serving in the armed forces while a Representative.
- Language is revised to remove the ability of the Executive to pocket-veto legislation merely because the legislature is on recess.

- A provision is added that all Acts shall become effective and enforceable 60 days after enactment unless another date is specified in the Act or other law. This gives the public clearer notice of when new laws go into effect.
- A provision is added to specify current law that the Legislative Assembly shall have the power to confirm Executive appointments as may be required by law.
- Provisions are added, reflecting current law, stating the qualifications for an individual to be an Advisory Neighborhood Commissioner, and that Commissioners are unpaid.
- A provision is added providing that the Auditor may be removed for cause by two-thirds vote of the Legislative Assembly, and that a person appointed to fill a vacancy shall have a full six-year term

Article II – Executive Branch

The Commission recommended an executive branch with all power vested in the Governor. It also provided for an Office of the Attorney General with ambiguous independence, a Chief Financial Officer that reports to the Governor, a State Board of Education that is an advisory body to the Governor, and “elections agency” to manage and supervise election related activities. The current Home Rule Act and District laws afford the Attorney General and Chief Financial Officer broad independence that would be curtailed under the recommendations of the Commission. Therefore, the Committee recommends clarifying that executive authority is vested in the Governor and in other independent executive entities, including the Attorney General, Chief Financial Officer, Board of Education, and Board of Elections. This would largely preserve the *status quo* of the current government’s organization. In addition, the Committee recommends a “Board of Elections” rather than authorizing an elections agency to conform that entity with the others established under Article II.

Other substantive changes to Article II (Executive Branch) include:

- Clarifies that the salary of a Governor cannot be reduced while he or she is in office, but permits a reduction in salary otherwise to permit flexibility to the legislature should economic circumstances require. Identical language is provided for the legislature, the Chief Financial Officer, and the Attorney General (different language is provided for judges since they service 15-year terms).
- Clarifies that the Governor does not have personnel authority for the independent executive agencies.
- Clarifies that the Governor has the authority to reorganize the executive branch except where such reorganization is inconsistent with statute.
- Since the ability to enter into contracts is an inherent Executive function, that language is removed from the section authorizing compacts and agreements with other states, localities, the federal government, and foreign nations, cities, or businesses.
- Clarifies that the Attorney General has charge of all law business of the government as well as criminal prosecutions and lawsuits by and against the government.
 - Specifies that the State Board of Education shall advise the legislature as well as the Governor

Article III – Judicial Branch

The Committee generally concurs with the recommendations of the Commission. The Committee Print would clarify that the jurisdiction of the courts be established by law, and that trial by jury in civil cases be afforded in cases that exceed a financial threshold established by the Superior Court rather than a set dollar amount of \$5,000 in the constitution.

While not in the constitution structure, the Committee notes and the Constitution allows that the future judicial branch should be comprised of the current trial an appellate court, and a new intermediate court with multiple panels of judges to focus on specific areas of controversy for appellate relief. Under such a model, the highest court would be modelled as the state supreme court that could hear cases based on certiorari review from the lower courts. The intermediate court would be an appellate court that would settle matters of law – notably administrative matters – appealed from the trial court. The constitution as drafted allows for the establishment of courts by Act, and the Committee supports this provision with the understanding that an intermediate court would be necessary.

Article IV – Budget and Financial Management

The Committee largely recommends adoption of the budget and financial management Article as proposed by the Commission with a few changes. First, the Committee Print clarifies that the Governor recommends the budget for agencies under the purview of the Governor, and that the Legislative Assembly and independent executive entities develop their own budgets to be included in the budget submitted to the legislature. This conforms to the Committee’s Changes to Article II (Executive Branch). This change strengthens the independence of those entities and mirrors the current practice in place under the District’s budget process. Second, the Committee Print requires that any funds drawn by the Governor from the contingency cash reserve require the consent of the House of Delegates. This matter reflects language sought by the Council in previous budget acts to provide a check on the Executive’s use of the contingency, but not emergency reserve funds. In addition, language has been added or revised to specify that there must be a multiyear financial plan (current practice is four years) and that the CFVO must certify the budget and financial plan as balanced. The deadline for the Legislative Assembly’s adoption of a fiscal year budget and financial plan is changed from 70 to 77 days and the deadline for producing a Comprehensive Annual Financial Report is changed from 120 to 1233 days to equate to a February 1st or November 1st date (current law is February 1st).

Article VI - Initiative; Referendum; Recall

The Committee Print makes numerous drafting changes to this Article so that the language conforms to existing law which is embodied in the Home Rule Act. There is significant case law interpreting the existing language, and most of the drafting changes made by the New Columbia Statehood Commission are unaccompanied by any rationale.

The Committee disagrees with the Commission that initiatives and referenda should not be held in conjunction with primary elections. At first blush this recommendation might seem

logical since primary ballots exclude independent voters, but there is no reason why a primary election cannot include a ballot available to all registered voters – just as a special election (which the Constitution authorizes) does. The proponents of an initiative or referendum are always eager to see their issue put to a vote, and to exclude primary elections thwarts the public interest in timely action on voter initiatives and referenda.

Article VII – Miscellaneous

At the Committee’s public hearings on the proposed constitution, perhaps the most requested change dealt with a desire to require a mandatory new constitutional convention after admittance of the State of New Columbia to the Union. As approved by the Commission, the future House of Delegates would have the authority, but not the requirement, to convene a constitutional convention to update the constitution from its intended purpose as a transitional governing document to a permanent governing document created by the residents of New Columbia. The Committee Print therefore provides that no later than the second anniversary of the admittance of New Columbia to the union, the legislative branch call a constitutional convention made up of an equal number of delegates from each of the legislative districts of the state. To help guide the convention, the Legislative Assembly would also appoint a Constitutional Convention Commission comprised of experts in various matters of governance to provide recommendations, guidance, and advice to the Constitutional Convention. The Committee believes that such a commission is critical to the success of a final constitutional convention to provide legal advice and best practices on the variety of issues sure to face convention delegates crafting a new governing structure.

It is clear from the testimony at the town halls, so-called constitutional convention, and the Committee’s public hearings that many of the witnesses had not given extensive thought to governing issues such as checks and balances and governing efficiency. Indeed, there was considerable testimony criticizing the process, with only a handful of witnesses who spoke specifically about the powers of the Auditor or Chief Financial Officer versus the Executive. A Constitution should be about the structure of government, and limitations of government as well. That is the beauty of the United States Constitution – not that it promotes certain policies, but that it ensures liberty and democracy while providing for a government that works. Accordingly, while the Committee Print requires a Constitutional Convention, the results thereof will have to undergo the standard amendment process: affirmative two-thirds vote of the legislature followed by voter ratification. The Committee Print also amends the constitution to provide that, if approved in the admission act, the Delegate to the House of Representatives from the District of Columbia would continue as the Representative for the District of Columbia in the House of Representatives until the next congressional election.

A new section has been added to this Article requiring an oath of office: that all elected officials, and all executive and judicial officers shall be bound by oath or affirmation to support this constitution, the laws of the state of New Columbia, and the Constitution of the United States.

State Boundaries

The Commission approved boundaries that were based on boundaries of a 1902 study in which the federal government identified key federal and park space in the core of the federal District. However, the Committee received detailed testimony on the need to craft revised boundaries between the State of New Columbia and the eventual federal enclave that take into account certain practical considerations such as keeping streets and highways in New Columbia and keeping areas under the jurisdiction of the Architect of the Capitol in the federal enclave. In addition, the Executive submitted a resolution to the Council³ recommending two discrete changes to the Commission approved boundaries that would keep within New Columbia the Old Post Office building – now a hotel under a long term lease with the General Services Administration – and buildings containing private businesses in a square that is on the West side of 15th Street, NW and the South side of I Street, NW.

The Committee appreciates the thoughtful work of statehood advocates that took the principals of the Commission's boundaries and applied a practical approach to them. For example, the Commission's approved boundary in East Potomac Park would have approximately 1,500 linear feet of the Interstate 395 and Rochambeau Bridges cross through the federal enclave. Another change with the Committee's recommended boundaries is that they provide more detail with regard to rights-of-way and rather than simply splitting the sides of a street between the state and the federal enclave, whole rights-of-way would be given to one side or another.

Previous admission acts introduced in the House and Senate have specified boundaries and provided that after admission of New Columbia into the Union, any streets or sidewalks bounding the federal enclave would be deemed part of the federal enclave. This is particularly problematic when considering major thoroughfares and neighborhood streets along the boundary line that would be part of the enclave while most of the abutting property on the other side would be in New Columbia. Finally, both the Commission-approved and Committee-recommended boundaries exclude certain land envisioned in past Admissions acts, notably certain military property such as Fort Lesley McNair, the Washington Navy Yard, and Bolling Air Force Base. The Committee believes inclusion of these military installations are not necessary to preserve their integrity as federally administered areas given that Article I, Section 8 of the United States Constitution provides that for all places in a state on which the United States erects forts, magazines, arsenals, dockyards, and other needful buildings, Congress is to continue to exercise exclusive jurisdiction in all cases whatsoever. This would treat those military installations as similar installations are treated in other states whereby they are wthe state but under the exclusive control of the federal government.

The Committee intends that these revised metes and bounds be forwarded to Congress, upon the effective date of PR 21-913, to better inform Members of Congress and its committees of jurisdiction of the most appropriate boundary between the State of New Columbia and the federal enclave to minimize confusion and allow for effective management of both jurisdictions.

³ PR 21-902, State of New Columbia Revised Boundary Approval Resolution of 2016.

Conclusion

Statehood is the only practical way that District citizens can participate in a fully democratic government as part of the United States. It is the only way to ensure that our local government will never be subject to a shutdown because of Congress' quibbling over purely federal matters. It is the only way to give District residents locally elected representatives to enact purely local laws that will not be subject to national debates over divisive social issues. It is the only way to create a justice system that is representative of, and sensitive to, our community values. Statehood is the only way to give residents a full, guaranteed, and irrevocable voice in the Congress of the United States – the same voice enjoyed by all other citizens across the country. Statehood is the most practical solution to right the historical wrong of denying voting rights to citizens of the District and to guarantee the right to local self-governance.

The Committee believes that the constitution and boundaries proposed in the Committee Print represent a milestone in the District's continued push for statehood. The constitution provides a familiar framework for the State of New Columbia to operate under after eventual passage of an admissions act by Congress and subsequent proclamation by the President officially making New Columbia the 51st state of the Union. The Committee acknowledges frustration among some statehood advocates over the process that has culminated in approval of the attached constitution. However, the Committee believes that when it comes to the substance of the constitution, this resolution represents a further improvement and refinement to the constitution adopted by the Commission.

II. LEGISLATIVE CHRONOLOGY

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|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 28, 2016 | The New Columbia Statehood Commission adopts a proposed constitution for submission to the Council. At the same time, proposed boundaries are approved. |
| July 11, 2016 | Bill 21-826, "Constitution for the State of New Columbia Approval Amendment Act of 2016" is introduced by Chairman Mendelson at the request of the Mayor. |
| July 12, 2016 | PR 21-839, "Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016" is approved by the Council. |
| August 19, 2016 | Notice of a Public Hearing on Bill 21-826 is published in the <i>District of Columbia Register</i> . |
| September 14, 2016 | The New Columbia Statehood Commission adopts changes to the boundaries for New Columbia. |
| September 19, 2016 | PR 21-902, "State of New Columbia Revised Boundary Approval Resolution of 2016" is introduced by Chairman Mendelson at the request of the Mayor. |

- September 27, 2016 The Committee of the Whole holds the first of two public hearings on Bill 21-826.
- October 4, 2016 PR 21-913, “Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016” is introduced by Chairman Mendelson.⁴
- October 6, 2016 The Committee of the Whole holds the second of two public hearing on Bill 21-826.
- October 7, 2016 Abbreviated Notice of Intent to Act on PR 21-913 is published in the *District of Columbia Register*.
- October 18, 2016 The Committee of the Whole marks-up PR 21-913.

III. POSITION OF THE EXECUTIVE

Beverly Perry, Senior Advisor to the Mayor, testified on behalf of the Executive. That testimony is summarized below. The Executive initiated the constitution revision process through the New Columbia Statehood Commission and voted in favor of the draft of the constitution under consideration as part of PR 21-913.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received a resolution from Advisory Neighborhood Commission 8D recommending that the Council within 30 days call for and fund a constitutional convention. The Committee also received a resolution for Advisory Neighborhood Commission 3F urging that the Council preserve the independent powers of various currently independent entities, and recommending that voters be afforded an opportunity to vote on a binding referendum.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held two public hearings on Bill 21-826, the “Constitution for the State of New Columbia Approval Amendment Act of 2016” on Tuesday, September 27, 2016 and Thursday, October 6, 2016. The testimony summarized below is from those hearings. A hearing is not necessary for a Council resolution such as PR 21-913, however, PR 21-913 was discussed at the October 6th hearing and the constitution included in Bill 21-826 is substantively similar to the constitution included with PR 21-913. Copies of written testimony are attached to this report.

First Hearing On Bill 21-826 – September 27, 2016

⁴ The text of the proposed constitution contained in Bill 21-826 is substantively identical to the proposed constitution included with the introduced version of PR 21-913.

Hon. Paul Strauss, United States Senator, District of Columbia, testified to the history of the most recent states admitted to the United States, notably the Tennessee process, and provided background on the drafting process in the New Columbia Statehood Commission.

Hon. Michael Brown, United States Senator, District of Columbia, testified to his recommendation to add a provision to the proposed constitution requiring a mandatory constitutional convention within three years of statehood.

Markus Batchelor, Commissioner, ANC 8C04, testified to the need for more participation of the public in crafting the constitution and the need for a new convention after becoming a state.

David Bardin, Public Witness, testified to the need to preserve the independence of certain offices including the Attorney General and the Auditor.

Ann Loikow, DC Statehood – Yes We Can!, testified to the need for additional work on the constitution and emphasized the need to revisit the proposed boundaries of the proposed state and federal enclave.

Keshini Ladduwahetty, DC for Democracy, testified that a more in depth review of possible changes to the constitution between now and admittance as a state.

David Schwartzman, DC Statehood Green Party, testified to his disagreement with the process with regard to the drafting of the constitution and urged a no vote on the advisory referendum.

Brenda Lee Richardson, Public Witness, testified to her support for statehood and the need to preserve the independence of the DC Water and Sewer Authority.

Mary Alice Levine, Public Witness, testified to the need for a new constitutional convention, a referendum on the final constitution and boundaries, amendments by initiative, inclusion of a Lieutenant Governor, and other recommended changes to the constitution.

Elinor Hart, Public Witness, testified that deficiencies in the constitution need to be addressed, the public should be more involved, and residents should have a vote on the proposed constitution.

Gene Solon, Public Witness, testified to the size of the new legislature and recommended a non-partisan state legislature.

Randy Speck, Chair, ANC 3/4G, testified with regard to Advisory Neighborhood Commissions including continuing the requirement that ANCs be given great weight, clarification of the role of individual commissioners versus a full ANC, and that ANCs should represent distinct neighborhoods.

John Hanrahan, Public Witness, testified that the process thus far in drafting the

constitution has not had proper input from the public and that a new convention should be called.

Debby Hanrahan, Public Witness, testified to the need for a new constitutional convention and her concern over the political influence by the Mayor and Council on the drafting of the Constitution.

Jesse Lovell, Public Witness, testified to the need for ongoing work on the proposed constitution and for a mandatory convention less than five years after admittance as a state.

Denise Krepp, Commissioner, ANC 6B10, testified that she supports statehood and the legislation. She noted that Members of Congress, military officers, and out of state residents living in the District can exercise more control over District affairs than local residents.

G. Lee Aikin, Public Witness, testified that the convention process was flawed in that it was convened by the statehood commission made up of and controlled by elected officials and not by convention delegates.

Deborah Shore, Chair, Ward 3 Democratic Committee, provided written testimony read by Ann Loikow, recommended several amendments to the constitution and that the proposed boundaries be reviewed and amended by the statehood commission.

Anise Jenkins, Executive Director, Stand Up! For Democracy in DC, testified that the size of the legislature should be increased or should be made bicameral, and that a mandatory new convention should occur after admittance as a state.

Andrea Rosen, Public Witness, testified that the convention process was not inclusive and was driven by elected officials and not by delegates elected for the purpose of drafting a constitution.

Matthew Watson, Public Witness, testified to the importance of an independent Auditor and the history of the current position.

Leslie McGorman, Deputy Policy Director, NARAL Pro-Choice America, testified to the importance of statehood to prevent Congressional interference in local affairs by the federal budget and legislative process.

Daniel Solomon, Founder, DC Vote, testified to the need for additional financial resources for statehood and described the experience of Alaska's statehood efforts.

Lars Hydle, Policy Director, DC Republican Party, testified that if the District is not granted statehood, it should either be afforded political representation in Congress or be exempted from federal taxation.

Anne Cauman, Public Witness, testified that the convention process was not widely known, the need for an independent auditor, the need to clarify provisions related to succession

in the offices of Senators and Representatives, and the size and composition of the legislative branch.

Beverly Perry, Senior Advisor to the Mayor, Office of the Senior Advisor, testified on behalf of the Executive with regard to the Executive's role in the convention process and drafting of the constitution

Second Hearing On Bill 21-826 – October 6, 2016

Karl Racine, Attorney General of the District of Columbia, testified to the legal sufficiency of the proposed constitution as introduced and other legal matters related to the constitution, and recommended that the final constitution reflect a fully independent Attorney General and Chief Financial Officer.

Hon. Franklin Garcia, United States House Representative, District of Columbia, testified about the Commission's process in developing its draft constitution proposal and noted that the boundaries approved by the Commission should be refined.

Arrington Dixon, President, ADA Inc. and Former Chairman of the Council of the District of Columbia, testified to the current lack of representation in Congress and discussed previous efforts to develop a New Columbia Constitution.

Marjorie Hunter, Public Witness, testified about issues surrounding changing the name of the District of Columbia.

Rod Woodson, Public Witness, testified to the expeditious process undertaken to move forward a new constitution, about the proposed judicial branch, and the need for a continued independent Chief Financial Officer and Attorney General.

Josh Burch, Public Witness, testified to concerns over the constitutional drafting process, the name of the new federal government enclave and new state, and the need for a new elected convention after admittance.

Laura Fuchs, Public Witness, testified to concerns over the constitution drafting process and the need for an inclusive process.

Dontre Jackson, DCPS Student, about parallels of the drafting of the New Columbia constitution to the drafting of the US Constitution.

Tiffany Wilson, DCPS Student, testified about the important role of a constitution needing to form a government structure.

Jiyana Buie, DCPS Student, testified about the need for a government to be made up of selfless leaders to identify the needs of the people and carry out necessary steps to support them.

Tylik Loring, DCPS Student, testified about the importance of the bill of rights and the need to include more rights.

Perry Redd, testifying on behalf of Darryl Moch, Chair, DC Statehood Green Party, testified to concerns over the drafting process and concerns over supporting the referendum process.

Shelley Tomkin, Public Witness, testified to her support for the drafting process thus far, recommended allowing a new convention be called by citizen initiative, and the need to increase size of the legislative branch.

Zachary Israel, Public Witness, testified that he applauded the work of the Council and Mayor in the Statehood process and recommended for inclusion in the constitution a provision allowing a more timely new constitutional convention.

Claudia Barragan, Public Witness, testified to the importance of inclusion and diversity in our community and requested amendments to the constitution to require a new convention.

Hector Rodriguez, DC Latino Caucus, testified that there should be a new convention convened after admittance and urged residents to support the advisory referendum.

Guy Durant, Public Witness, testified that the legislative branch size should be increased, the name of the state should be changed, and that a constitutional convention should be convened within two years.

Absalom Jordan, Southern Hills Tenant Association, testified about the convention process, the advisory referendum process, requested that the constitution be revised to require a subsequent convention, and supported Council action on a constitution before voting on the referendum commences.

Linda Beebe, President, League of Women Voters, testified to her organization's work supporting statehood and democracy in the District, plans for a new constitutional convention, changes to the constitution amendment process, and advocacy for a new referendum of voters on a final constitution.

Nelson Rimensnyder, Public Witness, testified to the historical governing structures in the District including governor-assembly structures, appointed commissioners, and the current Mayor-Council structure.

Janet Brown, Public Witness, testified that while she shares concerns of many residents, the process should continue to ultimately support statehood, a strong amendment process, and the need for an elected delegate convention within one year of admittance.

Anne Anderson, Public Witness, testified to the need for an interim constitution but the need for a mandatory new convention after admittance.

Marie Drissel, Public Witness, testified to the need for a strong auditor -- one that can do Audits at the request of the legislature or of their own initiative. She also supported a more independent Chief Financial Officer but not one over the lottery board.

Antoinette White-Richardson, Public Witness, testified to questions over the functioning of the proposed government and other logistical concerns.

Philip Blair, Statehood Green Party, testified that he intends to oppose the referendum because of concerns over the process for drafting the constitution and the content of the constitution.

Glenda Richmond, Public Witness, testified to concerns over the convention process, called for inclusion of a mandatory new convention after passage of the advisory referendum and asked that the final constitution be made available before voting.

Additional Testimony for the Record

Carl Bergman provided written testimony suggesting several technical changes to the constitution.

Janet W. Brown provided written testimony supporting statehood and recommending that the constitution be amended to require a mandatory convention after statehood.

Additional comments on PR 21-913 are included in the hearing record for Bill 21-826.

VI. IMPACT ON EXISTING LAW

PR 21-913 has no impact on existing law. The Home Rule Act allows the Council to use resolutions to “express simple determinations, decisions, or directions of the Council of a special or temporary character⁵...” This resolution expresses the decision of the Council with regard to the proposed constitution and boundaries.

VII. FISCAL IMPACT

PR 21-683 will have no fiscal impact on the District of Columbia budget or financial plan. The constitution and boundaries proposed by this resolution cannot take effect until approval by Congress at which time the fiscal impact of statehood will be more fully addressed.

VIII. SECTION-BY-SECTION ANALYSIS

Section 1 States the short title of PR 21-913.

⁵ D.C. OFFICIAL CODE § 1-204.11(a) (2001).

- Section 2 Approves the attached document as the Constitution to be adopted by the Council under the advisory referendum.
- Section 3 Approves the proposed boundaries between the federal enclave and the State of New Columbia for transmittal by the Council to Congress.
- Section 4 Requires the Chairman of the Council to transmit a copy of the resolution to the New Columbia Statehood Commission and Congress after the effective date.
- Section 5 Establishes that the resolution shall take effect only upon certification of a plurality vote of yes on the Advisory Referendum.

IX. COMMITTEE ACTION

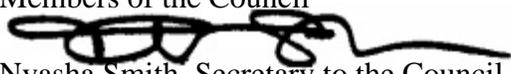
X. ATTACHMENTS

1. PR 21-913 as introduced.
2. Written Testimony.
3. New Columbia Statehood Commission Report.
4. Legal Sufficiency Determination for PR 21-913.
5. Map of Proposed Boundaries.
6. Committee Print for PR 21-913.
7. Proposed Constitution.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : October 05, 2016

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, October 4, 2016. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016", PR21-0913

INTRODUCED BY: Chairman Mendelson

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services



Chairman Phil Mendelson

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the proposed constitution for the State of New Columbia and to approve for transmittal to Congress the proposed boundary between the federal enclave and the State of New Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Constitution and Boundaries for the State of New Columbia Approval Resolution of 2016."

Sec 2. Constitution for the State of New Columbia.

Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1793 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby adopts the document entitled "The Constitution of The State of New Columbia" dated October 4 2016, attached and made part of this resolution, as the Constitution to be adopted by the Council pursuant to the advisory referendum.

Sec. 3. Specific description of metes and bounds for New Columbia.

(a) Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1793 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby approves for transmittal to Congress the proposed boundary between the federal enclave and the State of New Columbia as recommended by the New Columbia Statehood Commission, as

37 amended by the Council to read as set forth in subsection (b).

38 (b)(1) Beginning at the intersection of the southern right-of-way of F Street NE and the
39 eastern right-of-way of 2nd Street NE;

40 (2) Thence south along the said eastern right-of-way of 2nd Street NE to the eastern
41 right-of-way of 2nd Street SE;

42 (3) Thence south along the said eastern right-of-way of 2nd Street SE to its intersection
43 with the northern property boundary of the John Adams Building of the Library of Congress;

44 (4) Thence east along the said northern property boundary of the John Adams Building of
45 the Library of Congress to its intersection with the western right-of-way of 3rd Street SE;

46 (5) Thence south along the said western right-of-way of 3rd Street SE to its intersection
47 with the northern right-of-way of Independence Ave SE;

48 (6) Thence west along the said northern right-of-way of Independence Ave SE to its
49 intersection with the eastern right-of-way of 2nd Street SE;

50 (7) Thence south along the said eastern right-of way of 2nd Street SE to its intersection
51 with the southern right-of-way of C Street SE;

52 (8) Thence west along the said southern right-of-way of C Street SE to its intersection
53 with the eastern right-of-way of 1st Street SE;

54 (9) Thence south along the said eastern right-of-way of 1st Street SE to its intersection
55 with the southern right-of-way of D Street SE;

56
57 (10) Thence west along the said southern right-of-way of D Street SE to its intersection

58 with the western right-of-way of South Capitol Street;

59 (11) Thence south along the said western right-of-way of South Capitol Street to its

60 intersection with a line extending northwestward the southwestern right-of-way of Canal Street
61 SE;

62 (12) Thence southeast along the said line extending northwestward the southwestern
63 right-of-way of Canal Street SE to the southwestern right-of-way of Canal Street SE;

64 (13) Thence southeast along the said southwestern right-of-way of Canal Street SE to its
65 intersection with the southern right-of-way of E Street SE;

66 (14) Thence east along the said southern right-of-way of said E Street SE to its
67 intersection with the western right-of-way of 1st Street SE;

68 (15) Thence south along the said western right-of-way of 1st Street SE to its intersection
69 with the southern property boundary of the former Congressional House Page's Dormitory;

70 (16) Thence west along the said boundary of the former Congressional House Page's
71 Dormitory to its intersection with the southwestern right-of-way of New Jersey Avenue SE;

72 (17) Thence southeast along the said southwestern right-of-way of New Jersey Avenue
73 SE to its intersection with the northeastern right-of-way of Virginia Avenue SE;

74 (18) Thence northwest along the said northeastern right-of-way of Virginia Avenue SE to
75 its intersection with the eastern right-of-way of South Capitol Street;

76 (19) Thence north along the said eastern right-of-way of South Capitol Street to its
77 intersection with the southern right-of-way of E Street SE;

78 (20) Thence west along a line extending westward the said southern right-of-way of E
79 Street SE to its intersection with the western right-of-way of South Capitol Street;

80 (21) Thence north along the said western right-of-way of South Capitol Street to its
81 intersection with the southwestern right-of-way of Washington Avenue SW;

82 (22) Thence northwest along the said southwestern right-of-way of Washington Avenue

83 SW to its intersection with the northern boundary of the railroad track right-of-way;

84 (23) Thence generally west along the said northern boundary of the railroad track right-
85 of- way to its intersection with the eastern right-of way of the D Street exit ramp from Interstate
86 395;

87 (24) Thence north then northeast along the said eastern right-of-way of the D Street exit
88 ramp from Interstate 395 to its intersection with the southwestern right-of-way of Washington
89 Avenue SW;

90 (25) Thence northwest along the said southwestern right-of-way of Washington Ave SW
91 to its intersection with the eastern right-of-way of 2nd Street SW;

92 (26) Thence south along the said eastern right-of-way of 2nd Street SW to its intersection
93 with the southern right-of-way of the D Street SW entry ramp to Interstate 395;

94 (27) Thence east along the said southern right-of-way of the D Street SW entry ramp to
95 Interstate 395 to its intersection with the western right-of-way of the Virginia Avenue SW exit
96 ramp from Interstate 395;

97 (28) Thence generally south then west along the said western then northern right-of-way
98 of the Virginia Avenue SW exit ramp from Interstate 395 to its intersection with the eastern
99 right-of-way of 2nd Street SW;

100 (29) Thence south along the said eastern right-of-way of 2nd Street SW to its intersection
101 with a line extending southeastward the southwestern right-of-way of Virginia Avenue SW;

102 (30) Thence northwest along the said line extending southeastward the southwestern
103 right-of-way of Virginia Avenue SW to the southwestern right-of-way of Virginia Avenue SW;

104 (31) Thence northwest along the said southwestern right-of-way of Virginia Ave SW to
105 its intersection with the western right-of-way of 3rd Street SW;

106 (32) Thence north along the said western right-of-way of 3rd Street SW to its intersection
107 with the northern right-of-way of D Street SW;

108 (33) Thence west along the said northern right-of-way of D Street SW to its intersection
109 with the eastern right-of-way of 4th Street SW;

110 (34) Thence north along the said eastern right-of-way of 4th Street SW to its intersection
111 with the northern right-of-way of C Street SW;

112 (35) Thence west along the said northern right-of-way of C Street SW to its intersection
113 with the eastern right-of-way of 6th Street SW;

114 (36) Thence north along the said eastern right-of-way of 6th Street SW to its intersection
115 with the northern right -of-way of Independence Avenue SW;

116 (37) Thence west along the said northern right-of-way of Independence Ave SW to its
117 intersection with the western right-of-way of 12th Street SW;

118 (38) Thence south along the said western right-of-way of 12th Street SW to its
119 intersection with the northern right-of-way of D Street SW;

120 (39) Thence west along the said northern right-of-way of D Street SW to its intersection
121 with the western right-of-way of 14th Street SW;

122 (40) Thence south then southwest along the said western then northwestern right-of-way
123 of 14th Street SW to the northwestern right-of-way of Interstate 395;

124 (41) Thence southwest along the said northwestern right-of-way of Interstate 395 to its
125 intersection with the eastern shore of the Potomac River;

126 (42) Thence generally northwest along the said eastern shore of the Potomac River to its
127 intersection with the northern property boundary of the John F. Kennedy Center for the
128 Performing Arts;

129 (43) Thence east along the said northern property boundary of the John F. Kennedy
130 Center for the Performing Arts to the northeast corner of the property;

131 (44) Thence east along a line extending eastward the said northern property boundary of
132 the John F. Kennedy Center for the Performing Arts to its intersection with the eastern right-of-
133 way of Interstate 66;

134 (45) Thence south along the said eastern right-of-way of Interstate 66 to the eastern right-
135 of-way of the E Street NW entrance ramp to Interstate 66;

136 (46) Thence south then east along the said eastern then northern right-of-way of the E
137 Street entrance ramp to Interstate 66 to the point where the said northern right-of- way of the E
138 Street NW entrance ramp to Interstate 66 becomes the northern right- of-way of E Street NW;

139 (47) Thence south across said E Street NW to the southern right-of-way of E Street NW;

140 (48) Thence east along the said southern right-of-way of E Street NW to its intersection
141 with the western right-of-way of 20th Street NW;

142 (49) Thence south along the said western right-of-way of 20th Street NW to its
143 intersection with a line extending westward the southern right-of-way of the portion of E Street
144 NW north of Walt Whitman Park;

145 (50) Thence east along the said line extending westward the southern right-of-way of the
146 portion of E Street NW north of Walt Whitman Park to the southern right-of-way of the portion
147 of E Street NW north of Walt Whitman Park;

148 (51) Thence east along the said southern right-of-way of the portion of E Street NW north
149 of Walt Whitman Park to its intersection with the western right-of-way of 18th Street NW;

150 (52) Thence south along the said western right-of-way of 18th Street NW to its
151 intersection with the southwestern right-of-way of Virginia Avenue NW;

152 (53) Thence southeast along the said southwestern right-of-way of Virginia Ave NW to
153 its intersection with the southern right-of-way of Constitution Ave NW;

154 (54) Thence east along the said southern right-of-way of Constitution Ave NW to its
155 intersection with the eastern right-of-way of 17th Street NW;

156 (55) Thence north along the said eastern right-of-way of 17th Street NW to its
157 intersection with the southern right-of-way of H Street NW;

158 (56) Thence east along the said southern right-of-way of H Street NW to its intersection
159 with the eastern boundary of the unnamed alley on the southern side of the 1500 block of H
160 Street NW;

161 (57) Thence generally south along the eastern boundary of the said unnamed alley to its
162 southern boundary;

163 (58) Thence west along the southern boundary of the said unnamed alley to its
164 intersection with the westernmost boundary of the property designated as Square 221 Lot 810;

165 (59) Thence south along the said westernmost boundary of the property designated as
166 Square 221 Lot 810 to its intersection with the northern right-of-way of Pennsylvania Avenue
167 NW;

168 (60) Thence east along the said northern right-of-way of Pennsylvania Avenue NW to its
169 intersection with the western right-of-way of 15th Street NW;

170 (61) Thence south along the said western right-of-way of 15th Street NW to its
171 intersection with a line extending westward the southern right-of-way of the portion of
172 Pennsylvania Avenue NW north of Pershing Square;

173 (62) Thence east along the said line extending the southern right-of-way of the portion of
174 Pennsylvania Avenue NW north of Pershing Square to the southern right-of-way of the portion

175 of Pennsylvania Avenue NW north of Pershing Square;

176 (63) Thence east then southeast along the said southern right-of-way of Pennsylvania Ave
177 NW to its intersection with the western right-of-way of 14th Street NW;

178 (64) Thence south along the said western right-of-way of 14th Street NW to its
179 intersection with a line extending westward the southern right-of-way of D Street NW;

180 (65) Thence east along the said line extending westward the southern right-of-way of D
181 Street NW to the southern right-of-way of D Street NW;

182 (66) Thence east along the said southern right-of-way of D Street NW to its intersection
183 with the eastern right-of-way of 13 1/2th Street NW;

184 (67) Thence north along the said eastern right-of-way of 13 1/2th Street NW to its
185 intersection with the southern right-of-way of Pennsylvania Ave NW;

186 (68) Thence east then southeast along the said southern then southwestern right-of-way of
187 Pennsylvania Ave NW to its intersection with the western right-of-way of 12th Street NW;

188 (69) Thence south along the said western right-of-way of 12th Street NW to its
189 intersection with a line extending westward the southern boundary of the property designated as
190 Square 324 Lot 809;

191 (70) Thence east along the said line extending westward the southern boundary of the
192 property designated as Square 324 Lot 809 to the southwest corner of the said property
193 designated as Square 324 Lot 809;

194 (71) Thence northeast along the southern boundary of the said property designated as
195 Square 324 Lot 809 to its intersection with the southern boundary of the property designated as
196 Square 323 Lot 802;

197 (72) Thence northeast then east along the southern boundary of the said property

198 designated as Square 323 Lot 802 to a point where it meets the southern boundary of the
199 property designated as Square 324 Lot 808;

200 (73) Thence east along the southern boundary of the said property designated as Square
201 324 Lot 808 to the southeast corner of the said property designated as Square 324 Lot 808;

202 (74) Thence generally north along the eastern boundary of the said property designated as
203 Square 324 Lot 808 to its intersection with the southern right-of-way of Pennsylvania Avenue
204 NW;

205 (75) Thence southeast along the said southern right-of-way of Pennsylvania Avenue NW
206 to its intersection with the eastern right-of-way of 4th Street NW;

207 (76) Thence north along a line extending northward the said eastern right-of-way of 4th
208 Street NW to its intersection with the southern right-of-way of C Street NW;

209 (77) Thence east along the said southern right-of-way of C Street NW to its intersection
210 with the eastern right-of-way of 3rd Street NW;

211 (78) Thence north along the said eastern right-of-way of 3rd Street NW to its intersection
212 with the southern right-of-way of D Street NW;

213 (79) Thence east along the said southern right-of-way of D Street NW to its intersection
214 with the western right of way of 1st Street NW;

215 (80) Thence south along the said western right-of-way of 1st Street NW to its intersection
216 with the northern right-of-way of C Street NW;

217 (81) Thence west along the said northern right-of-way of C Street NW to its intersection
218 with the western right-of-way of 2nd Street NW;

219 (82) Thence south along the said western right-of-way of 2nd Street NW to its
220 intersection with the northern right-of-way of Constitution Avenue NW;

221 (83) Thence east along the said northern right-of-way of Constitution Avenue NW to its
222 intersection with the northwestern right-of-way of Louisiana Avenue NW;

223 (84) Thence northeast along the said northwestern right-of-way of Louisiana Ave NW to
224 its intersection with the southwestern right-of-way of New Jersey Avenue, NW;

225 (85) Thence northwest along the said southwestern right-of-way of New Jersey Avenue
226 NW to its intersection with the northern right-of-way of D Street NW;

227 (86) Thence east along the said northern right-of-way of D Street NW to its intersection
228 with the northwestern right-of-way of Louisiana Avenue NW;

229 (87) Thence northeast along the said northwestern right-of-way of Louisiana Avenue NW
230 to its intersection with the western right-of-way of North Capitol Street;

231 (88) Thence north along the said western right-of-way of North Capitol Street to its
232 intersection with the southwestern right-of-way of Massachusetts Avenue NW;

233 (89) Thence southeast along the said southwestern right-of-way of Massachusetts Ave
234 NW to the southwestern right-of-way of Massachusetts Avenue NE;

235 (90) Thence southeast along the said southwestern right-of-way of Massachusetts Avenue
236 NE to the southwestern right-of-way of Columbus Circle NE;

237 (91) Thence counter-clockwise along the said southwestern, then southern, southeastern,
238 and eastern right-of-way of Columbus Circle NE to its intersection with the southern right-of-
239 way of F Street NE;

240 (92) Thence east along he said southern right-of-way of F Street NE to the point of
241 beginning.

242 Sec. 4. Transmittal of resolution.

243 The Chairman of the Council shall transmit a copy of this resolution, upon its adoption,
244 to the New Columbia Statehood Commission, the Speaker of the United States House of
245 Representatives, and the President of the United States Senate.

246 Sec. 5. Effective date.

247 This resolution shall take effect immediately.

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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 exceed five thousand 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 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
4. Acts; resolutions; procedures; and specific authorities

- 93 5. Speaker of the House of Delegates
- 94 6. Legislative districts
- 95 7. Advisory Neighborhood Commissions

96
97 Sec. 1. Legislative power

98
99 The legislative power of the State of New Columbia shall be vested in a legislature to be
100 known as the House of Delegates, and shall extend to all rightful subjects of legislation
101 within the State of New Columbia, consistent with the Constitution of the United States
102 of America and the provisions of this Constitution.

103
104 Sec. 2. Composition; election of members; vacancies

- 105
106 a. The House of Delegates shall consist of 21 members:
 - 107
108 1. The Speaker of the House of Delegates who shall be elected on a partisan basis at
109 large by the qualified voters of the State of New Columbia.
 - 110 2. Four members shall be elected on a partisan basis at large by the qualified voters
111 of the State of New Columbia.
 - 112 3. Sixteen members shall be elected on a partisan basis by the qualified voters, two
113 from each of the 8 legislative districts of the State of New Columbia.
- 114
115 b. The term of office for Delegates shall be 4 years, and shall begin at noon on January 2nd
116 of the year following their election. Delegates shall be elected in accordance with the
117 schedule established in Article VIII, Sec. 1(b) of this Constitution.
- 118
119 c. The House of Delegates may establish its committee structure by Resolution.
- 120
121 d. By a 5/6 vote of its members, the House of Delegates may adopt a Resolution of
122 expulsion of one of its members, if it finds, based on substantial evidence, that the
123 member took an action that amounts to a gross failure to meet the applicable standards of
124 personal and professional conduct.
- 125
126 e. (1) In the event of a vacancy in the House of Delegates of a member elected from a
127 legislative district, the elections agency shall hold a special election in the district. The
128 person elected as a member to fill a vacancy in the House of Delegates shall take office
129 on the day on which the elections agency certifies the election, and shall serve as a
130 member of the House of Delegates only for the remainder of the term during which such
131 vacancy occurred, unless re-elected in a subsequent election. (2) Other than a vacancy in
132 the Office of Speaker caused by a vacancy in the Office of the Governor, in the event of a
133 vacancy in the position of Speaker of the House, the House of Delegates shall select by
134 majority vote a member elected at large who shall serve as Speaker of the House, until
135 the elections agency can hold a special election to fill such vacancy. (3) In the event of a
136 vacancy in the House of Delegates of a member elected at large who is affiliated with a
137 political party, the state committee of such political party shall appoint a person to fill
138 such vacancy, until the elections agency can hold a special election to fill such vacancy.

139 The person appointed to fill such vacancy shall take office on the date of the appointment
140 and shall serve as an at large member of the House of Delegates until the day on which
141 the elections agency certifies the election of a candidate elected to fill such vacancy in
142 either a special election or a general election. The person elected to fill such a vacancy
143 shall take office on the day the elections agency certifies the election, and shall serve only
144 for the remainder of the term during which such vacancy occurred. With respect to a
145 vacancy of a member elected at large who is not affiliated with any political party, the
146 House of Delegates shall appoint a similarly non-affiliated person to fill such vacancy
147 until such vacancy can be filled in a special election in the manner prescribed in this
148 paragraph. Such person appointed by the House of Delegates shall take office and serve
149 as a member at the same time and for the same term as a member appointed by a state
150 committee of a political party.

151
152 Sec. 3. Qualifications for holding office

- 153
- 154 a. No person shall hold the office of member of the House of Delegates, including the
155 Speaker of the House, unless that person: (1) is a qualified voter of the State of New
156 Columbia; (2) resides in and is domiciled in the State of New Columbia and if nominated
157 for election from a particular legislative district, resides in the district from which that
158 person is nominated; (3) has resided and been domiciled in the State of New Columbia
159 for 1 year immediately preceding the day on which the general or special election for
160 such office is to be held; and (4) holds no public office (other than employment in and the
161 position as a member of the House of Delegates), for which that person is compensated in
162 an amount in excess of actual expenses in connection therewith, except that nothing in
163 this clause shall prohibit any such person, while a member of the House of Delegates,
164 from serving as a delegate or alternate delegate to a convention of a political party
165 nominating candidates for President and Vice President of the United States, or from
166 holding an appointment in a reserve component of an armed force of the United States
167 other than a member serving on active duty under a call for more than 30 days.
 - 168
 - 169 b. The Speaker of the House of Delegates shall not engage in any outside employment,
170 whether as an employee or through self-employment, or hold any position, other than
171 Speaker of the House of Delegates, for which that person is compensated in excess of
172 actual expenses.
 - 173
 - 174 c. A member of the House of Delegates shall forfeit the office upon failure to maintain the
175 qualifications required by this section or upon conviction of a felony.
 - 176

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

- 178
- 179 a. (1) The House of Delegates, to discharge the powers and duties imposed herein, shall
180 pass Acts, adopt Resolutions and adopt rules, upon a vote of a majority of the
181 members of the House of Delegates present and voting, unless a greater
182 proportion of members is provided in this Constitution.
 - 183 (2) Except as provided in paragraph (4) of this subsection, the House of Delegates
184 shall use Acts for all legislative purposes.

- 185 (3) The House of Delegates shall hold two readings for all Acts, except upon
186 declaration by two-thirds of its members of an emergency, in which case such Act
187 shall only be effective for a period not to exceed 90 days.
- 188 (4) Resolutions shall be used: (A) to express simple determinations, decisions, or
189 directions of the House of Delegates of a special or temporary character; and (B)
190 to approve or disapprove proposed actions as authorized by an Act of the House
191 of Delegates or of a kind historically or traditionally transmitted to the Council of
192 the District of Columbia under the laws of the former District of Columbia. Such
193 Resolutions must be specifically authorized by Act and must be designed to
194 implement that Act.
- 195 (5) Resolutions may be approved upon a single reading and may take effect
196 immediately upon such approval.
- 197
- 198 b. Every Act shall be published upon becoming law, and Resolutions shall be published
199 promptly after approval by the House of Delegates. The House of Delegates shall adopt
200 and publish rules of procedures which shall include provision for adequate public notice
201 of intended actions of the House of Delegates. Proposed Acts and proposed Resolutions
202 shall be made promptly available to the public.
- 203
- 204 c. An Act passed by the House of Delegates shall be presented by the Speaker of the House
205 of Delegates to the Governor, who shall, within 10 calendar days after the Act is
206 presented, either approve or disapprove such Act. To approve an Act, the Governor shall
207 affix the Governor's signature to it, and such Act shall become law. To disapprove such
208 Act, the Governor shall, within 10 calendar days after it is presented to the Governor,
209 return such Act to the House of Delegates setting forth in writing the reasons for such
210 disapproval. If any Act so passed shall not be returned to the House of Delegates by the
211 Governor within 10 calendar days after being presented to the Governor, the Governor
212 shall be deemed to have approved it, and such Act shall become law unless the House of
213 Delegates by a recess of 10 days or more prevents its return, in which case it shall not
214 become law.
- 215
- 216 d. If, within 30 calendar days after an Act has been timely returned by the Governor to the
217 House of Delegates with the Governor's disapproval, two-thirds of the members of the
218 House of Delegates present and voting vote to reenact such Act, the Act shall become law
219 without the Governor's signature.
- 220
- 221 e. (1) In the case of any Budget Act adopted by the House of Delegates and submitted
222 to the Governor, the Governor shall have power to disapprove any items or
223 provisions, or both, and approve the remainder. To exercise such disapproval, the
224 Governor shall append to the signed Act a statement indicating the item(s) or
225 provision(s) which the Governor disapproves, and shall, within such 10-day
226 period, return a copy of the Act and statement to the House of Delegates.
- 227 (2) If, within 30 calendar days after any such Budget Act has been timely returned by
228 the Governor to the House of Delegates, two-thirds of the members of the House
229 of Delegates present and voting vote to reenact any such item or provision, it shall
230 become law.

- 231
232 f. By Act, the House of Delegates shall have authority to create or abolish any office,
233 agency, department, or instrumentality of the State of New Columbia not established in
234 this Constitution.
235
- 236 g. The House of Delegates may appoint an Auditor, who shall serve for a term of 6 years
237 and shall be paid at a rate of compensation as may be established by the House of
238 Delegates, not to exceed the rate of pay of the Speaker of the House. The Auditor may
239 conduct audits and investigations of such matters as may be referred to it by the House of
240 Delegates or as otherwise authorized by the rules of the House of Delegates. In carrying
241 out an audit or investigation, the Auditor shall have access to all books, accounts, records,
242 reports, findings and other papers, things, or property belonging to or in use by any
243 agency of the State of New Columbia necessary to facilitate the audit and not subject to a
244 privilege.
245
- 246 h. The House of Delegates, or any Committee or person authorized by it, shall have the
247 power to investigate any matter relating to the affairs of the State of New Columbia, and
248 for that purpose may issue subpoenas and administer oaths to require the attendance and
249 testimony and the production of evidence. In conducting a lawful investigation, the
250 House of Delegates or one of its Committees may seek enforcement of any subpoena it
251 issues in the Superior Court of the State of New Columbia.
252
253
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256
- 257 i. The House of Delegates may by Resolution call for an advisory referendum upon any
258 matter upon which the House of Delegates desires to take action.
259
- 260 j. A majority of the number of non-vacant seats of the House of Delegates shall constitute a
261 quorum for the transaction of business.
262
- 263 k. The House of Delegates may establish by its rules what number of members constitutes a
264 quorum for holding hearings or voting in a committee of the House of Delegates.
265
- 266 l. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays, and
267 legal holidays.
268
- 269 Sec. 5. Speaker of the House of Delegates
270
- 271 a. The Speaker of the House of Delegates shall be the presiding officer of the House of
272 Delegates.
273
- 274 b. When the Office of Governor is vacant, the Speaker of the House of Delegates shall act
275 in the Governor's stead. While acting as Governor, the Speaker of the House of
276 Delegates shall not exercise any authority as Speaker of the House of Delegates or a

277 member of the House of Delegates. While the Speaker of the House of Delegates is
278 acting Governor, the House of Delegates shall select one of the elected at large members
279 of the House of Delegates to serve as Speaker, until the return of the regularly elected
280 Speaker of the House of Delegates.

281
282 Sec. 6. Legislative districts

283
284 The boundaries of the legislative districts shall be established from time to time, at least
285 decennially, by an Act of the House of Delegates. Each legislative district shall consist
286 of contiguous territory, be compact in form, and be of substantially equal population to
287 the other legislative districts.

288
289 Sec. 7. Advisory Neighborhood Commissions

290
291 a. The House of Delegates shall by Act divide the State of New Columbia into
292 neighborhood commission areas, which neighborhoods shall be represented by an elected
293 advisory neighborhood commission. Members of each advisory neighborhood
294 commission shall be known as Advisory Neighborhood Commissioners and shall be
295 elected from a single member district on a nonpartisan basis. Candidates for Advisory
296 Neighborhood Commissioner shall qualify for election by gathering signatures of at least
297 twenty-five qualified voters in their single member district.

298
299 b. Each advisory neighborhood commission may: (1) advise the House of Delegates and the
300 Executive Branch on matters of public policy; (2) employ staff and expend public funds
301 as authorized by the annual budget for the State of New Columbia for public purposes
302 within its neighborhood commission area; and (3) have such other advisory powers and
303 responsibilities as the House of Delegates may establish by Act.

304
305
306 ARTICLE II
307 THE EXECUTIVE BRANCH

308
309 Section

- 310 1. Executive power
311 2. Election of Governor
312 3. Qualifications for holding office; vacancy; compensation
313 4. Powers and duties of the Governor
314 5. Office of Attorney General
315 6. Office of the Chief Financial Officer
316 7. State Board of Education Sec. 1. Executive power

317
318 The executive power of the State of New Columbia shall be vested in the Governor.

319
320 Sec. 2. Election of Governor

321

322 The Governor shall be elected on a partisan basis by the qualified voters of the State of
323 New Columbia for a term of 4 years beginning at noon on January 2nd of the year
324 following that person's election. The Governor shall be elected in even years when there
325 is no presidential election.
326

327 Sec. 3. Qualifications for holding office; vacancy; compensation
328

- 329 a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified
330 voter of the State of New Columbia; (B) resides in and is domiciled in the State of
331 New Columbia; (C) has resided and been domiciled in the State of New Columbia
332 for 1 year immediately preceding the day on which the general or special election
333 for Governor is to be held; and (D) is not engaged in any employment (whether as
334 an employee or as a self-employed individual) and holds no public office or
335 position (other than employment in and the position as Governor), for which that
336 person is compensated in an amount in excess of actual expenses in connection
337 therewith, except that nothing in this clause shall be construed as prohibiting such
338 person, while holding the Office of Governor, from serving as a delegate or
339 alternate delegate to a convention of a political party nominating candidates for
340 President and Vice President of the United States, or from holding an appointment
341 in a reserve component of an armed force of the United States other than a
342 member serving on active duty under a call for more than 30 days.
- 343 (2) To fill a vacancy in the Office of Governor, the elections agency shall hold a
344 special election at least 70 days and not more than 174 days after such vacancy
345 occurs, unless it determines that such vacancy could be more practicably filled in
346 a special election held on the same day as the next general election to be held in
347 the State of New Columbia. The person elected Governor to fill a vacancy in the
348 Office of Governor shall take office on the day the elections agency certifies the
349 election, and shall serve as Governor only for the remainder of the term during
350 which such vacancy occurred. When the Office of Governor becomes vacant, the
351 Speaker of the House of Delegates shall become acting Governor and shall serve
352 from the date such vacancy occurs until the date on which the elections agency
353 certifies the election of the new Governor, at which time the acting Governor shall
354 again become Speaker of the House of Delegates. While the Speaker of the House
355 is acting Governor, that person shall receive the compensation regularly paid the
356 Governor, and shall receive no compensation as Speaker or member of the House
357 of Delegates.
358
- 359 b. Should vacancies arise simultaneously for both the Speaker of the House of Delegates
360 and the Governor, the order of succession shall be the at large members of the House of
361 Delegates in order of seniority of continuous service, followed by the Attorney General.
362 Temporary or partial incapacity, or short periods of unavailability, shall not constitute a
363 vacancy nor trigger a special election.
364
- 365 c. The Governor shall receive compensation, payable in equal installments, at a rate of pay
366 established by Act. The House of Delegates shall not reduce the salary of the Governor.
367 Any changes in the Governor's compensation, upon enactment by the House of

368 Delegates, shall apply beginning with the next gubernatorial term after the effective date
369 of such Act.

370
371 d. The Governor shall forfeit the office upon failure to maintain qualifications required by
372 this section or upon conviction of a felony.

373
374 Sec. 4. Powers and duties of the Governor

375
376 The Governor shall be the chief executive officer of the State of New Columbia
377 government. The Governor shall be responsible for the faithful execution of the laws of
378 the State of New Columbia and for the proper administration of the affairs of the State of
379 New Columbia coming under the Governor's jurisdiction or control, including but not
380 limited to the following powers, duties, and functions:

381
382 a. The Governor may designate the officer or officers of the executive branch of the State of
383 New Columbia, who may, during periods of absence from the State of New Columbia, or
384 temporary incapacity, execute and perform the powers and duties of the Governor.

385
386 b. The Governor shall administer the personnel functions of the executive branch of the
387 State of New Columbia, including all laws relating to the appointment, promotion, duties,
388 discipline, separation, and other conditions of employment of personnel in the Office of
389 the Governor, personnel in departments of the State of New Columbia, and members and
390 employees of boards, offices, commissions, and other agencies.

391
392 c. The Governor shall, through the heads of administrative boards, offices, commissions,
393 and agencies, supervise and direct the activities of such boards, offices, commissions, and
394 agencies.

395
396 d. The Governor may submit proposed Acts and Resolutions to the House of Delegates.

397
398 e. The Governor may delegate any of the Governor's functions (other than the function of
399 approving or disapproving Acts passed by the House of Delegates or the power to grant
400 pardons) to any officer, employee, or agency of the executive office of the Governor, or
401 to any director of an executive department who may, with the approval of the Governor,
402 make a further delegation of all or a part of such functions to subordinates under that
403 person's jurisdiction.

404
405 f. The Governor shall be the custodian of the corporate seal of the State of New Columbia
406 and shall use and authenticate it in accordance with law.

407
408 g. The Governor may appoint an Administrator and Chief Operating Officer, who shall
409 serve at the pleasure of the Governor, who shall assist the Governor in carrying out the
410 Governor's functions under this Constitution, and whose salary shall be set by the
411 Governor.

412

- 413 h. The Governor shall have the right to be heard by the House of Delegates or any of its
414 committees.
415
- 416 i. The Governor may issue and enforce administrative orders, not inconsistent with this
417 Constitution, or with any Act of the House of Delegates, to carry out the Governor's
418 functions and duties.
419
- 420 j. The Governor may reorganize the offices, agencies, and other entities within the
421 executive branch of the government of the State of New Columbia.
422
- 423 k. The Governor shall have plenary power to grant pardons, commutations, and reprieves,
424 and to remit, forgive or reduce fines and forfeitures, for all offenses against the laws of
425 the State of New Columbia.
426
- 427 l. To advance the general welfare and provide for public safety, and consistent with federal
428 law, the Governor may enter into compacts and agreements with other states, localities,
429 non-profit chartered entities, the federal government and federal instrumentalities, and
430 may enter into public-private partnerships, and may enter into agreements with foreign
431 nations, cities or businesses, provided that any financial obligations of such compacts,
432 agreements, and partnerships shall be approved by the House of Delegates.
433
- 434 m. The Governor shall be the primary planning authority for the State of New Columbia.
435
- 436 n. The Governor shall be the Commander in Chief over the National Guard of New
437 Columbia.
438
- 439 o. The Governor shall have charge of the administration of the financial affairs of the State
440 of New Columbia, except authority assigned by this Constitution to the Chief Financial
441 Officer, and shall have authority to examine and approve all contracts, orders, and other
442 documents by which the State of New Columbia incurs financial or other obligations.
443

444 Sec. 5. Office of Attorney General
445

- 446 a. There is established within the executive branch of the State of New Columbia
447 government an Office of the Attorney General for the State of New Columbia headed by
448 an Attorney General. The Attorney General shall be elected by the qualified voters of the
449 State of New Columbia, on a partisan basis, for a term of 4 years beginning at noon on
450 January 2 of the year following that person's election. The term of office of the Attorney
451 General shall coincide with the term of office of the Governor.
452
- 453 b. (1) To fill a vacancy in the position of Attorney General, the elections agency shall hold a
454 special election at least 70 days and not more than 174 days after such vacancy occurs,
455 unless it determines that such vacancy could be more practicably filled in a special
456 election held on the same day as the next general election to be held in the State of New
457 Columbia. The person elected Attorney General to fill a vacancy in the Office of the
458 Attorney General shall take office on the day on which the elections agency certifies the

459 election, and shall serve as Attorney General for the remainder of the term during which
460 such vacancy occurred. (2) When the position of Attorney General becomes vacant, the
461 Chief Deputy Attorney General shall become the Acting Attorney General and shall serve
462 until the date the elections agency certifies the election of the new Attorney General, at
463 which time the Acting Attorney General shall again become the Chief Deputy Attorney
464 General. While the Chief Deputy Attorney General is Acting Attorney General, that
465 person shall receive the compensation regularly paid the Attorney General, and shall
466 receive no compensation as Chief Deputy Attorney General.
467

- 468 c. The Attorney General is the chief law officer of the State of New Columbia and shall
469 possess all powers afforded the Attorney General by the common and statutory law of the
470 State of New Columbia, and shall be responsible for upholding the public interest. The
471 Attorney General shall have the power to control litigation and appeals, as well as the
472 power to intervene in legal proceedings on behalf of the public interest.
473
- 474 d. The Attorney General may furnish opinions in writing on the Attorney General's
475 initiative or when requested to do so by the Governor or the House of Delegates.
476
- 477 e. The administration, organization, and operation of the Office of the Attorney General
478 shall be under the jurisdiction and control of the Attorney General. The Attorney
479 General's duties shall include supervising and directing the activities of the Office,
480 administering the personnel functions of the Office (including all laws relating to the
481 appointment, promotion, duties, discipline, separation, and other conditions of
482 employment of personnel), reorganizing the Office, and approving contracts, orders, and
483 other documents by which the State of New Columbia incurs financial or other
484 obligations for the Office of the Attorney General.
485
- 486 f. The Attorney General shall receive compensation, payable in equal installments, at a rate
487 of pay established by Act. The House of Delegates shall not reduce the salary of the
488 Attorney General.
489

490 Sec. 6. Office of the Chief Financial Officer

- 491
- 492 a. The Chief Financial Officer for the State of New Columbia shall be appointed by the
493 Governor with the advice and consent, by Resolution, of the House of Delegates, and
494 shall report to the Governor. The Chief Financial Officer shall be appointed for a term of
495 5 years. Any Chief Financial Officer may continue to serve beyond the appointed term
496 until a successor takes office.
497
- 498 b. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of
499 resignation, permanent disability, death, or other reason, the Governor shall appoint one
500 of the Deputy Chief Financial Officers, or any other person qualified to serve, to serve as
501 the Chief Financial Officer in an acting capacity. The Governor shall thereafter nominate
502 a person to serve as Chief Financial Officer, for the remainder of the term during which
503 the vacancy occurred; provided, that the Governor shall submit the nomination to the
504 House of Delegates for its approval as provided in paragraph (a) of this section.

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- 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. 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.

551 Sec. 7. The State Board of Education

552

553 a. Composition; elections

554

555 1. The State Board of Education shall consist of one member elected from each
556 legislative district and one elected at large. By Act, the length of terms and
557 provisions for addressing vacancies may be established.

558 2. A President and Vice President of the State Board of Education shall be elected
559 from among the members of the State Board of Education.

560

561 b. Powers

562

563 1. The State Board of Education shall be responsible for advising the Governor on
564 educational matters, including state standards, state policies, including those
565 governing special, academic, vocational, charter and other schools, state
566 objectives and state regulations.

567 2. By Act, the House of Delegates may establish which educational policies shall be
568 subject to the approval of the State Board of Education.

569

570 Sec. 8. Elections agency

571

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

576

577

578

ARTICLE III
THE JUDICIAL BRANCH

579

580

581 Section

582 1. Judicial power

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

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

585 4. Powers of the State of New Columbia Courts

586 5. Designation of Chief Judges

587

588 Sec. 1. Judicial power

589

590 The judicial power of the State of New Columbia is vested in the State of New Columbia
591 Court of Appeals, the Superior Court of the State of New Columbia, and other courts as
592 may be established by law. Collectively these shall be referred to as the State of New
593 Columbia Courts.

594

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

596

- 597 a. The Governor shall nominate, from the list of persons recommended by the State of New
598 Columbia Judicial Nomination Commission, and, by and with the advice and consent of
599 the House of Delegates by Resolution, appoint all judges of the State of New Columbia
600 Courts.
601
- 602 b. A judge appointed to the State of New Columbia Courts shall be appointed for a term of
603 fifteen years, unless removed or suspended, and upon completion of such term, such
604 judge shall continue to serve until reappointed or a successor is appointed and is sworn
605 in. A judge who is found well-qualified by the Commission on Judicial Disabilities and
606 Tenure shall be reappointed.
607
- 608 c. The House of Delegates shall, by law, provide for the composition, method of selection,
609 and procedures for the Judicial Nomination Commission to use in carrying out its duties
610 under this Article.
611

612 Sec. 3. Qualification for nomination and appointment; removal; compensation
613

- 614 a. No person may be nominated or appointed as a judge of the State of New Columbia
615 Courts unless that person:
- 616 1. has resided and been domiciled in the State of New Columbia for at least 1 year
617 prior to nomination;
 - 618 2. is an active member of the unified bar created pursuant to the rules of the State of
619 New Columbia Court of Appeals and has been active in that bar for at least five
620 years; and
 - 621 3. is recommended to the Governor, for such nomination and appointment, by the
622 State of New Columbia Judicial Nomination Commission.
623
- 624 b. Judges may not be removed or sanctioned for the good faith legal determinations they
625 render. A judge of the State of New Columbia Courts shall be removed from office upon
626 a final judgment of conviction of a crime which is punishable as a felony under federal
627 law or which would be a felony in the State of New Columbia or a determination,
628 following a process established by law, of:
- 629 1. willful misconduct in office;
 - 630 2. willful and persistent failure to perform judicial duties;
 - 631 3. any other conduct which is prejudicial to the administration of justice or which
632 brings the judicial office into disrepute;
 - 633 4. failure to maintain residency in the State of New Columbia; or
 - 634 5. a mental or physical incapacity (including habitual intemperance) which is or is
635 likely to become permanent and which prevents, or seriously interferes with, the
636 proper performance of that person's judicial duties.
637
- 638
- 639 c. The authority to reappoint, remove, or sanction a judge of the State of New Columbia
640 Courts as provided in this Article shall be vested in a Commission on Judicial Disabilities
641 and Tenure. The House of Delegates shall, by law, provide for the composition, method

642 of selection, and procedures for the Commission on Judicial Disabilities and Tenure to
643 use in carrying out its duties under this Article.

644
645 d. All Judges of the State of New Columbia Courts shall receive compensation, payable in
646 equal installments, at a rate of pay established by Act. The House of Delegates shall not
647 reduce the salary of Judges.

648
649 Sec. 4. Powers of the State of New Columbia Courts

650
651 The Superior Court of the State of New Columbia shall have jurisdiction of any civil
652 action or other matter at law or in equity brought in the State of New Columbia and of
653 any criminal case under any law of the State of New Columbia. The State of New
654 Columbia Court of Appeals shall have jurisdiction of appeals from the Superior Court
655 and, to the extent provided by law, to review orders and decisions of the Governor, the
656 House of Delegates, or any agency of the State of New Columbia. The State of New
657 Columbia Courts shall also have jurisdiction over any other matters granted to the State
658 of New Columbia Courts by other provisions of law.

659
660 Sec. 5. Designation of Chief Judges

661
662 All Chief Judges of the State of New Columbia Courts shall be designated by the State of
663 New Columbia Judicial Nomination Commission from among the judges of their
664 respective courts in regular active service, and shall serve as Chief Judge for a term of
665 four years or until a successor is designated, except that a term as Chief Judge shall not
666 extend beyond the Chief Judge's term as a judge of a State of New Columbia Courts. A
667 Chief Judge shall be eligible for re-designation as Chief Judge.

668
669
670 ARTICLE IV
671 BUDGET AND FINANCIAL MANAGEMENT

672
673 Section

- 674 1. Fiscal year
675 2. Submission of annual budget
676 3. Adoption of budget by House of Delegates
677 4. Annual financial statements and audits
678 5. Balanced budget
679 6. Review of Contracts by the House of Delegates
680 7. Emergency and contingency reserve funds Sec. 1. Fiscal year

681
682 The House of Delegates shall establish by Act the fiscal year of the State of New
683 Columbia.

684
685 Sec. 2. Submission of annual budget

686

- 687 a. The Governor shall prepare and submit to the House of Delegates each year, at such time
688 as the House of Delegates shall direct, and shall make available to the public at such time,
689 an annual budget for the State of New Columbia government. It shall:
- 690 1. (A) Reflect the actual financial condition of the State of New Columbia
691 government, (B) Specify the agencies and purposes for which funds are being
692 requested; and (C) Be prepared on the assumption that proposed expenditures for
693 such fiscal year shall not exceed estimated resources from existing sources and
694 proposed resources.
 - 695 2. Be accompanied by: (A) An annual budget message which shall include
696 supporting financial and statistical information for the forthcoming fiscal year and
697 information on the approved budgets and expenditures for the immediately
698 preceding 3 fiscal years; (B) Multiyear operating and capital improvement plans
699 for all agencies; (C) A summary of the budget for distribution to the general
700 public.
- 701
- 702 b. The budget prepared and submitted by the Governor shall include, but not be limited to,
703 recommended expenditures at a reasonable level for the House of Delegates, the State of
704 New Columbia court system, the Office of the Attorney General, the Office of the Chief
705 Financial Officer, and the State Board of Education.
- 706
- 707 c. The Governor may prepare and submit to the House of Delegates such supplemental or
708 deficiency budget proposals as are necessary, including proposals to increase resources to
709 meet any such increased expenditure, and may prepare and submit to the House of
710 Delegates proposed reprogrammings of budgeted amounts. Such proposals shall be
711 subject to the approval of the House of Delegates by Act or Resolution; provided, the
712 House of Delegates may by Act designate categories and classes of supplemental and
713 deficiency budget modifications and reprogrammings for which approval by the House of
714 Delegates is not required or for which approval of the House will be deemed to have
715 occurred upon the expiration of a period of time after the Governor submits the proposal
716 to the House of Delegates.

717

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

719

720 The House of Delegates, within 70 calendar days after receipt of the budget proposal
721 from the Governor, and after a public hearing, shall adopt by Act the annual budget for
722 the State of New Columbia government. No amount may be obligated or expended by
723 any officer or employee of the State of New Columbia government unless such amount
724 has been approved by Act of the House of Delegates, and then only according to such
725 Act, or as otherwise provided in section 2(c) of this Article.

726

727 Sec. 4. Annual financial statement and audits

728

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

732

733 Sec. 5. Balanced budget

734
735 a. The House of Delegates shall not approve any budget which would result in expenditures
736 being in excess of all resources which the Chief Financial Officer estimates will be
737 available from all funds available to the State of New Columbia for such fiscal year.

738
739 b. The Governor shall not forward to the House of Delegates a budget which is not
740 balanced. The budget shall identify any new sources of revenue which shall be required
741 in order to balance the budget as submitted.

742
743 Sec. 6. Review of Contracts by the House of Delegates

744
745 By Act, the House of Delegates may establish which contracts shall be subject to its
746 review and approval; provided, the scope of contracts subject to the review of the House
747 of Delegates shall not exceed those contracts that were subject to approval of the former
748 Council of the District of Columbia, and the procedures and timelines for such review
749 and approval may be no more restrictive or lengthy than the procedures and timelines
750 provided for in the law of the former District of Columbia.

751
752 Sec. 7. Emergency and contingency reserve funds

753
754 a. (1) The Governor shall deposit into an emergency cash reserve fund not later than the
755 first day of each fiscal year such an amount as may be required to maintain a
756 balance in the fund of at least 2 percent of the operating expenditures of the
757 government of the State of New Columbia; provided, if the Governor uses money
758 from the fund during a fiscal year, the State of New Columbia shall appropriate
759 sufficient funds each fiscal year in the budget process to replenish any amounts
760 allocated from the emergency reserve fund during the preceding fiscal years so
761 that not less than 50 percent of any amount allocated in the preceding fiscal year
762 or the amount necessary to restore the emergency reserve fund to the 2 percent
763 required balance, whichever is less, is replenished by the end of the first fiscal
764 year following each such allocation and 100 percent of the amount allocated or
765 the amount necessary to restore the emergency reserve fund to the 2 percent
766 required balance, whichever is less, is replenished by the end of the second fiscal
767 year following each such allocation; provided further, if an amount is allocated
768 from the emergency cash reserve fund for cash flow management purposes, the
769 Governor shall fully replenish the fund in the amount allocated not later than the
770 earlier of the expiration of the 9-month period which begins on the date the
771 allocation is made or the last day of the fiscal year.

772
773 (2) The Governor may use the emergency cash reserve fund to provide for
774 unanticipated and nonrecurring extraordinary needs of an emergency nature,
775 including a natural disaster or calamity or a state of emergency as declared by the
776 Governor, for unexpected obligations of federal law and for cash flow
777 management purposes in an amount of not more than 50 percent of the balance of
778 the fund.

779
780 b. (1) The Governor shall deposit into a contingency cash reserve fund not later than the
781 first day of each fiscal year such amount as may be required to maintain a balance
782 in the fund of at least 4 percent of the operating expenditures of the government
783 of the State of New Columbia; provided, the government of the State of New
784 Columbia shall appropriate sufficient funds each fiscal year in the budget process
785 to replenish any amounts allocated from the contingency reserve fund during the
786 preceding fiscal years so that not less than 50 percent of any amount allocated in
787 the preceding fiscal year or the amount necessary to restore the contingency
788 reserve fund to the 4 percent required balance, whichever is less, is replenished by
789 the end of the first fiscal year following each such allocation and 100 percent of
790 the amount allocated or the amount necessary to restore the contingency reserve
791 fund to the 4 percent required balance, whichever is less, is replenished by the end
792 of the second fiscal year following each such allocation; provided further, if an
793 amount is allocated from the contingency cash reserve fund for cash flow
794 management purposes, the Governor shall fully replenish the fund in the amount
795 allocated not later than the earlier of the expiration of the 9-month period which
796 begins on the date the allocation is made or the last day of the fiscal year.
797

798 (2) The Governor may use the contingency cash reserve fund to provide for
799 nonrecurring or unforeseen needs that arise during the fiscal year, including
800 expenses associated with unforeseen weather or other natural disasters,
801 unexpected obligations created by federal law or new public safety, health,
802 welfare, or education needs or requirements that have been identified after the
803 budget process has occurred, for opportunities to achieve cost savings, to cover
804 revenue shortfalls experienced by the District government for 3 consecutive
805 months (based on a 2 month rolling average) that are 5 percent or more below the
806 budget forecast, and for cash flow management purposes in an amount of not
807 more than 50 percent of the balance of the fund.
808
809

810 ARTICLE V BORROWING

811 Section

- 812
813 1. Authority to issue and redeem general obligation bonds for capital projects
814 2. Contents of borrowing legislation on issuing general obligation bonds
815 3. Issuance of general obligation bonds
816 4. Borrowing to meet appropriations and in anticipation of revenues
817 5. Special tax
818 6. Full faith and credit of State of New Columbia pledged
819 7. Payment of the general obligation bonds and notes
820 8. Revenue bonds and other obligations
821 9. Limitations on borrowing and spending
822 10. Tax exemption
823 11. Legal investment
824

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

826

827 a. The State of New Columbia may incur indebtedness by issuing general obligation bonds
828 to refund indebtedness of the State of New Columbia at any time outstanding and to
829 provide for the payment of the cost of acquiring or undertaking its various capital
830 projects, including paying its share of regional transportation projects. Such bonds shall
831 bear interest, payable on such dates, at such rate or rates and at such maturities as the
832 Governor, subject to the provisions of section 2, may determine to be necessary to make
833 such bonds marketable.

834

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

838

839 c. For purposes of section 1, capital projects means any physical public betterment or
840 improvement, the acquisition of property of a permanent nature, or the purchase of
841 equipment or furnishings.

842

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

844

845 a. The House of Delegates may by Act authorize the issuance of general obligation bonds
846 for the purposes specified in section 1. Such an Act shall contain, at least, provisions:
847 briefly describing each project to be financed by the Act; identifying the Act authorizing
848 each such project or category of projects; setting forth the maximum amount of debt
849 principal which may be incurred for the projects; setting forth the maximum rate of
850 interest to be paid on such indebtedness; setting forth the maximum allowable maturity
851 for the issue and the maximum debt service payable in any year; authorizing the bonds to
852 be sold at public sale or at private sale on a negotiated basis, as determined by the
853 Governor in the public interest; authorizing the Governor to enter into and amend
854 agreements in connection with the bond issue, including a trust indenture; vesting in the
855 trustee under such a trust indenture such properties, rights, powers, and duties in trust as
856 may be necessary, convenient or desirable; authorizing the creation of a security interest
857 in State of New Columbia revenues as additional security for the payment of the bonds;
858 describing the particular State of New Columbia revenues which are subject to such
859 security interest; prescribing the validity of such security interest; prescribing remedies of
860 the bondholders in the event of a default; and such other covenants, provisions and
861 conditions necessary to issue the additional bonds as parity bonds.

862

863 b. The Governor shall publish the enacted Act in at least one newspaper of general
864 circulation within the State of New Columbia with the notification that the time within
865 which a suit, action or proceeding questioning the validity of such bonds may be
866 commenced expires at the end of the 20-day period beginning on the date of the first
867 publication of the notice.

868

869 c. Failure to publish the notice or any error in any publication shall not impair the effect of
870 the Act or the validity of the bonds issued pursuant to the Act.

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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

- 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

917 The full faith and credit of the State of New Columbia is pledged for the payment of the
918 principal of and interest on any general obligation bond or note issued under this Article,
919 whether or not such pledge is stated in such bond or note or in the Act authorizing the
920 issuance of such bond or note.

921
922 Sec. 7. Payment of the general obligation bonds and notes
923

- 924 a. In each annual budget, the House of Delegates shall provide sufficient funds to pay the
925 principal of and interest on all general obligation bonds or notes due and payable during
926 such fiscal year.
- 927
- 928 b. The Governor shall insure that the principal and interest on all general obligation bonds
929 and notes issued under this Article are paid when due, including by paying such principal
930 and interest from funds not otherwise legally committed.
- 931
- 932 c. All amounts obligated or expended by the State of New Columbia for the payment of
933 principal of, interest on, or redemption premium for any general obligation bonds issued
934 under this Article or issued before the effective date of this Constitution are not subject to
935 appropriation.

936
937 Sec. 8. Revenue bonds and other obligations
938

- 939 a. (1) The House of Delegates may by Act or Resolution authorize the issuance of
940 revenue bonds, notes, or other obligations (including refunding bonds, notes, or
941 other obligations) to borrow money to finance, or assist in the financing or
942 refinancing of undertakings in the areas of: housing; health; transit; utilities;
943 preschool, primary, secondary, vocational, adult, rehabilitative, re-entry, and
944 higher education; educational loans; facilities for culture, sports, mass
945 commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous
946 waste disposal, or local district heating or cooling; or the local furnishing of
947 energy or water; manufacturing, and any other undertaking that the House of
948 Delegates determines will contribute to the health, education, safety, or welfare
949 of, or the creation or preservation of jobs for, residents of New Columbia, or to
950 economic development of New Columbia, and any facilities or property, real or
951 personal, used in connection with or supplementing any of the foregoing. Any
952 such financing or refinancing may be effected by loans made directly or indirectly
953 to any individual or legal entity, by the purchase of any mortgage, note, or other
954 security, or by the purchase, lease, or sale of any property.
- 955 (2) Any revenue bond, note, or other obligation issued under paragraph (1) of this
956 subsection shall be a special obligation of the State of New Columbia and shall be
957 a negotiable instrument.
- 958 (3) Any revenue bond, note, or other obligation issued under paragraph (1) of this
959 subsection shall be paid and secured (as to principal, interest, and any premium)
960 as provided by the Act or Resolution of the House of Delegates authorizing the
961 issuance of such bond, note, or other obligation. Any Act of the House of
962 Delegates authorizing the issuance of such bond, note, or other obligation, or any

963 delegation of such authority, may provide for: (A) The payment of such bond,
964 note, or other obligation from any available revenues, assets, or property; and (B)
965 The securing of such bond, note, or other obligation by the mortgage of real
966 property or the creation of any security interest in available revenues, assets, or
967 other property.

- (4) (A) In authorizing the issuance of any revenue bond, note, or other obligation
968 under paragraph (1) of this subsection, the House of Delegates may authorize the
969 Governor to enter into any agreement concerning the acquisition, use, or
970 disposition of any funds or property. Any such agreement may create any
971 security interest in any funds or property; may provide for the custody, collection,
972 security, investment, and payment of any funds (including any funds held in trust)
973 for the payment of such bond, note, or other obligation; may mortgage any
974 property; may provide for the acquisition, construction, maintenance, and
975 disposition of the undertaking financed or refinanced using the proceeds of such
976 bond, note, or other obligation; and may provide for the doing of any act (or the
977 refraining from doing any act) which the State of New Columbia has the right to
978 do in the absence of such agreement. Any such agreement may be assigned for
979 the benefit of, or made a part of any contract with, any holder of such revenue
980 bond, note, or other obligation issued under paragraph (1) of this subsection. (B)
981 Any security interest created under subparagraph (A) of this paragraph shall be
982 valid, binding, and perfected from the time such security interest is created, with
983 or without the physical delivery of any funds or any other property and with or
984 without any further action. Such security interest shall be valid, binding, and
985 perfected whether or not any statement, document, or instrument relating to such
986 security interest is recorded or filed. The lien created by such security interest is
987 valid, binding, and perfected with respect to any individual or legal entity having
988 claims against the State of New Columbia, whether or not such individual or legal
989 entity has notice of such lien. (C) Any funds of the State of New Columbia held
990 for the payment or security of any revenue bond, note, or other obligation issued
991 under paragraph (1) of this subsection, whether or not such funds are held in trust,
992 may be secured in the manner agreed to by the State of New Columbia and any
993 depository of such funds. Any depository of such funds may give security for the
994 deposit of such funds.

- (5) The following obligations and expenditures by the State of New Columbia shall
996 not be subject to appropriations: (A) All amounts (including the amount of any
997 accrued interest or premium) obligated or expended from the proceeds of the sale
998 of any revenue bond, note, or other obligation issued under this section, or issued
999 before the effective date of this Constitution; (B) All amounts obligated or
1000 expended for the payment of principal of, interest on, or redemption premium for
1001 or to secure any bonds issued under this section or issued before the effective date
1002 of this Constitution; and (C) All amounts obligated or expended pursuant to
1003 commitments made in connection with the issuance of the revenue bond, note, or
1004 other obligation for repair, maintenance, and capital improvements relating to
1005 undertakings financed through any revenue bond, note, or other obligation issued
1006 under this section or issued before the effective date of this Constitution.
1007
1008

- 1009 b. Any and all such bonds, notes, or other obligations shall not be general obligations of the
1010 State of New Columbia and shall not be a pledge of or involve the faith and credit or the
1011 taxing power of the State of New Columbia, shall not constitute a debt of the State of
1012 New Columbia, and shall not constitute lending of the public credit for private
1013 undertakings.
1014
- 1015 c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or
1016 Resolution of the House of Delegates without the necessity of submitting the question of
1017 such issuance to the registered qualified voters of the State of New Columbia for
1018 approval or disapproval.
1019
- 1020 d. Any Act or Resolution of the House of Delegates authorizing the issuance of revenue
1021 bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section
1022 may: (1) Briefly describe the purpose for which such bonds, notes, or other obligations
1023 are to be issued; (2) Prescribe the form, terms, provisions, manner, and method of issuing
1024 and selling (including sale by negotiation or by competitive bid) such bonds, notes, or
1025 other obligations; (3) Provide for the rights and remedies of the holders of such bonds,
1026 notes, or other obligations upon default; (4) Prescribe any other details with respect to the
1027 issuance, sale, or securing of such bonds, notes, or other obligations; and (5) Authorize
1028 the Governor to take any actions in connection with the issuance, sale, delivery, security,
1029 and payment of such notes, bonds, or other obligations, including the prescribing of any
1030 terms or conditions not contained in such Act or Resolution of the House of Delegates.
1031
- 1032 e. The House of Delegates may by Act delegate to any independent instrumentality of New
1033 Columbia the authority of the House of Delegates under subsection (a) of this section to
1034 issue revenue bonds, notes, and other obligations to borrow money for the purposes
1035 described in subsection (a) of this section.
1036

1037 Sec. 9. Limitations on borrowing and spending
1038

- 1039 a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall
1040 be issued during any fiscal year in an amount which would cause the amount of principal
1041 and interest required to be paid both serially and into a sinking fund in any fiscal year on
1042 the aggregate amounts of all outstanding general obligation bonds and such Treasury
1043 loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues
1044 directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the
1045 purposes of water and sewer facilities (including fees or revenues directed to servicing or
1046 securing revenue bonds issued for such purposes), retirement contributions, revenues
1047 from retirement systems, and revenues derived from the sale of general obligation or
1048 revenue bonds) which the Governor estimates, and the Chief Financial Officer certifies,
1049 will be credited to the State of New Columbia during the fiscal year in which the bonds
1050 will be issued.
1051
- 1052 b. The 17% limitation specified in section 9(a) shall be calculated in the following manner:
1053 (1) Determine the dollar amount equivalent to 17% of the State of New Columbia
1054 revenues as specified in section 9(a);

- 1055 (2) Determine the actual total amount of principal and interest to be paid in each
1056 fiscal year for all outstanding general obligation bonds (less the allocable portion
1057 of principal and interest to be paid during the year on general obligation bonds of
1058 the District of Columbia issued prior to October 1, 1996, for the financing of
1059 Department of Public Works, Water and Sewer Utility Administration capital
1060 projects) and such Treasury loans;
1061 (3) Determine the amount of principal and interest to be paid during each fiscal year
1062 over the term of the proposed general obligation bond or such Treasury loan to be
1063 issued; and
1064 (4) If in any one fiscal year the sum arrived at by adding subparagraphs (2) and (3) of
1065 this section exceeds the amount determined under subparagraph (1) of this section
1066 then the proposed general obligation bond or such Treasury loan in subparagraph
1067 (3) of this paragraph cannot be issued.
1068

1069 Sec. 10. Tax exemption

1071 Bonds and notes issued pursuant to this Article and the interest thereon shall be exempt
1072 from all taxes of the State of New Columbia, except estate, inheritance, and gift taxes.
1073

1074 Sec. 11. Legal investment

1075
1076 Notwithstanding any restriction on the investment of funds by fiduciaries contained in
1077 any other law, all domestic insurance companies, domestic insurance associations,
1078 executors, administrators, guardians, trustees, and other fiduciaries within the State of
1079 New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds
1080 belonging to them or within their control in any bonds issued pursuant to this title, it
1081 being the purpose of this section to authorize the investment in such bonds or notes of all
1082 sinking, insurance, retirement, compensation, pension, and trust funds.
1083

1084
1085 ARTICLE VI INITIATIVE; REFERENDUM; RECALL
1086

1087 Section

- 1088 1. Definitions; computation
1089 2. Process
1090 3. Submission of measure at election
1091 4. Rejection of measure
1092 5. Approval of measure
1093 6. Short title and summary
1094 7. Recall process
1095 8. Time limits on initiation of recall process
1096 9. When official removed; filling of vacancies
1097

1098 Sec. 1. Definitions; computation
1099

- 1100 a. The term "initiative" means the process by which the citizens may propose laws and
1101 present such proposed laws directly to the voters of the State of New Columbia for their
1102 approval or disapproval. This provision shall not apply to acts appropriating funds or to
1103 acts authorizing or having the effect of authorizing discrimination.
1104
- 1105 b. The term "referendum" means the process by which the voters of the State of New
1106 Columbia may repeal acts of the House of Delegates. This provision shall not apply to
1107 emergency acts, acts levying taxes, acts appropriating funds, acts prohibiting or having
1108 the effect of prohibiting discrimination, or advisory referenda.
1109
- 1110 c. The term "recall" means the process by which the voters of the State of New Columbia
1111 may call for the holding of an election to remove or retain an elected official prior to the
1112 expiration of that official's term.
1113
- 1114 d. The latest official count of registered voters by the State of New Columbia elections
1115 agency, which was issued 30 or more days prior to submission of the signatures for any
1116 particular initiative, referendum, or recall petition, shall be used for computing the
1117 signature requirements of this Article.
1118

1119 Sec. 2. Process
1120

1121 An initiative or referendum may be proposed by the presentation to the elections agency
1122 of a petition containing the signatures of 5 percent of the registered voters in the State of
1123 New Columbia; provided that the total signatures submitted include 5 percent of the
1124 registered voters in a majority of the legislative districts.
1125
1126

1127 Sec. 3. Submission of measure at election
1128

- 1129 a. The elections agency shall submit an initiative or referendum measure without alteration
1130 at the next statewide general or special election held at least 90 days after the measure is
1131 received.
1132
- 1133 b. The elections agency shall hold an election on a recall petition within 114 days of its
1134 receipt of a petition. If a previously scheduled general or special election will occur
1135 between 54 and 114 days of its receipt of a recall petition, the elections agency may
1136 present the recall petition at that election.
1137

1138 Sec. 4. Rejection of measure
1139

1140 If a majority of the registered voters who vote in a referendum vote to disapprove the
1141 referred Act, such action shall be deemed a repeal of the Act or that portion of the Act on
1142 the referendum ballot. No action may be taken by the House of Delegates to advance the
1143 matter presented for 365 days following the date of the elections agency's certification of
1144 the vote.
1145

1146 Sec. 5. Approval of measure

1147

1148 If a majority of the registered voters who vote adopt legislation by initiative, then the
1149 adopted initiative shall become law upon the certification of the vote by the elections
1150 agency.

1151

1152 Sec. 6. Short title and summary

1153

1154 The elections agency shall propose a short title and summary of the initiative and
1155 referendum matter, which shall accurately reflect the intent and meaning of the proposed
1156 referendum or initiative.

1157

1158 Sec. 7. Recall process

1159

1160 Any elected official of the State of New Columbia government, elected on a partisan
1161 basis, may be recalled by the registered voters of the electorate from which that official
1162 was elected. A recall may be proposed by the filing with the elections agency of a
1163 petition demanding the recall of the elected official, signed by 10 percent of the
1164 registered voters in the elected official's electorate, including at least 10 percent of the
1165 registered voters in a majority of the legislative districts for a statewide elected official.

1166

1167 Sec. 8. Time limits on initiation of recall process

1168

1169 The process of recalling an elected official may not be initiated within 1 year after a
1170 recall election has been determined in favor of the same elected official, unless the
1171 petition describes and the elections agency is satisfied that there exist compelling new
1172 facts that have emerged warranting consideration of a new recall petition within that year.

1173

1174 Sec. 9. When official removed; filling of vacancies

1175

1176 When a majority of qualified voters votes to remove an elected official from office, that
1177 person shall be removed immediately upon certification of the results of the vote. The
1178 vacancy created by such recall shall be filled in the same manner as other vacancies in the
1179 office.

1180

1181

1182 ARTICLE VII MISCELLANEOUS

1183

1184 Section

- 1185 1. Openness and transparency
- 1186 2. Construction of Constitution
- 1187 3. Constitution amending procedure
- 1188 4. Effective date

1189

1190 Sec. 1. Openness and transparency

1191

1192 The government of the State of New Columbia shall operate on principles of openness,
1193 transparency and democratic participation. Specific obligations regarding participation
1194 and transparency may be established by Act of the House of Delegates and administrative
1195 orders of the Governor.
1196

1197 Sec. 2. Construction of Constitution
1198

1199 a. To the extent that any provisions of this Constitution are inconsistent with the provisions
1200 of any other laws of the State of New Columbia, the provisions of this Constitution shall
1201 prevail and shall be deemed to supersede the provisions of such laws.
1202

1203 b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall
1204 determine only when the name of a political party may appear next to the name of a
1205 candidate on the ballot but shall not limit in any way the authority of the House of
1206 Delegates to establish any type of primary or runoff system it may find appropriate.
1207

1208 c. In interpreting this Constitution, the courts are not bound by the interpretation given by
1209 federal courts to identical or similar language in the United States Constitution, but shall
1210 interpret this Constitution in light of its purposes and the laws, values, and traditions of
1211 the State of New Columbia.
1212

1213 Sec. 3. Constitution amending procedure
1214

1215 a. The Constitution may be amended by an Act passed by the affirmative vote of two-thirds
1216 of the members of the House of Delegates and ratified by a majority of the qualified
1217 voters who vote in a ratification referendum.
1218

1219 b. Ratified constitutional amendments take effect either on the date the elections agency
1220 certifies the ratification, or the date prescribed by the amendment, whichever is later.
1221

1222 c. On or about the fifth anniversary of the effective date of the Admission Act, the House of
1223 Delegates may call for a Constitutional Convention to assess the transition from a federal
1224 district to a member of the Union. If the House of Delegates elects to call a
1225 Constitutional Convention, the House of Delegates shall, by Act, establish the subjects
1226 and procedures therefor. Any amendments resulting from such a Constitutional
1227 Convention must be ratified by a majority of the qualified voters who vote in a
1228 ratification referendum.
1229

1230 Sec. 4. Effective date
1231

1232 This Constitution shall take effect upon passage of an Admission Act to admit New
1233 Columbia as a state of the United States of America with the same rights as other states,
1234 unless otherwise provided therein.
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1237

ARTICLE VIII TRANSFER OF OFFICES

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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, and members of the State Board of Education and Advisory Neighborhood Commissions 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 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 VI.
- b. New members of the House of Delegates shall be elected on the same schedule as existing Councilmembers of the District of Columbia. The elections agency shall hold elections for newly created positions in the House of Delegates at least 60 days and not more than 120 days after the effective date of this Constitution, unless it determines that such positions 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 House of Delegates shall, by Act, establish the election schedule for all newly created positions, provided such Act ensures a staggered schedule, including between Delegates from the same legislative district.
- c. If authorized by the Constitution of the United States and the Admission Act, the Senators-elect and Representative-elect elected prior to admission of the State to the Union shall serve as United States Senators and Representative in Congress until an election for these offices is held.
- d. Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall be held after the effective date of this Constitution by members of the House of

1284 Delegates, the Speaker of the House of Delegates, and the Governor, respectively, to the
1285 extent consistent with this Constitution.

1286
1287 e. For boards and commissions, members not federally appointed and in office as of the
1288 effective date of this Constitution shall continue to serve until the expiration of that term
1289 of office held on the effective date of this Constitution.

1290
1291 f. The terms of federally appointed members to any District of Columbia board or
1292 commission shall expire on the 90th day from the effective date of this Constitution
1293 unless otherwise provided by law, and no vacancies shall be deemed to be created by the
1294 abolition of these positions unless the Governor or House of Delegates creates a new
1295 position on the board or commission.

1296
1297 g. The individual serving as Chief Financial Officer as of the effective date of this
1298 Constitution shall be deemed to have been appointed as Chief Financial Officer under
1299 Article II, for a term to expire on July 1 of the year in which that individual's previously
1300 extant term would have expired.

1301
1302 Sec. 2. Continuation of State of New Columbia court system

1303
1304 a. To provide continuity during the transition from the government of the District of
1305 Columbia and the State of New Columbia, the members of the District of Columbia
1306 Superior Court and the Court of Appeals of the District of Columbia appointed as of the
1307 effective date of this Constitution shall be deemed members of the State of New
1308 Columbia Superior Court and the Court of Appeals of the State of New Columbia,
1309 respectively, until the expiration of that term of office held immediately prior to the
1310 effective date of this Constitution.

1311
1312 b. The District of Columbia Court of Appeals, the Superior Court of the District of
1313 Columbia, the Judicial Nomination Commission, and the Commission on Judicial
1314 Disability and Tenure shall continue subject to the provisions of Article III of this
1315 Constitution; provided, by Act, the House of Delegates may modify or reallocate the
1316 functions of the District of Columbia Commission on Judicial Disabilities and Tenure.

1317
1318 c. The term and qualifications of any judge of any District of Columbia court appointed
1319 prior to the effective date of this Constitution shall not be affected by the provisions of
1320 Article III of this Constitution. No provision of this Constitution shall be construed to
1321 extend the term of any such judge. Judges of the State of New Columbia courts appointed
1322 after the effective date of this Constitution shall be appointed according to Article III.

1323
1324 d. Nothing in this Constitution shall be construed to amend, repeal, or diminish the duties,
1325 rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the
1326 District of Columbia Code, dealing with retirement, or to authorize a decrease in the level
1327 of compensation of the judges of the District of Columbia courts as of the effective date
1328 of this Constitution. The compensation received by judges of the State of New Columbia
1329 courts shall not be diminished during their continuance in office.

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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 effective date of this Constitution and the convening of the 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 this 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, to the extent not inconsistent with this 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.
- f. The powers possessed by the Attorney General for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Attorney General for the State of New Columbia upon the effective date of the Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter modified or repealed in accordance with 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

1376 District of Columbia government prior to the effective date of this Constitution to
1377 personnel benefits, including, but not limited to pay, tenure, leave, retirement, health and
1378 life insurance, and employee disability and death benefits, or regulations adopted
1379 pursuant thereto, and applicable to such officers and employees immediately prior to the
1380 effective date of this Constitution, provided, all such benefits shall thereafter be subject to
1381 modification by Act or regulation.
1382

1383 Sec. 6. Debts; assets; records
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1385 The debts and liabilities of the District of Columbia as of the effective date of this
1386 Constitution shall be assumed by the State of New Columbia, and debts owed to the
1387 District of Columbia shall be collected by the State of New Columbia. Assets and records
1388 of the District of Columbia shall become the property of the State of New Columbia.
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1390 Sec. 7. Residency and qualifications
1391

1392 Residence, voter registration, or other qualifications under the District of Columbia may
1393 be used towards the fulfillment of corresponding qualifications required by this
1394 Constitution.
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1396 Sec. 8. Adjustments
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1398 The Governor is authorized and empowered to enter into an agreement or agreements
1399 concerning the manner and method by which amounts owed by the State of New
1400 Columbia to the United States or by the United States to the State of New Columbia,
1401 shall be ascertained and paid.
1402

1403 Sec. 9. Voting rights
1404

1405 Any person who resides in any area which was a part of the District of Columbia
1406 immediately prior to the admission of the State of New Columbia but which is not
1407 included within the boundaries of the State of New Columbia may, at that person's
1408 option, be deemed to be a resident of the State of New Columbia for purposes of voting
1409 in a State of New Columbia election, unless that person claims residency in another state
1410 for voting purposes.
1411

Testimony of
Michael D. Brown
United States Senator
District of Columbia
before the
Committee of the Whole

September 27, 2016

I want to thank my fellow Commissioner, Chairman Mendelson, and members of the Committee for allowing me to testify today on the constitution for the state of New Columbia as passed by the New Columbia Statehood Commission this past June. I believe the members of the Commission worked diligently to draft and pass a constitution that is sound and is as comprehensive as was possible given the time constraints involved. I want to encourage the members of the Council to remain cognizant of this time constraint as they move forward in their consideration of this document. Just 16 days after the second hearing on October 6, early voting starts in the District of Columbia. We need to have a ratified constitution as part of our demand for statehood in order to follow the Tennessee Plan. As a consequence, I urge the members of the council to be judicious in their deliberation of the testimony that will be presented here today and at the next hearing realizing that time is of the essence. Over the past several months I have attended many meetings with activists, community leaders and concerned citizens. During these meeting I have heard many complaints about the hurried process and the particulars of the document that we are here today to discuss. Although I believe many of these concerns are legitimate, I caution the Council not to get "lost in the weeds" in considering changes to the framework that the Commission has established. All of the concerns which are currently being expressed are issues which can be dealt with after the creation of the new state. In fact, historically this has often been the case. In Tennessee for example, their Constitution has been rewritten three times since they were admitted to the union. Nothing we are doing by including the current constitution precludes us from following the same path. The current constitution in effect today, written and approved by the Council in 1987, has been attached to several statehood bills and has stood for almost 30 years with little criticism from the public. I believe that the document that is now before the Council, is more inclusive and democratic than that constitution by virtue of the fact that it has been modified through public comment and is subject to ratification by the public on the November ballot. All this being said however, we would be ingenuous not to acknowledge that the process was indeed rushed and was conducted in a manner that was atypical for the drafting of such an important document. The decision to hold these hearings is recognition of those facts. As a consequence there are, without question, things in this constitution which should be brought before a traditional Constitutional Convention with elected delegates and ultimately decided by the people who are

Testimony of
Michael D. Brown
United States Senator
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September 27, 2016

subject to the rule of this document. As I suggested before the Commission in June, the current constitution should be amended to include a provision for a mandatory Constitutional Convention with elected delegates from all wards to review and amend and rewrite, if necessary, the document that will be attached to the upcoming Advisory Referendum. A reasonable time limit should be set, I am suggesting no later than three years after becoming a state, to ensure that the people have appropriate input into the process. If people have a vehicle that involves them directly in developing the framework for the new state, I feel this will ameliorate many of the concerns that we have heard across the District in the past several months. Currently the Constitution calls for a five year review at the discretion of the House of Delegates, this is unacceptable. We must not leave this up to the legislature to decide. The people must know that their concerns will be appropriately considered and that our commitment to self-determination includes a promise that the process will be inclusive and reflect the desires of those that will be governed by this document in the new state. Only by making this provision to have a Constitutional Convention, mandatory can the people feel that their concerns will be properly addressed. Those who seek to lead must never cease to listen. I believe that the people have made it clear that they want the opportunity to consider carefully our new Constitution. Unfortunately, the lack of time does not give us the luxury of considering all the concerns that will be presented in these hearings. Therefore although I ask you to move quickly, I also ask you to make sure that the people have the chance to address their concerns in the appropriate forum and this can only be done by demanding a mandatory Constitutional Convention. I encourage the Council to make this amendment so that our new representative government is truly representative.

Thank you, I am happy to answer any questions.

BEFORE THE COMMITTEE OF THE WHOLE - COUNCIL OF THE DISTRICT OF COLUMBIA
Public Hearing 27 September 2016 on
B21-826 "Constitution for the State of New Columbia Approval Amendment Act of 2016"
Testimony of DAVID JONAS BARDIN [davidbardin@aol.com]

Chairman Mendelson and fellow members of the Committee of the Whole,

I support enactment of the Bill before you - B21-826.

Our group has suggested ways to improve the Bill - in three letters, filed with the COW. We will summarize them today.

The Bill asks Congress - *ironically, currently our "state legislature"* - to approve (after possibly changing) a draft of New Columbia's state constitution.

- We the voters of DC should have the last word - not Congress. (See our August 18 letter.)
- So please amend the Bill to require a second referendum after Congress has acted.
- And please call explicitly for admission on an "equal footing" with the other 50 states.

I have attached the current DC Organizational Chart to my full statement.

Wisely, the draft Constitution would largely give the new state the structure and responsibilities of our present District government.

Unwisely, however, it would diminish independent powers of the DC Auditor and subordinate the Chief Financial Officer to the Governor. That would compromise current powers each has - powers that have served the public well (as explained in our August 7 letter).

- We have a good fiscal integrity posture - in fact. Let's not change it for abstract constitutional theories.
- Please carry forward independent powers of the DC Auditor and CFO to the new state by adding new Transfer of Offices sections to Article VIII of the draft constitution, just as it now carries forward powers of the Attorney General (Article VIII, Sections 1.a. and 4.f.).
- Please delete the words "and shall report to the Governor" which follow "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" (Article II, Section 6.a).
- Please change "may appoint" an Auditor to "shall appoint" an Auditor (Article I, Section 4.g.).
- Please make other improvements as to the Auditor and CFO provisions that our August 7 letter sets out.

Brenda Lee Richardson will explain our recommended addition of a new Transfer of Offices section carrying forward independent powers of DC Water. (See our letter filed August 18.)

Commissioner Randy Speck will explain our recommended improvements as to Advisory Neighborhood Commissioners and ANCs (described as "mini-legislatures" in our letter filed August 23, refiled Sept. 25).

We question a Transfer of Offices provision concerning "terms of federally appointed members to any District of Columbia board or commission" (Article VIII, Section 1.f).

- That provision would apply to only two agencies: the five-member Zoning Commission (whose members include the Architect of the Capitol and the Director of the National Park Service, or their designees) and the Board of Zoning Adjustment.
- The Bill would automatically terminate federally appointed members "on the 90th day from the effective date of this Constitution." That's an impractically short adjustment schedule.
- But we also object to foreclosing the House of Delegates from assessing pros and cons of continuing some or all federally-appointed memberships. Maybe New Columbia would prefer them to stay. The House of Delegates should have discretion to decide - after statehood - whether to end any federally appointed-memberships (and, if so, when to do so). (See our letter filed August 18.)

Please ask the Executive Branch to assure planning in a "thorough, timely, and coordinated fashion" for taking over federal government functions such as:

- U.S. Attorney prosecution of D.C. Code felonies (as contrasted with U.S. Code felonies),
- Commission of Fine Arts administration of the Old Georgetown Act and Shipstead-Luce Act, and
- various National Capital Planning Commission duties. (See our letter filed August 18.)

Please complete two readings this year.

If the DC Council so wishes, it could express its interest in receiving information about newly surfacing or unresolved Constitutional issues -- next year -- from a team of stakeholders - to include citizens/residents, property owners, businesses and institutions. They would report back in light of whatever may be the circumstances then - as they may unfold.

After today's hearing, Benjamin Wilson plans to submit a written statement for the record.

I will provide a redline version of all our suggestions for you and your staff before markup.

Group participants Lindsley Williams and Loretta Caldwell do not plan to testify.

Ann Loikow, also a member of our group, is testifying today on issues our group did not examine.

I would be happy to answer questions.

Testimony of Ann Loikow
D.C. Statehood - Yes We Can!
Before the D.C. Council Committee of the Whole
On Bill 21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016
September 27, 2016

I am Ann Loikow and I am testifying on behalf of D.C. Statehood - Yes We Can!, a citizens coalition established in November 2008 to reignite the statehood movement. I would like to publicly endorse the comments and proposed amendments included in the three letters the group headed by David Bardin has submitted.

I am also a member of the Ward 3 Democratic Committee (“Committee”) and chair of the Statehood Task Force and am submitting for the record a resolution the Committee approved on September 21, 2016. Like the Ward 8 Democratic Committee, the Ward 3 Democratic Committee has long been a strong supporter of statehood.

D.C. Statehood - Yes We Can! appreciates the Mayor’s and the Statehood Commission’s efforts to reignite interest in and support for statehood. We are concerned, though, that the effort to get the statehood referendum on the November ballot has limited the people’s ability to participate in the drafting of a new constitution. Because many District voters have concerns about the new constitution, we agree with the Ward 3 Dems, Ward 8 Dems, D.C. for Democracy, and other citizens across the District that it is critical that the Council clarify that this is an *advisory* referendum and that the people will have a say in the final constitution and boundaries of the new state.

For this reason, D.C. Statehood - Yes We Can! strongly supports the three amendments proposed by the Ward 3 Democratic Committee. We ask the Council to:

1. Amend Section 2 of Bill 21-826 to provide in Article VII, Section 3 of the Constitution, which authorizes the House of Delegates to amend the Constitution, subject to the voters’ ratification, authorization for the voters, through the initiative process, (1) to propose a constitutional amendment or (2) to propose holding a constitutional convention to amend the constitution, with any amendments to be subject to the voters’ ratification.

This would allow New Columbia’s voters to use the initiative process to propose constitutional amendments or to call for a constitutional convention at any time in the future life of the state.

2. Amend Section 3 of Bill 21-826 to read as follows:

“No proposed boundaries or Constitution for the State of New Columbia shall take effect as the boundaries and Constitution of New Columbia until approved by the Congress of the United States and thereafter ratified in a referendum by a majority of the qualified electors of the District of Columbia voting thereon.”

This is the “second referendum” referred to in the Bardin letters, and also endorsed by D.C. for Democracy, which gives District voters the final say on the constitution and boundaries approved by Congress.

3. Renumber Sections 4 and 5 of Bill 21-826 as Sections 5 and 6 and insert a new Section 4, “Further Constitutional Improvements,” to read:

“Within 90 days of the effective date of this act, the Mayor and Council shall establish a procedure for electing representatives from all eight wards, and provide adequate time and resources to them, to develop reasonable or necessary improvements to this Constitution.”

This provision would provide a way for the Council and the people to more thoroughly review and revise the Constitution now so that we will have a constitution that the people will strongly support.

D.C. Statehood - Yes We Can! believes that with these changes the voters will believe that their government truly understands that “Governments are instituted among Men, deriving their just Powers from the Consent of the Governed” and overwhelmingly approve the statehood referendum.

I would also like to submit for the record the most recent analysis my husband, John Loikow, a professional geographer and cartographer, prepared of the proposed boundaries for the State of New Columbia, as amended on September 14, 2016. Although the Council can't amend the boundaries that are on the advisory referendum, I strongly urge you to hold hearings on them soon after the referendum and to question agency heads during this spring's oversight hearings on the planning they are doing to prepare for statehood.

The boundaries are particularly important because they must be approved by Congress and, unlike the constitution, cannot later be unilaterally changed by the new state. As the boundary between the smaller Federal District and the new state, the boundaries must be agreeable to both the Federal Government and the District of Columbia. There are significant practical implications as to how the boundaries are drawn for the provision of services, such as road and sidewalk maintenance, police and fire and EMS services, etc. These District agencies must review them so that future problems can be avoided.

In some ways, more than what is in the constitution, problems with the boundaries could cause some members of Congress to oppose statehood. A particularly sensitive area is Capitol Hill and where the boundaries are between the new state and the area controlled directly by Congress through the Architect of Capitol. The currently proposed boundaries raise a number of issues in this regard.

In addition, the effort to put the Trump International Hotel, which is located under a 60 year lease in a federally owned property on federal land, into the new state demonstrates the need that more attention be paid to boundary issues. Unfortunately, the boundaries approved by the New Columbia Statehood Commission only moved part of the hotel into the state and left significant parts in the Federal District. (See photographs and map of lots on which the hotel is located.)

It is imperative, if we are really serious about statehood, that intensive professional review of the boundaries take place as soon as possible. A new statehood admission act will be introduced early in the next session of Congress and we should want all boundary issues to have been worked through both internally and with the Federal Government. The last thing we need is for some Congressperson to oppose statehood because his or her parking garage is in the state and he or she thinks we just want to tax him or her for going to work!

Similarly, planning should begin on how the new state would take back the criminal justice system, courts, parole board and prisons, as well as how we would untangle the many agencies and procedures governing land use that involve both Federal and District entities. The referendum is only the beginning of what needs to happen. I hope the Council will seriously and wholeheartedly support the Mayor in making statehood a reality.

Attachments: September 21, 2016 resolution of Ward 3 Democratic Committee
John Loikow's analysis of the proposed boundaries for the State of New Columbia

Resolution of the Ward 3 Democratic Committee
September 21, 2016

Whereas the Mayor and the New Columbia Statehood Commission (Commission) have proposed an effort modeled on the “Tennessee Plan” to get Congress to admit the State of New Columbia to the Union that calls for a referendum on statehood, including a new draft state constitution, to be on the November 8, 2016 District of Columbia ballot; and

Whereas the Ward 3 Democratic Committee has long supported statehood and the effort to gain the right to self-government for the people of the District of Columbia, we appreciate that the Mayor’s and the Commission’s efforts have reignited interest in and support for statehood and have caused the people of the District to again actively think about and debate the structure of the state government they want; and

Whereas the Advisory Referendum approved by the D.C. Council on July 12, 2016 (PR21-0839) asks the voters to agree that (1) the District should be admitted as a state and that (2) the new state shall guarantee an elected representative form of government and asks the voters to approve (1) the state boundaries approved by the New Columbia Statehood Commission on June 28, 2016, and (2) a Constitution to be adopted by the Council; and

Whereas the D.C. Council is now considering Bill No. 21-826, “Constitution for the State of New Columbia Approval Amendment Act of 2016,” which would amend D.C. Code §1-123(b) to substitute a new Constitution for the 1987 Constitution for the State of New Columbia, it has a very short time in which to consider the provisions of the Constitution and enact the bill before the voters go to the polls; and

Whereas the Congress may have some concerns that it will address in the admission act which the voters may not know about by November 8; and

Whereas, given the number of national issues before the next Congress, it is unlikely that Congress will quickly enact a statehood bill, so there should be opportunity for the people and the Council to consider the provisions of the Constitution in more depth next year; and

Whereas we are aware that a number of District residents have concerns about the proposed Constitution, particularly the Constitution’s amendment process, as well as the public’s limited opportunity to participate in the drafting process given the short timeframe necessitated by the effort to get the referendum on the November ballot; and

Whereas, the Ward 3 Democratic Committee believes that the amendments proposed below will significantly help alleviate these concerns and help promote a large affirmative vote for the referendum that will demonstrate the voters’ overwhelming support for statehood:

Now, therefore, be it resolved that the Ward 3 Democratic Committee:

1. (a) Believes that addressing concerns about the state Constitution and allowing for more citizen input into the constitutional amendment process would increase support for the statehood referendum on November 8th;
- (b) Believes that an overwhelming affirmative vote for the referendum is critical if the effort for

statehood is to advance forward; and

(c) Supports the statehood referendum; and

2. Urges the Council to:

(a) Amend Section 2 of Bill 21-826 to provide in Article VII, Section 3 of the Constitution, which authorizes the House of Delegates to amend the Constitution, subject to the voters' ratification, authorization for the voters, through the initiative process, (1) to propose a constitutional amendment or (2) to propose holding a constitutional convention to amend the constitution, with any amendments to be subject to the voters' ratification;

(b) Amend Section 3 of Bill 21-826 to read as follows:

“No proposed boundaries or Constitution for the State of New Columbia shall take effect as the boundaries and Constitution of New Columbia until approved by the Congress of the United States and thereafter ratified in a referendum by a majority of the qualified electors of the District of Columbia voting thereon.”

(c) Renumber Sections 4 and 5 of Bill 21-826 as Sections 5 and 6 and insert a new Section 4, “Further Constitutional Improvements,” to read:

“Within 90 days of the effective date of this act, the Mayor and Council shall establish a procedure for electing representatives from all eight wards, and provide adequate time and resources to them, to develop reasonable or necessary improvements to this Constitution.”

3. Urges the New Columbia Statehood Commission to review the proposed boundaries with the Federal Government in order to finalize them so they can be included in any statehood bill introduced in the next Congress; and

4. Authorizes the Chairman, with the assistance of the Statehood Task Force of the Ward 3 Democratic Committee, to transmit, publicize and testify before the Council on this resolution and work with other individuals and groups to otherwise implement this resolution.

**COMMENTARY ON THE DESCRIPTION OF BOUNDARIES OF THE SEAT OF
FEDERAL GOVERNMENT PRESENTED TO THE NEW COLUMBIA STATEHOOD
COMMISSION BY THE DISTRICT OF COLUMBIA OFFICE OF PLANNING**

by

John Loikow
Geographer

GENERAL COMMENT

The boundaries as proposed by the Office of Planning follow, with some exceptions, the centerlines of streets. It might be preferable to have boundaries follow the edge of street right-of-ways so that the street surfaces and curbs, and perhaps tree boxes and sidewalks, were within the jurisdiction of either the State or the Federal Government, rather than half each.

With one exception, it would make sense for the street right-of-way to be included within the State rather than the Federal Area, as the State would have greater capacity to maintain the transportation infrastructure, and, in any event, the Federal Government would undoubtedly contract with the State to maintain street structures within its jurisdiction.

The notable exception is the area of properties under the jurisdiction of the Architect of the Capitol. This area is codified by law (40 USC §5102) and includes many, but not all, of the streets bounding the area. These streets are under the jurisdiction of the U.S. Capitol Police, and are specifically mentioned as being under the jurisdiction of the District of Columbia for maintenance and improvement only. According, it would make sense to include these particular right-of-ways within the Federal Area, rather than the State.

SPECIFIC COMMENTS

The boundaries proposed by the Office of Planning are presented, keyed to line number in Attachment C, "Written Description of Boundaries of the Seat of Federal Government," as presented in testimony by the Office of Planning before the New Columbia Statehood Commission. Following the Office of Planning original wording is a suggested clarification or realignment.

The suggested alternative is followed by a comment giving further details or an explanation. Line numbers and area numbers are depicted on the attached map for reference and clarification.

Line 1

Original:

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

Suggested:

Starting at the southeastern right-of-way corner of the intersection of F Street NE and 2nd Street NE;

Comment:

The block northwest of the starting point proposed by the Office of Planning is solely federal property and under the jurisdiction of the Architect of the Capitol (Area A on the accompanying map). It should be included within the Federal Area. The boundary description should begin at the street intersection northeast of this block.

On the accompanying map the original starting point is identified as 1.1 and the suggested starting point as 1.2.

Line 2

Original:

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;

Suggested:

thence south along the eastern right-of-way of said 2nd Street NE to 2nd Street SE; thence continuing south along the eastern right-of-way of said 2nd Street SE to its intersection with the northern property boundary of the John Adams Building of the Library of Congress;

Comment:

Both 2nd Street NE and 2nd Street SE fall within the jurisdiction of the Architect of the Capitol. Accordingly, the boundary should be aligned to run east of that jurisdiction.

On the accompanying map the original boundary is identified as 2.1 and the suggested boundary as 2.2.

Line 3

Original:

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

Suggested Wording:

thence east along said northern property boundary of the John Adams Building to its intersection with the western right-of-way of 3rd Street SE;

Comment:

Third Street SE lies outside of the jurisdiction of the Architect of the Capitol. Accordingly, the Federal Area should not include 3rd Street SE.

On the accompanying map the original boundary is identified as 3.

Line 4

Original:

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

Suggested:

thence south along the western right-of-way of said 3rd Street SE to the northern right-of-way of Independence Ave SE;

thence west along the northern right-of-way of said Independence Ave SE to the eastern right-of-way of 2nd Street SE;

Comment:

Independence Avenue SE is not within the jurisdiction of the Architect of the Capitol in this block; however, 2nd Street SE is. Accordingly, Independence Ave SE should be within the State and 2nd St SE should be within the Federal Area.

On the accompanying map the original boundary is identified as 4.1 and the suggested boundary as 4.2.

Line 5 & First Part of Line 6

Original:

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;

Suggested:

thence south along the eastern right-of way of said 2nd Street SE to the southern right-of-way of C Street SE;

thence west along the southern right-of-way of said C Street SE to the eastern right-of-way of 1st Street SE;

thence south along the eastern right-of-way of said 1st Street SE to the southern right-of-way of D Street SE;

thence west along the southern right-of-way of said D Street SE to South Capitol Street;

thence south along the western right-of-way of said South Capitol Street to a point opposite the southwestern right-of-way of Canal Street SE;

thence along the southwestern right-of-way of said Canal Street SE to the southern right-of-way of E Street SE;

thence east along the southern right-of-way of said E Street SE to the western right-of-way of 1st Street SE;

thence south along the western right-of-way of said 1st Street SE to the southern property boundary of the former Congressional House Page's dormitory;

thence west along said boundary to the western right-of-way of New Jersey Avenue SE;

thence southeast along the southwestern right-of-way of said New Jersey Avenue SE to the northeastern right-of-way of Virginia Avenue SE;

thence northwest along the eastern right-of-way of said Virginia Avenue SE to the eastern right-of-way of South Capitol Street;

thence north along the eastern right-of-way of said South Capitol Street to the southern right-of-way of E Street SE;

thence west across South Capitol Street to the to the western right-of-way of South Capitol Street;

thence northeast along the southwestern right of way of Washington Avenue SW to the northern boundary of the railroad track right-of-way;

thence generally west along said railroad track right-of-way to the eastern right-of way of the D Street exit ramp of Interstate 395;

thence north and northeast along the eastern right-of-way of said D Street exit ramp to the southwestern right-of-way of Washington Avenue SW;

Comment:

The boundary should be adjusted to include within the Federal District, with one exception, all contiguous area south of the Rayburn and Cannon House Buildings that is within the jurisdiction of the Architect of the Capitol and the Capitol Police. This area is contiguous to the area proposed for the Federal Area by the Office of Planning.

Two blocks (Areas B1 and B4 on the accompanying map) are surface parking space for the Capitol complex, and two blocks (Areas B2 and B3) are partially underground Capitol complex parking lots, the roofs of which are formal parks which together are named the Spirit of Justice Park. These blocks are adjacent to Congressional House Office buildings.

Two additional areas (Areas B5 and B6) also serve as surface parking for the Capitol complex.

Two smaller areas (Area B7) are essentially part of a median strip between the northwestern-and southeastern-bound lanes of Washington Avenue SW and its one-block extension, Canal Street SE, which survives with the street's original name (the majority having been renamed Washington Street SE). This area, within the jurisdiction of the Architect of the Capitol, provides a contiguous connection to three additional areas under the same jurisdiction (Areas B8, B10 and B11).

The Capitol Power Plant (Area B10) and the former Congressional House Page's dormitory (Area B11) should be included within the Federal Area for the aforementioned reasons.

The additional surface parking lot (Area B8) is one of two exceptions to the inclusion within the Federal Area of contiguous space under the jurisdiction of the Architect of the Capitol. This area should remain within the State. It surrounds on three sides a number of private residential structures on the north side of E Street SE and the northeast corner of Canal Street SE (Area B9). These structures obviously should be excluded

from the Federal Area and the inclusion of the B8 area would sever these private residences from the State.

Remainder of Line 6

Original:

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

Suggested:

thence northwest along the southwestern right-of-way of said Washington Ave SW to the eastern right-of-way of 2nd Street SW;

thence south along the eastern right-of-way of said 2nd Street SW to the southern right-of-way of the D Street SW entry ramp to Interstate 395;

thence east and southeast along the southeastern right-of-way of said D Street SW entry ramp to the point where it passes over the western right-of-way of the Virginia Avenue SW exit ramp from Interstate 395;

thence generally south then west along the western then northern right-of-way of said Virginia Avenue SW exit ramp to the eastern right-of-way of 2nd Street SW;

thence south across the exit ramp to a point in line with the southwestern right-of-way of Virginia Avenue SW;

Comment:

Washington Avenue is in Southwest, not Northwest.

The Federal Area delineated by the Office of Planning includes the area of the Ford House Office Building but neglects to include the parking lot area immediately adjacent to the east (Area C on the accompanying map). Both areas are under the jurisdiction of the Architect of the Capitol and should be included within the Federal Area.

Line 7

Original:

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

Suggested:

thence northwest along the southwestern right-of-way of said Virginia Ave SW to the western right-of-way of 3rd Street SW; thence north along the western right-of-way of said 3rd Street SW to the northern right-of-way of D Street SW;

Comment:

A boundary realignment is suggested to account for the fact that the streets surrounding the Ford House Office Building are within the jurisdiction of the Architect of the Capitol and the Capitol Police.

Lines 8

Original:

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

Suggested:

thence west along the northern right-of-way of said D Street SW to the eastern right-of-way of 4th Street SW;

thence north along the eastern right-of-way of said 4th Street SW to the northern right-of-way of C Street SW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 9

Original:

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

Suggested:

thence west along the northern right-of-way of said C Street SW to the eastern right-of-way of 6th Street SW;

thence north along the eastern right-of-way of said 6th Street SW to the northern right-of-way of Independence Avenue SW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 10

Original:

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

Suggested:

thence west along the northern right-of-way of said Independence Ave SW to western right-of-way of 12th Street SW;

thence south along the western right-of-way of said 12th Street SW to northern right-of-way of D Street SW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 11

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

Suggested:

thence west along the northern right-of-way of said D Street SW to the western right-of-way of 14th Street SW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 12

Original:

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

Suggested:

thence south and southwest along the western and northwestern right-of-way of said 14th Street SW to its intersection with Interstate 395;

thence southwest along the northwestern right-of-way of Interstate 395 to its intersection with the eastern shore of the Potomac River;

Comment:

Prior to reaching the Potomac River, 14th Street SW merges with Interstate 395, which then crosses the river on three bridges. The southernmost bridge, The Arland D. Williams Jr. Memorial Bridge, is the northbound span, the middle bridge, The Rochambeau Bridge, is the HOV span, and the northernmost bridge, The George Mason Memorial Bridge, is the southbound span.

Although the map accompanying the Office of Planning description depicts the boundary following the southernmost route through the merger of 14th Street SW with Interstate 395, the boundary might be better delineated following the northernmost boundary through this area. The myriad of high-speed traffic lanes contributes nothing to the monumental core of the Federal Area, and should remain entirely within the State, similar to the other part of Interstate 395 as it crosses land and then crosses the Washington Chanel.

There is a parking lot for the Jefferson Memorial within this bridge/ramp area (see Area D on the accompanying map) which is accessible via Ohio Drive SW. This street passes at surface level under all of the bridges crossing the river. This lot and the surrounding surface area would remain under the management of the U.S. Park Service, like all other Federal parks within the State.

Line 13

Original:

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;

Suggested:

thence in a northwesterly direction along said eastern shore of the Potomac River to its intersection with the northern property boundary of the John F. Kennedy Center for the Performing Arts;

Comment:

The description should include the full name of the Kennedy Center.

Line 14

Original:

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

Suggested:

thence east along said northern property boundary of the John F. Kennedy Center for the Performing Arts and a straight line extending said boundary to its intersection with the eastern right-of-way of Interstate 66;

Comment:

The description should include the full name of the Kennedy Center. Additionally, a boundary realignment from street center to right-of-way edge is suggested.

Lines 15 & 16

Original:

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;

Suggested:

thence south then east along the eastern then northern right-of-way of said Interstate 66 and the E Street NW entrance ramp to Interstate 66 to the northern right-of-way of E Street NW at the point where E Street NW ends and the Interstate 66 entrance ramp begins;

thence south across said E Street NW to the southern right-of-way of E Street NW;

Comment:

The boundary described by the Office of Planning is ambiguous when viewed on the ground. The suggested realignment uses clearly identified points: the eastern limit of the Interstate 66 complex of road surfaces, and the point where E Street NW ceases to be a two-way city street and becomes a one-way entrance ramp to an Interstate highway.

Line 17

Original:

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

Suggested:

thence east along the southern right-of-way of said E Street NW to 20th Street NW;

thence southeast across said 20th Street NW to the southern right-of-way of the northern segment of said E Street NW to the western right-of-way of 18th Street NW;

thence south along the western right-of-way of said 18th Street NW to the southwestern right-of-way of Virginia Avenue NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested. The suggested realignment accounts for the change in width of E Street NW at 20th Street NW. It also addresses the fact that E Street NW is split between 20th Street NW and 18th Street NW. The westbound segment is one block to the north of the eastbound segment.

Line 18

Original:

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

Suggested:

thence southeast along the southwestern right-of-way of said Virginia Ave NW to the southern right-of-way of Constitution Ave NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 19

Original:

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

Suggested:

thence east along the southern right-of-way of said Constitution Ave NW to the eastern right-of-way of 17th Street NW;

thence north along the eastern right-of-way of said 17th Street NW to the southern right-of-way of H Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 20

Original:

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

Suggested:

thence east along the southern right-of-way of said H Street NW to the eastern right-of-way of the alley between Madison Place NW and 15th Street NW;

thence south along the eastern right-of-way, turning east along the northern right-of-way, then south again along the eastern right of way of said alley to the northern right-of-way of Pennsylvania Avenue NW;

thence east along the northern right-of-way of said Pennsylvania Avenue NW to the western right-of-way of 15th Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Additionally, exclusion from the Federal Area is suggested for the private commercial portion of the block bordered on the north by H Street NW, on the east by 15th Street NW, on the south by Pennsylvania Avenue NW, and on the west by Madison Place NW.

The block is essentially half Federal property and half private property. The Federal property lies to the west of the alley, is within the White House security perimeter, and is controlled by the Secret Service. The private property lies to the east and is not under Secret Service control. The alley itself is closed to traffic, lies within the security perimeter, and is controlled by the Secret Service.

Accordingly the boundary should be realigned to exclude from the Federal Area the private commercial property within the block. See Area E on the accompanying map.

Line 21

Original:

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

Suggested:

thence south along the western right-of-way of 15th street NW to the northern right-of-way of the northernmost segment of Pennsylvania Avenue NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 22

Original:

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

Suggested:

thence east then southeast along the northern right-of-way of said Pennsylvania Ave NW to the western right-of-way of 14th Street NW;

thence south along the western right-of-way of said 14th Street NW to a point opposite the southern right-of-way of D Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 23

Original:

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

Suggested:

thence east across said 14th Street NW, then continuing east along the southern right-of-way of said D Street NW to the eastern right-of-way of 13 1/2th Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 24

Original:

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

Suggested:

thence north along the eastern right-of-way of said 13 1/2th Street NW to the southern right-of-way of Pennsylvania Ave NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 25

Original:

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;

Suggested:

thence east then southeast along the southern then southwestern right-of-way of said Pennsylvania Ave NW to a point in the center of 4th Street NW;

thence north along a line from said point to the southern right-of-way of C Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Line 26

Original:

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

Suggested:

thence east along the southern right-of-way of said C Street NW to the eastern right-of-way of 3rd Street NW;

thence north along the eastern right-of-way of said 3rd Street NW to the southern right-of-way of D Street NW;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

Lines 27 & 28

Original:

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;

Suggested:

thence east along the southern right-of-way of said D Street NW to the western right of way of 1st Street NW;

thence south along the western right-of-way of said 1st Street NW to the northern right-of-way of C Street NW;

Comment:

The boundary in this region should be realigned for several reasons.

Second Street NW does not proceed south from D Street NW. An underground freeway entrance exists at that point. In addition, an imaginary line proceeding south from that point in order to connect to 2nd Street NW at C Street NW would pass through a Federal building. Finally, the area bounded on the north by D Street NW, on the east by 1st Street NW, on the south by C Street NW, and on the west by the proposed Federal Area (see Area F on the accompanying map) is entirely Federal property. Area F should be included within the Federal Area.

Line 29

Original:

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

Suggested:

thence west along the northern right-of-way of said C Street NW to the western right-of-way of 2nd Street NW;

thence south along the western right-of-way of said 2nd Street NW to the northern right-of-way of Constitution Avenue NW;

thence east along the northern right-of-way of said Constitution Avenue NW to the northwestern right-of-way of Louisiana Avenue NW;

Comment:

The boundary in this region should be realigned.

The block bounded on the north by C Street NW, on the east by 1st Street NW, on the southeast by Louisiana Ave NW, on the south by Constitution Avenue NW, and on the west by 2nd Street NW (see Area G on the accompanying map) is entirely private property. It should remain within the State.

The small triangular park bounded on the north by C Street NW, on the southeast by Louisiana Avenue NW, and on the west by 1st Street NW (see Area H on the accompanying map) is under the jurisdiction of the Architect of the Capitol. It stands as the other exception to contiguous property under the jurisdiction of the Architect of the Capitol being included within the Federal Area.

It is small and devoid of monumental structures; however, it is designed as the Vincent R. Sombrotto Memorial Park. Mr. Sombrotto was a letter carrier in New York City and was the 16th president of the National Association of Letter Carriers. He played a major role in the postal strike of 1970, and helped expand the NALC into more than 100 cities.

Directly across 1st Street NW, in Area G, is the headquarters of the National Association of Letter Carriers. The memorial park has a direct connection to the headquarters. It should remain within the State with the headquarters building.

Area H is additionally useful in that it provides Area G a contiguous geographical linkage to the State.

Line 30

Original:

thence northeast along Louisiana Ave NW to Louisiana Ave NE;

Suggested:

thence northeast along the northwestern right-of-way of said Louisiana Ave NW to the southwestern right-of-way of New Jersey Avenue, NW;

thence northwest along the southwestern right-of-way of said New Jersey Avenue NW to the northern right-of-way of D Street NW;

thence east along the northern right-of-way of said D Street NW to the northwestern right-of-way of said Louisiana Avenue NW;

thence northeast along the northwestern right-of-way of said Louisiana Avenue NW to the western right-of-way of North Capitol Street;

Comment:

The boundary in this region should be realigned.

The small triangular park (Area H on the accompanying map) is discussed under Line 29 above. It should remain within the State.

The larger triangular park, bounded on the north by D Street NW, on the southeast by Louisiana Avenue NW, and on the southwest by New Jersey Avenue NW (see Area I on the accompanying map) is different. It and the surrounding streets lie within the jurisdiction of the Architect of the Capitol *and* it has a national monumental structure - the Japanese American Memorial. It should be included within the Federal Area.

Line 31

Original:

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

Suggested:

thence north along the western right-of-way of said North Capitol Street to the southwestern right-of-way of Massachusetts Avenue NW;

thence southeast along the southwestern right-of-way of said Massachusetts Ave NW to the southwestern right-of-way of Massachusetts Avenue NE;

thence southeast along the southwestern right-of-way of said Massachusetts Avenue NE to the southwestern right-of-way of Columbus Circle NE;

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

The two blocks bounded on the northeast by Massachusetts Avenue NE and Columbus Circle NE, on the southeast by Louisiana Avenue NE, and on the west by North Capitol Street (see Area J on the accompanying map) lie within the jurisdiction of the Architect of the Capitol. They area used as surface parking for the Capitol complex, and should be included within the Federal Area.

Lins 32 & 33

Original:

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

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

Suggested:

thence counter-clockwise along the southwestern, southern, southeastern, and eastern right-of-ways of said Columbus Circle NE to the southern right-of-way of F Street NE;

thence east along the southern right-of-way of said F Street NE to the point of beginning.

Comment:

A boundary realignment from street centers to right-of-way edges is suggested.

The block bounded on the north by F Street NE, on the east by 2nd Street NE, on the south by Massachusetts Avenue NE, and on the west by Columbus Circle NE is solely federal property and under the jurisdiction of the Architect of the Capitol. It should be included within the Federal Area.

Attachment C of the Office of Planning Testimony before the New Columbia Statehood Commission

1

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

2

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;

3

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

4

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

5

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

6

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;

7

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

8

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

9

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

10

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

11

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

12

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

13

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;

14

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

15

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

16

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

17

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

18

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

19

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

20

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

21

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

22

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

23

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

24

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

25

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;

26

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

27

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

28

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

29

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

30

thence northeast along Louisiana Ave NW to Louisiana Ave NE;

31

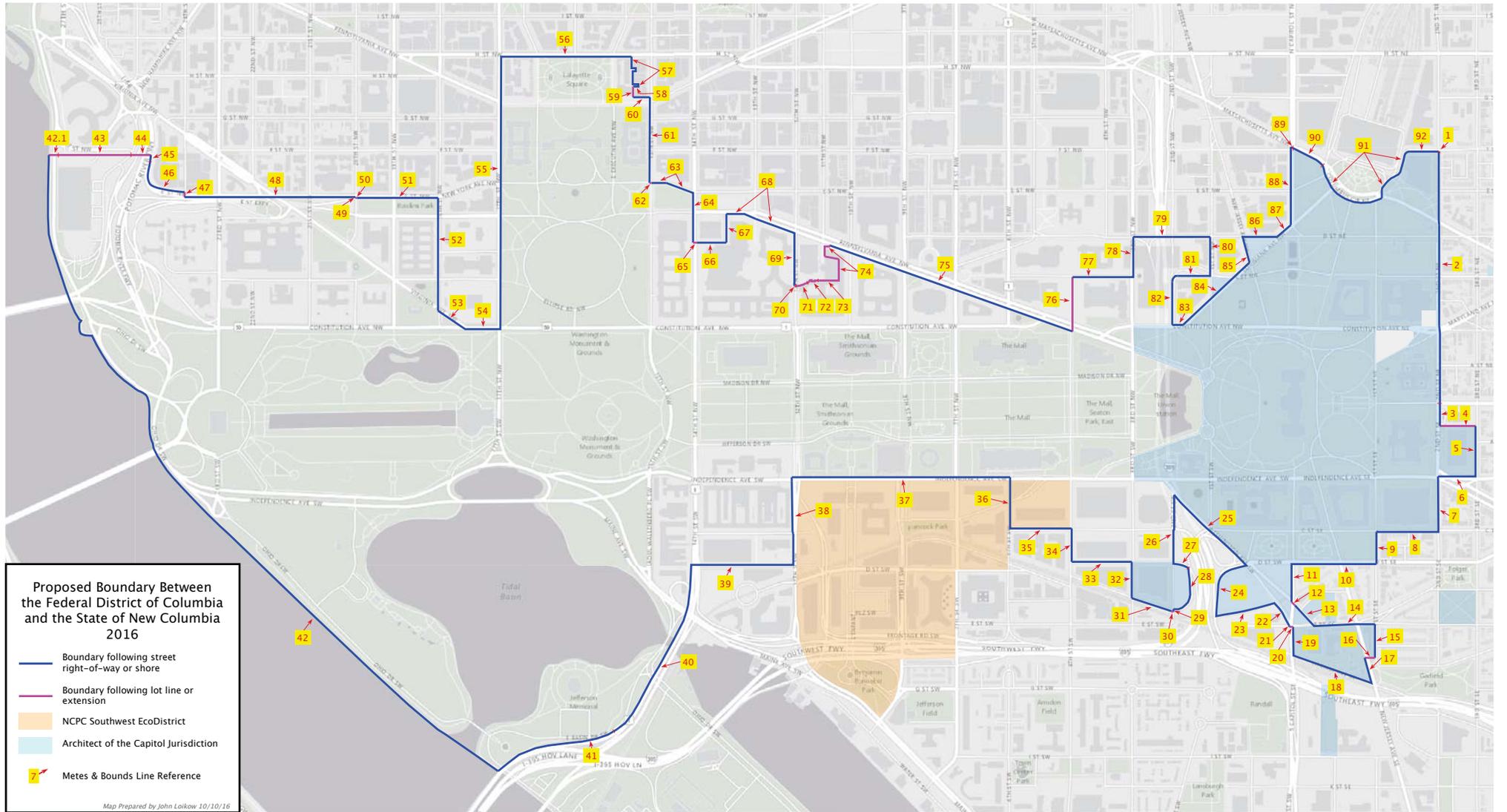
thence continuing northeast along Louisiana Ave NE to Columbus Circle NE;

32

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

33

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



Proposed Boundary Between the Federal District of Columbia and the State of New Columbia 2016

- Boundary following street right-of-way or shore
- Boundary following lot line or extension
- NPC Southwest EcoDistrict
- Architect of the Capitol Jurisdiction
- Metes & Bounds Line Reference

Map Prepared by John Loikow 10/10/16

Testimony of Kesh Ladduwahetty
Chair, DC for Democracy before the
Committee of the Whole, Council of the District of Columbia regarding
B21-826 (Constitution for the State of New Columbia Approval Amendment Act of 2016
September 27, 2016

My name is Kesh Ladduwahetty, and I am testifying on behalf of DC for Democracy, which has been working to advance democracy and good governance in the District of Columbia since 2005. We have also been an active member of the DC Statehood Coalition since 2009. Our members are committed to achieving statehood and making our new state a model of democracy in the Union.

We are heartened by the new momentum in the statehood movement and excited at the prospect of our leading elected officials petitioning Congress for statehood next year. We need the DC Council to be deeply invested in the statehood movement and to lend your considerable resources to this effort. At the same time, we are here to join with many others to urge the Council to set the statehood initiative on a solid democratic foundation, while preserving the essence of the Mayor's proposal.

It is no accident that many of us who are most concerned about the lack of adherence to basic democratic principles in the drafting of this constitution are those who have devoted so much of our time and energies to statehood. We have worked so hard for statehood because we are so committed to democracy. We cannot conceive of one without the other.

We appreciate that given the constraints of the current process, the Council must act quickly to draft a constitution well before the November referendum. The voters surely need to know what they are approving. But there is no reason that the constitution cannot be further improved after the November referendum.

The constitution that is before you now has been in the process of being drafted since April. While this constitution is being written, lobbying for the New Columbia Admission Act has continued. A few weeks ago, Senator Brian Schatz of Hawaii signed on as a co-sponsor. Several House members have co-sponsored since April. Clearly, statehood is advancing in Congress while this constitution is being drafted.

Similarly, the DC Government can petition Congress for statehood starting next January while we further improve the constitution that the Council enacts this year, which will likely be termed the 2016 constitution. The 2016 constitution can be submitted to a Constitutional Convention of elected delegates who can adequately deliberate on the matter to an extent that the Council is unable to do, given the highly compressed timeline and competing priorities.

Even if the Council had the time and energies to fully consider this constitution, principles of good governance advise that a body other than the Council author the constitution. Councilmembers were not elected to draft a constitution and face significant conflicts of interest, including, most seriously, the question of the size of the House of Delegates. For these reasons, the quality and legitimacy of a constitution drafted by the Council will be questioned.

The Council can demonstrate its commitment to a constitution of the highest quality and legitimacy by requiring a Constitutional Convention composed of elected delegates to further improve the 2016 Constitution, and to establish the detailed procedures for this Constitutional Convention in separate legislation by early 2017. A Constitutional Convention is a multi-year process that includes the election of delegates, the drafting of the constitution, educating and obtaining input from the public, and approval through a referendum. By saving citizens the enormous effort and expense of a ballot initiative, the Council will go far towards demonstrating your

Testimony of Kesh Ladduwahetty
Chair, DC for Democracy before the
Committee of the Whole, Council of the District of Columbia regarding
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September 27, 2016

commitment to democracy and good governance. Such a Constitutional Convention would serve the people of the District of Columbia well in either of the two possible scenarios before us.

The first scenario, a very optimistic one, is that admission is granted by the next Congress, in which case, the Constitutional Convention can continue its work after admission. This requires two amendments to the constitution:

First, Article VII, Section 3, "Constitution Amendment procedure" should delete the current language and replace it with language that allows amendment by a Constitutional Convention that is in session at the time of admission.

Second, Article VIII, Section 1, "Transfer of Offices" should include a new paragraph that allows a Constitutional Convention that is in session at the time of admission to be deemed a valid Constitutional Convention of the State of New Columbia.

The above changes would allow the Constitutional Convention to continue its work following admission, without further action by the House of Delegates.

The second scenario, which is far more likely, is that admission is not granted by the next Congress. In this case, a Constitutional Convention can begin the work of refining and improving the Constitution in 2017 or 2018, even while we press for statehood in Congress. By doing so, we avoid wasting valuable time.

By requiring a Constitutional Convention with elected delegates in separate legislation by early 2017, the Council will allow the DC Government to petition Congress for statehood, in accordance with the Mayor's proposal, and at the same time, demonstrate to the public that you will uphold basic principles of democracy and good governance.

Additionally, we urge the Council to do the following:

- Pledge to finalize the constitution at least two weeks prior to the November, 2016 election to allow for the public to understand what they are approving; and
- Article VII, Section 4, "Effective Date." Amend this section to specify that the constitution and boundaries must be formally ratified by voters after admission into the Union. There has been much confusion about the legal weight of the Advisory Referendum. It is our understanding that voter approval of the Advisory Referendum does not have legal weight. Furthermore, Congress may change the Constitution and/or the boundaries during the Admission process.

Thank you for your consideration.

Testimony, COW Public Hearing on the following Legislation: B21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016.

September 27, 2016 11:00AM, Room 500, Wilson Building

These are the 4 main points of my testimony:

- 1) From its start with a 5 member Commission holding a charade of a Constitutional Convention, the process creating the draft Constitution has been a travesty of democracy, disempowering to the cause of DC Statehood. As Professor Maurice Jackson, a delegate to the 1982 Constitutional Convention and Chair of the DC Commission on African American Affairs, said at Lincoln Cottage on May 6, 2016 “If we want democracy, we have to give democracy”. As a result the draft Constitution’s Bill of Rights is highly deficient compared to the progressive 1982 Constitution.
- 2) Such a Constitution should be created by an *elected delegated* Constitutional Convention, following the model of the 1982 Convention process. This opportunity is lacking in B21-826.
- 3) The Council could have facilitated a strong positive vote for Statehood on the Advisory Referendum by either removing language regarding the constitution or providing for separate votes on each section. We vigorously lobbied the Council to remove any mention of a constitution in the wording of this Referendum, leaving a simple vote Yes or No on statehood, and of course we would have strongly urged a vote of Yes if this change was implemented, but the Council rejected our plea. Hence the DC Council and Mayor should be held accountable for a weak or negative vote on the Advisory Referendum on November 8. Such a vote should not be interpreted as a vote against DC Statehood.
- 4) Therefore we urge the DC electorate to vote NO on the Advisory Referendum on November 8 since we only get one vote on all sections of the text, unless the DC Council does the following:
 - a) The draft Constitution now being considered by the Council must require the convening of a Constitutional Convention, following the model that created the 1982 Constitution, and the ratification of its Constitution must be completed in no more than one year after admission of the state of New Columbia, and
 - b) The DC Council make a final text with this revision widely available to the DC electorate no less than one week before absentee ballot/early voting.

Further explanation

The whole process to produce this “Constitution” is a facade of democracy, starting with the three hearings of the so-called Constitutional Convention held in May and June as well as the DC Council hearings today and on October 6. Only an elected delegated Constitutional Convention along the lines of the 1982 model can produce a legitimate Constitution for what we prefer as the name of our state, “The Douglass Commonwealth”, with the name of our state to be likewise determined by this Convention.

We say *so-called* Constitutional Convention because this was not a democratic process, no one elected the New Columbia Statehood Commission to come up with a new Constitution, now being considered by the DC Council. This task is not in their job description. No one was delegate to a real Constitutional Convention in this charade, nor should anyone so claim for those who testify to the DC Council in this public hearing. A delegate is elected, participates in the drafting of a constitution and has a vote on its final product.

We first point out that unless the final approval of this “Constitution” is completed and made fully transparent to our electorate before November 8, we will be asked to “approve a Constitution of the State of New Columbia to be adopted by the Council” without actually seeing the final text. Is this Council actually expecting our electorate to approve a Constitution without full transparency regarding its text? If a second vote on this bill comes after November 8 that is precisely what will happen, an outrageous assault on democratic practice.

We want to emphasize the top-down undemocratic process that created this “Constitution”, and its gross deficiencies, for example in its Bill of Rights and number of legislators in the House of Delegates in comparison with the visionary 1982 Constitution, the only one ratified by voters (go to <http://statehood.dc.gov/page/statehood-resource-center> for

pdfs of both and compare). The Bill of Rights in the 1982 included provisions for freedom from discrimination based on race, color, religion, creed, citizenship, national origin, sex, sexual orientation, poverty, or parentage, and disabilities (Section 3), right to employment or for those unable to work an income sufficient to meet basic human needs (Section 20) and equal pay for equal and comparable work (Section 21). As such these provisions anticipated the official status by our Mayor and Council as the nation's first Human Rights City on December 10, 2008 based on the Universal Declaration of Human Rights and subsequent Conventions in international law.

The number of legislators in the House of Delegates provided for in the draft Constitution is too small (21, compared to 40 in the 1982 Constitution). A House of Delegates of 21 corresponds to a ratio of legislators to population one half that of Delaware, one fourth that of South Dakota and one fifth that of Wyoming.

There is only one revision in this draft "Constitution" that may change our decision to vote No, a change in the amendment process spelled out in Article VII, Section 3.

We urge the deletion of this text as it now stands, *all* provisions, noting especially the following:

"c. On or about the fifth anniversary of the effective date of the Admission Act, the House of Delegates **may** call for a Constitutional Convention to assess the transition from a federal district to a member of the Union." [bold added]

As a substitute we urge the following language:

"No later than one month following the effective date of the Admission Act, the House of Delegates shall initiate steps to hold a Constitutional Convention with the charge of creating a constitution for our new state with this process following the model of the 1982 Constitutional Convention, with elected delegates. The name of our new state shall be reconsidered in this Constitutional Convention. The completion of the work of this Constitutional Convention and the ratification vote of its Constitution must occur no more than one year after the effective date of the Admissions Act. If ratified by a majority of qualified voters this Constitution shall replace "The Constitution of the State of New Columbia" The election of new members to the House of Delegates should only be scheduled after this process is completed."

If the Council makes this change final and perfectly transparent to our electorate with the Constitution ready, printed and on line in final voting form, with the publication date included at least a week before early voting and absentee balloting begins then we will revisit this decision to vote No.

We support parallel legislation by the Council for the convening of a Constitutional Convention in 2017 following the 1982 model, as the basis for a petition for statehood to the U.S. Congress. Further, the likelihood that a statehood bill will be approved by Congress and signed by the President in 2017 should be clear by the results of the Nov. 8 election, and the legislative agenda of both the incoming President and Congress. If this likelihood is low, then we support efforts, e.g., by Council legislation or Initiative, for the convening of a Constitutional Convention in 2017 following the 1982 model, as the basis for a petition for statehood to the U.S. Congress.

David Schwartzman, PhD
Political Policy and Action Committee, DC Statehood Green Party
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Testimony before the Committee of the Whole

B21-826 | Constitution for the State of New Columbia Approval Amendment Act of
2016

September 27, 2016

Brenda Lee Richardson

Good morning Chairman Mendelson and other distinguished members of the Committee of the Whole. My name is Brenda Lee Richardson. I am a resident of Ward 8. I am here today to support B21-826 with a few amendments which suggested some improvements in a few letters that were submitted by myself and others to the Committee before this hearing. I am a strong proponent of statehood. If we do not have full representation, what kind of citizen does that make Americans who live in the District of Columbia?

My colleagues and I wanted to give you the full depth of our support of this bill along with the changes we recommend to make the legislation stronger and more efficient.

My particular issue is with the powers of the DC Water

Authority. I am a former board member (12 years) and watched this agency work very well independently and efficiently. I would like to recommend the following change:

DC Water Authority | "The powers possessed by the District of Columbia Water and Sewer Authority on the day prior to the effective date of this Constitution, including authority to finance its operations, shall remain independent powers possessed by the Water & Sewer Authority for the State of New Columbia on the effective date of this Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter modified or repealed in accordance with this Constitution." The rationale for this change is as follows: The DC Council established DC WASA (DC Water) 20 years ago as an independent authority in the Executive Branch with budget autonomy (of

Mayor and Council). Congress as "state legislature authorized it to issue revenue bonds, at the DC Council's request. A major DC goal was to get future water and sewer debt off the DC balance sheet. Later Congress enhanced DC WASA's independence (from the CFO), not at the DC Council's request. The proposed insert is intended to assure stability, avoid controversy, and defer changes (if any until after statehood and careful consideration by the House of Delegates whether to continue to preserve and build upon a record of accomplishment). We follow the wording of VIII.4.f re: Attorney General.

Thank you for the opportunity to speak on this issue.

Testimony to DC City Council, Committee of the Whole on Bill 21-0826

Mary Alice Levine

September 27, 2016

My name is Mary Alice Levine, and I have lived in Washington, DC for 32 years. I enthusiastically support DC Statehood, but am uncomfortable with many aspects of the draft Constitution. I am also disturbed by the procedure used in drafting this Constitution. It allowed for little or no citizen input, and the Constitution was written by unelected members and staff of the DC Statehood Commission.

I urge the Council to make plans for a constitutional convention within 90 days of the passage of this bill, and to provide for the election of delegates from all eight wards to that convention. The convention will develop vital improvements to the Constitution and should be of at least 6 weeks duration.

Second, I recommend that the Council ensure that the admission act provides for a referendum to approve the Constitution and the boundaries of New Columbia as soon as possible, and not less than six months after admission.

Also, I urge the Council to enable New Columbia citizens to introduce amendments by initiative to any final Constitution.

I have thoughts for other necessary changes to the Constitution. Here are several of those thoughts.

- The DC Auditor should be independent. The current Constitution has the auditor investigating only matters referred to him by the House of Delegates. I refer you to the June 2016 statement of Matthew Watkins, DC's first Auditor, and his comments on provisions for the independence of the Auditor.

- Provisions should be made in the Constitution so an entirely new elected government is elected promptly after New Columbia is admitted to the Union. The current shadow ~~senators~~ ^{representatives} who were never elected by the District voters to a legislative office should never be U.S. Senators and U.S. Representatives from New Columbia. *unless they are elected to those positions*

- New Columbia needs a Lieutenant Governor, an additional elected official who is part of the Executive branch. The Constitution should provide for such a person.

- A representative form of government for the state of New Columbia should have a much bigger legislature than just a 21 member House of Delegates. Vermont, with approximately 46,000 residents LESS than DC, has 180 state legislators. That large legislature has a much lower person to representative ratio than the New Columbia draft Constitution would require. I'm not suggesting New Columbia needs 180 delegates: it does not have sparsely populated areas that require representatives to travel a great deal. But certainly 21 delegates is far too few. Having such a small legislature concentrates a great deal of power in just a few people, and it is harder for citizens to be heard. I would guess that New Columbia needs AT LEAST a 41 person legislature. That would allow for four representatives per ward, 8 at large members and a Speaker of the House.
- Archaic language should be removed from the Bill of Rights. The Second Amendment should be removed in its entirety because the people of the District of Columbia have long favored strict gun control.

Thank you for this opportunity to speak with you today.

Mary Alice Levine
3804 Alton Place, NW
Washington, DC 20016

TESTIMONY ON BILL B21-826 -- SEPTEMBER 27, 2016
CONSTITUTION OF THE STATE OF NEW COLUMBIA
APPROVAL AMENDMENT ACT OF 2016
Presented by Elinor Hart

Good morning. My name is Elinor Hart. I have been advocating for statehood for the people of DC for the past six years, and I am a proud participant in the Statehood Yes Campaign.

Thoughtful people have called attention to a number of places where the version of the constitution under consideration needs work. They include: questionable designation of planning authority; inadequate description of the Office of Attorney General; vagueness about how state judges will be selected; inadequate amendment process; and insufficient protection for the independent powers of the DC Auditor, Chief Financial Officer, and important Commissions. There is no doubt in my mind that this Council has the capacity to address these and other deficiencies, But I urge you NOT to do it.

What I hope you will do instead is make one and only one change in the constitution, and that is to require that there be a constitutional convention within one year after admission. The replacement I am proposing for Article VII, Section 3c is at the end of my testimony. The change I am proposing will accomplish three things: (1) provide for the deficiencies in the draft constitution to be addressed, (2) ensure that the people of New Columbia will be able to shape the document by which they are governed, and (3) give DC voters a clear idea of what they will be approving.

I think it's important to recall what has happened with New Columbia Constitutions so far. As we know, a constitutional convention authorized by a ballot initiative completed drafting of a constitution for New Columbia in 1982, and in November of that year voters ratified it in a referendum. FIVE years later, the Council revised it and sent what has become known as the '87 Constitution to Congress along with a petition for New Columbia to be admitted as the 51st state. The '87 Constitution is in fact attached to the current versions of the New Columbia Admission Act which has 133 cosponsors in the House and 20 in the Senate. One justification for the drafting of a new constitution for New Columbia was the questionable validity of the '87 Constitution.

If the Council makes significant changes in the draft constitution, its validity might also be questioned because of the discrepancies between what is in the New Columbia Statehood Commission's final version and what the Council approves. Equally important, the differences will be frustrating to voters. I hope you will take every opportunity you have to talk to voters and find out if it is important for them to have clear information about what they are voting on.

To me, giving voters a sense of confidence in what they are voting for is critical. Therefore, I hope the Council will take some parliamentary action that will make the consequences of our "Yes" votes on the referendum absolutely clear.

I will of course vote for the referendum and will try to persuade others to vote for it. I will be a much more effective campaigner for a high "Yes" vote if you take the actions I am recommending.

I hope you will also campaign for the referendum in two ways. I know you all have email lists, because I am on several. Please use your list to urge your constituents to support the referendum. I hope those of you who are up for election or reelection will also campaign for the referendum. Those of you who are not running this year, know your way around precincts and can help maximize the "Yes" vote by campaigning for the referendum on November 8.

Thank you for considering my suggestions on the referendum.

Finally, I want to raise the issue of the boundaries with Chairman Mendelson. I hope you will hold a hearing on the boundaries after November 8th and get a commitment from the Office of Planning to correct the remaining errors. Boundary mistakes can be a barrier to progress on statehood. Boundary errors in S.1688, are one reason that Diane Feinstein has refused to cosponsor the New Columbia Admission Act. While her office building is no longer in the State of New Columbia in the latest draft, other errors remain. Boundary errors can prevent us from getting cosponsors, and they can provide convenient excuses for opposing statehood for the people of DC.

Article VII, Section 3 c be should be revised to read:

No later than the first anniversary of the effective date of the Admission Act, the House of Delegates shall call for a Constitutional Convention to assess the transition from a federal district to a member of the Union and make recommendations for needed revisions. When the House of Delegates elects to call a Constitutional Convention, the House of Delegates shall, by Act, establish the process for electing delegates. Any amendments resulting from such a Constitutional Convention must be ratified by a majority of the qualified voters who vote in a ratification referendum.

BALLOT LANGUAGE

Short Title: Advisory Referendum on the "State of New Columbia Admission Act Resolution of 2016"

Summary Statement: To ask the voters on November 8, 2016, through an advisory referendum, whether 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 of 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 28, 2016; and
- (4) agree that the State of New Columbia shall guarantee an elected representative form of government.

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

YES, to approve _____

NO, to reject _____

GENE SOLON'S TESTIMONY FOR STATEHOOD
DELIVERED AT THE DISTRICT OF COLUMBIA (DC) COUNCIL HEARING OF SEPTEMBER 27, 2016

I, Gene Solon, Southwest DC waterfront homeowner, applaud New Columbia Statehood Commission co-chairs Bowser and Mendelson, Commission members Brown, Strauss and Garcia, Congressional delegate Norton, and all the other decision makers who chose to take this latest opportunity to achieve too-long-denied statehood for the city that's been my home for most of my life.

It's all been fascinating to me. I attended Statehood Working Group sessions, including the first one on May 12th. I was at all Constitutional Convention events. I participated in two Wilson Building training sessions and listened carefully during a well-conducted recent Webinar training session. I'm a Statehood Speakers Bureau member who recently made a formal presentation at an Advisory Neighborhood Commission (ANC) meeting and who's scheduled for another such presentation soon. I'm impressed with the quality of Mayor Bowser's statehood education team.

I'm glad the Statehood Commission voted for a 21-member unicameral legislature (a House of Delegates), something I've been advocating since May 14th. DC's population, approaching 700,000, tops that of Vermont and Wyoming, and the 13-member existing DC unicameral legislature (the DC Council) is not representative enough. Although it won't be as representative as the legislature of the State of Nebraska, (which has about three times DC's population and a 49-member unicameral legislature), the proposed 21-member New Columbia legislature comprised of 2 members from each of 8 districts (now "wards"), 4 members elected at large, and a Speaker of the House separately elected at large, is of a structure that fits nicely into DC history and geography.

Councilmembers, Nebraska has a so-called "non-partisan" unicameral legislature that has long been sending 2 Senators and 3 Representatives to Congress, and that has apparently functioned acceptably -- my research shows that Nebraska's socioeconomic indicators are quite respectable. I tend to favor a "non-partisan" state legislature here, and I still don't fully understand why the proposed New Columbia Constitution calls for ANC members to be elected on a "non-partisan" basis while calling for members of our state legislature to be elected on a "partisan" basis. I ask you to revisit this issue.

Councilmembers, I urge that you compose a smooth one-sentence 4-point ballot question somewhat as follows:

"Do you want your city to become the 51st state, with the state Constitution, state boundaries, and republican form of government the District of Columbia Council and Mayor recently approved?"

I think such a question will be answered with an enthusiastic "YES"!

I hope everyone here will do everything possible to encourage early voters to vote "YES," and do everything possible to ensure that pro-statehood activists citywide -- and at polling places from October 9th through November 8th -- are fully equipped with wearable and other materials appropriate for encouraging a massive vote for statehood.

Councilmembers, the attached copies of my May 14th and June 25th messages to the Statehood Commission contain my comments on a variety of items. It's okay if you don't quickly adopt all of the suggestions contained in those messages. But please take seriously my praise for the Wilson High School Jazz Band's performance at the Constitutional Convention.

Thank you.

Attachment A

MEMORANDUM, May 14, 2016

TO: Mayor Muriel Bowser, Council Chairman Phil Mendelson, Senator Paul Strauss, Senator Michael D. Brown,
Representative Franklin Garcia
FROM: Gene Solon, Ward 6 Resident
SUBJECT: Comments on the State of New Columbia Constitution Discussion Draft

I attended the New Columbia Statehood Commission Working Group Kick-Off Meeting held at the Gallaudet University Kellogg Center on May 12, 2016, and, at home later that evening, reviewed the copy of the booklet I received there containing the Constitution of the State of New Columbia Discussion Draft. Here are some comments on that document.

1. I'm in favor of changing the preamble's phrase "a republican form of government" to the phrase "a representative form of government."

2. In the BILL OF RIGHTS Section II, I wonder whether the phrase "A well-regulated militia" could be expanded to eliminate ambiguity that could threaten the existence of reasonable gun control law.

3. In the BILL OF RIGHTS Section VII, I suggest that the phrase "to the rules of the common" be stricken, and the phrase "New Columbia" be added, so that the text reads "...no fact tried by a jury shall be otherwise reexamined in any court of the State of New Columbia than according to New Columbia law" (and perhaps otherwise modernize the text).

4. I respect the comments I heard at the Kellogg Center comparing our population to that of other jurisdictions and advocating the establishment of a larger than 13 member legislature, but I'm not sure we need a bicameral legislature.

Maybe a unicameral legislature (Nebraska has one) might be less of an expense and might be an arrangement that's less susceptible to gridlock. Maybe we can provide *both* gridlock-avoiding process *and* adequately debated, high quality legislative concept and language without a bicameral legislature. Here's my idea: In ARTICLE 1, THE LEGISLATIVE BRANCH, Sec. 2. a., increase the House of Delegates membership from 13 to 21; increase the number of at-large members from 4 to 5; and *double* the number of delegates elected "from each of the 8 legislative districts" from 1 to 2, producing a total of 16 district-representing delegates. (These 16 delegates plus the 5 state-wide-oriented "at-large" delegates would comprise the 21 member House of Delegates.) It may be that high quality legislative concept and language would be generated at the district level. Districts themselves, in which "two heads are better than one," may produce quality as high as a two house system can produce.

Now, Sec. 2. a. 1., 2., and 3. all contain the phrase, "on a partisan basis." If, if, if this phrase refers to the past decision to save space on the current council for specific political parties, I don't mind revealing that I've always considered that decision troublesome. No law of nature states that two-party systems are always best and that Republican and Democratic parties are eternal entities -- and history *continues* to show that such entities can morph in strange ways. I think a New Columbia legislature should be one that welcomes all duly elected members, whether they chose to run under party labels or not. Note that Sec. 2. e. text includes the phrase "not affiliated with any political party." Good legislators can be, but need not be, party affiliated, and good constitutions should not unduly honor such affiliation by "encasing it in cement."

5. ARTICLE 1, THE LEGISLATIVE BRANCH, Sec. 2. d. text referring to "action that amounts to a gross failure to meet the highest standards of personal and professional conduct" may be too vague.

6. In ARTICLE 1, THE LEGISLATIVE BRANCH, Sec. 2. e. (1), maybe the word "District" in the first sentence should be lower case, consistent with preceding text, and, at the end of Sec. 2. e. (2), I think it's presumptive to refer to a political party's "central committee." NOTE: I strongly urge that the issue of party affiliation be thoroughly addressed -- perhaps in a Statehood Commission special session!

7. If the party affiliation issue is thoroughly addressed, it may be that there will be no need for the phrase "on a nonpartisan basis" in the Advisory Neighborhood Commissions Sec. 7. a. of Article 1 (or anywhere).

8. In ARTICLE II, THE EXECUTIVE BRANCH, the Sec. 3. c. phrase, “The House of Delegates shall not reduce the salary of the Governor” seems superfluous and troublesome.

9. In ARTICLE II, THE EXECUTIVE BRANCH, it may be appropriate for the Sec. 4. m. phrase “planning authority” to include some definition.

10. In ARTICLE III, THE JUDICIAL BRANCH, should Sec. 2. a. “advice and consent” text include a reference to “Act” or “Resolution”?

11. In ARTICLE III, THE JUDICIAL BRANCH, the Sec. 3. b. 5., perhaps the colorful archaic phrase “(including habitual intemperance)” should be changed to something more contemporaneous.

I’m not sure I have been, or can be, thorough enough or incisive enough in helping to address “The Need for a Contemporaneous Document,” but I would be grateful for an invitation to participate further in developing an exemplary Constitution -- and to be part of this fascinating overall effort to achieve statehood.

Mayor Muriel Bowser: eom@dc.gov

Council Chairman Phil Mendelson: pmendelson@dccouncil.us

Senator Paul Strauss: senator@dc.gov

Senator Michael D. Brown: hrzcom@aol.com

Representative Franklin Garcia: franklin.garcia@dc.gov

Attachment B

MEMORANDUM, June 25, 2016

TO: D.C. Statehood Commission, D.C. Council

FROM: Gene Solon, Convention Delegate From Ward 6

COPIES: Eugene D. Kinlow, D.C. Office of Federal and Regional Affairs, G. Lee Aiken, Patrick Mara

SUBJECT: Reflections on a N.E.A.T. Constitutional Convention

I think the Wilson High School Jazz Band was perfect.

Now, while the imperfect 2016 D.C. Constitutional Convention was Not Exactly A Traditional (N.E.A.T.) one, it was close enough to being one, and,

1. I agree with Statehood Commission members Mayor Bowser, Council Chairperson Mendelson, Senator Strauss, Senator Brown and Representative Garcia (a) that now is a good time to campaign for statehood, (b) that a draft constitution could be an effective instrument in that campaign, and (c) that there is, indeed, time to produce an improved constitution, one with text outlining a state government structure that promotes, respects and thoroughly protects full transparency, accountability and democratic process; text that would spur D.C. citizens to vote an overwhelming “YES” in November.
2. I agree with those who testified that we should try hard to come up with a better name than New Columbia for our new state.
3. Convention testimony influenced me to settle on my May 24th notion (see Attachment) that our new state should have a unicameral nonpartisan legislature comprised of 21 members, including two members from each of eight legislative districts (16 members) along with 5 at-large members. (Nebraska, with a population almost 3 times that of D.C., has a unicameral nonpartisan legislature of 49 members.) Of course, we would also elect 2 U.S. senators and 1 U.S. representative to Congress. (Nebraskans elect 2 senators and 3 representatives to Congress.)
4. I have come to agree with the testimony I heard at the convention that advocates abolishing Advisory Neighborhood Commissions (ANCs). It’s no news that time can erode institutions originally based on good, useful concept. Some ANC commissioners have become barriers between communities and government agencies.
5. Although the current spike in D.C. construction activity was only lightly remarked upon at the convention, I became attracted to the idea that our new state’s zoning commission members should be elected rather than appointed. D.C. Zoning Commission decisions have not adequately respected the legitimate interests of the communities in which development takes place. All zoning commissioners of course should be required to have credentials meeting the highest standards, but no commissioner should be a federal government appointee.

GENE SOLON'S OCTOBER 10, 2016 TESTIMONY ON STATEHOOD
(SUPPLEMENTING HIS SEPTEMBER 27, 2016 TESTIMONY)

Members of the Council of the District of Columbia (DC), having attended both your September and October hearings on DC statehood, I submit the following comments on what I believe to be key issues commanding your attention.

On the size of New Columbia's legislature: Though I've been inclined, since May 14th, to advocate that the number of representatives in a New Columbia House of Delegates be 21, I can easily agree that a workable number could be 29, as suggested by a witness at the October hearing. As I recall, she envisioned 3 rather than 2 representatives coming from each of the current 8 DC wards, 1 of those 3 being an at-large representative -- so that with the presence of a separately-elected Speaker of the House, there would be 13 at-large representatives along with 16 district representatives. I can also support a situation wherein all 3 representatives from each ward are district representatives (none of them at-large), so that, Speaker included, there would be 5 at-large representatives along with 24 district representatives. NOTE 1: More than 29 delegates may be too many -- if Nebraska is deemed an appropriate benchmark. As I've written, Nebraska's population (about 2 million) is about three times DC's population and its legislature has only 49 delegates. That's a representative-to-constituent ratio in Nebraska of about 1:40,000. Even a 21-member New Columbia legislature would present a representative-to-constituent ratio here that's more "representative" than that, i.e., a ratio of about 1:33,000. A 29-member New Columbia would produce a representative-to-constituent ratio of about 1:24,000. NOTE 2: One Council member speculated that each current DC ward could be divided into separate districts -- and I opine that this may provide better-than-existing small area/neighborhood representation -- voting representation, in fact -- reducing the need for Advisory Neighborhood Commissions (ANCs). (Though some ANCs are impressive, I and others are justifiably disappointed in our own ANCs.)

On a unicameral versus bicameral legislature: A look at American history shows that, contrary to an October witness's claim, simply making a legislature bicameral does nothing to reduce corruption. Also, speculation that ANCs could somehow become what is still, unfortunately, called a "lower house" raises many questions. A "lower house" with almost 300 representatives, 1 each from almost 300 ANC Single Member Districts? That, plus a 21- or 29-member "upper house"? All in New Columbia? I'm skeptical. Here are some excerpts from Wikipedia's look at American history:

"The United States Senate, named after the ancient Roman Senate, was designed as a more deliberative body than the House of Representatives. Edmund Randolph called for its members to be "less than the House of Commons...to restrain, if possible, the fury of democracy." According to James Madison, "The use of the Senate is to consist in proceeding with more coolness, with more system, and with more wisdom, than the popular branch." Instead of two-year terms as in the House, senators serve six-year terms, giving them more authority to ignore mass sentiment in favor of the country's broad interests...In the minds of many of the Founding Fathers, the Senate would be an American kind of House of Lords.^[1] John Dickinson said the Senate should "consist of the most distinguished characters, distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the British House of Lords as possible."...On the final vote, the five states in favor of equal apportionment in the Senate—Connecticut, North Carolina, Maryland, New Jersey, and Delaware—only represented one-third of the nation's population. The four states that voted against it—Virginia, Pennsylvania, South Carolina, and Georgia—represented almost twice as many people than the proponents....Since 1789, differences in population between states have become more pronounced. At the time of the Connecticut Compromise, the largest state, Virginia, had only twelve times the population of the smallest state, Delaware. Today,...the largest state, California, has a population that is seventy times greater than the population of the smallest state, Wyoming....Reformers like Keppeler depicted the Senate as controlled by the giant moneybags, who represented the financial trusts and monopolies."

The questions of special interests (and corruption) aside, here are my comments on (a) geography, (b) federation, (c) "deliberative" capability and (d) the production of timely and quality legislation. (a) Our geography is quite compact and certainly not dramatically variegated (no big rural-urban differences, e.g.) -- so we don't need special geography-oriented representation. (b) We DCers are not in the process of creating a federated nation. We're creating the 51st state inside the nation called the United States of America, a federation of semi-independent states, each with its own constitution. The State of New Columbia (like all other American states) will not be a federation within a federation. (c) I've noted that DC legislators are no more susceptible to letting compliments "go to their heads" than legislators elsewhere, so I guess I can state here that we DCers have elected many deliberative, thoughtful representatives. (d) Given recent bicameral "sausage-making" -- and gridlock -- at both federal and state levels, I have no special confidence that a bicameral legislature, just because it's bicameral, will enact needed quality legislation in a timely manner.

On a legislature elected on a “partisan” basis versus a “non-partisan” basis: As I’ve testified previously, I believe it would be a mistake to enhance the solidification of what is called a “two-party system” (also sometimes called “machine politics”) by using the phrase “partisan basis” in the constitution of a new state whose population is struggling for true democratic process. At the September hearing, a witness associated with a political party other than the two currently largest American parties came to agree that all New Columbia legislators should be elected on a non-partisan basis -- allowed, as candidates, to choose whether or not to run for office as a member of a political party. As I’ve stated previously, U. S. Congress incumbents have long welcomed and worked with members who were elected on a non-partisan basis.

On a future Constitutional Convention: I strongly advocate that the pre-election-day final version of the New Columbia constitution include (a) text making it mandatory that a constitutional convention of elected delegates be convened within 3 years, and (b) text delineating a reasonable amendment procedure for warranted improvement of the constitution.

**Testimony of Rev. Laura Cunningham
To the Committee of the Whole
Regarding the Need to End Chronic Homelessness
August 30, 2016**

Good Afternoon, Chairman Mendelson and members of the council. I am Laura Cunningham, pastor of Western Presbyterian Church in Ward 2, on the corner of 24th and G St, NW. I am here with the Way Home Campaign, to ask you to be part of this important work of ending chronic homelessness by 2017, by making the needed investments in permanent supportive housing, targeted affordable housing, and rapid rehousing"

No one should die because they don't have a home. God doesn't want this, and neither do you.

As pastor at Western, I meet all kinds of people. Just as you are public servants, Shawn was a public servant, known for his acts of kindness to friends in need. You could even call him mayor of 24th and G Streets, as he took care of those in need on our corner. I would watch him out of the window of my study. When someone needed a smile, Shawn had a joke or funny comment. When someone needed medicine, Shawn helped them find it. When someone needed a little bit of money, Shawn gave them some of his own. Shawn touched the lives of many at 24th and G: those experiencing homelessness, those who work at Western, those on staff at Miriam's Kitchen which is housed in our facility.

A little over a month ago, after a recent spring cold snap, I got word that Shawn had died, although no one knew how. No one even knew how long his body had been in the hospital. Western Church had a memorial service for Shawn, for his family, for friends, for the Miriam's staff. While our church serves as a spiritual home for many – in times of grief, in times of need - this time could have been avoided. I found out that while Shawn was experiencing homelessness when he died, he had been approved for permanent supportive housing. There just wasn't any available.

Shawn's dying alone, homeless, was not God's will. At my church, we pray weekly "Thy will be done." However you pray personally or in your tradition, no one prays that another person will die alone and homeless. May your work reflect your own beliefs. I hope you will support this effort.

BEFORE THE COMMITTEE OF THE WHOLE
COUNCIL OF THE DISTRICT OF COLUMBIA
September 27, 2016 Public Hearing on
B21-826 "Constitution for the State of New Columbia Approval Amendment Act of 2016"
Testimony of Randy Speck, Chair ANC 3/4G

Chairman Mendelson and Councilmembers. I strongly support this statehood initiative and urge you to make every effort to achieve our unassailable goals of self-government and full Congressional representation.

I thank you particularly for this opportunity to address the provisions of the Constitution that define the role that ANCs will play in New Columbia. I am testifying on behalf of ANC 3/4G, which adopted a resolution urging the Council to make a few, surgical changes in the ANC provisions. I also represent about 35 other ANC commissioners and former commissioners who have subscribed to these principles. Many of you were ANC commissioners, so you understand the value that this form of grassroots democracy brings to governance. ANCs provide a vital link between the bureaucratic apparatus and our citizens and help to promote a responsive, efficient government. By broadly preserving the ANCs' role, our Constitution affirms their continuing contributions.

I've attached ANC 3/4G's resolution and a further statement that commissioners from all eight wards have affirmed. We agree with the overall approach in the Constitution but have suggested three key improvements that will assure the ANCs' continued vitality.

First, in order for ANCs to be effective, agencies must take their views seriously. Current law specifies that an ANC's advice must be accorded "great weight." This simply means that if an agency does not accept the ANC's position, it must explain why it does not agree. Such a reasonable requirement ensures that the voices of those citizens most affected by governmental actions will be heard and considered seriously. Article I, Section 7, paragraph b should enshrine this commitment in the state's fundamental law.

Second, the current draft Constitution sometimes confuses an individual commissioner representing a "single member district" and the Advisory Neighborhood Commission, which is an amalgam of several commissioners who can address issues that affect a neighborhood. There are 296 Commissioners but only 40 ANCs. Article I, Section 7, paragraph a should be clarified to make this distinction. Similarly, Article VIII, Section 1 should keep each "commissioner" in office after statehood, not "ANCs."

Third, as the name implies, an ANC must cohere around a functioning neighborhood. We are a city of neighborhoods, many with roots going back more than a century. My ANC -- Chevy Chase -- is a good example. As a result of redrawing ward boundaries after the 2000 census, our century-old neighborhood was split between Wards 3 and 4. We insisted, however, that the ANC maintain its historical and geographical boundaries spanning both wards. Because ANCs address concerns on a neighborhood-wide basis, their borders should reflect those coherent communities. We suggest an addition to Article I, Section 7, paragraph a to assure that neighborhood commission areas reflect natural geographic and historic boundaries.

I commend the Statehood Commission and the Council for the work that they have done in pressing for statehood now. This is a momentous step for residents of the District of Columbia. The suggestions that we have made will help ensure that our Constitution accurately reflects our democratic values and commitments to good government. Thank you.

ANC 3/4G Comments on the ANC Provisions
of the Proposed Constitution of the State
of New Columbia

We understand that the Council is considering a resolution that would defer completion of the proposed Constitution for the State of New Columbia until after a referendum on November 8, 2016. Nevertheless, when the Mayor, the Council, or the Statehood Commission consider further revisions to the draft Constitution, we offer these comments and proposed changes that we believe will clarify the provisions that relate to Advisory Neighborhood Commissions.

As an initial matter, we agree with the approach in the draft Constitution that leaves the details of ANC operation for specification in statutes that may exist as of the effective date of the Constitution or that be enacted by the House of Delegates. Since the District of Columbia gained home rule, ANCs have provided an essential link between residents, neighborhoods, and government agencies. Thus, the Constitution should assure the continued existence of ANCs and their role in the government of New Columbia, but it should not attempt to delineate all of the ANCs' functions, duties, or responsibilities.

We recommend that the draft Constitution be modified in two respects to assure the smooth transition of ANCs to New Columbia. First, we suggest that Article I, Sec. 7, Advisory Neighborhood Commissions, be revised to clarify the distinction between a "single member district," which should each have substantially equal population for each elected Commissioner, and an "advisory neighborhood commission," which is an aggregate of single member districts that may vary in size and population. We also place great value on the cohesion of advisory neighborhood commissions that comes from respecting geographical and historic neighborhood boundaries. Thus, we suggest that paragraph a. be modified to read as follows:

- a. The House of Delegates shall by Act divide the State of New Columbia into neighborhood commission areas, considering natural geographic and historic boundaries. Each neighborhood shall be represented by an elected advisory neighborhood commission, which shall consist of individual Advisory Neighborhood Commissioners, each of whom shall be elected on a non-partisan basis from single member districts of substantially equal population. Candidates for Advisory Neighborhood Commission shall qualify for election by gathering signatures of at least twenty-five qualified voters in their single member district area.

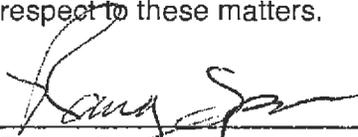
Second, a key element of the ANCs' value is the weight that District agencies must give to an ANCs' views. The current law in the District is that an ANCs' views are entitled to "great weight" -- i.e., if an agency does not accept an ANC's recommendation, it must explain why it does not agree. We propose that the second paragraph of Article I, Sec. 7 incorporate this existing rule and be revised to read as follows:

- b. Each advisory neighborhood commission may: (1) advise the House of Delegates and the Executive Branch on matters of public policy, which advice shall be given great weight; (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 ANCs have proven to be an important component of the District of Columbia government that should be reflected in the Constitution of the State of New Columbia. We look forward to working with the Mayor, the Council, and the Statehood Commission to achieve the long-sought representation and autonomy that the residents of the District of Columbia deserve.

ANC 3/4G adopted these comments at its duly noticed meeting on July 11, 2016 by a vote of 7 to 0, a quorum being four. The Chair is authorized to represent the Commission with respect to these matters.



Randy Speck, Chair



Chanda Tuck-Garfield, Secretary *per RUS*

Honorable Phil Mendelson
Chairman, Committee of the Whole
Council of the District of Columbia

Re: B21-0826 ("To recommend to Congress a revised District of Columbia Statehood Constitution for the State of New Columbia.") provisions as to Advisory Neighborhood Commissions and Commissioners

Dear Chairman Mendelson and Members of the Committee of the Whole,

We, the undersigned Advisory Neighborhood Commissioners and former Commissioners, commend Mayor Bowser and the New Columbia Statehood Commission for introducing Bill 21-0826 and thank the Council of the District of Columbia for planning public hearings in September.

In order to facilitate efficient amendment and improvement of B21-0826, we submit these written comments as to Advisory Neighborhood Commissions and Advisory Neighborhood Commissioners in advance of hearings. We each reserve the right to propose or support other amendments, too. (We append our understanding of the overall process.)

Introduction

We call attention to, and draw upon, ANC 3/4G's Comments on the ANC Provisions of the Proposed Constitution of the State of New Columbia, unanimously adopted on July 11, 2016. (See <http://www.anc3g.org/wp-content/uploads/2016/07/Comments-on-Proposed-New-Columbia-Constitution-.docx>).

As an initial matter, we agree with the approach in B21-0826 that leaves the details of ANC operation for specification in statutes that may exist as of the effective date of the Constitution or that may be enacted by the House of Delegates. Since the District of Columbia gained home rule, ANCs have provided an essential link between residents, neighborhoods, and government agencies. Thus, the Constitution should assure the continued existence of ANCs and their role in the government of New Columbia, but it should not attempt to delineate all of the ANCs' functions, duties, or responsibilities.

Our 40 ANCs are valuable mini-legislatures. Their recommendations are entitled to "great weight" pursuant to enforceable statutes and judicial interpretation. They should continue to perform their institutional roles and exercise their institutional powers the day after statehood.

Our 296 ANC Commissioners, each elected from a single-member district of about 2000 residents, should continue in office without hiatus the day after statehood.

Specific Recommendations

In order to assure the smooth transition of ANCs to New Columbia, we recommend that Articles I and VIII in B21-0826 each be modified in two respects, as follows.

ARTICLE I - THE LEGISLATIVE BRANCH

- Amend Article I, subsection 7.a. to read [additions *emphasized*]: "The House of Delegates shall by Act divide the State of New Columbia into neighborhood commission areas, *considering natural geographic and historic boundaries*. Each neighborhood shall be represented by an elected advisory neighborhood commission, which shall consist of individual Advisory Neighborhood Commissioners, each of whom shall be elected on a non-partisan basis from single member districts *of substantially equal population*. ~~Candidates for Advisory Neighborhood Commission shall qualify for election by gathering signatures of at least twenty-five qualified voters in their single member district area.~~"
- Rationale: We suggest two inserts and one deletion: (a) We place great value on the cohesion of advisory neighborhood commissions that comes from respecting geographical and historic neighborhood boundaries. (b) We would further clarify the distinction between a "single member district," which should have roughly equal population for each elected Commissioner, and an "advisory neighborhood commission," which is an aggregate of single member districts that may vary in size and population. (c) We would delete, as too detailed to belong in the Constitution, the last sentence (although it accurately describes how many signatures ANC candidates now must gather: "Candidates for Advisory Neighborhood Commission shall qualify for election by gathering signatures of at least twenty-five qualified voters in their single member district area."). The proposed Constitution does not spell out signature gathering requirements for candidates for any of the other elected offices.
- Amend Article I, subsection 7.b. to read [additions *emphasized*]: "Each advisory neighborhood commission may: (1) advise the House of Delegates and the Executive Branch on matters of public policy, *which advice shall be given great weight*; (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."
- Rationale: A key element of the ANCs' value is the weight that District agencies must give to an ANCs' views. The current law in the District is that an ANCs' views are entitled to "great weight" -- i.e., if an agency does not accept an ANC's recommendation, it must explain why it does not agree. We propose that the second paragraph of Article I, Sec. 7 incorporate this existing rule, elevating it to constitutional status.

ARTICLE VIII - TRANSFER OF OFFICES

- In Article VIII, Section 1 (Transfer of offices), subsection a., lines 15 and 18. change "Advisory Neighborhood Commissions" to "Advisory Neighborhood Commissioners".
- Rationale: The office is "Commissioner" - not "ANC" or "ANC member." Our objective in subsection a. is to keep each *commissioner* in office after statehood. It's impossible to keep a commission in office. The New Columbia Statehood Commission's explanatory Report recognized a need to correct a drafting error, but sought "to transfer current ANCs" (Report page 10), which are institutions when it should have transferred each of the 296 commissioners. There should also be a separate continuity provision for the 40 ANCs as institutions, our next recommendation.
- Add a new subsection to Article VIII, Section 4 (Laws in force and prior powers) reading as follows:
"The powers possessed by the respective Advisory Neighborhood Commissions for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Advisory Neighborhood Commissions for the State of New Columbia on the effective date of this Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter modified or repealed in accordance with this Constitution."
- Rationale: We follow wording of Article VIII, 4.f. as to the Attorney General's institutional powers which the New Columbia Statehood Commission added at the end of its process. Earlier, it incorporated similar provisions as to the Council (VIII.4.c) and Mayor (VIII.4.d.).

Conclusion

We respectfully ask the Council of the District of Columbia to address our foregoing points and receive this communication into the formal record.

/Signed, individually/

/For identification only/

David Jonas Bardin	Former chair ANC 3F; retired member Arent Fox, LLP
Christine Miller	Commissioner ANC 1A05
Ted Guthrie	Commissioner ANC 1C03; Chairperson ANC 1C
Wilson Reynolds	Commissioner ANC 1C07
Patrick Kennedy	Commissioner ANC 2A01; Chairperson ANC 2A
Ann Hume Loikow	Former chair (and member) ANC 2A and ANC 3C
David R. Bender, PhD	Commissioner ANC 2D01; ANC 2D Chair/Secretary
Lindsley Williams	Former chair ANC3C
Matthew Frumin	Former chair ANC 3E
David Dickinson	Commissioner ANC 3F01
Shirley Adelstein	Commissioner ANC 3F02
Mary Beth Ray	Commissioner ANC 3F03
Sally Gresham	Commissioner ANC 3F04
Malachy Nugent	Commissioner ANC 3F06; Chairperson ANC 3F
Pat Jakopchek	Commissioner ANC 3F07
Jane Solomon	Former chair ANC 3F
Cathy Wiss	Former chair ANC 3F
Marlene Berlin	Former commissioner ANC 3F01

Carolyn "Callie" Cook	Commissioner ANC 3/4G01
Randy Speck	Commissioner ANC 3/4G03
Peter A. Shapiro	Commissioner ANC 3/4G05
Isaiah Burroughs	Commissioner ANC 5A04
Ronnie Edwards	Commissioner ANC 5A05
Sandi Washington	Commissioner ANC 5A07
Ursula Higgins	Commissioner ANC 5B02; Chairperson, ANC 5B
Shirley Rivens Smith,	Former chair ANC 5B
Adam Roberts	Commissioner ANC 5D03; Chairperson ANC 5D
Mark Eckenwiler	Commissioner ANC 6C04
Justin A. Lini	Commissioner ANC 7D07
Rochelle AC Bent	Commissioner ANC 7E05; Chairperson ANC 7E
Paul Trantham	Commissioner ANC 8B02
Betty Scippio	Commissioner ANC 8B05
Charles L. Lindsay	Commissioner ANC 8C07; Chairperson ANC 8C
Anthony Muhammad	Commissioner ANC 8E02; Chairperson ANC 8E
Christopher Hawthorne	Commissioner ANC 8E05

[We are refileing in order to give more commissioners a chance to co-sign. davidbardin@aol.com]

Appendix: Our understanding of B21-026 constitutional process

Mayor Bowser proposed a bold, rejuvenated drive for statehood on D.C. Emancipation Day, April 15, 2016. Background and details are posted at www.statehood.dc.gov.

- The New Columbia Statehood Commission (NCSC) was established by DC law a couple of years ago. Mayor Bowser and DC Council Chairman Mendelson co-chair NCSC. It also includes DC's elected congressional statehood delegation, Senators Strauss and Brown and Congressman Garcia. NCSC developed the current proposal. It published a discussion draft constitution. It considered 498 public comments (see <http://statehood.dc.gov/sites/default/files/dc/sites/statehood/publication/attachments/NCSC-Constitution-Comment-Log.pdf>). It posted a red-line comparison of its discussion draft and its final recommendation (see <http://statehood.dc.gov/sites/default/files/dc/sites/statehood/publication/attachments/NCSC-Constitution-State-of-New-Columbia-Redline.pdf>.)
- On June 28, 2016, NCSC unanimously approved a proposed Constitution, proposed boundaries between a new state and a smaller federal seat of government, and adopted the "New Columbia Statehood Commission Constitution Report" explaining these actions (available at <http://statehood.dc.gov/sites/default/files/dc/sites/statehood/publication/attachments/New-Columbia-Statehood-Commission-Constitution-Commission-Report.pdf>).
- That Report states:
 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 [a 1796 Plan that] 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 ...
- Seven of the new states admitted to join the first 13 followed that process and 30 followed other plans. Congress admitted all 37 new states by ordinary Act of Congress. Congress has never required an affirmative vote for admission as a state by three-fourths of the states. (A constitutional amendment, agreed to by three-fourths of the states, would be needed only if we sought voting U.S. Senators without becoming a state, as we did in 1978.) All 37 new states entered the union on an "equal footing" with previous states. See https://en.m.wikipedia.org/wiki/Admission_to_the_Union.

- On July 11, Mayor Bowser introduced B21-0826. Her transmittal (<http://lms.dccouncil.us/Download/36236/B21-0826-Introduction.pdf>) submitted the "Constitution for the State of New Columbia Approval Amendment Act of 2016". B21-0826 has five sections; the proposed constitution in section 2 comprises almost all of the Bill (PDF pages 3-54 of the transmittal or pages 1-52 of the Bill). It's ancillary provisions include sections 3, 4, 5 (at PDF page 54 or page 52 of the Bill). One can find the proposed constitution alone at <http://statehood.dc.gov/sites/default/files/dc/sites/statehood/publication/attachments/NCSC-Constitution-State-of-New-Columbia.pdf>.
- The DC Council scheduled public hearings on Bill B21-0826 for September 27, 2016, and the evening of October 6, 2016. See <http://dccouncil.us/events/cow-public-hearing5> and <http://dccouncil.us/events/cow-public-hearing6>.
- On July 12, the DC Council unanimously approved "Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016" (PR 21-839). It asks the Board of Elections to place an advisory referendum on our November 8 ballot. See Chairman Mendelson's summary at <http://dccouncil.us/news/entry/the-dc-statehood-process-via-the-tennessee-plan-waltzes-on>.

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TESTIMONY OF JOHN HANRAHAN, SEPTEMBER 27, 2016, BEFORE THE D.C. COUNCIL COMMITTEE OF THE WHOLE, ON B21-826, "CONSTITUTION OF THE STATE OF NEW COLUMBIA APPROVAL AMENDMENT ACT OF 2016"

I am John Hanrahan, a 50-year resident of the District of Columbia. I am testifying as an individual, but would like to associate myself with the testimony of the D.C. Statehood Green Party.

At the very least, this proposed draft New Columbia Constitution must be revised to mandate that a true citizens' constitutional convention be called immediately after the passage by Congress of the admissions act making us the 51st state.

If this top-down, mayoral-dictated and lawyer-composed faux constitution is not revised to require such a constitutional convention -- that is, one composed of delegates elected by D.C. voters as was the case with our real constitutional convention back in 1982 -- then it does not deserve the support of any D.C. citizen who believes in democracy.

As a supporter of statehood for 45 years as an early member of the Statehood Party formed by Julius Hobson and other major civil rights figures, I cannot accept moving toward our full democratic rights by means of an undemocratic, sham process. And Mayor Bowser is basing this inadequate constitution on our inadequate home rule charter, which Julius Hobson always rightly characterized as "home fool."

This draft document, and the way it came into being, shows that the mayor -- and likewise the council, if it goes along with it -- do not trust the people. You, members of the council, have the power to set this thing right.

Whatever good motives Mayor Bowser may have, she created a time-constrained process that has made sure that she -- and not the people -- controlled the contents of this lightweight constitution. It is a cynical process that says to the citizenry: Take it or leave it, my way is the best.

Some people in this room who have great qualms about the way this so-called constitution was arrived at will nevertheless vote for it out of concern that a no-vote will harm D.C. chances at statehood. I understand that concern, although I disagree with it and point out that it is the Mayor -- and not the critics -- who have put us in this bind. Some choice the mayor has given citizens by attempting in this fashion to box into a corner everyone who supports statehood, making many of us a little wary of being too critical in our comments.

The June meeting of the D.C. Statehood Commission to adopt this constitution was one of the most farcical sessions I have ever witnessed. The session was replete with Orwellian references to how the process was the most ultra-democratic ever because any citizen could weigh in on-line by commenting on a website, or come in person and give 3 minutes of testimony -- testimony that was almost universally ignored in the final draft document, other than increasing the inadequate 13-member House of Delegates

to an inadequate 21-members House of Delegates. This pseudo-process from those public hearings to the Statehood Commission vote had all the trappings of an alley-closing hearing, not a constitutional convention with vigorous debates and exchange of ideas that would decide a new state's course.

Contrast that with how an actual democratic process worked back in the late 1970s-early 1980s. Despite obstacles thrown up by the Board of Elections, a grassroots citizen initiative to authorize election of delegates to a statehood constitutional convention went on the ballot and passed overwhelmingly.

Subsequently, the election of delegates to the convention took place and a constitution was drawn up in 1982 -- despite stingy funding and a tight 90-day schedule imposed by the unenthusiastic D.C. City Council. There were often stormy sessions and bitter disagreements among the delegates as to what should and shouldn't be in a constitution, or whether certain provisions were too strong or too weak. But that folks, is democracy in action -- or as the street chants go these days, "this is what democracy looks like."

In the end -- despite all the obstacles thrown up by the Council, and, I would note, without a mayor and a group of lawyers dictating to them -- those 45 delegates produced an impressive document that was a tribute to the democratic process. And, despite opposition from the Washington Post, the Board of Trade and the usual retrograde suspects, the Constitution was adopted -- and then later amended by the Council.

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I would point out that the convention delegates were a fine cross-section of the population of Washington, D.C. at the time -- 28 African Americans, 17 whites. Although overwhelmingly Democratic in makeup, there were also 5 Statehood Party members, 3 Republicans and one Communist. There were ANC commissioners, teachers, professors, D.C. government employees, federal employees, a minister, a psychologist, a waitress, students, retirees, gay and lesbian rights activists 5 retirees. Believe it or not, there was only one actual private-practice attorney in the lot -- and no mayor. Yes, it can be done from the grassroots on up.

As convention delegate and Professor Philip G. Schrag later wrote in his 1985 book -- "Behind the Scenes: The Politics of a Constitutional Convention" -- "Despite the fact that the constitution of New Columbia may never enter into force in precisely the form in which it was approved by the voters, it represents an important political step on the road to statehood. Particularly in light of the problems and crises that attended the convention from commencement to conclusion, the constitution of New Columbia stands as a remarkable contribution from people who were neither lawyers nor politicians to the constantly developing mosaic of American law."

Trust the people: Amend the document you have before you. Give us our real statehood constitutional convention. Thank you.

TESTIMONY OF DEBBY HANRAHAN, SEPTEMBER 27, 2016, BEFORE THE D.C. COUNCIL COMMITTEE OF THE WHOLE, ON B21-826, "CONSTITUTION OF THE STATE OF NEW COLUMBIA APPROVAL AMENDMENT ACT OF 2016"

I am Debby Hanrahan, a 50-year resident of the Dupont Circle neighborhood. I am testifying as an individual, but would like to associate myself with the testimony of the D.C. Statehood Green Party.

At the very least, this proposed so-called New Columbia Constitution must be revised to mandate that a true citizens' constitutional convention be called immediately after the passage by Congress of the admissions act making us the 51st state.

If this top-down, mayoral-dictated and lawyer-composed faux constitution is not revised to require such a constitutional convention -- that is, one composed of delegates elected by D.C. voters as was the case with our real constitutional convention back in 1982 -- then it does not deserve the support of any D.C. citizen who believes in democracy. This draft document, and the way it came into being, shows that the mayor -- and likewise the council, if it goes along with it -- do not trust the people. You, members of the council, have the power to set this thing right.

Whatever good motives Mayor Bowser may have, she created a time-constrained process that has made sure that she -- and not the people -- controlled the contents (and more importantly what was left out) of this lightweight constitution. It is a cynical process that says to the citizenry: Take it or leave it, my way is not only the best, it is the only way and we can't change it.

Some people in this room who have great qualms about the way this so-called constitution was arrived at will nevertheless vote for it out of concern that a no-vote will harm D.C. chances at statehood. I understand that concern, although I disagree with it and point out that it is the Mayor -- and not the critics -- who have put us in this bind. Some choice the mayor has given citizens by attempting in this fashion to box into a corner everyone who supports statehood, making many of us a little wary of being too critical in our comments.

Let's be real clear. I have supported statehood for the District of Columbia since I worked as an assistant to Julius Hobson, who of course was one of the co-founders of the original D.C. Statehood Party 45 years ago and is a father of the statehood movement. It was in my home's living room where Ed Guinan, a former Paulist priest and homeless and justice advocate and political organizer, came in 1979 to tell a meeting of the Statehood Party Central Committee that he had taken out papers for an initiative to seek voter approval to call a constitutional convention to make the District of Columbia the 51st state -- and he wanted party support. Despite obstacles thrown up by the Board of Elections, that initiative eventually went on the ballot and passed overwhelmingly. I gathered a substantial number of the signatures to put that initiative on the ballot.

Subsequently, the election of 45 delegates to the convention took place, a constitution was drawn up -- despite stingy funding and a tight 90-day schedule imposed by the unenthusiastic D.C. Council. There were often stormy sessions and bitter disagreements among the delegates as to what should and shouldn't be in a constitution, or whether certain provisions were too strong or too weak. That folks, is democracy in action -- or as the activist street chants go these days, "this is what democracy looks like."

In the end -- despite all the obstacles thrown up by the Council, and, I would note, without a mayor and a group of lawyers dictating to them -- those 45 delegates produced an impressive document that was a tribute to the democratic process. And, despite opposition from the Washington Post, the Board of Trade and all the usual retrograde suspects, the Constitution was adopted -- and then later amended by the Council.

I would point out that the convention was a fine cross-section of the population of Washington, D.C. at the time -- 28 African Americans, 17 whites. Many civil rights activists. Progressives, radicals and moderates. Even a few on the right. Although overwhelmingly Democratic in makeup, there were also 5 Statehood Party members, 3 Republicans and one Communist. There were ANC commissioners, teachers, professors, D.C. government employees, federal employees, a minister, a psychologist, a waitress, an architect/jazz concert promoter, students, gay and lesbian rights activists, 5 retirees. Believe it or not, there was only one actual private-practice attorney in the lot -- and no mayor. Yes, it can be done from the grassroots on up. Trust us.

As convention delegate and Professor Philip G. Schrag later wrote in his 1985 book, "Behind the Scenes: The Politics of a Constitutional Convention":

"Despite the fact that the constitution of New Columbia may never enter into force in precisely the form in which it was approved by the voters, it represents an important political step on the road to statehood. Particularly in light of the problems and crises that attended the convention from commencement to conclusion, the constitution of New Columbia stands as a remarkable contribution from people who were neither lawyers nor politicians to the constantly developing mosaic of American law."

Trust the people: Amend the document you have before you. Give us our real statehood constitutional convention. Thank you.

Testimony of Mr. Jesse Lovell on B21-826, the Constitution of the State of New Columbia Amendment Act of 2016

I think what's been missing throughout the discussions of our new draft constitution is an examination of what other states have done. It is not as much a question of what is legally required as what is good policy. And as we get closer to the day that we draft the document that will actually serve as the basis of our laws of our new state, I think it is that much more important that we make this policy the right way, in a manner that is open, transparent and democratic.

My examination of the constitutions of the other 50 states provided some pretty strong indications of what might be considered inside or outside the norm. When it comes to constitutional conventions, only 9 of the 50 states fail to provide a provision for constitutional conventions in their state constitutions. Beyond this fact, I learned that at least 35 of the 50 states use or have used constitutional conventions with elected delegates (who are not simply the elected officials of the state) to draft their constitutions.

It is important that we keep these facts in mind going forward. While drafting a constitution can be a messy business (many of the histories I read describe states that have produced multiple revisions) and there are many other issues around the details of the process that might make it go better or worse, I truly think we need to make a requirement for a constitutional convention in the future. The current language in the constitution reads (Article VII, Section 3, (c)),

On or about the fifth anniversary of the effective date of the Admission Act, the House of delegates **may** call for a constitutional convention to assess the transition from a federal district to a member of the Union. **If the House of Delegates elects** to call a Constitutional Convention, **the House of Delegates shall, by Act, establish the subjects and procedures** therefor. Any amendments resulting from such a Constitutional Convention must be ratified by a majority of the qualified voters who vote in a ratification referendum.

I don't see any reason for a provision simply authorizing ("may call"), rather than requiring, ("shall call") a constitutional convention. And I think a vague provision ("House of Delegates shall... establish the subjects and procedures") invites a flawed convention in the future, such as a convention without elected delegates (e.g., Florida has used appointed commissions in recent decades) or with elected officials acting as delegates (e.g., Texas, which drafted one of its earlier constitutions within the legislature, which then failed to pass when brought to the voters for ratification). The overwhelming majority of states have used constitutional conventions with delegates elected from each of their territory's districts (DC's eight wards), as well as a number of At Large delegates (such was the procedure in New York, for example). Nor do I see any good reason to wait until 5 years after statehood to undertake this convention.

Barring the unlikely scenario in which we find that the new Congress includes a House and Senate with a majority ready to pass our statehood bill, I would prefer to continue our work on the constitution, rather than waiting until years from now. I don't think we need to be overly concerned about the opinions of those who stand steadfastly opposed to the enfranchisement of the residents of the District of Columbia, finding ways to block

and stall each and every reform proposal that crosses their desks. Yet the reality is that they have helped us get to this point, by showing that there are no viable alternatives to statehood left. At the very least, I believe we must begin our constitutional convention immediately following passage of the New Columbia Admission Act.

Some who criticize the idea of revisiting this draft constitution have discussed the 1980 DC constitutional convention as a flawed process which produced a controversial document. But it's worth remembering that this convention took place in the context of a division within the city over statehood, with many of the city's officials focused instead on ratification of the DC Voting Rights Amendment in the states. I can't be sure, but I assume the constitutional convention process would have looked different had statehood been the sole focus.

As we close in on the day that statehood becomes a very real prospect in Congress, I want to make sure that DC residents can demonstrate that we invested ourselves fully in drafting a new constitution the right way. In other words, yes, let's err on the side of being overprepared rather than underprepared for our debate on the national stage.

Mr. Jesse Lovell
Forest Hills, DC
202-236-2063

Testimony by G. Lee Aikin, before DC Council Committee of the Whole, 9/27/16 on B21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016

Thank you for hearing our very grave concerns regarding this bill. By any reasonable analysis you should not even be considering such a bill. No one elected the Mayor, the Chairman, or the three “Shadows” to write a Constitution in a few short months. Earlier elected Delegates worked a number of months to create a fair and comprehensive document which the electorate then voted to approve.

People are being told we had 3 days of “Constitutional Convention”. This is not true, they were basically 3 days of hearings with people allowed 3 minutes each to testify. No one was elected to do anything with this information. Now, although at least ¾ of the people testifying then insisted a vote for Statehood should NOT be combined with a vote for the Constitution, you are asking us to include this Constitution in our vote for Statehood. The majority testifying also wanted a true Constitutional Convention started early in 2017.

Will the final language even be available for voter viewing prior to Absentee and Early Voting? Are you even aware that the spring version of the Constitution and the one that is currently available for reading have NO DATE? Is this Council acting like shyster lawyers presenting us with an undated blank check for our approval and signature? Already serious changes have been made from the draft given to us in May at the Lincoln Cottage. Who knows what other changes without our knowledge will appear in the document we will automatically approve if we vote YES for Statehood in November.

The more recent change has added a paragraph c. to Article VII, Sec. 3, saying “on or about the fifth anniversary of [Statehood], the House of Delegates **MAY** call for a Constitutionall Convention...” In essence we could not have a Constitutional Convention to change the one voted on in November until at least 5 years after we achieve Statehood.

This is very wrong, and it deeply pains me that unless a major change is made in Article VII, Sec. 3.c. I will **NOT vote for Statehood** with this Constitution included, this November. I will also urge all whom I contact to vote **NO**. As a candidate of the DC Statehood Green Party for At Large Council member, it deeply pains me that after all our efforts to achieve Statehood we face the supreme irony of recommending a **NO** vote.

A substitute that could change our **NO** to a **YES vote** is the following language. “No later than one month following the effective date of the Admission Act, the House of Delegates shall initiate steps to hold a Constitutional Convention charged with creating a constitution for our new state with this process following the model of the 1982 Constitutional Convention with elected delegates. Completion of the work of this Constitutional Convention and the vote ratifying its Constitution must occur no more than one year after the effective date of the Admissions Act. The election of new members to the House of Delegates should only occur after the new Constitution is voted on and approved by a majority of qualified voters.”

Only timely placing this change in the published, **dated** Constitution will cause us to vote **YES**.

By timely is meant the Council makes this change final and perfectly transparent to the DC electorate with the Constitution ready, printed and on line in final voting form, **with the publication date included**, at least one week before absentee balloting and early voting begin. Only this will cause us to **revisit our decision to vote NO** in the current circumstances.

Other issues related to the Constitution include the fact that the set-aside created in 1973 to have at least 2 non dominant party (Democrats) members elected to the Council has been completely omitted from this Constitution. All references regarding voting refer to "shall be elected on a partisan basis." This could be remedied by changing this wording to "shall be elected on a **non-partisan** basis."

As it stands, this means that virtually no DC Statehood Green, Republican, Libertarian or Independent stands much chance of ever being elected to the Council. In addition to being grossly unfair, this also means that Republicans in Congress will be even less likely to support Statehood for DC.

I am also told that the Independent Auditor will no longer be independent, but rather under control of the Mayor, I mean the Governor. Given the recent action by the administration to fire several people because they failed to approved a favored (generously contributing) business for a contract this is a serious consideration. Even the fact that this contractor's bid was more than double the winning bid did not save these people their jobs.

I also favor the name Douglas Commonwealth rather than New Columbia. NC already stands for North Carolina whereas DC should be acceptable to more in Congress.

The electorate has already demonstrated their opinion of the Mayor's actions on a number of topics, even before most became aware of this effort to force us to choose between her Constitution and Statehood. Three of her frequent supporters will not be back on the Council next year. Unless you demonstrate a willingness to abide by the wishes of your voters, you may join them in future years. It is not too late to demonstrate your understanding and willingness to support the wishes of the voters and correct this draft Constitution to support the will of the majority. Or else you could separate the vote for this Constitution from the vote for Statehood, so we have the liberty to vote for Statehood while displaying a different opinion on this Constitution.

Thank you for giving careful consideration to the serious decisions you must make if we are to have a successful vote for Statehood.

G. Lee Aikin, DC Statehood Green Party, and 55 year resident of DC.
gleeaikin@yahoo.com

**Hearing of the DC Council Committee of the Whole
On B21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016
September 27, 2016**

Chairman Mendelson and Members of the City Council:

Thank you for the opportunity to testify before you today. I am Deborah Shore a resident of the city for over 40 years and Chair of the Ward 3 Democratic Committee.

The Ward 3 Democratic Committee has among its mission to provide an issues forum for Democratic voters in Ward 3 and the community. To that end, we formed 5 Task Forces concentrated on the issues our delegates surveyed as most important. One of these was Statehood.

Our Ward 3 Committee has had many spirited discussions on the best route to Statehood and on the features of Bill 21-826.

At our September 21st meeting, we passed a Resolution that reflects the collective thinking of our body and provides the context and content to our testimony today.

The Resolution supports the statehood referendum and our advocacy for its passage. It also urges the Council to make amendments that we believe will increase the public's support for the referendum recognizing that an overwhelming vote for the referendum is an important message that the public wants self-determination through Statehood.

The Resolution states that: "the Ward 3 Democratic Committee has long supported statehood and appreciates the Mayor's and Commissions efforts which have reignited interest in and support for statehood and has caused active thinking and debate about the structure of the state government." Also it states "we are aware that a number of District residents have concerns about the proposed Constitution particularly the amendment process and the limited opportunity for the public to participate in the drafting process because of the short time frame necessitated by the effort to get the referendum on the November ballot."

Specifically, we ask that the Council:

(a) Amend Section 2 of Bill 21-826 to provide in Article VII, Section 3 of the Constitution, which authorizes the House of Delegates to amend the Constitution, subject to the voters' ratification, authorization for the voters, through the initiative process, (1) to propose a constitutional amendment or (2) to propose holding a constitutional convention to amend the constitution, with any amendments to be subject to the voters' ratification;

(b) Amend Section 3 of Bill 21-826 to read as follows:

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

(c) Renumber Sections 4 and 5 of Bill 21-826 as Sections 5 and 6 and insert a new Section 4, "Further Constitutional Improvements," to read:

"Within 90 days of the effective date of this act, the Mayor and Council shall establish a procedure for electing representatives from all eight wards, and provide adequate time and resources to them, to develop reasonable or necessary improvements to this Constitution."

Finally, we urge the New Columbia Statehood Commission review the proposed boundaries with the Federal Government in order to finalize them so they can be included in any statehood bill introduced in the next Congress.

Thank you for your consideration of this testimony given in behalf of the Ward 3 Democratic Committee.

STATEMENT OF MATTHEW S. WATSON
to the
Council of the District of Columbia
Committee of the Whole

on Bill 21-826

“Constitution for the State of New Columbia Approval Amendment Act of 2016.”

September 27, 2016

My name is Matthew S. Watson. I am currently a private citizen of the District of Columbia but have been involved in the District Government, and particularly in audit, review and evaluation of District programs and procedures, since prior to the inception of Home Rule.¹ I was one of the drafters of Section 455 (DC Code §47-117) of the Home Rule Act which established the Office of the District of Columbia Auditor and I was appointed by Chairman Sterling Tucker and confirmed by the Council as the first Auditor, serving a six-year term from 1975 to 1981.

It was the intent of the drafters of the Home Rule Act that the Office of the District of Columbia Auditor be modeled after the United States General Accounting Office (now Governmental Accountability Office and commonly referred to as the GAO). Although the Auditor is currently appointed by the Chairman of the Council without input of the Mayor and has been considered to be technically within the Legislative Branch, as is the GAO, the Auditor was intended to, and has for 40 years, acted independently of *both* the executive and legislature to provide fair and objective analysis of all District governmental activities, analyzing the economy and efficiency of the entire District Government, as well as the legislative effectiveness of Council acts.

To carry out this purpose, the Home Rule Act specifically established the “Office of the District of Columbia Auditor,” in addition to the position of Auditor itself. To highlight the independence of the Office, the District’s organic law, the District Charter, established the Office, not in the either its “Part A,” dealing with and entitled “The Council,” or its “Part B,” entitled “The Mayor,” but rather in “Part D,” which deals with “District Budget and

¹ 1967-73 D.C. Elections Committee, Young Lawyers Section, Bar Association of DC
1974 Acting General Counsel, District of Columbia Board of Elections
1975-81 District of Columbia Auditor
1988-91 District of Columbia Alternate Member of the Board, WMATA
1996-98 Member, District of Columbia Tax Revision Commission
1999-05 Administrative Judge, District of Columbia Contract Appeals Board
2004 DC Member, Blue Ribbon Panel on METRO Dedicated Funding (MWC0G)
2006 Chair, Council Taskforce on Contracting and Procurement Reform

Financial Management” and applies the *entire* District government, including both the legislative and executive branches, as well as the judiciary.

The Charter affirmatively established the Office of District of Columbia Auditor, not for the Council, but “for the District of Columbia,” in subpart 2 of Part D of the Charter dealing *exclusively* with the Auditor:

Subpart 2 -- Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. [D.C. Code 47-117]. (a) There is established for the District of Columbia the Office of District of Columbia Auditor . . .

Contrary to current status of the Office, the draft Constitution includes the appointment of the Auditor within its provisions dealing solely with the legislature and deletes any mention of establishing a separate *Office of the Auditor*, thus reducing the Auditor to merely an agent of the legislature which the House may choose, or not choose to create, and the Governor may choose to ignore.

The draft Constitution should be amended to specifically create an independent Office of the State of New Columbia Auditor.

Three important safeguards to the independence and importance of the Auditor were also written into the Home Rule Act. First, the Auditor is appointed by the Chairman of the Council and confirmed by the entire Council. Second, the Auditor is appointed to a fixed term of six years, which exceeds the terms of the Mayor and Council Members. And third, and most importantly, the Auditor is not restricted as to the programs and activities to be audited, being empowered, in the Auditor’s sole discretion, without limitation, to audit any activity of the District government utilizing procedures which the Auditor deems appropriate.

The Draft Constitution of the State of New Columbia maintains only the fixed six-year term. The position would not be appointed by the Speaker of the House of Delegates and confirmed by the House, but appointed by the House, possibly over the objection of the Speaker. The draft Constitution, in addition, does not guarantee the right of the Auditor to select the programs to be audited or necessarily to apply audit procedures which the Auditor believes to be prudent. The Draft Constitution restricts the scope and techniques to be used in conducting audits to audits and investigations “referred . . . or . . . authorized by . . . the House of Delegates” as opposed to the current Auditor’s unrestricted authority to “conduct a thorough audit of the accounts and operations of the government

of the District.” The draft further deletes the current authority of the Auditor to utilize “such principles and procedures and under such rules and regulations as he may prescribe.”

The potential restrictions on the independence of the Auditor in the Draft Constitution would raise questions as to the Office’s compliance with recognized *Government Auditing Standards* as promulgated by the GAO (commonly referred to as the “Yellow Book”) which encompass “the professional standards and guidance ... commonly referred to as generally accepted government auditing standards (GAGAS), [and] provide a framework for conducting high quality audits with competence, integrity, objectivity, and independence.” §1.04 at p.5. The Yellow Book appendix gives specific examples of situations raising questions as to the independence of a government audit organization which are quite relevant to the independent status of the Auditor in the Draft Constitution:

Examples of circumstances that create undue influence threats for an auditor or audit organization include existence of:

- a. External interference or influence that could improperly limit or modify the scope of an audit or threaten to do so,...
- b. External interference with the selection or application of audit procedures or in the selection of transactions to be examined.

* * *

§A3.07 at p.198

The Draft Constitution is, I believe, deficient in both of these areas because of potential limitations on the scope of audits and potential interference and direction of audit procedures by the House of Delegates. To be most useful to the citizens of our new state, the Office of the State of New Columbia Auditor should meet the highest professional standards.

In addition to potential lack of independence in conducting audits, the Home Rule Act’s guarantee of the Auditor’s unfettered access to records has also been compromised in the Draft Constitution by making the Auditor’s access, not absolute, but “subject to privilege.” Such a restriction would also violate the generally accepted professional standards for government audits which require:

... statutory access to records and documents related to the agency, program, or function being audited and access to government officials or other individuals as needed to conduct the audit.

§3.30g at p. 39

No records of the government should be unavailable to the Auditor. Records subject to privilege, however, remain subject to the same protections from public disclosure when held by the Auditor as are imposed on the agency and employees maintaining the record. (See, for example, D.C. Code §47-3719. Secrecy of [tax] returns.)

In addition to guaranteeing the independence of the Auditor, the Home Rule Act contains a specific requirement to insure that the Auditor not be marginalized. The Auditor is currently afforded a unique status in government by a requirement that the Auditor's reports cannot be ignored, but must be acknowledged and responded to in writing by the Executive Branch. The current act provides:

The Mayor shall state in writing to the Council, within an appropriate time, what action [the Mayor] has taken to effectuate the recommendations made by the District of Columbia Auditor in [the Auditor's] reports.

§455(f)

This provision, which requires the executive not merely file away audit recommendations, has strengthened the value of the Auditor to the District, but has been deleted in the Draft Constitution. The requirement should be maintained as we establish our new state.

Further, the drafting of a constitution for the State of New Columbia offers the opportunity, in addition to maintaining the Independent powers of the Auditor established by the Home Rule Act, to strengthen the Office of the Auditor in order to insure that the state government is transparent and responsible to the citizens of our new state. Independence of the Auditor can be enhanced by insulating the Auditor from financial threats to the Auditor's position. Although the Auditor's compensation is to be set by the House of Delegates, the Constitution should provide that that compensation shall not be reduced during the Auditor's term.

In addition, the Draft Constitution should correct what I believe has been a misinterpretation of the Home Rule Act. The Comptroller General of the United States, as head of the General Accountability Office, is appointed for a fixed fifteen-year term. Each Comptroller General's fifteen-year term begins on the date of appointment of that Comptroller General, regardless of whether the previous Comptroller General completed a full term. It was expected that the Auditor's six-year term would similarly be measured from each Auditor's appointment, thus affording each successive Auditor a full six-year term. This is not how the Home Rule authority to appoint the Auditor has been interpreted. Under the current interpretation, if an Auditor leaves office before the expiration of the Auditor's term, the succeeding Auditor is only appointed to serve the balance of the preceding Auditor's term. As a result, each Auditor's term since the inception of Home Rule has ended on February 25th each six years from February 25, 1975, the date I assumed the office of Auditor. While I am honored by this personal recognition of my anniversary, the practice has made it difficult to appoint a new Auditor when the preceding Auditor does not serve a full term. Qualified individuals may not be willing accept an

appointment for a term of only a year or two and then require a reappointment by a House of Delegates whose composition may have changed. I believe that to insure that the best candidates will accept the position of Auditor, each new Auditor should be appointed to a full six-year term.

I have attached a copy of a revised Auditor section of the Draft Constitution showing the changes which I have proposed.

PROPOSED REVISED AUDITOR LANGUAGE

(Article I, Section 4g of the proposed Constitution is deleted. The following language should be inserted as a new Article IV, Section 8. Deletions from the originally proposed Section 4g are shown with a line through deleted language. Additions are shown *in italics and underscored*)

ARTICLE IV
BUDGET AND FINANCIAL MANAGEMENT

* * *

Sec. 8 State of New Columbia Auditor

~~g. The House of Delegates may appoint an Auditor~~ *There is established for the State of New Columbia an Office of the State of New Columbia Auditor. The State of New Columbia Auditor shall be appointed by the Speaker, subject to the approval of a majority of the House of Delegates. The Auditor* ~~who~~ *shall serve for a term of 6 years from the date of appointment 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 rate of pay shall not be reduced during the Auditor's term. The Auditor may conduct audits and investigations of the accounts and operations of the government of the State of New Columbia in accordance with such principles and procedures and under such rules and regulations as the Auditor may prescribe. 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. *Release of information by the Auditor shall be subject to the restrictions as are applicable to the agency from which the Auditor obtained the information.*

The Auditor shall submit audit reports conducted to the House of Delegates and the Governor. Such reports shall set forth the scope of the audits conducted and shall include such comments and information as the Auditor may deem necessary to keep the House of Delegates and Governor informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable. The Auditor shall make such reports, together with such other material as ithe Auditor deems pertinent thereto, available for public inspection. The Governor shall state in writing to the House of Delegates, within an appropriate time, what action has been taken to effectuate the recommendations made by the Auditor.

Additional Statement Of

MATTHEW S. WATSON

CONCERNING INCORPORATION INTO THE STATEHOOD CONSTITUTION OF THE EXISTING CHARTER PROVISION CONCERNING THE POSITION OF AUDITOR

Although, I think that the language can be improved, I could go along with including the existing Home Rule Charter Auditor language in the Draft Constitution with three caveats:

First, and most importantly, subsection (f) of the current Auditor authority exempting the Court System from the Auditor's authority must not be included in the Constitution (subsection 7 of David Bardin's redline draft). Subsection (f) was not included in the original Home Rule Charter, but was added to the Charter in 1997, when, at the recommendation of the Control Board, funding of the courts was removed from the District Budget and returned to the Federal government. (I have attached an extract from the Balanced Budget Act of 1997 which added subsection (f) removing the DC Auditor's authority over the Court System since, after the transfer court of the funding from the District to the Federal budget, the DC Court System would be subject to review by the US General Accounting Office) The Draft Constitution returns DC court financing to the State of New Columbia and should thus also return oversight of the Court budget and operation to the DC Auditor. To leave subsection 7 which was added to the Charter in 1997 in the Draft Constitution makes no sense since it would remove the Court System from any oversight whatsoever.

Second, subsection 5 should also be removed. Although it appears in the original charter (Sec. 455(e), it has never been implemented. The Auditor has always released its own reports and further information concerning audits. It would be intolerable to permit the existing Council or the House of Delegates in the future to suppress audit reports.

Lastly, I strongly recommend that, if the original language of the Home Rule Charter is imported into the Draft Constitution, the original organization of the Charter should also be maintained by including the Auditor provision in Title IV of the Constitution (Budget and Financial Management), as it is in the Charter, rather than moving the Auditor provision to Title I (Legislature), as it is currently placed in the Draft Constitution.

Attachment

Portion of the law which replaced local funding of the District of Columbia Courts with Federal funding

Public Law 105-33

Balanced Budget Act of 1997

* * *

Title XI--District of Columbia Revitalization

National Capital Revitalization and Self-Government Improvement Act of 1997

* * *

Chapter 4--District Of Columbia Courts

subchapter a--transfer of administration and financing of courts to federal government

* * *

SEC. 11244. AUDITING OF ACCOUNTS OF COURT SYSTEM.

(a) Powers of District of Columbia Auditor.--Section 455 of the District of Columbia Self-Government and Governmental Reorganization Act (DC Code, sec. 47-117) is amended by adding at the end the following new subsection:

“(g) This section shall not apply to the District of Columbia Courts or the accounts and operations thereof.”.

Testimony on Bill 21-826,
Constitution of the State of New Columbia Approval Amendment Act of 2016
NARAL Pro-Choice America Deputy Policy Director, Leslie McGorman

Hello. I'm Leslie McGorman, the Deputy Policy Director for NARAL Pro-Choice America and I'm here representing our one million member activists. Thank you Chairman Mendelson and the members of the council for holding this hearing and allowing me to testify.

As background, NARAL Pro-choice America and our network of state affiliates are dedicated to protecting and expanding reproductive freedom for all Americans. NARAL works to guarantee that every woman has the right to make personal decisions regarding the full range of reproductive choices, including preventing unintended pregnancy, bearing healthy children, and choosing legal abortion. My role is to represent NARAL's policy priorities before Congress and in legislatures across the country.

From my vantage point, I can testify that women's reproductive rights in the District are vulnerable to the whims of Congress - both in terms of anti-choice attacks and restrictions on the District's own pro-choice policies.

For years, DC has been an unfortunate proving ground for anti-choice politicians to play politics with the lives of DC residents, in particular by restricting access to abortion. The oldest example is what is known as the DC abortion funding ban rider, which is a rider tacked on to the annual budget bill and blocks the District from using its own locally raised revenue to provide abortion services to its residents. This restriction has been added to spending bills since 1988, and - since that time - there have only been four years in which the District has been free of this egregious overstep. While there is a similar rider on federal funds, there is no state in the union on which a similar restriction is applied. In fact, such an attempt on a state would simply be unheard of.

In 2012, as one of Congress' first orders of business, anti-choice members tried out a new type of attack against DC: a ban on abortion after 20 weeks, with no exception to protect a woman's health, or in cases of rape, incest, or even fetal anomaly - and the bill would have imprisoned doctors for providing such care.

In 2014, after the Council passed the Reproductive Health Non-Discrimination Amendment Act and the Human Rights Amendment, members of Congress took great pains to exploit their power and attempt to block both bills. Fortunately, NARAL, along with many coalition partners testifying before you today, were largely successful in demonstrating that if members blocked these bills, there would be a tremendous political price to pay.

To put into perspective who bears the burden of Congressional interference: when Congress re-attached the funding ban rider in 2011, there were 60,000 Medicaid-enrolled women in the District affected. Of those, 93 percent—were people of color. We know that when public funding for abortion is restricted, an additional financial burden is placed on already-impooverished

families and women are forced to choose between paying out-of-pocket for an abortion and paying for other necessities for their families, like food or rent. The lawmakers who make the false claim that they support a ban on abortion because they want to reduce the number of abortions in the District, are conveniently the same lawmakers who oppose family planning and sex education, which help women prevent unintended pregnancy in the first place.

At the end of the day, Washingtonians are at the mercy of Congress. And in this political climate, sadly there is a majority of members who would like to see reproductive rights eliminated. And while Congress should respect the rights of D.C. citizens to determine how our local tax dollars are spent and to allow the District's government to decide how best to assist residents in meeting their reproductive-health needs, we simply can't trust that they will share those values.

Thank you.

BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE OF THE WHOLE

BILL 81-826, CONSTITUTION OF THE STATE OF NEW COLUMBIA APPROVAL AMENDMENT ACT OF 2016

TESTIMONY OF DANIEL SOLOMON, MEMBER OF THE BOARD, DC VOTE

September 27, 2016

My name is Daniel Solomon. I am a lifelong resident of the District of Columbia.

In 1998, I believed that the federal courts might be ready to grant full representation in Congress to residents of DC in response to two constitutional challenges to our exclusion that were then pending. I learned that nobody was doing the grassroots organizing necessary to help residents implement their expected new rights, so I joined with my friend Joe Sternlieb to form DC Vote.

By the year 2000 it was clear that DC Vote would not be implementing a favorable court decision; we would instead be taking to Congress the case for full voting representation in the Senate and House. That is what we have been doing ever since. In that time, we have been the only organization with continued existence, full-time staff and private and public funding to fight for this cause. There have been and are several other individuals and organizations who have been dedicated even longer than we have to full voting rights and Statehood, but they have had to labor as volunteers or with intermittent or no funding.

There is no question that the cause for DC Statehood is just. All residents of the District of Columbia pay federal income taxes, unlike residents of all other unrepresented geographic entities of the U.S. In fact, we pay more individual income taxes per capita than the residents of any state. We all register for the draft and report for military service, if required. As volunteers or draftees we have fulfilled those obligations, and we have lost countless soldiers in every war since the American Revolution. We have formed such an inviting space that we now are home to 672 thousand people – a population greater than 2 states, and gaining fast on two more. For the past 19 years, we have adopted balanced budgets with budget surpluses and a triple A bond rating. Contrary to popular belief, 99 percent of what we spend comes solely from local taxes and fees, as well as federal grants and allocations that are available to all states

With all of the fundraising and advocacy and organizing work we have all done, I can tell you that we will not be able to bring Statehood to the District of Columbia without far more resources. We are happy that Mayor Bowser, Chairman Mendelson and the Shadow Delegation have begun following the Tennessee plan to bring us Statehood. Now it is time for the District government to step in with vastly more financial support to bring about victory.

Our fate is in the hands of 435 elected representatives who represent other citizens of the United States, not us. We often hear that when we meet with the Members of the House and Senate who will have to vote for us if we are to achieve Statehood. They need to be convinced by their constituents caring enough about our unfair treatment that they ask their Senators and Representatives to vote for Statehood. Reaching out to the citizens of the many states is an expensive proposition.

We can get a hint of what's involved through the lens of the late Senator Ted Stevens' story of achieving Statehood for Alaska. Their successful struggle – not their first one - began in 1946 with a referendum on Statehood that passed with the support of only 3/5 of the voters.

Out of the 1946 referendum in Alaska grew various citizens committees. In 1950, four years later, their activity succeeded in securing a 186 to 146 vote in favor of Alaska statehood in the House of Representatives. The Senate refused to take action, however, led by Southern Democrats and by Republicans with the tacit support of President Eisenhower. The Republicans feared that admitting the Democratic-leaning Alaska would upset Republican control of Congress.

In 1955, Alaska held a constitutional convention, a lively, serious affair. That body drafted a state constitution overwhelmingly adopted in 1956 by Alaska's voters. In the spring of 1956, following the Tennessee plan, Alaskans elected two Senators-elect and a Representative-elect, who went off to Washington to work for statehood.

That summer, Ted Stevens, an assistant U.S. Attorney in Alaska, was asked to come to DC as Legislative Counsel in the Department of the Interior. His assignment there was to achieve Statehood for Alaska.

From that time until the statehood bill was signed by President Eisenhower in 1959, Stevens spent much of his time organizing the lobbying for statehood from his perch in the Interior Department. As he noted in an oral history in 1977, “we were violating the law as it was. We were lobbying from the executive branch.” At the same time, Operation Statehood, a massive citizens movement, was created in Alaska. Its leader spent half of the next three years in D.C., working with Stevens and others and the other half in Alaska organizing the citizens for statehood.

Operation Statehood swamped President Eisenhower's office with telegrams of support. They flew a high-level delegation to D.C. to speak to the President. In 1958, Eisenhower reversed course and supported statehood for Alaska.

Stevens hired an assistant on the federal payroll whose full-time job was to convince Members of Congress that statehood for Alaska was a good idea, and then write speeches, talking points and press releases for the Members in support of statehood. In 1957 and 1958, Stevens and his assistant prepared index cards on every Senator, listing their likely position on statehood and their reasons for it, and including a lot more information about them – for example, their membership in various civic and religious groups and their favorite leisure activities.

In 1958, Stevens and Operation Statehood brought a huge delegation of prominent and everyday Alaskans to the Capitol to meet with each Senator. They matched them by group: a Rotarian to speak to

a Rotarian, a Baptist to speak to a Baptist, a golfer to speak to a golfer and so on. Mormons went to visit a Senator from Utah. Senator Stevens believed this was the first effort at outside-inside lobbying.

And it worked. In 1959, Alaska was admitted to the Union as the 49th state.

So what are the lessons for DC in this history.

First, we can do it. Alaska teaches us that.

We'll have to do better than a 3/5 vote for statehood this November. That will require continuing the District-wide canvass that DC Vote started during the summer of 2015. That will cost more money than DC Vote has. In addition to the DC Vote canvass, other statehood supporters will have to step up their efforts to turn out the pro-statehood vote in November. There is a cost to that as well.

We will not be able to count on officials in the Obama Administration to lobby for us, even if they were so inclined. Lobbying by the Executive Branch is still illegal, but now that law is likely to be enforced.

We will need a strong leadership committee in the District with the resources to take our message to 50 states – or at least to enough states to get us 51 votes in the Senate, or maybe 60, and 218 in the House. That will take the reverse of Alaskans' descent on DC – DC residents descending on many states in person, as well as radio, television, print and online advertising outside of the District. We will need to involve many more people here than are members of DC Vote, the DC Statehood-Green Party, DC for Democracy, Neighbors United for Statehood and all the other organizations that have statehood as their focus. As Operation Statehood did in Alaska, we will have to reach out to national civil rights, human rights, voting rights and civic organizations, labor unions, newspaper editors and their media equivalents, actors, athletes, historians and other prominent citizens to get their support. We will have to pay people to draft and place op eds and editorials for publication all over the country.

We will have to draft the talking points and speeches for Members of the House and Senate to use in pressing our cause. We won't have a full-time federal worker to help.

We at DC Vote want to do the work. We know that all of the other organizations who have been fighting for statehood for so long want to as well. And we know that the Mayor and Council want Statehood too. But an effort this big requires resources to match.

We urge the Mayor and Council to be sure the budgets of the Statehood YES! Committee, DC Vote and all the other organizations determined to achieve Statehood are adequate to the job.

Thank you.

Cash, Evan W. (Council)

From: larshhydle@aol.com
Sent: Friday, September 30, 2016 5:24 PM
To: Cash, Evan W. (Council)
Subject: Testimony of Lars H. Hydle, Policy Director of the DC Republican Party, on DC Statehood, September 27. DC Coouncil

In June the DC Republican Party approved a platform (see www.dcgop.com/about/platform) to take to the Republican National Convention in Cleveland. Our platform pointed out the differences between Democrats who favor statehood for residential DC within its current boundaries, and national Republicans who in the 2012 platform stated flatly that the RNC is opposed to statehood for the District of Columbia.

At the convention we focused on eliminating this anti-statehood language from the platform. What we got was language requiring that DC statehood could happen only as a constitutional amendment.

While national Republicans offer various reasons for opposing DC statehood, we believe that the basic reason is that it would probably lead to the addition of two Democratic senators to the US Senate. Given the hyperpartisan atmosphere of national politics and the too-close-to-call election for a majority in the Senate, we see no way in the foreseeable future that Republican senators, or members of Congress, would agree to DC statehood as it is generally understood. Even if the Democrats won the Senate, no pundit believes that they will win enough seats -- 60 -- to legislate DC statehood, let alone the two-thirds vote in both houses of Congress and ratification by three-fourths of state legislatures that would be required by the constitution.

The DCRP believes that there are other options that would give US citizens in DC the political rights of citizens elsewhere, while not increasing Democrats' representation in Congress. For example, House Oversight and Government Reform Committee Chairman Jason Chaffetz recently suggested that DC residents who want the same rights as citizens elsewhere should seek to attach their neighborhoods to Maryland -- an idea commonly called retrocession to or reunion with Maryland.

In the absence of statehood, the Congress should enact voting representation in the House of Representatives for the District, paired with an additional representative for the state next in line for an additional House seat after the 2010 census -- North Carolina, where redistricting is controlled by a Republican legislature. This should include an early test of its constitutionality in the federal courts.

Unless and until the Congress decides to give DC citizens equal political rights, its residents should be exempt from federal income tax -- no taxation without representation == as proposed in legislation by Congressman Louiis Gohmert (R-TX).

With or without statehood, much could be done to improve the governance of the District, currently a single party government in which all the important officers are elected in the Democratic primary, effectively disenfranchising the non-Democratic quarter of the electorate. Our Mayor and Council, and if necessary the Congress, should amend the DC Home Rule Charter to require that the elections for Mayor, Council, and DC Attorney General be nonpartisan.

DC voters should be allowed to term-limit elected officials, as approved by the voters in a 1994 initiative that the Council repealed before it took effect. The Council should be stripped of its power to redistrict its own wards. Voters should be allowed to initiate amendments to the Charter, not just ratify amendments already approved by the Council and Mayor.

The Congress should amend the DC Charter to permit the DC government to spend its own revenues, so long as the budgets are balanced and the audits clean, and to regulate the heights of buildings, except within the National Capital Service Area. The DC government should have the power to tax nonresident income and to take responsibility for statelike functions, such as corrections and, when the DC Attorney General is elected in a nonpartisan election, criminal justice.

The Council should organize the advisory referendum to permit the voters to opine on contentious issues such as nonpartisan elections, self-redistricting, and initiating amendments to our charter.

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STATEMENT
OF
DOUGLASS SLOAN

EXECUTIVE COMMITTEE MEMBER, DC BRANCH NAACP

BEFORE THE
COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE

ON

B21-0826

“Constitution for the State of New Columbia
Approval Amendment Act of 2016”

SEPTEMBER 27, 2016

My name is Douglass Sloan. I am a Native Washingtonian and am testifying as an Executive Committee member of the DC Branch of the NAACP and as a DC resident who has been denied representation in Congress since my birth.

Residents of the District pay Federal taxes, fight and die in our nation's wars, serve on federal juries and have all of the obligations of all other Americans, except we lack the right to vote in Congress. This is a blemish on our system of government. Bill 21-826, as I understand it would seek to augment the proposal of the DC Statehood Commission to grant Statehood to the District by leaving the Federal enclave intact and to embed a Constitution for the new state. The area outside of the Federal enclave would be New Columbia, which would become the 51st state. The US Constitution provides that the District cannot exceed more the 10 miles square, but it does not state how small the District can be. In 1846 the District was reduced to its present size when Congress permitted Virginia to take its land back that it had ceded to the District. This method of reducing the size of the District and petitioning Congress for statehood for New Columbia is consistent with our US Constitution.

Our founding fathers did not accept King George's explanation of virtual representation to justify "taxation without representation." They went to war against the most powerful nation in the world at that time to win our right to self-government and the right to determine our own destiny. One of the core principles that we adopted was the "consent of the governed." Only direct representation guarantees the "consent of the governed" that our founding fathers and fellow Americans fought and died for.

That being said, it is particularly galling and ironic that the citizens of the District of Columbia are denied voting representation in Congress but pay Federal taxes. This is the reason we fought the American Revolution. The District is the only place in the United States of America where its citizens pay taxes but have no vote in Congress.

From a historical perspective, District residents have never accepted the denial of voter representation. In 1805, residents rallied around the right to vote in Congress. In 1978 we pursued a constitutional amendment which would have given us two senators and a representative. However, only 16 states ratified the amendment within the seven year window, and it failed. In 1982 District citizens held a constitutional convention in which we decided to petition Congress for Statehood. We adopted the name of New Columbia, drafted a constitution and got congressional hearings, however, we failed to get the requisite number of votes needed to move the bill out of committee.

Some people that are opposed to DC Statehood assert that Congress did not intend for the District to become a state. However, the means to enfranchise the District's residents is authorized by the District Clause, (Art. I, Sec. 8, Clause 17 of the US Constitution), which grants Congress "extraordinary and plenary" power over the District of Columbia. This clause gives Congress the power to grant representation to the citizens of the District.

It is long since time to eliminate this egregious stain from our system of government by admitting New Columbia as the 51st state in our Union. Denying District residents the right to vote in Congress is inconsistent with who we are as a people and as a nation.

The DC NAACP and the NAACP have long supported Statehood and full autonomy for the residents of the District of Columbia and the DC NAACP would support the idea of a statehood referendum on the ballot for the 2016 presidential elections as movement towards that goal. However, the DC NAACP has not considered, nor discussed the idea of including a vote on a new state constitution in the November referendum, so we cannot offer blanket support of this bill. The DC NAACP supports full transparency and citizen participation in the statehood process. Thus, I would urge the City Council to consider this concern by streamlining the November referendum to confirm DC voters' support for statehood and that's it.

This concludes my statement. I thank you for the opportunity to present the views of the DC NAACP and I am open for questions.

Douglass Sloan

TESTIMONY OF ANNE CAUMAN CONCERNING B 21-826 AND THE DRAFT CONSTITUTION

My name is Anne Cauman. I live at 4405 38th Street NW and am a resident of Ward 3.

Amendment of the Constitution, Article VII, Sec. 3. This is my area of strongest concern and, if it is not changed, I will have to think long and hard about voting for the referendum. It is totally unacceptable for the House of Delegates to have the sole power to amend the constitution (even with voters' ratification of amendments proposed by the House of Delegates). That power should also reside directly in the residents of the District who are the source of legitimacy and the true power behind the government. The draft Constitution needs to be amended to allow for voters to propose constitutional amendments through the initiative process, and also for voters, through the initiative process, to propose holding a constitutional convention, with any amendments subject to voter ratification.

Furthermore, a true Constitutional Convention needs to be held quickly after the Council has amended the current draft as the process so far has been illegitimate. Members of the Statehood Commission (including the Mayor and City Council President) were not elected for the purpose of a Constitutional Convention and the hearing process this summer was poorly advertised and was not a true Convention.

Finally, if the Congress makes any changes to the Constitution, the changed Constitution needs to be ratified by the voters.

Senators-elect and Representative-elect, Article VIII, Sec. 1 c (apparent conflict with H.R. 317 Sec. 103(a)). If provisions of a future Congressional Bill were consistent with H.R. 317 Sec. 103 (a) (114th Congress), the District would have to hold elections for 2 Senators and a Representative before becoming a State. This is inconsistent Article VIII, Sec. 1 c of the draft constitution. If for some reason a future Congressional act did not contain a provision for the election of 2 Senators and a Congressional Representative before statehood, I object to current draft Article VIII, Sec. 1 c. Special elections for the position of Representative and the Positions of Senator should be held as quickly as possible after the District becomes a State or after Congress approves us, whatever is necessary to make sure that we either are not represented at all by people not elected as true Senators or elected as only a shadow Representative or have us represented for as minimal time as possible by previous shadow senators (something like 70 days or 90 days, whatever the minimum timing is to advertise the election, provide for petitioning, some campaigning and for the Board of Elections to arrange for a special election). With the exception that if November is within 6 months of the District gaining statehood, the election for these offices should be held in November (as more voters are likely to vote at the traditional election time). The Senators and Representative should take office as soon as the Board of Elections certifies the election or as soon as possible after that.

However, our State definitely does need representation in Congress. The shadow Senators and shadow Representative, as Members of the Statehood Commission, engaged in self-dealing (in a vote where they defeated the Mayor and Council Chair 3 to 2) by creating draft constitutional provisions making themselves true representatives to Congress with high salaries until completion of their current terms. Moreover, the shadow Senators and shadow Representative were, in essence, elected as unpaid lobbyists. As unacceptable as their behavior in trying to give themselves high offices is, if shadows cannot be replaced by elected officials before we are proclaimed a state, I would prefer the shadow

Senators in office to having new people appointed for a few months. However, in the case of Representative we have a legitimate alternative who could serve for the few months until an election. Eleanor Holmes Norton has been elected by the voters year after year by large margins as a non-voting Member of Congress. Some people insist that Delegate Norton cannot represent us, even for a few months, as she has held a colonial position. I reject that position. She has national stature and she is known widely by the voters, as opposed to the shadows. In contrast to Mr. Garcia's vote of 64% in one election, in 2008, 2010, 2012, and 2014, Del. Norton has been re-elected by over 80% of the vote. (These were the years I could get easily off the Board of Elections website). So if there is a lag time, the draft Constitution should be amended in such a way as to make Del. Norton our interim Representative.

Boundaries. I know there are issues about the proposed boundaries for the State of New Columbia, but I do not understand all the details. Therefore, I adopt the provisions of the September 21, 2016 Resolution of the Ward 3 Democratic Committee as my position on boundaries.

Line-item veto, Article 1, Sec. 4 e (2). I do not like the idea of a line-item veto. Therefore I urge the Council to amend Article 1, Sec.4 e (2), to allow the House of Delegates to overturn such a veto by a vote of 60% instead of a 2/3 vote.

Composition of Members of the House of Delegates, Article I, Sec. 2 a. I approve of a uni-cameral legislature of 21 Members, but rather than having 2 Members representing each of 8 Wards, I believe that the State of New Columbia should be divided into 16 Wards each with one Delegate. An important reason to increase the size of the legislature is having each Member represent fewer people. Having 2 members represent each Ward does not achieve that objective.

Currently we have a requirement that some At-Large Council members represent minority parties. I know many people see this as an anachronism but I think it is a good idea and would like the new Constitution include such a requirement for the At-Large Members.

Transfer of Offices, Article VIII, Sec. 1 a. While there needs to be some continuity, I believe the fresh start should shorten the terms of office of current office holders, in addition to my previous comments about getting new Congressional representation in as fast a time as possible. If the November following the President's proclamation of Statehood is at least 6 months after the proclamation, the elections for Governor and some proportion of the House of Delegates should take place that November. If not, it should take place the following November.

Thank you.

Anne Cauman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser
Office of the Senior Advisor



Constitution of the State of New Columbia Approval Hearing

Beverly L. Perry
Senior Advisor to Mayor Bowser

Councilmember Phil Mendelson, Chair

September 27, 2016



On April 15, 2016, the New Columbia Statehood Commission agreed to pursue the Tennessee Plan for statehood. The goal is to have District satisfy the conditions of the Constitution on the November 8, 2016 ballot, so that Washington, DC can petition the newly elected President and Congress at the start of 2017. Though it meant a lot of work would need to be completed in a short period of time, the Commission acknowledged that this election year may be crucial to our efforts. There will be a new President and new Congress next year that could be favorable to Statehood. The Commission hopes to take advantage of the start of the 115th Congress. Washington, DC must be prepared for any opportunity to finally achieve statehood.

There were three steps the Commission had to take to set the plan in motion: create a constitution, draw boundaries, and develop an advisory referendum for voters to cast their ballots.

Voters will be able to cast a ballot on an advisory referendum in November thanks to Chairman Mendelson and the rest of the Council. You unanimously approved R21-0570, the Advisory Referendum on the State of New Columbia Admission Resolution. The Board of Elections approved the referendum language on September 14th, 2016, which will be printed in the Register soon. District voters will be able to vote yes or no to: (1) agree that the District should be admitted to the Union as the State of New Columbia; (2) approve the Constitution as adopted by the Council; (3) approve the State of New Columbia's boundaries; and (4) agree that the State of New Columbia shall guarantee an elected representative form of government.

The Office of Planning, at the request of the Commission, created boundaries for the State of New Columbia, using three guiding principles: 1) all residences within New Columbia will exist outside of the federal district; 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 district; and 3) the boundaries of the State of New Columbia and the federal district



would be based on boundaries defined in established planning precedents. Briefly, the new federal district mainly includes the White House, Congress, the Supreme Court, federal buildings along the National Mall, monuments along the National Mall, and the National Mall itself. More information about the boundaries is available online at statehood.dc.gov.

The Commission's work began with updating the Constitution, which was guided by two historical constitutions. The first was developed in the spring of 1982 and ratified by 53% of District voters. That Constitution was never considered or approved by Congress. The Council amended the Constitution in 1987, but District voters never ratified it. Nearly 35 years have passed since ratification of the 1982 Constitution, and it is not contemporaneous with current law.

Considering these changes, and an added 35 years of experience with self-governance under the Home Rule Act, the Commission decided to draft an updated Constitution that built on previous efforts and would enable a smooth transition from federal jurisdiction to new state. The Commission convened a Legal Advisory Committee, which consisted of constitutional experts from the Mayor's office, the Council, the Attorney General's office, Georgetown University Law Center, George Washington Law School, Howard Law School, and University of the District of Columbia School of Law, non-profit organizations, and lawyers in private practice, one of which is a former ANC Commissioner.

The Commission adopted seven principles to guide the drafting of the Constitution:

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.

On May 6, 2016, the Commission released a draft constitution 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. The draft was posted online and published in the Northwest Current, and printed copies were available at Public Libraries throughout the District.

The Commission established a public engagement process to allow any and all interested residents a chance to give input and feedback. The process took advantage of technological innovations not available in 1982 to give every Washington, DC resident multiple opportunities to provide input on any and all constitutional issues. This modern and interconnected process allowed for a simultaneous and direct participatory process. Residents could submit testimony online, 24 hours a day, from the release of the draft until the last day of the Constitutional Convention on June 18th. Residents could also give feedback in person at four Town Halls across the District and at a three-day Constitutional Convention where residents heard from a variety of speakers, including Congresswoman Eleanor Holmes Norton, surrogates of both presidential candidates, and several of you. All residents, including those who came of age in the 34 years since the ratification of the 1982 Constitution, were able to have input.

Commission staff took notes on all comments made, and the Commission published a log that summarized resident feedback. That log includes comments on approximately 500 different issues, across all 8 Articles. The Commission gave the public ample opportunity to engage with the Constitution, and I am pleased to say that our residents more than took up the charge.

The Commission then reviewed and considered the testimony and comments from residents, keeping in mind experiences from the 50 states and the aforementioned guiding principles, in



deciding what amendments to make to the original draft. The Commission responded to each comment in the log and incorporated many of the suggested changes. The latest version of the Constitution reflects all the amendments adopted by the Commission. On September 14th, the Commission approved revised boundaries to incorporate a few commercial businesses that were inadvertently left out.

Now, as we approach the November 8th election, the OFRA team, led by Director Eugene Kinlow, has created a Speakers Bureau and trained 100 speakers to educate the voters on this process and the importance of the approval of this Constitution.

I will not say that this Constitution is perfect and will never need to be changed. *No* constitution, including the U.S. Constitution, is perfect – Constitutions are designed to be living documents. That is why our Constitution, like all Constitutions, has a procedure for amendment. But having been involved in this process, I know that, thanks to the input of dedicated and hardworking residents, the Constitution reflects the values of the District. I can unequivocally state that the New Columbia Statehood Commission has produced an excellent Constitution for the State of New Columbia that will not only establish an effective government for our future state but that warrants fair and equitable consideration for District of Columbia to overcome our biggest hurdle: the approval of Congress.

Thank you for allowing me to testify. I ask members of the Legal Advisory Committee to join me at the table to help answer any questions you may have.





**Statement of Karl A. Racine
Attorney General for the District of Columbia**

Before the

**Committee of the Whole
The Honorable Phil Mendelson, Chairperson**

Public Hearing

**Bill 21-826, the Constitution for the State of New Columbia Approval
Amendment Act of 2016**

**October 6, 2016
6:30PM
Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, District of Columbia**

Good evening Chairman Mendelson, Councilmembers, and staff. I am Karl A. Racine, and I have the privilege of serving as the Attorney General for the District of Columbia. I am pleased to appear before the Council this evening to wholeheartedly support Bill 21-826, the Constitution for the State of New Columbia Approval Amendment Act of 2016. As the Attorney General for the District of Columbia, I certify that this bill is legally sufficient for the Council's consideration. However, I must note that this bill is much more than just legally sufficient; indeed, it is both a moral and practical imperative that the residents of the District of Columbia achieve full statehood.

Since becoming the District's first elected Attorney General in January of 2015, I have seen first-hand how our current status as a territory without full representation in Congress can lead to the disregard and disrespect of our nearly 700,000 residents. It is instructive to note that the first major issue I had to face when entering office was a Congressional rider aimed at nullifying a referendum approved by the citizens of the District. In the same manner that District voters overwhelmingly supported creating an independent Attorney General, they also decided that recreational marijuana should be legal via Initiative 71. Subsequently, Congress successfully blocked our duly elected officials' ability to regulate marijuana, which is legal and regulated in at least four other states. To be clear, Congress was able to block the expressed will of the people of the District even though they are incapable of doing that in any other state. This wanton disregard of District residents is outrageous. While the District of Columbia is extremely fortunate to have the Honorable Eleanor Holmes Norton fighting our battles in Congress, it is

past time to give our Congresswoman, and the residents she represents, all the tools we need to ensure we move beyond what many consider to be “colonial” status.

With regard to the Bill, it contains all the provisions of the proposed Constitution that was prepared at the request of, and approved by, the New Columbia Statehood Commission (Commission).¹ The bill would recommend that Congress approve the proposed Constitution for the new state. As acknowledged in Section 3 of the bill, the proposed Constitution cannot take effect as the Constitution of the State of New Columbia until approved by the U.S. Congress, which would also need to pass legislation that would admit the District to the Union.

The proposed Constitution was carefully analyzed by a legal advisory group.² This advisory group also assessed all the changes made to that Constitution based upon input from members of that group, the general public, and Statehood Commission members. Several members of the legal advisory group and the Office of the Attorney General’s Legal Counsel Division independently researched a variety of legal issues to determine if any provision of the proposed Constitution would be inconsistent with the U.S. Constitution. We concluded that there were strong arguments that they would not. Moreover, several members of the lawyers’ group and the Office of the Attorney General independently researched a variety of legal issues, such as, whether any part of the U.S. Constitution, e.g., the District Clause or the 23rd

¹ The Commission is comprised of 2 co-chairs, Mayor Muriel Bowser and Council Chairman Phil Mendelson, and 3 members, Senators Paul Strauss and Michael D. Brown and Representative Franklin Garcia.

² The group included District government lawyers representing the Mayor, the Council and the Office of Attorney General; professors at Georgetown University Law Center, George Washington University Law School and the University of the District of Columbia David A. Clarke School of Law; lawyers in private practice, including one former Corporation Counsel; and lawyers from public interest groups like D.C. Appleseed. I participated in one group meeting in May 2016.

Amendment, would need to be amended before New Columbia could be admitted as a state, or whether we would need the consent of the State of Maryland. We believe that there are strong arguments supporting the view that the U.S Constitution would not need to be changed before the District is admitted, although it might make sense to repeal the 23rd Amendment after admission. We also determined that Maryland's consent will not be required. These conclusions are consistent with past determinations of the Office of the Attorney General and with the opinion of many (but certainly not all) legal scholars.

The proposed Constitution included in the bill was based on the 1982 and 1987 proposed Constitutions of the State of New Columbia as well as the District's Home Rule Act. While based on those documents, the proposed Constitution has been modified to reflect current political and legal developments and the fact that the new state would no longer be subject to the restrictions that apply to the District of Columbia. The Constitution contains a bill of rights, much like that established in the U.S. Constitution. In response to concerns expressed by the Solicitor General of the Office of the Attorney General and other members of the legal group, it also contains a provision making clear that courts interpreting the Constitution "are not bound by the interpretation given by federal courts to identical or similar language in the United States Constitution, but shall interpret this Constitution in light of its purposes and the laws, values, and traditions of the State of New Columbia." See Art VII, Sec. 2.c.

The proposed Constitution sets up a tripartite government much like that which now exists in the District. Power would be divided among three branches: a unicameral legislature

named the House of Delegates that would contain 21 members – 16 from each of the District’s existing wards, 4 at-large members, and a Speaker (Article I); an executive branch with chief executive power vested in a Governor (Article II); and a judicial branch that would consist of the Court of Appeals, the Superior Court and such other courts established by law (Article III).

Article I also provides for the existence of Advisory Neighborhood Commissions in the legislative branch. The executive branch would also include a Chief Financial Officer (Article II, Sec. 6); an independent elected Attorney General, some of whose essential powers and duties are expressly stated in the proposed Constitution (Article II, Sec. 5); and a Board of Education (Article II, Sec. 7). In addition, the proposed Constitution would establish a budget process for the new state (Article IV); procedures for borrowing and issuing bonds (Article V); and a process for citizens’ initiatives, referenda, and recalls (Article VI) and for amending the Constitution (Article VII). Article VIII contains provisions needed to ensure continuity of government during the transition to statehood.

With regard to the Attorney General language found in Article II, Section 5, it is important that the legislative record is clear regarding the office’s independence. While the Attorney General will be housed in the Executive Branch, the Attorney General will continue to be independent in the new state -- not subordinate to the Governor. So there is no doubt regarding the office’s independence and basic duties, I urge the Council to make explicitly clear in the accompanying committee report that the Attorney General is not a subordinate Executive agency head, and will continue to be responsible for all of New Columbia’s legal business as the

chief legal officer of the new state. Most importantly, the report should reflect that the Attorney General's primary mission is to uphold the public interest.

In the same vein, I echo the sentiments of public witnesses from the Committee of the Whole's hearing on this Bill that took place on September 27, 2016. At the hearing, not only did residents state the need for an independent Office of the Attorney General, they also stated the need to maintain independence for the Chief Financial Officer (CFO). Having an independent CFO is critical. The main reason why the District is now in a solid position to advocate for statehood is our strong fiscal health. We have been fortunate to have responsible elected leadership and an independent CFO to bolster our bond ratings and surpluses. The same structure should continue in statehood.

The Constitution for the State of New Columbia Approval Amendment Act of 2016 is a crucial step on the road toward statehood. But, in reality, we've been well on our way to building a healthy, robust, democratic state government for years now. Just look at the evidence. For more than 15 years now, we have balanced our budget – certainly something that positively distinguishes us from our Congressional overseers. In fact, thanks to the stewardship of the Mayor and Council, we repeatedly have annual surpluses and fully-funded pension programs, and our finances are the envy of virtually every other city and state in the nation! Moreover, we have bolstered the integrity of our government, strengthening our ethics laws and rooting out corruption.

If it weren't so offensive, I'd find it fascinating that people so frequently tell the District that we haven't earned the right to statehood. It should be a national embarrassment that the United States is the only nation in the world with a representative, democratic Constitution that denies voting representation in the national legislature to citizens of the capital. In our nation's capital exist the only United States citizens who pay federal taxes with no Congressional vote.

I am advised that this measure will appear as an advisory referendum on the November ballot. The advisory referendum would give District citizens the opportunity to indicate their support for statehood, a republican form of government, the proposed Constitution, and the proposed boundaries of the new state. I will work with my fellow elected leaders, residents, and advocacy groups like StatehoodYES! to ensure this measure passes. I then look forward to continuing that fight to Congress to ultimately admit New Columbia via an admission act.

The Office of the Attorney General appreciates the opportunity to testify on this important matter. I am joined by Janet Robins, Deputy Attorney General – Legal Counsel Division. We are pleased to answer any questions that the members of the Committee may have.

Testimony of US Representative (Shadow) Franklin Garcia

October 6, 2016, on Bill 21-826

Thank you for the opportunity to testify before you today on Bill 21-826. I am honored to be part of the New Columbia Statehood Commission along with Mayor Bowser, Chairman Mendelson, Senator Strauss and Senator Brown that worked over the summer to draft our New Columbia state Constitution. I know that you have heard from many on the issue of the New Columbia Constitution, and you will likely continue to hear about it long after the hearing today. And so I thank you for giving residents of our city yet another opportunity to give input and voice their concerns. No doubt much of what you will hear during these hearings the New Columbia Statehood Commission also heard. We held a series of town hall meetings, where we solicited resident's input, a 3 day Convention, where we also received much input, and residents had the opportunity to submit comments and give their inputs via emails, websites, phone calls, Facebook, Twitter and other methods, and all were used. We held meetings throughout the wards, but not every Ward had one. The public town hall meetings, the Convention and the meetings of the commission have been posted on-line at various websites and on YouTube. In some cases many of these meetings were live streamed. While probably not at par with an aggressive political campaign, much promoting about the process went throughout the city. We made additional efforts to reach most activists, promoters and advocates of DC Statehood. Newspapers, posters and other publicity went out to many communities throughout the city, including in Spanish. Various video spots were put together that were widely circulated on social media, email and beyond, and for a period any emails used with the .gov extension, that's all of our city government employees, had a footer with information about this process. At the town halls, and Convention, while we limited the minutes each person could testify per day, there was no limit on how many times on different days, a person could testify, in fact, we had a number of people that testified multiple times and submitted their comments in multiple ways. In deed their inputs were invaluable, and used to arrive at the final, or revised, New Columbia Constitution document approved on June 28th of this year, which is what we now have. But, like in any process, we know that many people for different reasons were not able to participate, or in many cases didn't know about the process, or simply didn't want to participate.

So this process continues. Now we have a hearing where we will get additional inputs and more residents participating, and we know that even for today's hearing not many people may know about it, or will be able to participate for various reasons, but we hope to hear from enough people and organizations that hopefully it will be a sample representation of the greater community.

I believe the document we drafted and approved on June 28th, is a good document, but that can always be improved. I am unclear procedurally how this document can be substantially changed, prior to the November 8th election. But I do think that two items that perhaps should get the most attention in the short time we have, are the state boundaries for the various reasons you heard from Ann Loikow on the September 27th hearing, and perhaps include a way to amend the Constitution in the future by a citizens initiative, which is absent from the Constitution now.

In conclusion, let me say that I am looking forward to us moving forward soon to start promoting a strong yes vote for the advisory referendum, and subsequently taking a strong message to the new President, the US congress and the nation on the will of the citizens of the District of Columbia, again, thank you for the opportunity.

Submitted to the record by Arrington Dixon:

Records of the Statehood and Compact Commission

Collection No. 48 (22 Linear feet)
D.C. Community Archives

Provenance

The Records of the Statehood Commission were donated to the Library by Ned Sloan, Chair of the Commission.

History

In 1979, a Statehood Initiative was presented to D.C. residents for a vote to approve legislation that would begin a concerted effort to make the District a state. The Statehood Initiative won approval on Nov. 4, 1980 and became the first public referendum passed in the city's history.

The final enabling legislation, D.C. Law 3-171, as amended D.C. Code Sec. 1-115(b) (1987)), provided for the creation of two commissions -- the D.C. Statehood Commission and the D.C. Compact Commission. The Statehood Commission was to "educate, promote, and advance the proposition of statehood for the District of Columbia in the District and elsewhere." The Compact Commission was given the responsibility to conduct a "full and complete study of the necessary and appropriate legislative and administration action" to achieve statehood. The two commissions consisted of three commissioners from each of the eight wards in the District, who were appointed by the D.C. City Council.

One of the more important provisions of the Initiative called for a constitutional convention and the writing of a constitution for the state of New Columbia. On Nov. 4, 1981, 45 delegates were elected to a constitutional convention to serve two- or three-year terms. The convention delegates drafted a constitution by May 29, 1982, which was subsequently adopted by a majority vote of D.C. citizens on Nov. 2, 1982.

In 1985, after the three-year term of the constitutional convention expired, the two commissions became one.

As part of its mandate to "educate, promote, and advance" statehood, the commission engaged in a number of activities throughout the late 1980s and early 1990s. Among others things, it designed a curriculum for public schools, established training sessions for D.C. teachers, testified before Congress on statehood legislation, and established a Statehood Resource Center.

Congress did not vote on the D.C. Statehood bill, which was originally introduced by

Walter Fauntroy as H.R. 51 in 1987, until November 1993. The bill was defeated by a vote of 277 to 153. The Commission's budget was dramatically decreased and activities were severely curtailed after the defeat.

Processing Procedures

General processing procedures consisted of discarding duplicates, unnecessary binders, and routine transmittals. Oversized documents were removed from the original location in their assigned series and placed in separate containers. All photographs were removed from their original location and placed in the audio-visual series. Separation sheets were inserted in the original location within the folder to indicate the new location of any records placed elsewhere.

Preservation copying of newspaper clippings was performed whenever feasible. Records in folders were arranged, unless otherwise indicated, in reverse chronological order, with undated records appearing at the end of the folder. Folders containing records with no dates are indicated as n.d.

Scope and Content Note

Materials in this collection consist of records of the D.C. Statehood/Compact Commission ("Commission") from 1978 through 1994 that document its activities to promote and educate the public on statehood as well as research on methods for achieving statehood in the District.

The records include correspondence, reports, clippings, press releases, financial materials, meeting minutes, legislative testimony and bills, Commission publications, pamphlets, brochures, articles, speeches, memorabilia, videos, audiotapes, and photographs.

Significant items, activities, and topics covered by the records include:

- commission activities supporting the Constitutional Convention;
- testimony and public relations materials involving the Commission's efforts to promote statehood legislation in the U.S. Congress;
- legal and other research regarding campaigns in other states to achieve statehood;
- articles, and writings on the issue of D.C. statehood;
- public relations and educational activities undertaken by the Commission, such as the Peace Train, Liberty Bell Train, the "New Columbia: 51st State of the Union" videotape, Statehood survey, and public school curriculum guide.

The materials' total volume is 22 linear feet and are arranged into 13 series.

Series Descriptions

Series 1: Administrative, 1986-1994 (2.5 linear feet)

This series contains files that document the daily administration of the commission. Included in the files are time and effort reports, by-laws; resolutions; memoranda reporting on Commission activities; mailing and contact lists, Commission stationary, and Commission logo.

Of particular significance are contract records, request for proposals solicited by the commission, and proposals from contractors in response to those requests. A majority of the materials regarding contracts is from the Harrison Institute, which contracted to provide public relations services and conduct legal research for the commission. The materials are arranged alphabetically by topic and then chronologically by date.

Series II: Financial, ca. 1978-1995 (2 linear feet)

Financial records of the commission are contained in this series, including annual budget and appropriation materials, invoices, payment vouchers, revenue and expense statements, and treasurer reports. Folders are arranged alphabetically by topic then chronologically by date.

Series III: Meetings, 1978-1995 (3.5 linear feet)

Included in this series are meeting minutes, agenda, and background materials for regular and special meetings of the Commission from Dec. 11, 1978 through Jan. 5, 1995. Related materials include recordings of the meetings in the Audiovisual Series (9/19/86 through 5/5/88). Folders are arranged chronologically by date of meeting.

Series IV: Topics, 1788, 1941, 1968, 1980-1993 (3 linear feet)

This series consists of correspondence, memoranda, reports, handwritten notes, clippings, publications, statements, pamphlets, brochures, newsletters, lists, and bibliographies covering a variety of topics and activities of interest to the Commission. Of particular significance are materials regarding the D.C. Statehood Constitutional Convention, Democratic and Republican conventions, Statehood Constitution, activities by Shadow Senator Jesse Jackson, and state government reorganization. Folders are arranged alphabetically by topic and then chronologically by date.

Series V: Legislative Matters, 1986-1994 (2.5 linear feet)

Records in this series include briefing books, congressional testimony and statements, house and conference reports, executive summaries, bills, background papers, appropriation acts, correspondence, and memoranda. Much of the materials relate to H.R. 51, statehood legislation introduced in Congress in 1987, including briefing book drafts and originals, internal memoranda from the House District Committee, testimony, and opposition statements.

Other significant materials consist of testimony before D.C. City Council on budgets and Congressional testimony supporting statehood before the House Subcommittee on

Fiscal Affairs and Health in 1987. Folders are arranged alphabetically by topic and then chronologically with materials related to specific house and senate bills (i.e., H.R. 51, S118) appearing first.

Series VI: Clippings and Press Releases, 1978--1987 (.75 linear feet)

This series contains clippings and press releases regarding statehood activities and issues. Most of the clippings were compiled by clipping services and public relations firms engaged by the commission. The folders are arranged chronologically by date of the clipping or press release.

Series VII: Public Relations, 1987-1993 (2 linear feet)

As part of its mission to educate and promote statehood, the commission developed, with the help of public relations (PR) experts, press packages, publicity events, and educational materials. Specific items and topics of interest in this series include the Fifty Stars slide show, Liberty Bell Train event, the *New Columbia: 51st State of the Union* speakers kit, and *Action News* (the Commission newsletter).

Educational materials developed for the general and public school students, include

- "Facts You May Not Know About D.C. and Statehood"
- "Fifty-One Stars: A Test"
- "Frequently Asked Questions Regarding Statehood Economic Issues"
- "One-Month Daily Curriculum: National Rainbow Coalition for D.C. Statehood Campaign"

Also included are editorials, letters to the editor, radio and TV reports, public relations reports, correspondence, brochures and booklets on statehood. Much of the materials were the product of Apter & Associates, a public relations firm engaged by the Commission to conduct PR activities.

Related materials in other series include the video, *New Columbia: 51st State of the Union*. Folders are arranged alphabetically by topic and then chronologically by date.

Series VIII: Research, 1948-1993 (3 linear feet)

This series contains research compiled largely for the Commission's Resource Center for research in reference. The research consists of scholarly articles and papers, U.S. congressional reports and legislation, correspondence, memoranda, and governmental reports compiled by Commission staff regarding territories that sought admission as states. The majority of the research focuses on efforts in Alaska, Hawaii, and Puerto Rico to achieve statehood.

The series also contains research focusing generally on statehood and research strategies for the commission to undertake. Folders are arranged alphabetically by subject or state and then chronologically.

Series IX: Correspondence, 1987-1994 (.5 linear foot)

Single letters of importance, correspondence with Congress, a correspondence log, as well as general correspondence, are included in this series. Single letters appear first and are arranged alphabetically by subject or name of correspondents; the remainder of the correspondence is arranged chronologically.

Single letters include, among others, a letter sent to community leaders requesting their help in promoting the 1990 elections for shadow senators and representatives, a letter to Congressman Romano L. Mazzoli answering questions about statehood for non-federal parts of the district; a letter from the commission congratulating Jesse Jackson on his election as shadow senator; and various letters to educators and schools about the statehood education kit.

Series X: Articles, 1965-1994 (.5 linear foot)

This series consists of scholarly and popular articles, reports, booklets, texts of speeches, and other writings, the majority of which discuss statehood for the District but also cover the statehood process, Washington, D.C politics, and other related topics. The writings are arranged alphabetically by title.

Series XI: Memorabilia, 1976-1991 (.5 linear foot)

During the struggle for statehood, the commission and other organizations working for statehood created a variety of promotional materials some of which are contained in this series. A sample of these items include "March for D.C. Statehood" fliers, "The Facts About D.C. Statehood" brochure, "Mend the Crack in the Liberty Bell, D.C. Statehood Now!" bumper sticker, the "D.C. Statehood Now" button, poems, songs, the D.C. Statehood tote bag, and the Flag for New Columbia. Items in this series are arranged alphabetically by title.

Series XII: Jo Butler Materials, 1978-1993 (.25 linear foot)

Josephine Butler was a key figure in the statehood movement and chair of the D.C. Statehood Commission for many years. Materials about or from her are contained in this series. They include her biography, a campaign poster, correspondence, awards, resumes, working files, and resignations. Folders are arranged alphabetically by title.

Series XIII: Audiovisual, 1986-1994 (1 linear foot)

This series consists of audiotapes of Commission meetings; two videotapes titled "In the Public Eye: D.C. Statehood," and "New Columbia: 51st State of the Union;" and two photographs -- one unidentified and the other regarding the Statehood Now Demonstration. The materials are arranged alphabetically by title.

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- "Increased Self-Government for the District of Columbia, home Rule Task Force," The Greater Washington Board of Trade, Dec. 17, 1986
- "Human Services in Adams Morgan," Adams Morgan ANC, n.d.
- "If You Favor Freedom, Statehood Commission, October 1986
- "In the American Tradition: An Analysis of the Proposed Constitution of the State of New Columbia," Arnold & Porter, April 1986
- Jesse Jackson. We are Campaigning to Build a New Democratic Majority and Rebuild America, Nov. 2, 1991.
- "Options in Self-Government for the District of Columbia, Common Cause, 1985
- "King and Revolution," Reflections Vincent Harding, 1983
- "The New Columbia Times: Special Lobbying Issue, 1992
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- "Statehood?" *Washington Post Magazine*, July 4, 1993
- "A Qualitative Research Assessment of How Some Americans View the Political Future of the Nation's Capital," Edward M. Myers, Sept. 1, 1994

- Republican National Convention calendar, Aug. 14, 1998
- "Rivlin report: D.C. Shortchanged," *The Washington Post*, Dec. 21, 1990
- "Statehood and Territories," *Congress and the Nation*, ca. 1960s
- Statehood bibliography, n.d.
- Statehood Call: Voice of the Statehood Party
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- "Statehood for the District of Columbia," National Academy for Public Administration, 1990
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- "The Statehood Papers: Articles on D.C. Statehood" by Sam Smith, published by *Progressive Review*, 1970-1991

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Prepared by Faye Haskins, Feb. 11, 1998

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**Before the
Council of the District of Columbia**

Committee of the Whole

Public Hearing

Bill No. 21-826

*"Constitution of the State of New Columbia
Approval Amendment Act of 2016*

October 6, 2016

Testimony
of
Roderic L. Woodson, Esq.

Good evening Chairman Mendelson and Members of the Committee of the Whole ("Committee"). My name is Roderic L. Woodson, and I am a partner with the Washington office of Holland & Knight LLP, and co-chair of its DC Practice Group. I am pleased to appear before the Committee as a private individual to express my support for Bill No. 21-826, "*Constitution of the State of New Columbia Approval Amendment Act of 2016*".

I have practiced law here in the District since the very beginnings of Home Rule, and more than 30 years ago in the early 1980s, I testified before the District of Columbia Statehood Constitutional Convention in that very early effort to propose statehood for our City.¹ My testimony to the Convention at that time addressed considerations appropriate when enunciating language to establish a judicial power

¹ See attached "*Statement of Roderic L. Woodson, Esq. Before The Judiciary Committee of the District of Columbia Statehood Constitutional Convention*", dated April 14, 1982.

within a constitutional or chartering document. Today, my comments are far more straightforward. Unlike that earlier effort long ago, we have before us now a proposed Constitution, and my remarks now touch upon themes presented in my testimony before the New Columbia Statehood Commission earlier this year.

First, I believe the process being utilized with this effort is the most expeditious way to bring the Statehood proposal forward for action at the federal level -- presenting the basic structure of government we have now as the foundation for New Columbia. My experience in the early 1980s teaches that this is the best way to get started. Getting this document approved now in substantially the current form will not prevent subsequent revisions at a later time through another constitutional convention, or other appropriate means. Approaching the matter this way will allow us to consider, in a more deliberate and thoughtful manner, jurisdictional issues involving attendant executive and regulatory structures.

Second, it is recommended that the language specifying the Judicial Branch be modified to establish an Intermediate Appellate Court which would hear appeals from the Superior Court. This new appellate court could also be divided into several more specialized divisions, each with a panel of three judges, to hear appeals as of right from the trial courts. Such an approach would allow the current Court of Appeals to focus its cases on selected matters of broader policy significance, as well as judicial supervision, through a discretionary certiorari process. The scope of our judiciary and its caseload has increased dramatically since Home Rule began. In this regard, I need only point to the expansion of administrative adjudications

with attendant need for judicial review as an example. An Intermediate Appellate Court would do much to relieve the pressure on our judiciary as well as the need of our citizens for promptness in the administration of justice.

Lastly, it is recommended that our elected Attorney General and independent Chief Financial Officer functions remain as they are. Experience has proven, and continues to prove, how these functions contribute to deliberate, considered, and fair decisions on issues of public policy and government operations.

This concludes my prepared remarks, and I will be pleased to respond to questions the Committee may wish to ask.

STATEMENT OF RODERIC L. WOODSON, ESQUIRE
BEFORE THE
JUDICIARY COMMITTEE OF THE DISTRICT OF COLUMBIA
STATEHOOD CONSTITUTIONAL CONVENTION
APRIL 14, 1982

GOOD AFTERNOON LADIES AND GENTLEMEN. MY NAME IS RODERIC L. WOODSON AND I AM AN ATTORNEY WITH THE LAW FIRM OF WOODSON & WOODSON, P.C. LOCATED HERE IN WASHINGTON, D.C. I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE THE JUDICIARY COMMITTEE OF THE DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION TO COMMENT UPON THIS COMMITTEE'S EFFORTS TO DRAFT THAT SECTION OF THE PROPOSED DISTRICT OF COLUMBIA CONSTITUTION REGARDING THE JUDICIAL POWER.

1. I BELIEVE THAT IT IS VERY IMPORTANT TO NOTE AT THE OUTSET OF THIS STATEMENT THAT THE JUDICIAL POWER IS THAT POWER THROUGH WHICH THE GOVERNING SOVEREIGN PERMITS THE ADJUDICATION AND DETERMINATION OF LEGALLY RECOGNIZED RIGHTS AND DUTIES BETWEEN AND AMONG ITS CITIZENS BOTH NATURAL AND CORPORATE AND BETWEEN AND AMONGST ITS CITIZENS AND CITIZENS OF OTHER SOVEREIGNS AND BETWEEN AND AMONGST CITIZENS AND THE STATE. IN SHORT, THE JUDICIAL POWER IS THE AUTHORITY TO DECLARE AND DETERMINE WHAT IS AND WHAT IS NOT LAW WITHIN THE PARAMETERS OF A GIVEN SET OF FACTS. THIS POWER IS DISTINGUISHED FROM THE LEGISLATIVE POWER TO CREATE OR ENACT LAW AND THE EXECUTIVE POWER TO EXECUTE THE LAW.

WHEN CONSIDERING THE ESTABLISHMENT OF THE JUDICIAL POWER IN ANY MODERN DEMOCRATIC GOVERNMENT, IT IS IMPORTANT TO FOCUS UPON THE LESSONS THAT HISTORY HAS BROUGHT US IN THE OPERATION OF

SIMILAR GRANTS OR MANIFESTATIONS OF GOVERNMENT POWER. THE UNITED STATES CONSTITUTION REPRESENTS ONE SUCH MANIFESTATION. THE CONSTITUTIONS OF THE VARIOUS STATES WITHIN THE UNION REPRESENT ANOTHER MANIFESTATION OF THIS POWER. THE TWO HOWEVER ARE QUITE DIFFERENT. THE JUDICIAL POWER VESTED IN THE UNITED STATES CONSTITUTION IS A JUDICIAL POWER DELEGATED BY THE SOVEREIGN STATES TO THE CENTRAL GOVERNMENT. THE JUDICIAL POWER OF THE UNITED STATES CONSTITUTION WHILE SUPREME WITHIN ITS SPHERE OF DOMAIN, IS NEVERTHELESS LIMITED IN ITS SCOPE. IT IS LIMITED BY THE PROVISIONS OF ARTICLE III OF THE CONSTITUTION. ON THE OTHER HAND THE JUDICIAL POWER OF THE SOVEREIGN STATES IS SIGNIFICANTLY DIFFERENT. THE JUDICIAL POWER AS EXERCISED BY THE STATES IS NOT LIMITED IN THE SAME FRAMEWORK AS THE LIMITATION UPON THE FEDERAL GOVERNMENT. THE EXERCISED JUDICIAL POWER OF THE STATES FINDS ITS ROOTS IN CONCEPTS DERIVED FROM ANGLO-SAXON COMMON LAW. THIS IS AN IMPORTANT POINT FOR IN THE ABSENCE OF SPECIFIC LIMITATIONS IN THE CHARTERING DOCUMENT (THE CONSTITUTION) STATE JUDICIAL TRIBUNALS TEND TO DEFINE THE JUDICIAL AUTHORITY OF THE SOVEREIGN ALONG LINES DEVELOPED IN THE LENGTHY HISTORY OF THE COMMON LAW. THUS, IT BECOMES IMPORTANT FOR THIS COMMITTEE TO FULLY UNDERSTAND THE NATURE OF THE POWER TO BE EXERCISED BY THE JUDICIARY.

2. JUDICIAL POWER IS NORMALLY EXERCISED THROUGH THE ARM OF GOVERNMENT KNOWN AS COURTS. IN MANY SITUATIONS, THIS POWER IS VESTED IN A COURT WITH APPELLATE JURISDICTION, WITH THE JUDICIAL POWER OF TRIAL COURTS DEFINED AFFIRMATIVELY BY STATUTE. THUS I

WOULD URGE THAT THE COMMITTEE CONFINE ITS DEFINITION OF THE JUDICIAL POWER TO THAT POWER EXERCISED BY THE APPELLATE COURT OF HIGHEST LEVEL FOR THE DISTRICT OF COLUMBIA.

3. THE QUESTION OF THE STRUCTURE OF THE COURT SYSTEM OF THE DISTRICT OF COLUMBIA IS ONE WHICH THE COMMITTEE HAS IDENTIFIED AS HAVING SIGNIFICANT IMPORTANCE. AS THE COMMITTEE IS WELL AWARE, THE CURRENT COURT SYSTEM HAS A TRIAL COURT LEVEL AND A SINGLE APPELLATE COURT LEVEL. THEY ARE KNOWN RESPECTIVELY AS THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA AND THE DISTRICT OF COLUMBIA COURT OF APPEALS. OPINIONS HAVE BEEN EXPRESSED BOTH PRO AND CON TO THE CREATION OF A SECOND OR INTERMEDIATE LEVEL APPELLATE COURT FOR THE DISTRICT OF COLUMBIA. THOSE WHO FAVOR SUCH AN APPROACH SEEM TO FOCUS THEIR ATTENTION ON THE ABILITY OF LITIGANTS TO GET A MORE EXPEDITIOUS APPELLATE DECISION FROM ACTIONS TAKEN AT TRIAL WHEREAS ON THE OTHER HAND OPPONENTS OF SUCH A MEASURE CITE THAT THE REAL PROBLEM IS TO REDUCE THE BACK LOG OF CASES IN THE JUDICIAL PROCESS AS OPPOSED TO ADDING AN ADDITIONAL LAYER OF COURTS TO HANDLE THE LITIGATION VOLUME AS IT CURRENTLY STANDS. A THIRD OPINION RECENTLY BROUGHT FORWARD CONTEMPLATES AN EXPANSION OF THE CURRENT TWO-TIER COURT FROM 44 JUDGES AT THE TRIAL LEVEL AND 9 JUDGES AT THE APPELLATE LEVEL. ALTHOUGH ABSOLUTE NUMBERS HAVE NOT BEEN THE SUBJECT OF AGREEMENT IT HAS BEEN SUGGESTED THAT THE TRIAL COURT LEVEL BE EXPANDED TO 50 JUDGES AND THE APPELLATE COURT LEVEL BE EXPANDED TO 15 JUDGES. I HAVE NOT FORMULATED ANY POSITION ON THESE OPTIONS AT THIS TIME.

HOWEVER I WOULD OFFER FOR THE COMMITTEE'S CONSIDERATION THOSE EFFORTS BY THE COURT SYSTEM TO LIMIT AND REDUCE THE NUMBER OF CASES THAT WHICH ARE CURRENTLY PENDING FOR TRIAL IN THE SUPERIOR COURT, PARTICULARLY THE COURT'S NEW PROPOSED ARBITRATION RULES FOR THE CIVIL DIVISION. EFFORTS SUCH AS THIS MAY IN FACT HAVE THE EFFECT OF ELIMINATING THE NEED TO CONSIDER ALTERNATIVE FORMS OF COURT STRUCTURE IN THAT THESE EFFORTS WILL REDUCE THE PRESSURES ON THE JUDICIAL PROCESS TO RESOLVED DISPUTES BETWEEN THE CITIZENS OF THE DISTRICT OF COLUMBIA.

4. THE SELECTION OF JUDGES HAS BEEN IDENTIFIED AS ANOTHER MATTER FOR CONSIDERATION BY THIS COMMITTEE. CURRENTLY JUDGES ARE SELECTED FOR THE DISTRICT OF COLUMBIA COURT SYSTEM BY A STATUTORY COMMISSION WHOSE FUNCTION IS TO SCREEN APPLICANTS AND FORWARD THE NAMES OF POTENTIAL NOMINEES TO THE WHITE HOUSE FOR SELECTION BY THE PRESIDENT. IT HAS BEEN SUGGESTED THAT THE JUDGES FOR THE COURT IN THE DISTRICT OF COLUMBIA SHOULD MORE PROPERLY BE SELECTED BY THE MAYOR AND THE CITY COUNSEL. OTHERS VIEW THE SELECTION PROCESS AS ONE FOR THE PRESIDENT TO ADDRESS SOLELY. IT WOULD SEEM HOWEVER THAT IF THE DISTRICT OF COLUMBIA BECOMES A SOVEREIGN STATE UNDER THE UNITED STATES CONSTITUTION, THEN THE ISSUE OF THE PRESIDENT ABILITY TO MAKE APPOINTMENTS TO THE LOCAL COURT SYSTEM WOULD BE MOTE. THAT AUTHORITY WOULD VEST SOLELY WITHIN THE SOVEREIGN DISTRICT OF COLUMBIA.

5. THE TERM OF THE OFFICE THAT JUDGES SHOULD HAVE AFTER

ASSENTION TO THE COURTS OF THE DISTRICT OF COLUMBIA IS A FURTHER ISSUE TO BE ADDRESSED BY THIS COMMITTEE. USUALLY THIS QUESTION REVOLVES AROUND WHETHER JUDGES SHOULD BE ON THE BENCH FOR A TERM OF YEARS OR FOR A LIFE APPOINTMENT. OPINIONS ARE STRONG ON BOTH SIDES OF THIS QUESTION AND THE CONTROVERSY ON THE MOST APPROPRIATE METHOD HAS YET TO BE RESOLVED. THE QUESTION IS HOWEVER DIRECTLY TIED TO THE NATURE OF THE APPOINTMENT PROCESS USED BY THE CONSTITUTION IN SELECTING ITS JUDGES. JUDGES WHO COME ON TO THE BENCH FOR A LIFETIME OF SERVICE USUALLY ARE APPOINTED. JUDGES WHO COME ON TO THE BENCH FOR A TERM OF YEARS CAN BE EITHER APPOINTED OR ELECTED. WHICH EVER METHOD IS SELECTED BY THE COMMITTEE THE COMMITTEE SHOULD DO SO ONLY AFTER HAVING HAD THE OPPORTUNITY TO EXAMINE THE ALTERNATIVES IN DETAIL AND TO RECEIVE INFORMATION CONCERNING THE EXPERIENCE OF OTHER JURISDICTIONS WITH BOTH TYPES OF APPROACHES.

6. THE COMMITTEE HAS FURTHER INDICATED AN INTEREST IN COMMENTS REGARDING REMOVAL OF JUDGES WHO CURRENTLY SERVE ON THE BENCH. THE REMOVAL OF ANY JUDGE FROM THE BENCH IS A EXTREMELY SERIOUS MATTER. REMOVAL OF A JUDGE SHOULD BE CONTEMPLATED UPON THE OCCURENCE OF ONLY THE MOST EXTREME CIRCUMSTANCE. IT IS VERY IMPORTANT THAT THE COMMITTEE RECOGNIZED THE ESSENTIAL REQUIREMENT THAT THE JUDICIARY MAINTAINS ITS INDEPENDENCE. ONLY THROUGH THE EXERCISE OF INDEPENDENCE CAN THE CITIZENS OF THE DISTRICT HAVE REASONABLE ASSURANCE THAT THE JUDICIAL POWER WILL BE EXERCISED WITH IMPARTIALITY AND FAIRNESS. HENCE THE REMOVAL OF JUDGES IS NO

SMALL MATTER. A NUMBER OF WAYS HAVE TRADITIONALLY BEEN SUGGESTED TO ACCOMPLISH THIS END. AMONG THEM ARE (A) IMPEACHMENT, (B) ELECTION RECALL, (C) VESTITURE OF REMOVAL AUTHORITY WITHIN A DESIGNATED BODY. WHICHEVER METHOD IS SELECTED BY THE COMMITTEE THE METHOD MUST BE CONSISTENT WITH THOSE METHODS IDENTIFIED FOR SELECTION OF THE JUDGES AND THEIR TERM OF OFFICE.

7. INDIVIDUAL MEMBERS OF THE COMMITTEE HAVE HAD OCCASSION TO INQUIRE WHETHER CERTAIN INTERNAL PRACTICES OF THE COURT SHOULD BE DEFINED BY THE CONSTITUTION. SUCH PRACTICES INCLUDE THE ROTATION OF JUDGES FROM ONE DIVISION OF THE COURT TO ANOTHER; ASSIGNMENT OF JUDGES TO PRIMARILY SERVE ONE DIVISION OR ANOTHER; AND OTHER SUCH MATTERS. IT IS RESPECTFULLY SUGGESTED TO THIS COMMITTEE THAT SUCH MATTERS MORE PROPERLY LIE WITHIN PERVUE OF THE INTERNAL ADMINISTRATION OF THE JUDICIAL PROCESS. IT IS IMPORTANT FOR THE COMMITTEE TO RECOGNIZE THE NEED FOR THE JUDICIARY TO MAINTAIN ITS ABILITY TO CONTROL DISCRETIONARY ADMINISTRATIVE ACTIVITY. ONLY BY PERMITTING THE JUDICIARY TO HAVE THIS MEASURE OF DISCRETION WILL THE COURT SYTEM BE ABLE TO ORGANIZE ITSELF INTERNALLY TO MEET THE DISTRICT OF COLUMBIA CITIZENS FOR AN EFFICIENT COURT SYSTEM.

8. THE COMMITTEE HAS ALSO EXPRESSED AN INTEREST IN RECEIVING OPINION ON THE MECHANISM UTILIZE FOR DESIGNATION OF THE CHIEF JUDGE OF EACH COURT IN THE DISTRICT OF COLUMBIA. OPINIONS ON THIS MATTER RANGE FROM HAVING THE CHIEF JUDGE ELECTED BY HIS PEERS ON THE RESPECTIVE COURT TO THE DESIGNATION OF THE CHIEF JUDGE BY

THE PRESIDENT OF THE UNITED STATES. IT IS MY SUGGESTION TO THIS COMMITTEE THAT THE CHIEF JUDGE OF THE RESPECTIVE LEVELS OF COURTS BY NOMINATED AND DESIGNATED BY THE MAYOR OF THE DISTRICT OF COLUMBIA WITH THE ADVISE AND CONSENT OF THE CITY COUNCIL, OR THEIR RESPECTIVE OPERATIVES UNDER THE FINAL DRAFT OF THE STATE CONSTITUTION (GOVERNOR AND LEGISLATURE). THE POSITION OF CHIEF JUDGE IS ONE WHICH EFFECTUATES THE CONSIDERABLE POWER TO CONTROL THE JUDICIAL PROCESS ADMINSTRATIVELY. AN EFFICIENTLY RUN ORGANIZATION SHOULD HAVE A SINGLE INDIVIDUAL RESPONSIBLE FOR THE EXECUTION OF THAT ORGANZATION'S DUTIES. THAT INDIVIDUAL IN THE COURT SYSTEM IS THE CHIEF JUDGE. THE CITIZENS OF THE DISTRICT OF COLUMBIA SHOULD BE ASSURED THAT AN INDIVIDUAL WHO IS APPOINTED OR DESIGNATED AS CHIEF JUDGE HAS THE ADMINISTRATIVE ABILITIES NECESSARY FOR SUCH A POSITION. IT IS MY VIEW THAT INDIVIDUALS WITH THIS CHARACTERISTIC CAN BEST BE IDENTIFIED THROUGH A NOMINATION AND CONFIRMATION PROCESS WHICH INVOLVES THE EXECUTIVE AND LEGISLATIVE AUTHORITY.

I APPRECIATE THIS OPPORTUNITY TO HAVE PRESENTED SOME SCHEMATIC VIEWS ON THE VERY IMPORTANT WORK OF THIS COMMITTEE. SHOULD I BE ABLE PROVIDE ADDITIONAL INFORMATION FOR THIS COMMITTEE'S DELIBERATION I SHOULD ONLY BE HAPPY TO DO SO. THANK YOU AND GOOD AFTERNOON.

Testimony by Josh Burch
Brookland, Ward 5

I have many problems with the constitution before the Council right now. I loathe the name, I believe the bill of rights does not reflect some of the inherent rights my family, my neighbors, and I hold most dear, the state borders as proposed give rise to problems, and I believe that the document itself has many substantive problems (attached) related to the framework of our proposed state government that should be fixed. Ultimately, however, my biggest problem is with the process that got us to this point. Democracy is not easy nor should it be. Democracy requires discussion, debate, compromise, inclusion, and empowerment.

The people of the District of Columbia have been denied an empowered role in American democracy since 1800. In the early 1970s, a Congress we had no role in electing wrote a bill that granted the District the limited Home Rule we live under today. Earlier this year a rushed a so-called constitutional convention created a state constitution that closely mirrors the government that Congress created for us not with us or by us. Those who developed and fostered this current constitutional process have repeatedly said that this process allowed for ample input by the citizens of the District. I agree that there were ample opportunities for input but what we deserve as citizens were ample opportunities for empowerment. We deserve the right to play a meaningful role in crafting of the system of government we want to live under, something we have never had in 230 years as the nation's capital.

The people of the District deserve better than this process. Input is nice but an inclusive and participatory process is what we deserve. After long being denied a full and equal role in American democracy we owe it to ourselves to be the change we seek by having a democratic constitutional process.

As such despite all my concerns about multiple components of this constitution there's only one change above all else that should be made to make this a palatable document: Mandate that a constitutional convention with elected delegates from across Douglass Commonwealth is held within two years after we are admitted into the union. This would require that District citizens have an empowered say in the values, principles, and government structure we want in our constitution. An elected constitutional convention after admittance as the 51st state would also allow for citizens to roll back any changes to statehood legislation that Congress may make during congressional consideration of the statehood bill.

Separate from this constitution I additionally urge the Council to take up and pass separate legislation that calls for the election delegates to a constitutional convention within the next two years. The political reality is that the 115th Congress will not take up nor will it pass statehood for the District of Columbia in the next two years so let's take that time to have a real constitutional convention with elected delegates from across the District.

Thank you for the opportunity to comment on this draft constitution I look forward to my neighbors having a meaningful role in the development of the next one.

Comments on the Constitution:

The Name: I think we need to break free of paying homage to Christopher Columbus in our name. I would prefer to being the Douglass Commonwealth while also keeping "D.C." Frederick Douglass was an abolitionist, suffragist, public servant, humanitarian and the "Lion of Anacostia." I cannot think of a better person to name our new state after than him. As he famously said "power concedes nothing without a demand" and his words should be the words that guide us in becoming a state.

Additionally, the name "District of Columbia" is a legal name not a constitutional name thus I propose that all future statehood legislation should say that the federal district shall be named the District of Washington after our first President. Right now the New Columbia Admission Act is mute on the name of the federal district and future statehood bills could/should name the federal district after Washington.

The Bill of Rights: The draft constitution regurgitates the U.S. Bill of Rights which is redundant and unnecessary. We should leave out the U.S. Bill of Rights as they already apply to us and use a scaled down version of rights from the 1982 Constitution. Here are the some proposed rights:

1. Freedom of Assembly & Expression
2. Freedom of Religion and Separation of Church & State
3. Right to Vote
4. Freedom from Discrimination
5. Right to Privacy

Article I – Legislative Branch:

- Have a bicameral legislature. The current Council composition (8 Ward CMs and 5 At-Large including the Chair) should serve as the Senate with the Chair becoming the President of the Senate. All should serve staggered 4 year terms like now (a unicameral

legislature could work provided it is more representative than the current Council).

- The lower House (House of Delegates) should be apportioned based on population determined every 10 years after the Census. In general, each delegate should represent 20-25,000 people thus making our House of Delegates at present numbers roughly 33 members. We should always have an odd number of delegates and the delegates should elect the Speaker of the House. Delegates should be elected every 2 years.
- All vacancies should be filled by a special election ONLY.
- The Governor should not have line item veto authority in the constitution.

Article II – Executive Branch

- The constitution needs to include language that articulates the Attorney General's authority to prosecute civil and criminal cases and better articulate the role of the AG in our government and granting the AG autonomy from the Governor.
- The AG & CFO should have independence from the Governor in order to be able to fully execute the duties of their offices.
- The legislature should establish which educational policies the State Board of Education should have the power to approve of.

Article III – Judicial Branch

- Though I agree with most components of this section the District has no plan together on how we would fund and manage our court and prison system. We must put this together before a real congressional hearing on statehood or we'll give our opponents and those on the fence an easy out by being able to say "DC isn't ready for statehood."

Article IV – Budget and Financial Management

- There should not be language in the constitution about reviewing contracts. The constitution should be silent on this subject. The

House of Delegates has oversight responsibilities and should use them but approving contracts should be an executive function.

- The AG's office, SBOE, and CFO should submit their own budgets, not be part of the Governor's Executive Branch budget.

Article V – Borrowing

- NO COMMENT

Article VI – Initiative, Referendum, and Recall

- NO COMMENT

Article VII – Miscellaneous

- Should explicitly call for constitutional convention within two years after statehood so we can reassess how our new government functions post-statehood and recreate our structure of government as needed.
- Should allow for a constitutional convention and/or amendment to the constitution to be initiated by either the legislature or by referendum thus if initiated by referendum then the legislature must approve & vice versa.
- Should define what minimally qualifies as a constitutional convention. Specifically, I believe that delegates should be elected to the constitutional convention from across the state possibly with quotas to ensure a gender balance of convention delegates.

Article VIII – Transfer of Office

- Should add under Voting Rights: Citizens (or residents) of this state shall have the right to vote to ensure the franchise for all (or keep in the Bill of Rights)
- All Offices should be voted on within one year after statehood admission. I think it's important to have new elections for all officeholders within a year of statehood given everyone will have new responsibilities.

The Map

- The existing statehood bill before Congress makes the federal enclave too big and that the federal enclave should only include the Mall, the White House, the Capitol and surrounding office buildings, and the Supreme Court. The military bases on the Potomac and Anacostia Rivers should be in the new state just like military bases across the country. In other words, the smaller the federal enclave the better.
- The border between the state and federal district should be the edge of streets not the middle of streets where the state owns the street in order to better maintain it.
- The park spaces south of the House office buildings should be in the federal district as this will be a non-starter as proposed with Congress/Architect of the Capitol.
- I would support making the federal district even smaller with Constitution Ave. and Independence Ave. being the northern and southern borders along the Mall.

Comments on the Draft Constitution

By: Laura Fuchs, Resident of Ward 5, DCPS social studies teacher for 10 years in Ward 7,
Chair of the Washington Teachers' Union Committee on Political Education,

Good evening. My name is Laura Fuchs and I am a teacher at HD Woodson SHS in Washington DC and a resident of Ward 5. As an AP US Government teacher, when I heard that we were writing a new constitution for the District, I was beyond excited. This was a chance to show my students what Democracy looks like. This was a chance for my students and I to imagine a better government that fits in to the 21st Century, the government our Capital deserves.

It didn't take me long to realize that what I teach students for their AP exam, does not match up with the practice here in DC. When I teach students about democracy, we look at it as power to the *people*. When I teach students about the U.S. Constitutional Convention, we look at how the delegates were chosen; we analyze if they were representative of the general population (and what it meant for those who were left out); we read selections from the Federalist Papers to understand the reasoning behind specific decisions; and we evaluate the effects on our current government. If I were to teach about the process the District of Columbia has used to draft this Constitution, it would not pass my students' muster.

This draft was written by an unrepresentative group, who wrote it in private meetings without publishing their notes, nor provided explanations as to the specifics of that constitution and then in two months expected the public to be able to process and substantively comment on that document. Very little was done in terms of outreach and education to empower our citizens to have their voices heard on what they wanted from our constitution, and the meetings were sparsely attended considering how important this is. Constitutions are fundamental documents that shape the power, scope and structure of our government. These structures can either enhance

the voice of the people or diminish them. As it stands, this document, and the process that created it, diminishes the power of the people to have a direct say in our government.

Ultimately, we must ensure that we are a democracy that is equally democratic to the other states in our nation so that we enter on fully equal footing at the national and local level. The Home Rule Act was written by members of congress, who did not want us to be able to fully exercise our democratic rights. While we have managed to successfully govern ourselves under that law in many respects, we should not enshrine that law in to our own constitution. The people of this future state deserve a government that is truly responsive to its people and holds itself accountable through a strong system of checks and balances. In its current form, this does not happen for most of the citizens of this city. Even if the plan is to revisit the Constitution once we become a state, we have to guarantee that in the current draft of the Constitution, or create an initiative process that would allow the people to call for it.

The City Council must provide constitutional guarantees that we will have a representative constitutional convention in the near future. We must guarantee to our residents that their voices matter and that democracy is not just for those who hold power and privilege. I appreciate the intent behind this draft, but it isn't just kind intent that matters, we have to back it up with legal language and protections.

Testimony on the Draft Constitution for New Columbia
Thursday, October 6th, 2016

By: Jiyana Buie, Dontre Jackson, Tylik Loring, Tiffany Wilson; Seniors in AP US Government and DC History at HD Woodson SHS in Ward 7.

Jiyana Buie: Hi, we are seniors currently attending HD Woodson Senior High School. We are here on behalf of our AP US Government class, Ward 7 and D.C. The purpose of the government is to lead in the best interest of the people. The government is supposed to be a group of sophisticated, selfless individuals who act as a whole to express the peoples wants and needs, as well as taking the necessary steps to get them accomplished. Something I would like to see the government take a strong stance on is higher learning, more scholarships, and an increase in support for student loans.

Tiffany Wilson: The constitution is important because it separates the power of the government into three branches and gives each branch power over one another. It also allows citizens to vote on who is in office. We get to vote on who is in office to make sure there is not just one person who has all the power or governs in a way that helps their friends. Constitutions can make sure that those elected listen to the people. This is important to me because this keeps the government from ignoring us.

I would like a government who listens to the people more and has better solutions to our problems. Also, I would like for the government to fix DC's streets. I know we have the money to do so. We need to go over the budget to help our city. I would also like for the government to put more money in to the schools so we can update our books. If we have a constitution that creates a government that listens to us, then we wouldn't have so many of these problems.

Tylik Loring: The rights in which we, as DC citizens, have are in the Bill of Rights, which is a part of D.C.'s constitution. We have the right to freedom of speech, press, right to assemble, and to petition the government according to the First Amendment. There are more rights than this that help keep our city in shape.

These rights keep order in DC for citizens and lawmakers to follow. We have these rights so everyone can have equal rights and opportunities in life. If we did not have these rights things would be more biased, unfair and unjust.

Also, instead of making our own DC rights, the District used the same rights every other state follows, but we are the nation's capital, so we should have extra rights that makes DC better to live in. This is our hometown and we must be concerned with what goes on in our city and be the best city in America.

Dontre Jackson: In 1787, the US Constitution was written by caucasian males. Their ethnic background and gender is important because they didn't get the point of view of women and all other races. And to this day, power is still mostly held in the hands of white men. I think that the citizens of DC, which is majority African American, should have a vote on what rights should be put in the constitution because we are the ones who have to live with whatever the outcome is. The Constitution should be written carefully and take into consideration all the points of view of Washingtonians.

Before the DC Council, The Committee of the Whole
Thursday, October 6, 2016, 6:30PM
Room 500

Testimony of Darryl Moch Re: Public Hearing on the following legislation:
B21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016

Greetings: I am Perry Redd...here representing the Chair of the DC Statehood Green Party, Darryl! LC Moch (*pronounced Mōke*) on behalf of the DC Statehood Green Party.

To the honorable representatives of DC's citizenry and residents, we submit this testimony for both your consideration and action on the important components contained herein.

First let it be known that:

"The Statehood Party, originally founded by Julius Hobson, now known as the DC Statehood Green Party, has always supported and stood for statehood for the particular cause of Democracy.

And while Washington, DC has a population approaching 700,000 people; the residents and tax payers of The District continue to be stripped of their rights to have an effective say in their governance and how our funds are spent to support our communities, commitments, and infrastructure. This amounts to a colonial state, unprecedented oppression and violation of human rights. On these point I am sure we all agree.

And, if we agree that Democracy is the goal with an equitable voice and representation in the Congress of the United States then you should also agree that Democracy in the new state should not be abdicated either. Friends we are the ones to create the state we want and need to live in; with the powers we need for self-governance and self-determination.

There are many challenges with this referendum but for the cause of Democracy the call for a constitutional convention and the amendment process must be amended before the voters vote. First, we need to change the language of the referendum to, *and I quote "require"* a convening of the Constitutional Convention, and secondly, with a full process of electors selected by the people, by us for us, so that the voices of all DC residents are heard and well represented.

To this end, thirdly, we need to expand the number of elected representative voices that will govern in the new state. It is unprecedented that the existing body would merely confer new status to itself and by doing so disenfranchise thousands by creating an unequitable system that does not reflect either the needs or the best interests of true democracy for the people. The DCSGP challenges this Council, the Administration and other champions of statehood to adopt one of the previously constructed versions of the State that increases the number of elected representatives—well beyond 13, which is our current representational status and is definitely inadequate and insufficient to engage and support the new State.

While this issue, has been, and is vital, to the proper representation of DC residents in national and global politics, we must not allow this decision to be pushed by unknown agendas or create a plan that would be less empowering to the residents and citizens of the state we so clearly deserve and demand.

The DCSGP was formed for this and other purposes and as such has never wavered on this issue of democratic statehood—regardless of who sat or is seated in power in DC, Congress, or the White House. To this end, 5th point, we are insisting that the Council change the amendment process as outlined in the proposed Constitution to ensure DC residents the facility to access information and initiate new changes as the body collective warrants for the growth and health of the new state. Finally we urge the council to publish the text of the Constitution in its entirety and the referendum **at least two weeks before** the November election so that we—the people of DC—can vet the language and know what we are voting for.

Now, it would be easier for the Council to adopt a previously developed, vetted, and voter-approved Constitution and government structure. Is that an option? If not, why not? If that is not your will, then at least, consider language from those drafts and **expand** the size of the representative elected body for greater inclusion of voices across the new state. And, the DC Statehood Green Party also recommends that the Constitutional Convention and subsequent referendums include options for our new state name that include New Columbia, Douglass Commonwealth, and others suggested by voters.

The DC Statehood Green Party is proud and pleased that Mayor Bowser has made this issue one of her highest priorities and that the current Council continues its support of this priority for statehood. Again, our Party is proud to stand in solidarity with the Mayor on this issue and we will fight alongside her, this Council, and allies for the nearly 2/3 of a million people who call DC their home. We will stand in solidarity until we have the right, authority, and power to run our affairs and govern ourselves as do every other resident in every other jurisdiction in the 50 states of the United States.

Similarly, we stand for the end of US colonialism here, in Puerto Rico, and around the world. And we will fight to the end for representation on parity with other US citizens and representation that reflects a progressive, responsible distribution of power that ensures all of our residents are cared for, empowered, and fully represented.

The DC Statehood Green Party urges the council to make these critical changes in the true spirit of Democracy and freedom. The Council must Stand Up and Free DC from this tyranny. And please hear us clearly: If we are not able to engage in an open and transparent way, our Party will be forced to urge *NO* vote on the referendum until a truly democratic and transparent process is achieved. A *NO* vote translates to *NO* status quo, no more DC politics as usual. A *YES* vote translates to *Yes 4 Democracy, YES 4 Inclusion, and YES for WE the people.*"

Thank you for your time, consideration and action.

Respectfully submitted,

Darryl! LC Moch, Chairperson
DC Statehood Green Party

Testimony Before the DC Council, Committee of the Whole,
Chairman Phil Mendelson

on

Bill 21-826, Constitution of the State of New Columbia Approval
Amendment Act of 2016

on

Thursday, October 6, 2016

6:30 p.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

I wish to thank the DC Council Committee of the Whole and
Chairman Phil Mendelson for holding this public hearing on the
the Constitution of the State of New Columbia Approval Amendment Act
of 2016.

My name is Shelley Tomkin. I am testifying as a public witness who is a
native Washingtonian, a long-time DC political and civic activist, and a
professor of political science at a local university. I am not representing any
particular organization that I am associated with, but rather testifying as a
witness who has had the opportunity to observe the progress of the DC
statehood movement over the past eight years.

First, in my view, great progress has been made in the quest to become the
51st State of the Union. From 2008 to the present a group of stalwart
statehood activists and DC's shadow congressional delegation have engaged
in an increasingly successful, but sometimes lonely quest to promote the
notion that the ultimate answer for DC residents to truly win self-
determination and equality is statehood. The effort of these individuals has
moved the needle significantly to where we are today.

Second, this year the Mayor launched a bold initiative
to move this process forward through the Tennessee Plan by creating a
complete package to be submitted to Congress that further advanced the
statehood movement exponentially.

Now we have reached a third juncture where the DC Council has the opportunity to weigh in with respect to the substance of the draft Constitution. It is of the greatest importance that there be a strong showing of support among the electorate in support of the advisory referendum on November 8th. I believe that the Council's willingness to take actions that will show responsiveness to the views expressed at the hearings on September 27th and this evening, will promote further unity and support for the referendum.

Given this history, I have two main focus points where I believe the DC Council could make a critical contribution toward advancing the positive momentum of this process.

First, many witnesses have testified that they believe that a Constitutional Convention with elected delegates be allowed/ and/or required before the five year waiting period that is written into the current draft Constitution. It is further argued that there must be a way that such a Constitutional Convention can be initiated by the public at-large and not just through a newly constituted House of Delegates. They argue that given that the formulation of the current draft Constitution has occurred within a short time frame--- to preclude further public input for five years and then only at the behest of the House of Delegates is anti-democratic.

The counter view is that the process that did occur allowed any citizen to provide input in person or through the internet as opposed to only "elected" delegates and that holding and planning for a mandatory Constitutional Convention within the next year or so would be destabilizing and would send the wrong message to Congress.

Therefore, I would like to offer the following recommendation:
Amend the draft Constitution to change the five –year waiting period for any Constitutional Convention to three years and provide the option for the public to initiate a Constitutional Convention —possibly through an initiative process.

The issue of representation in the legislative branch of New Columbia is the second area I wish to address. At the outset I wish to enthusiastically commend the New Columbia Statehood Commission for approving the Mayor's amendment to expand the size of the 13- member House of Delegates in the original draft document to 21 members. Still, I will be so bold as to recommend that the legislative branch be enlarged somewhat further from the number that is in the current draft of the Constitution.

Why do I say this?

First and most important—with a larger law-making entity, more citizens will have a better opportunity to be heard and to have a seat at the decision-making table on matters that affect their well-being and quality of life. It stands to reason that if there are more representatives available to do a job, then residents will be able to enjoy closer attention from their representatives and the legislative branch of government will have greater institutional capacity to tackle the great challenges that we face as a jurisdiction.

I therefore propose that the size of the House of Delegates in the current draft Constitution be increased by adding one delegate per Ward to the 21 delegates already agreed upon. In this case there would be one at-large delegate per Ward and two additional delegates representing discrete areas within each Ward to bring that unicameral body from 21 to 29.

I will conclude by asking the DC Council to take these two matters--representation in the legislature and flexibility in the Constitution to allow for a publically initiated Constitutional Convention very seriously in amending the draft. These principles embody two elements at the core of our struggle for genuine democracy in the district. I thank you for the opportunity to testify today.

Testimony Before the DC Council, Committee of the Whole,
Chairman Phil Mendelson
on
Bill 21-826, Constitution of the State of New Columbia Approval
Amendment Act of 2016
on

Thursday, October 6, 2016
6:30 p.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

I wish to thank the DC Council Committee of the Whole and Chairman Phil Mendelson for holding this public hearing on the topic of Bill 21-826, the Constitution of the State of New Columbia Approval Amendment Act of 2016.

My name is Shelley Tomkin. I am testifying as a public witness who is a native Washingtonian, a long-time DC political and civic activist, and a professor of political science at a local university. I am not representing any particular organization that I am associated with or hold or have held offices in, but rather as a witness who has had the opportunity to observe the progress of the DC statehood movement over the past eight years. From that vantage point, I have some thoughts that might be of value to the DC Council in its consideration of how it might add its input to the draft constitution approved by the New Columbia Statehood Commission.

First, in my view great progress has been made in the quest to become the 51st State of the Union over the past eight years. This has happened in two phases and now we are entering a third period. From 2008 to the present a group of stalwart statehood activists have engaged in an increasingly successful, but sometimes lonely quest to promote the notion that the ultimate answer for DC residents to truly win self-determination and equality is statehood as opposed to voting rights, or the half measures of budget and/or legislative autonomy as significant as these strides might be. The effort of these individuals has moved the needle significantly to where we are today. Their contributions include raising the consciousness of the need for DC statehood in DC and nationally, lobbying

the Congress for co-sponsors of a statehood bill, and moving public officials in DC's executive and legislative branches and political party organizations to become more active in promoting DC statehood. Our shadow delegation has been an essential part of this effort and has devoted untold time and personal resources to promoting the visibility of this issue.

Second, this year the Mayor launched a bold initiative to move this process forward through the Tennessee Plan by creating a complete package to be submitted to Congress that further advanced the statehood movement. Having observed and having participated in this process from the time that it was announced at the Lincoln Cottage; through town meetings in different parts of DC; and a Constitutional Convention providing a three day opportunity for any DC resident to speak and provide input as well as the opportunity to do so on-line, I believe the Mayor's efforts have advanced the prospects of achieving DC statehood exponentially. This process allowed for broad-based public input and resulted in numerous alterations of the original draft Constitution including the expansion of the size of the House of Delegates.

Now we have reached a third juncture where the DC Council has the opportunity to weigh in with respect to the substance of the draft Constitution that has been deemed to be an inseparable part of the advisory referendum to show support for statehood under the Tennessee plan. It is of the greatest importance that there be a strong showing of support among the electorate in support of the advisory referendum on November 8th. I believe that the Council's willingness to take actions that will show responsiveness to the views expressed at the hearings on September 27th and this evening, will promote further unity and support for the referendum.

Given this history, I have two main focus points where I believe the DC Council could make a critical contribution toward advancing the positive momentum of this process.

The first involves the possibility that a second, but differently formatted Constitutional Convention of significant duration where delegates are elected can take place in the near future; and the second involves representation in the legislative body that will exist in the state of New Columbia.

First, many witnesses have testified that they believe that a Constitutional Convention with elected delegates be allowed/ and/or required before the

five year waiting period that is written into the current draft Constitution. It is further argued that there must be a way that such a Constitutional Convention can be initiated by the public at-large and not just through a newly constituted House of Delegates. They argue that the formulation of the current draft Constitution will have occurred within a short time frame and to preclude further public input for five years and then only at the behest of the House of Delegates is anti-democratic.

Given this view, many express an urgency that a Constitutional Convention occur soon within the next year to allow time for further deliberation and input from the public. Those holding this view believe that the three -day Constitutional Convention orchestrated by the New Columbia Statehood Commission was really a series of town hall meetings and not an actual Constitutional Convention with elected delegates. They further argue that there was not sufficient time to deliberate and that only in a traditional Constitutional Convention with elected delegates can there be a careful consideration of many of the complexities necessary to consider in creating a state governmental structure.

The counter view is that the process that did occur allowed any citizen to provide input in person or through the internet as opposed to only “elected” delegates. In addition, the argument has been advanced that holding and planning for a mandatory Constitutional Convention within the next year or so would be destabilizing and would send a message to Congress that there is not unified support for the package of four elements required by the Tennessee Plan and would therefore under-cut our entreaty to the Congress.

I find elements of both arguments persuasive and therefore the actions taken by the Council in this regard to be critical.

Therefore, I would like to offer the following recommendation:
Amend Section the draft Constitution to change the five -year waiting period for any Constitutional Convention to three years and provide the option for the public to initiate a Constitutional Convention —possibly through an initiative process. The question of whether a Constitutional Convention should be mandatory in three years or just a possible option for the public to initiate is a difficult one. I would leave that to the collective wisdom of the Council to determine.

The issue of representation in the legislative branch of New Columbia is the second area I wish to address. If we want to become a state, then we should look like a state in the design of the body that directly represents the people. At the outset I wish to enthusiastically commend the New Columbia Statehood Commission for approving the Mayor's amendment to expand the size of the 13- member House of Delegates in the original draft document to 21 members. This action showed that the Mayor and the Commission were listening to and respecting the many recommendations to expand the size of the proposed House of Delegates that were made during the town meetings and three day Constitutional Convention. Still, I will be so bold as to recommend that the legislative branch be enlarged somewhat further from the number that is in the current draft of the Constitution.

Why do I say this and why do I feel so strongly about this particular matter?

First and most important—with a larger unicameral law-making entity or a bi-cameral body, more citizens will have a better opportunity to be heard and to have a seat at the decision-making table on matters that affect their well-being and quality of life. It stands to reason that if there are more representatives available to do a job, then residents will be able to enjoy closer attention from their representatives and more institutional capacity to tackle the great challenges that we face as a jurisdiction. The simple reality of having “more hands on deck” will allow for greater responsiveness to DC residents' challenges. In the words of the National Conference of State Legislatures (NCSL), “with fewer constituents, a legislator is more likely to have face -to -face dealings with the constituents.” Again, in the words of the NCSL, “a larger number of members allows for more effective division of labor and specialization. The oversight of administrative agencies is also greater among larger legislatures.”

Second—If we are serious about becoming a state, our legislature should look like a state legislature. Only one state—Nebraska has a unicameral legislature. No state including the states with the smallest population centers has a state legislature (unicameral or bicameral) with a membership of less than 40 Representatives—most are much larger. The more significant equation is population per each legislator. In three states that have populations close to that of DC --- Vermont, Wyoming, and North Dakota, their population per legislator ratios are respectively 4,200 to one for Vermont, 9,600 to one for Wyoming, and 7,100 to one for North Dakota.

Third—The size of the legislature should not be overly large either. Often a “right-sized” legislature can do a better- more efficient job in carrying out its legislative duties. In my view, it is essential that the draft be changed to increase the size of the planned legislature, but it should be right-sized to avoid the pitfalls of a too large body that becomes unwieldy and slows up the policy-making process.

There are a couple of options that would accomplish this goal.

The first option would create a bi-cameral legislature by transforming the current Council structure into a State Senate and would add a lower House of Delegates comprised of 4 delegates per Ward. Each would be elected from different geographic sectors of each Ward. The House of Delegates would therefore have 32 members with a population per legislator ratio of about 20,000 to one. This is an attractive plan in that it would not upend the internal workings and structure of the current Council, but would allow the election of new representatives in a lower house who would be in a position to provide more direct representation to constituents. With the 13 members of the State Senate, the legislative branch would come to 45.

The second option that might appeal to those who believe that a bi-cameral body would slow up the policy- making process would be to increase the size of the current DC Council by adding two delegates per Ward to the 21 delegates already agreed upon in the draft Constitution. In this case there would be one at-large delegate per Ward and three additional delegates representing discrete areas within each Ward to bring that unicameral body from 21 to 37—If the Council thinks this is too large then, you could add only one additional delegate per Ward to the 21 which would equal 29 members of the proposed body.

I will conclude by asking the DC Council to take these two matters-- representation in the legislature and flexibility in the Constitution to allow for a publically initiated Constitutional Convention very seriously in amending the draft. These principles embody two elements at the core of our struggle for genuine democracy in the district. I thank you for the opportunity to testify today.

Testimony of Mr. Zachary Israel on Bill 21-826, the “Constitution of the State of New Columbia Amendment Act of 2016”

**Council of the District of Columbia
Committee of the Whole
October 6, 2016**

Chairman Mendelson and Members of the Council, thank you for inviting me to speak with you briefly today regarding Bill 21-826, the “Constitution of the State of New Columbia Amendment Act of 2016.” Unlike many of the speakers testifying today, I am not a long-time resident of the District, nor am I a long-time DC statehood activist. Although I have lived in DC for only 3.5 years, I intend to make this my home for the long-term, hopefully as the resident of a fully-fledged state in the near future. In the time I have lived here, I have become engaged in local politics, joining the Ward 3 Democratic Committee as a delegate, in addition to the DC Young Democrats. My involvement in these organizations has revealed to me all of the potentials of DC statehood, in addition to how our new Constitution and the processes of implementing and reforming it, can be fulfilled moving forward.

Firstly, let me applaud the Council and Mayor Bowser for taking up the issue of DC statehood with a serious plan of action and initiating a process to affirm the desire of the residents of the District of Columbia to become a state and commit to a republican form of government by voting this November on the question of statehood and the adoption of the new Constitution. While I appreciate the draft Constitution released by the New Columbia Statehood Commission, and included in Bill 21-826, I feel there is room for improvement.

The most important section of the draft Constitution that should be amended by the Council is **Article VII, Section 3(c)**, which states:

On or about the fifth anniversary of the effective date of the Admission Act, the House of delegates may call for a constitutional convention to assess the transition from a federal district to a member of the Union. If the House of Delegates elects to call a Constitutional Convention, the House of Delegates shall, by Act, establish the subjects and procedures therefor. Any amendments resulting from such a Constitutional Convention must be ratified by a majority of the qualified voters who vote in a ratification referendum.

This language is problematic on several fronts. First, it only allows for a Constitutional convention five years after the Admission Act becomes law. This timeline should be shortened to much less than five years, and it may be a good idea to allow for it to begin next year, soon after DC voters have cast their ballots in favor of the referendum. Second, and most importantly, the Constitutional convention should be made mandatory, and not be held up by the whims of the new DC House of Delegates. Additionally, this Constitutional Convention should be a multi-year process that includes the direct election of delegates throughout the District by DC voters. This would demonstrate the Council’s commitment to a Constitution of the highest quality and legitimacy by requiring a Constitutional Convention composed of elected delegates to improve upon the 2016 Constitution. Indeed, such constitutional conventions composed of elected delegates have drafted state constitutions for 35 out of America’s 50 states, and the State of New Columbia should be the 36th to do so.

Thank you again for this opportunity to testify.

**Zachary Israel
2915 Connecticut Avenue NW
Washington, DC 20008**

First I wanted to thank the council for giving the community a fair chance to come before you, after work hours to provide testimony on this important legislature for our city. I encourage this outreach practice for all of your important legislative proceedings.

I am here testifying on my half a resident, a DC Latina, but most importantly a member of the DC Immigrant community. I am also here as an environmental policy professional and can attest to the many benefits that state-based structured administrative and assessment processes can yield towards the protection of our urban environment and natural resources.

Despite fragmenting attempts by several of our misleaders in an effort to perpetuate personal interests, I want to clarify that most if not all of us Statehood advocates are voting for YES on statehood. We immigrants and children of immigrants marched the streets, joined rallies, shared hashtags and advocate for statehood every chance we get. Today I join the group that is asking for Yes + democracy!

I arrived in the DC region, at age 10, merely 4 years after DC residents took similar actions to draft the 1982 constitution. There is history to this democratic process, and to the only place I know to call home. We must protect and embody democracy.

Fast forward decades, that little brown immigrant girl is now an activist and an active environmental justice advocate fighting for participatory governance in her community. I am living proof of the holistic benefits of inclusivity, immigration and diversity for our city. I humbly ask the council to please adhere amendments to Bill B21-826 with the following special request and reasons:

Requirement of convening an "ELECTED" delegated constitutional Convention within a reasonable time. Thus we DC residents and immigrants can participate and offer input in developing the New Columbia Constitution. One that will guide our community and the future generations of hard working immigrants that have long been a part of diversifying DC and our nation.

Diversity in a population, requires Language Access capacity for immigrant communities. No only those whose native language is not English but for those who have less education, or working language proficiency. Statehood participation and outreach to DC immigrant communities has been minimal, and so has regional outreach. My Latina mother living in Silver Spring for example had several questions about the regional impacts and implementation, after watching a short TV news clip on statehood.

I live you with these two last thoughts:

Only by allowing more time with expanded opportunities for outreach during and elected constitutional convention, will we advocates be able to educate eachother and our peers.

Only through increasing our opportunity to be well represented, by increasing the number of constitution voters and eventual legislators, will residents have Justice and Equality as our constitutional foundation. Not one that was written and voted on by a 5 member commission.

I'm sure the almost 55K foreign born residents in the district will agree with me.

Muchas gracias, merci beaucoup, muito obrigada!



District of Columbia
Latino Caucus

Washington D.C.
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**DC Latino Caucus Resolution in Support of
Bill 21-826, Constitution of the State of New Columbia Approval
Amendment Act of 2016**

**Presented by V. Hector Rodriguez, Chair
DC Latino Caucus DC Statehood Committee**

**Before the Council of the District of Columbia
Committee of the Whole**

October 6, 2016

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In support of DC Statehood: New Columbia-Born to be Free

Freedom, Justice and Equality are fundamental and sacrosanct values on which our Democracy stands. They should never be taken lightly for these are the rights which morally bind and commit our nation and for which so many of our people have died for. But 650,000 residents of the District of Columbia are not free, we have no justice, we are not treated with equality. For in the very "capital of freedom" our citizens are denied the right to representation in our very sacrosanct body of Democracy: the Congress of the United States! For decades this injustice has endured right before our very own eyes, the eyes of our nation and the eyes of the world. **No Mas! America: Tear down this wall!**

Freedom Can No longer wait!

Our Constitution does fundamentally protect the rights of all citizens to have a voice and to be represented in the Congress of the United States! As citizens we residents of our capital **refuse to forfeit** our rights to the whims and designs of any man, organization or political ideology. **No Mas! We can no longer wait!**

Know that 62,000 Latino residents of the District of Columbia are part of this injustice. And henceforth we unite with our fellow Americans in The District of Columbia and throughout America on this "United call to Freedom"-to all the just and good people from our nation to come to the aid of our heroic but wounded city and to help its people restore the freedoms other Americans enjoy. Latinos know full well the pain of discrimination and exclusion. It will be the goal of the DC Latino Caucus to fight alongside you for DC Statehood, to enlist the support of our local and 50 million strong national Latino community to help secure the freedom for our fellow Americans in the US capital by supporting the Columbia Admission Act now in the US Congress to admit New Columbia as the 51st state of our union.

We have begun organizing locally and nationally and welcome all who support our goals to join us in this transformational cause to secure our political freedom. We are also enlisting the support of the 34 Latino members of Congress some of which have already cosponsored our New Columbia Admission Act.

Defending Freedom Safeguards America

"We are America's first patriots; who guard Freedoms Capital, her loyal Trustees. We are the American Eagles of Washington DC!" It is neither missiles nor guns that secures us -it is the defense of our individual rights and freedoms that truly safeguards America! Every American who enjoys full representation has the duty to help others secure theirs. *We shall not hesitate nor weaken-we shall not relent nor retreat until we have full and equal citizenship as other Americans and this can only be accomplished by Statehood.*

Today we present a Pro-Statehood Resolution which was passed unanimously by the Board of Directors of the DC Latino Caucus on September 30, 2016:

WHEREAS, The District of Columbia is currently adopting a new state constitution and will hold a referendum on Statehood in the November general election.

WHEREAS, The District of Columbia is the symbol of freedom to the world and our national capital, rich in history and character, the living symbol of our hopes and dreams and represents the heritage of all Americans.

WHEREAS, the Citizens of DC pay more taxes per capita than 49 states; earn more per capita than 48 states; have more people than 46 states had when admitted; been a separate and distinct entity longer than 34 states when admitted; have a greater percentage of non-federal land than 12 states, have a non-voting Shadow Senator who received more votes than 8 serving US senators from other states; perform State Functions already; but are denied control of local laws-unlike every state; and re denied Statehood.

WHEREAS, it has been more than 50 years since the passage of the Civil Rights Act and more than 40 years since the District of Columbia was granted Home Rule, and the residents of the District of Columbia have yet to have the same equal rights as the residents of the 50 states.

WHEREAS, The District of Columbia Delegate Norton (D-DC) introduced the New Columbia Admission Act providing for Statehood with currently 133 co-sponsors. The companion Senate bill was introduced by Senator Tom Carper (D-Del.) and currently has 20 co-sponsors.

WHEREAS, although The District of Columbia timely passed a balanced budget for each of the last 21 years, the District of Columbia has faced the possibility of being shut-down each year because of Congressional deliberations over the federal budget and the imposition of riders opposed by the District of Columbia.

WHEREAS, President Barack Obama, Secretary Hillary Clinton, and Senator Bernie Sanders have all given statements in support of Statehood for the nation's capital, and have previously spoken in favor of giving the District voting representation in Congress and full control over its budget and laws.

WHEREAS, the Democratic National Committee passed the "Resolution in Support of the District of Columbia Fair and Equal Voting Rights Act", the "Resolution in Support of the District of Columbia House Voting Rights", and the "Resolution to Urge Congress to Provide the Residents of the District of Columbia with Full Democracy".

WHEREAS, the DC Democratic State Committee passed the "Resolution in Support of Advisory Referendum to Provide the Residents of the District of Columbia With Statehood and Full Democracy", and other political and social organizations have also passed resolutions and statements in support of statehood;

WHEREAS, the DC Latino Caucus stands for the freedoms, rights and equality for over 62,000 Latinos and all Americans who live in DC;

WHEREAS, Congress may make changes or require amendments to the proposed boundaries and constitution during admission, as prerequisites to statehood before or after enactment of an Admission Act; and

WHEREAS, if admission is granted in the near term. We request to amend bill B21-826 to require a constitutional convention with elected delegates within a reasonable time-frame that will follow a process to be established in separate legislation, to allow for public education, outreach and equitable representation of the immigrant and/or Limited English Proficient community in the district.

NOW THEREFORE, we, the DC Latino Caucus, urge all residents to vote for the Statehood referendum of November 2016 that will guarantee to the residents of the District of Columbia full Congressional voting representation, budget autonomy, and all of the rights that the residents of the 50 States of Union enjoy.

DC deserves a Revolution, not a dEvolution in self-governance. POWER TO THE PEOPLE, NOT THE STATUS QUO!

Give Voting Rights to the ANCs as part of a BICAMERAL Government!

ONLY Nebraska has a single body (unicameral) legislature. Three states were initially established with unicameral legislatures: Georgia, Pennsylvania, and Vermont. All three switched to a bicameral system by 1830. There were no unicameral legislatures in the United States until Nebraska switched from a bicameral system in 1934 (History of the Nebraska Unicameral). Other states have considered adopting this model in the succeeding decades, yet Nebraska remains the sole single body legislature in the nation. (See Ref. 1)

BiCameral government is the norm in most of the 50 states. A House and Senate (sometimes other names are used at the state level) pass laws and a Governor signs the laws. This proposed new state still acts like a City Council and we have no Checks on the new state Government. Let's act like a State by turning the elected **40** ANC chairs into our 2nd voting body called: "**Assembly Neighborhood Congress Chairs**" (**ANCC**). I know this doesn't yet give every ANC commissioner a vote, but I would support the "ANCC" to include all ANC commissioners sometime in the future.

Right now we have an Oligarchy of 13 that needs only a Septarchy (Heptarchy) of 7 to rule. It is much easier to corrupt only 7 state legislators than **53** state legislators (13+40). We need to expand our State government and be **Bicameral** so that power is decentralized and distributed back to the neighborhoods.

DC has more people than Wyoming and Vermont and is close to the population of North Dakota & Alaska with larger legislatures. (See Ref. 2)

References:

- 1) **Unicameral Legislatures** (<http://www.leg.state.mn.us/lrl/issues/issues?issue=uni>)
- 2) https://ballotpedia.org/Population_represented_by_state_legislators

States	Number of seats		Total Legislators	308,143,815		
	Senators	Representatives		6,162,876	154,499	59,227
				Population of state	Population per senator	Population per representative
			2010	2010	2010	
Alabama (S, H)	35	105	140	4,779,736	136,564	45,521
Alaska (S, H)	20	40	60	710,231	35,512	17,756
Arizona (S, H)	30	60	90	6,392,017	213,067	106,534
Arkansas (S, H)	35	100	135	2,915,918	83,312	29,159
California (S,A)	40	80	120	37,253,956	931,349	465,674
Colorado (S, H)	35	65	100	5,029,196	143,691	77,372
Connecticut (S,H)	36	151	187	3,574,097	99,280	23,670
Delaware (S,H)	21	41	62	897,934	42,759	21,901
Florida (S, H)	40	120	160	18,801,310	470,033	156,678
Georgia (S, H)	56	180	236	9,687,653	172,994	53,820
Hawaii (S, H)	25	51	76	1,360,301	54,412	26,673
Idaho (S, H)	35	70	105	1,567,582	44,788	22,394
Illinois (S, H)	59	118	177	12,830,632	217,468	108,734
Indiana (S, H)	50	100	150	6,483,802	129,676	64,838
Iowa (S, H)	50	100	150	3,046,355	60,927	30,464
Kansas (S, H)	40	125	165	2,853,118	71,328	22,825
Kentucky (S, H)	38	100	138	4,339,367	114,194	43,394
Louisiana (S,H)	39	105	144	4,533,372	116,240	43,175
Maine (S, H)	35	153	188	1,328,361	37,953	8,682
Maryland (S,H)	47	141	188	5,773,552	122,842	40,947
Massachusetts(S, H)	40	160	200	6,547,629	163,691	40,923
Michigan (S, H)	38	110	148	9,883,640	260,096	89,851
Minnesota (S,H)	67	134	201	5,303,925	79,163	39,582
Mississippi (S,H)	52	122	174	2,967,297	57,063	24,322
Missouri (S, H)	34	163	197	5,988,927	176,145	36,742
Montana (S, H)	50	100	150	989,415	19,788	9,894
Nebraska* (S)	49	0	49	1,826,341	37,272	37,272
Nevada (S, H)	21	42	63	2,700,551	128,598	64,299
New Hampshire (S,H)	24	400	424	1,316,470	54,853	3,291
New Jersey (S,A)	40	80	120	8,791,894	219,797	109,899
New Mexico(S, H)	42	70	112	2,059,179	49,028	29,417
New York (S, A)	62	150	212	19,378,102	312,550	129,187
North Carolina(S, H)	50	120	170	9,535,483	190,710	79,462
North Dakota(S, H)	47	94	141	672,591	14,310	7,155
Ohio (S, H)	33	99	132	11,536,504	349,591	116,530
Oklahoma (S,H)	48	101	149	3,751,351	78,153	37,142
Oregon (S, H)	30	60	90	3,831,074	127,702	63,851
Pennsylvania(S, H)	50	203	253	12,702,379	254,048	62,573
Rhode Island(S, H)	38	75	113	1,052,567	27,699	14,034
South Carolina(S, H)	46	124	170	4,625,364	100,551	37,301
South Dakota(S, H)	35	70	105	814,180	23,262	11,631
Tennessee (S,H)	33	99	132	6,346,105	192,306	64,102
Texas (S, H)	31	150	181	25,145,561	811,147	167,637
Utah (S, H)	29	75	104	2,763,885	95,306	36,852
Vermont (S, H)	30	150	180	625,741	20,858	4,172
Virginia (S, H)	40	100	140	8,001,024	200,026	80,010
Washington (S,H)	49	98	147	6,724,540	137,236	68,618
West Virginia(S, H)	34	100	134	1,852,994	54,500	18,530
Wisconsin (S,A)	33	99	132	5,686,986	172,333	57,444
Wyoming (S,H)	30	60	90	563,626	18,788	9,394

Source: 2010 Census, Resident Population of the 50 States;

* Nebraska has the ONLY unicameral legislature and they have 49 legislators.

DC's Population is Larger than Vermont and Wyoming (and very close to that of North Dakota and Alaska)

	Council	ANC Chairs	*Minimum Needed	DC Population	Pop/Council	Pop/ANC Chair
Washington, DC	13	40	53	672,228	51,710	16,806
Smallest	20	40	49	563,626	14,310	3,291
Largest	67	400	424	37,253,956	931,349	465,674

**Testimony of Absalom Jordan
Before The
Council of the District of Columbia
Committee Of The Whole**

**Constitutional for the State of
New Columbia Approval Act of 2016**

October 6, 2016

Mr. Chairman, I am Absalom Jordan, a 75 year old Native Washingtonian, President of the Southern Hills Tenant Association, Delegate to the DC Statehood Constitutional Convention in 1982, Advisory Neighborhood Commissioner for SMD 8D03, and a member of other organizations. As a former employee of the Council and one who has testified before this and other Committees in the past, I am under no illusion that what I will say will make a difference in the path that has been predestined for Bill 21-826. So my appearance here tonight is not to sway the Council but to educate those in this chamber and those watching television about the real issues around this deceitful statehood drive.

I represent people who are often forgotten and dismissed. We are people who don't trust the system because you don't promote or protect our interest because of the influence of the elites and the moneyed interest. The people I represent are poor and Black and are denied the opportunities those with White privilege and money enjoy. For example, funds that are suppose to provide equity for at-risk students in Ward 8 have gone, to those who already have an advantage over us, to predominately white schools. The people I represent don't have access to DC Government jobs like they should and are in constant fear of being driven from our homes, even driven out of the City that we know and love. Isn't interesting that a Constitution created through a democratic process, in the era of "Chocolate City," now must give way to a constitutional process that is anything but democratic. How can anyone justify the inclusion in the drafting of the constitution of people who are not citizens of the United States, people who may live in the District but maintain their residence in another state, children who have not reached the age of majority. The process itself is antithetical to everything that democracy and self-determination stand for.

Councilmember Chey, at the September 27 hearing, spoke about an experience she had when dealing with lobbyist for predatory lenders. She railed about them using their economic power to influence legislation and said that lobbyist were not looking for democracy when they are attempting to promote the interest of their clients. And something she said kind of resonated with me. Councilmember Chey cautioned about "...empowering them," referring to lobbyist, "not the people."

Sam Smith, the newspaper publicist and strong advocate for statehood, wrote in the *DC Gazette in June 1970*, "About a year ago, the peripatetic Rev. Doug Moore had a good idea. He proposed that the District become the 51st state of the Union." Doug Moore in 1969 was a Civil Rights icon and militant activist in the District who fought against racism, oppression and exploitation of Blacks in the City. He, and others advocates sought to free "Chocolate City" from the shackles of the Congress, the Federal City Council and the Board of Trade. Rev Moore, as a missionary in Africa, experienced the pretentiousness of colonialism and saw similarities in the District with what he had seen in Africa. He saw that the opposite to colonialism is self-determination and so begin his push for statehood. Rev. Moore felt that statehood for the District was merely a means of achieving self-determination.

Now the Constitution that was produced by the Constitutional Convention and ratified by the voters in 1982, embodied all that self-determination stands for. That Constitution, which is the only legal Constitution for the District and the one that Bill 21-826 is seeking to replace, is unlike the one that was crafted by the Legal Advisory Committee, an unelected and unrepresentative special interest group. The proposal before the Council, to quote Councilmember Chey is " ...empowering them not the people" meaning the Congress and those with economic power like the Federal City Council are the captain of this ship.

Why did Chairman Mendelson propose the creation of the DC Statehood Commission rather than calling for another Constitutional Convention? It is because the interest that the Statehood Commission is advancing and protecting know that their constitution could never survive a democratic process. In fact the proof, contrary to Councilmember Chey's observation about size of legislative bodies, is that special interest, like predatory lenders, will be kept at bay if there is a new Constitutional Convention.

As a lawyer, Councilmember Chey knows the power of lawyers in the City. In fact, the so called 1987 Constitution was submitted to the Council by Council Chair David Clarke at the behest of lawyers. Lawyers in the City were opposed to retention election of judges that was contained in the 1982 Constitution. Dave Clarke fought against the inclusion of retention elections in the 1982 Constitution at the Constitutional Convention and he lost the fight. So when he became Chair, David Clarke carried out the agenda of the most powerful special interest group in the City, lawyers.

Our efforts for self-determination have been impeded by those who want to maintain the status-quo and this is reflected in the draft constitution. Developers are running amok in the City, and City land and funds are fueling this development. We hear that development brings in the financial resources that are needed to fund programs that District residents so sorely need. But with the increase in revenue for the City we have witnessed no change in the poverty level. We still are one of the top states for children living in poverty. And homelessness has not decreased. The Council hasn't made a dent in the problems of social and economic injustice that confront this City. Washington DC, has a 13 billion dollar annual budget, a budget which is larger than some states and even some nations in the world. We use funds to promote development but little if any funds to eradicate homelessness or poverty.

I want to raise several question about the whole process. For me the process in more important than the addressing individual provisions in the draft. Now, there have been those who have given close scrutiny to the document itself and offered suggested changes, but what they fail to come to grips with is, or maybe they do realize, that the process is illegal and undemocratic.

It should be noted that the DC Code Title 1 -204.12 (b), which provides the Council with authority to propose an advisory referendum requires that the issue be placed before the electorate in a "...special election." November 8, 2016 is a general election so it would appear that the Council in directing that the referendum be placed on a general election ballot is violating the law. I would also note that the Board of Election violated its own

rules when the Board, which was required to take action on the Council Resolution --- within 20 days of receipt of the resolution, acted on the resolution beyond that 20 day mandate. This shows the fraudulent nature of this process. The Council wants to have the issue on the November ballot because of the expected turnout and because you expect people to be caught up in the emotion of the election for president and swayed by the advertisement campaign of the Statehood Commission. Had you complied with the law, DC Code and sought a special election for amending the Constitution, there would be closer scrutiny and analysis of what is being proposed and that this Council does not want.

Next, it is interesting that a Constitution created and approved when the City was predominately Black needs replacement when the City becomes increasingly white. The Statehood Commission boast of its desire to have people who have recently moved into the City participate in the process. Maybe this explains why the movement for statehood has been stalled over the years. Could it be that the proponents of the Constitutional amendment were waiting until the City became less Black in order to propose eviscerating the 1982 Constitution? However, an objective of the Statehood Commission was to open the process up to all residents. People were encouraged to attend meetings or submit their comments or recommendations via the internet. This process of inclusion was a cleverly disguised fraud. If you will examine the sign in sheets I have provided, you will note that participants did not have to provide their address or prove that they were a citizen of the United States. There was no screening process to determine that a participant, while a resident of the City, did not maintain permanent residency in another state, or that they were even a resident of the District. The draft constitution tramples on the rights of those who live in this City and fought to be considered citizens. Could I expect that the Constitution of Virginia or Maryland would be amended merely because I moved into that state? You know the answer, so why didn't the Statehood Commission limit participation in the process to registered electors in the District?

In addition to the above The Bill before the Council retains at-large representation which is violative of all that one man one vote represents. We know why Republicans included that provision in the Home Rule Charter, but why would this Council want to retain this anti-democratic provision? It is obvious the Council wants to continue to give a disproportionate share of power to residents who are not in the majority cohort.

The Statehood Commission in its documents says that Statehood 'is good for business and this may also give us additional insight into the motivation for amending the Constitution at this time. How many law firms in the District have a majority of their lawyers or staff District residents? What percentage of the workforce in the District are District residents? What evidence did the Statehood Commission rely upon in making the determination that "business is good for the District?" See this is why we need a convention to debate issues such as this. When I was a kid I remember General Motors saying "What's good for GM is good for America," and this statement about statehood being good for business is reminiscent of that era. What's right for business? It was GM that prompted O Roy Chalk and the City to abandon electric streetcars for diesel powered buses. If we hadn't followed GM's advice, our streetcar system would still be in

place and we would not be confronted with the problems associated with pollution. Oh, and we should not forget that the nation spent billions of dollars to bail out GM. The bottom line for any business is earning money and to hell with the social and economic consequences and there is clearly a disconnect when one proffers that statehood is good for business because business is good for the City.

Lastly, this nation holds itself out as a paragon of Democracy. And this City Council while denouncing Congressional control of the City as being colonialist and anti democratic, knows that the essence of colonialism is the denial of self-determination coupled with the absence of democracy. Here the Council, through the Statehood Commission, is imposing on the City the same lack of control over our destiny as are our oppressors. Is this any different than the absence of self-determination in Beijing or Moscow? Isn't this approach more akin to what we see in a communist state? This City Council functions as an oligarchy beholdng, not to those who elect them, but to the special interest who provide the funding to elect them.

In appealing to the Congress to liberate the District we should be cognoscente of the fact that we cannot achieve self-determination and liberation on the cheap. Sometimes when driving home across the 11th Street Bridge I can see the home of Frederick in the distance. I am inspired by the life and example that Frederick Douglass gives to my life and should also give to all residents of the City who are descendants of enslaved Africans. In much the same way that many Christians dismiss the message of the Sermon on the Mount, many in Washington would dismiss the admonitions of Frederick Douglass. Douglass reminds us, "Find out just what any people will quietly submit to and you have the exact measure of the injustice and wrong which will be imposed on them." Under the leadership of the elected representatives on this City we have quietly submitted to the Congress and Federal City Council. The call for statehood from this Council has been a whisper not a shout not a hewing cry for our liberation. And as Douglas so eloquently **notes** "Power concedes nothing without a demand. It never did and it never will." So the Congress cannot be expected to relinquish its power over the City without a strong demand for self-determination. Finally Douglas says " Society is so constituted that it cannot honor a helpless man. Though it may pity him and even this it cannot do for long if signs of power do not arise." Contrary to those who are promoting the Statehood Commission approach to self-determination, power comes from the people not this Council and surely not from a select elite group chosen by oligarchs.

We are asking that in order for the electorate to vote yes on the Advisory Referendum on November 8, 2016, the DC Council does the following:

1. That the Council agree to offer and support an amendment to Bill 21-0826 which will require the election of, and funding for, a Constitutional Convention, as provided in DC Law 3-171, within 30 days of the approval of the advisory referendum on statehood, and
2. The DC Council make a final text of the Bill 21-0826 with this revision widely available to the electorate of the District no less than one (1) week before absentee ballot/early voting commences.

Appendix A

Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least 13 days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed 90 days. Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.

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

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

(Dec. 24, 1973, 87 Stat. 788, Pub. L. 93-198, title IV, § 412; Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Oct. 12, 1984, 98 Stat. 1974, Pub. L. 98-473, § 131(c); July 25, 2013, D.C. Law 19-321, § 2(c), 60 DCR 1724.)

Cross References

Administrative procedure, municipal regulations, see § 2-552.

Codification and publication of acts and resolutions, see § 2-601 et seq.

Office of energy, emergency energy shortage contingency plan, see § 2-904.

Section References

This section is referenced in § 1-206.02, § 2-552, § 2-602, § 8-171.04, and § 47-802.

Prior Codifications

1981 Ed., § 1-229.

1973 Ed., § 1-146.

Effect of Amendments

D.C. Law 19-321 deleted "(other than an act to which § 1-204.46 applies)" following "Each proposed act" in the third sentence of (a).

Emergency Legislation

For temporary amendment of section, see § 2(c) of the Local Budget Autonomy Emergency Amendment Act of 2012 (D.C. Act 19-566, January 7, 2013, 59 DCR 15061, applicable as of January 1, 2014, and effective as provided in § 1-203.03.

Resolutions

Resolution 14-494, the "Establishment of an Office of the District Attorney Advisory Referendum Approval Resolution of 2002", was approved effective July 19, 2002.

Effective Dates

Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor's Notes

Temporary legislation: Pursuant to (a), the Council often adopts temporary legislation in conjunction with emergency legislation which takes effect after a period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto), as provided in § 1-206.02(c). Such legislation carries an expiration provision limiting its application, usually, to 225 days. Amendatory temporary legislation is

Code of the District of Columbia

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- ↪ [Part A. The Council.](#)
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- ↪ **§ 1–204.12. Acts, resolutions, and requirements for quorum.**

Previous

[§ 1–204.11. The Chairman.](#)

Next

[§ 1–204.13. Investigations by the Council.](#)

Publication Information

Current through January 09, 2016

Last codified D.C. Law:

Law 21-46 effective January 09, 2016

Last codified Emergency Law:

Act 21-240 effective December 21, 2015

Last codified Federal Law:

Public Law 114-95 approved December 10, 2015

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We cannot respond to questions regarding the law.

§ 1–204.12. Acts, resolutions, and requirements for quorum.

(a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this chapter or by the Council.

Appendix B

**1903 CERTIFICATION OF ADVISORY REFERENDUM FOR THE
BALLOT**

- 1903.1 If the Council specifies a short title and summary statement in the Resolution calling for an Advisory Referendum vote, the Board shall conduct a public meeting within twenty (20) days of receipt of the Resolution to certify this language for the ballot.
- 1903.2 If the Resolution passed by the Council specifies an election date, the Board shall also at this meeting certify that the Advisory Referendum shall be presented to voters on such date.
- 1903.3 If the Resolution passed by the Council does not specify an election date, the Board shall at this meeting announce that a vote on the Advisory Referendum shall be scheduled in accordance with § 1907 of this chapter.
- 1903.4 The Board shall make the Resolution passed by the Council calling for an advisory referendum vote available to the public, in its entirety, at no charge.

SOURCE: Final Rulemaking published at 40 DCR 7083 (October 8, 1993).

Appendix C



MADEAU
Page 5

Rod

Woodson

Constitutional Convention Testimony Sign-Up 06/18

Number	First Name	Last Name	Email	Phone #	Ward
1	CHARLES	GAITHER			
2	ROBERT	WHITE			
3	BILL	LIGHTFOOT			
4	LORIE	MASTERS			
5	JACK	NYLEN			
6	DAN	LEWIS			
7	IS	BELL			
8	SHARON/A	MORGAN			
9	JIA	SMART			
10	Phil	Thomas			
11	CEAN	HARRIS			
12	JIM	SLATTERY			
13					
14					
15	LAUD	DONALDSON			



06/13/14

80

First Name	Last Name	Email	Phone #	Ward
Edie	Donald	donald@gmail.com	702-253-0020	8
Dajoa	Asamoah	dajoa.asamoah@k.d.gov		2
Niranjani	Adiker	nir.adiker@hotmail.com		2
Ange	Stackhouse	stackhouse.andrea@gmail.com		7
CIAA	Fryer	confryer@carthage.edu		2
Alexander	Zijve	ajz26@gongetun.edu		2
Chris	Cotelesse	ccotelesse@baseballboy.com		5
Lama	DDOT	kanakr@hna.ny.gov		4
William	Debra Rega	aseese@amf.com.com		5
Olimpia Lopez		Olimpia.Lopez49@gmail.com		4
Royal	WELGUT	VENRORRECORDS@gmail.com		5
Deborah Carroll		deborahcarroll@fowverlaw.com		4
Robb.W	Rowe	50/ah@e-hotmail.com		8
Aimee	VanZandt-Waters	Vanmz@901.com	202-678-3843	4
JASON	TURNER	jeturner12@gmail.com	202 253 0020	4

(4)



Page 1

June 17

Constitutional Convention Testimony Sign-Up 06/17

Number	First Name	Last Name	Email	Phone #	Ward
1	X Harold Hunter	Hunter	haroldahunterjr@gmail.com		4
2	✓ Mark	Plotkin	MarkPlotkin@aol.com		
3	X ^{POW} Janet	Parker	medicalwhistleblower@gmail.com	785-550-4945	3
4	* ✓ Colby	Sullias	sullyadbellum@gmail.com	406-868-2249	3
5	* ✓ Eric	Podberesky	eric.podberesky@gmail.com	973-430-4454	4
6	✓ David	Schwartzman	dschwartzman@gmail.com	202-829-2053	4
7	* ✓ Catherine	Beal			4
8	✓ Shelley	Tomkiv	ShelLTomkiv@aol.com	202-363-8387	3
9	X Dianne	Richmond	akeni2@aol.com	202-723-7405	4
10	✓ Royal Height	HEIGHT	YENRARECORDS@gmail.com	240.606.8742	
11	* X Matthew	Levy			6A04
12	✓ Josh	Burch			5
13	Shirley	Hartman			
14	* ✓ Michael Lee	Matthew			8
15	* ✓ Lakwela	Dalman	Age 6		7

* denoted as new - never testified



LEAGUE OF WOMEN VOTERS®
OF THE DISTRICT OF COLUMBIA

Testimony on B21-0826—Proposed DC Constitution

October 6, 2016

Good evening. My name is Linda Beebe, and I am the current president of the League of Women Voters, District of Columbia. On behalf of the League, I want to thank the Council for this opportunity to testify on B21-0826 “Constitution for the State of New Columbia Approval Amendment Act of 2016.”

The League has supported self-government for the people of the District of Columbia from the time we were formed in 1920, and we have advocated for statehood as a means of obtaining full rights since 1993. The League of Women Voters of the US holds the same position. In June this year our national Convention passed a resolution “strongly supporting statehood for the people of the District of Columbia.”

It is unconscionable, we believe, that residents of the nation’s capital do not have the same rights as the people in the other 50 states do. And members in 850 Leagues across the country agree. We are now working on an education campaign “Statehood Toolkit: Repairing the Hole in Our Democracy” under a grant from the District of Columbia. We will provide educational materials on statehood to members throughout the U.S., materials that they can use to advocate on behalf of DC residents.

We are, however, concerned about the process that has been used to develop a constitution in haste so that it could be in place before November 8. We do not agree with the New Columbia Statehood Commission statement that technological innovations make it possible for other means to substitute for the deliberations of a body elected for the purpose of agreeing upon a constitution to be submitted for full voter approval. The League believes that any constitutional convention for DC must comprise DC citizens duly elected for that purpose.

We are already on record saying “We cannot support any constitution that does not include a transparent amendment process, such as allowing amendments to be proposed by initiative and/or constitutional convention.” We urge changes in Article VII, § 3 to include an initiative process to propose any specific amendments or to call for a constitutional convention. We believe any amendments, whether they are proposed by the House of Delegates, an initiative, or a constitutional convention, must be approved by the voters. Bringing full rights to our citizens must include a process that enables them to participate in determining the principles by which they will be governed.

The current New Columbia Admission Acts now before Congress provide for a referendum to approve the constitution and boundaries, which Congress may or may not have changed in their deliberations to create our new state, before the President signs the bill. We trust that the Statehood Commission will advocate that the bills that will be introduced in the new Congress in January must include the referendum provision.

To reiterate, we want to see 1) clearly defined plans for an elected constitutional convention to consider any revised constitution; 2) changes in the current Constitution reflecting the amendment process; 3) advocacy for a referendum of DC voters following Congressional action to create our new state.

Thank you for your consideration.

HOW MANY MEMBERS SHOULD OUR LEGISLATURE HAVE?

An Overview of Proposals for the District of Columbia Government and the State of New Columbia

Testimony Before the Council of the District of Columbia October 6, 2016

My name is Nelson Rimensnyder. I am a member of the Republican Committee of the District of Columbia and a forty-five (45) year voting D. C. resident.

For fifty-five (55) years I have been involved with the movement for D. C. self-government and representation in Congress. In 1960, as a high school senior in Pennsylvania, I met with my state senator and representative to ask that they vote for the ratification of the constitutional amendment treating D. C. as a state for purposes of voting in the Electoral College for President.

After graduate school and active military service, I spent over 20 years as a congressional staff member involved with the drafting, enactment, and implementation of the D. C. Home Rule Act. In recent years, I have run as a Republican for the offices of U. S. Senator and Representative, and in 2014, for U. S. House Delegate, on a platform calling for reforming the D.C. Home Rule Charter to provide for runoffs in elections, to have a Governor instead of a Mayor and a Legislature instead of a Council; and to strengthen the requirement for minority party representation.

Recently there has been considerable discussion about the optimal size of the legislative body set forth in various proposed statehood constitutions. I would like to inform the Council and the public about some relevant history.

In 1801, Congress authorized a select committee to study and recommend a form of government for the District of Columbia. That committee recommended that Congress authorize a governor-legislative assembly form of government. A draft proposal called for a bicameral legislature. Initially, a Senate of eight (8) members would be elected at large, while an Assembly of twenty (20) members would represent individual districts. When increased

population might warrant expanded representation, a Senate of sixteen (16) members and an Assembly of forty (40) members was recommended.

This initial proposal was the basis for consideration for the next fifty (50) years. However, Congress instead chartered municipal governments here and ignored the recommendations of virtually every President that a unified governor-assembly form of government should be enacted for the District of Columbia.

From its establishment in 1855, the Republican Party of the District of Columbia emerged as the leading advocate of a D. C. home rule government organized around a governor and a legislative assembly. Soon after the Civil War, D. C. Republican leaders began to petition Congress for a unified local government with a governor supported by an elected legislature. In 1871, Congress did establish a government with an elected House of Delegates composed of twenty-two (22) members serving with an appointed governor and upper chamber of eleven (11) members called the Council.

Republican leaders sought a unified government to carry out an ambitious public works program under the leadership of D. C. Republican leader and Governor, Alexander Shepherd. Unfortunately, Congress withheld anticipated appropriations and limited the taxing authority of this government, and insolvency resulted. The governor-council model government was revoked, and a government composed of three Federally appointed Commissioners was instituted in 1875.

Despite this setback, the D. C. Republican Party continued to advocate for a government organized around a governor and an elected legislative assembly. Responding to this agitation, President Theodore Roosevelt appointed a commission of national experts in governance to study the matter and report recommendations. In 1909, Roosevelt sent that report to Congress, recommending that the District be provided a governor-legislative assembly form of government. Republican presidents continued to advocate for a governor-headed government, with President Dwight D. Eisenhower (1953-1960) using the bully-pulpit to urge Congress to adopt such a government.

During the Eisenhower Administration, the D. C. Republican Party was able to put a proposition to a vote asking whether the local electorate favored a governor-legislative assembly home rule form of government. The proposition passed overwhelmingly, with over 80 per cent voting in favor. Louis Brownlow, a Democrat and former D. C. Commissioner (1915-1920), today remembered as "The Father of Public Administration," testified in support of the Republican

supported legislation. He had been an advocate since 1920. His portrait was on view for many years in the District (Wilson) Building.

A governor-legislative assembly home rule government came close to enactment during the Eisenhower Administration. The bill stalled in the U. S. House District Committee, long the graveyard of such bills, but was passed in the Senate with overwhelming Republican support. Republican home rule bills in the House were introduced regularly calling for a governor and a legislative assembly of 25 members. These bills drew significant Republican co-sponsors, but no Democrats. Democrats continued to introduce mayor-council municipal-style bills supported by Democratic presidents.

During this period, D. C. Republicans leaders continued to testify before the U. S. House and Senate District Committees in favor of a governor-legislative assembly home rule government. At the time, the Chairman of the D. C. Republican Party summarized the longstanding position of local Republicans: "We need a governor, not a mayor, to deal with the governors of Maryland and Virginia. The unique status of the District involves state functions."

When home rule legislation was under consideration by the U. S. House District Committee in 1973, Chairman Charles Diggs requested that I conduct a quiet survey of members of the local political and civic establishment to determine if they favored a mayor-council or governor-legislative form of government. (At the time, as a specialist in American National Government at the Congressional Research Service, I was providing the Committee with research and analysis.) Chairman Diggs asked around as well. Local Democrats continued to prefer a mayor-council form of government. However, a prominent exception was future Council Member and Mayor, Marion S. Barry. Local Republicans continued to lean toward a governor-headed government.

Meanwhile, the Senate had passed a mayor-council bill. At that time, the District was governed by a nine-member appointed Council. The Senate bill provided for an eleven (11) member elected Council. The House subsequently passed a bill providing for a thirteen (13) member elected council. Numerous Republican members of the District Committee thought a larger legislative chamber was preferable in view of the state-level legislative powers Congress was delegating. At the time, Chairman Diggs expressed to me his disappointment that neither the House nor the Senate gave serious consideration to enacting legislation providing for a larger legislature. (Chairman Diggs' portrait was formerly displayed in the District Building, but is now in storage.)

The time has come to consider the establishment of a Citizens Charter Revision Commission to hold hearings, conduct research and recommend changes to our Home Rule Charter. In recent weeks, we have heard citizens call for a statehood constitution providing for a legislature of at least twenty-five (25), or as many as forty (40) members as provided in the 1982 constitution drafted and ratified by D. C. voters. In 1987 The Council drafted and approved a revised version of the 1982 Constitution calling for a 25-member legislative assembly; however, this version was never submitted to the voters for ratification.

Let us end government by seven legislators and bring forth a government more representative of the 670,000 residents of the District of Columbia. What we have today is an oligarchy -- a government by the few. The citizens of the District deserve better.

APPENDIX

**SINGLE MEMBER DISTRICT (OR WARD) REPRESENTATION IN DISTRICT OF COLUMBIA
LEGISLATIVE BODIES:**

Extracted From District of Columbia Home Rule or Statehood Constitution Proposals since
1800*

By Nelson Rimensnyder, October 3, 2016

<u>YEAR</u>	<u>POPULATION</u>	<u># OF MEMBERS</u>	<u>REPRESENTATION PER MEMBER</u>
1820	30,000	20	1500
1850	60,000	40	1500
1870	130,000	22	6000
1900	280,000	25	11,000
1950	800,000	25	32,000
1970	675,000	25	32,000
2016	670,000	25	27,000
2016	670,000	21	32,000
2016	670,000	40	16,000
2016	670,000	8	84,000

*Rounded Figures

Testimony on proposed Constitution for the State of New Columbia

October 6, 2016 DC Council Hearing

Good evening. My name is Anne Anderson. Tonight I will be speaking personally, but for the record, I have been working for Statehood for the people of DC since 1971, when the DC Statehood Party was born, now work closely with Neighbors United for DC Statehood, The DC Statehood Coalition, and chair the DC League of Women Voters Committee on Full Rights for DC Citizens. Again, this evening I am speaking for myself.

I decided to come to talk to you tonight because I want to let you know how I want to feel about our petition for Statehood, should this referendum pass on November 8th. I want to feel proud, dignified, and respectful of the process that we have engaged in, respecting the legislators that represent the 50 states that we would like to join, and respected by them.

Right now I have very mixed feelings. I am delighted that my elected officials have come together to support statehood after a very long time of, at best, lukewarm interest. I am hopeful that all of this focus will help many more Americans understand our plight. I am also disturbed with the process that has steamrolled this referendum to this point. In a word, I am not happy with the leadership that my elected officials have provided so far.

But, set aside, for the moment, all the principles of citizen participation that your process has rolled over, and the attempts to call hastily arranged public forums a “constitutional convention.” I want you to think ahead to our next citizen venture up on the Hill to promote statehood. I have been up on the Hill a number of times talking with staffers in various Senate offices. When I go up there again, after our petition is filed with the new Congress, I want to go up proud and dignified, respectful and respected. I am petitioning to be treated as an American citizen equal to those in the 50 states.

I do not want to have to watch any staffer smirk a little when he or she asks about our Constitution. I want to be able to say proudly and confidently that of course we have an interim Constitution. Our Statehood Commission and our DC Council arranged for it so that the transition from our colonial status would be smooth and as easy as possible. And, our leaders also arranged for us to have a real Constitutional Convention, once we are a state, in which citizens will be tasked with the serious job of reviewing the interim constitution, examining the needs of our new state and make any suggestions for changes that we will be voting on in due time.

So, I need you, as my DC Council, to act in a very statesmanlike manner, looking ahead to our future as a state, and rise above any current power plays, internal territorial struggles, whatever is going on in this process of making this current sausage, and amend the section calling for a Constitutional Convention from “may call...” to “shall call...” for a Constitutional Convention.

That will help me move forward with dignity and confidence that we will be able to fix any problematic sections in our proposed Constitution, working together as citizens of the 51st state.

Thank you.

B21-826, Constitution of the State of the New Columbia Approval Amendment 2016
Testimony Prepared by Marie Drissel, public witness
October 6, 2016

Thank you Chairman Mendelson, Council Members and staff. My name is Marie Drissel.

I am here to support the testimony made by the former auditor and judge, Matt Watson. I support an independent auditor's office. This office should be empowered with the right to select programs which the Auditor and staff believe should be audited. This office should not only audit those entities required by statute and those requested by the Council but should have – and needs to have -- the authority to pursue any program or policy the Auditor determines should be audited.

I also support the position that the CFO's office should be completely independent. This was vital in the recovery of this City during and after the Control Board period.

But within that independence or the authority of the CFO is a board of vital interest to this City and the nation. That is the Lottery Board. Here is where I raise serious concern. The Lottery Board was moved through a charter amendment to the CFO's office. But the Lottery Board itself was not properly dissolved and members should be operating and overseeing the lottery operation. The one person director not a board reports directly to the independent CFO.

Our last CFO supported online gambling/gaming to include fantasy sports betting. He also testified before the Council that he intended to operate the online gambling/gaming on the DC Government web site. This means simply that the online gambling/gaming was to operate on the same system as 911. What happens if we have another CFO who takes positions like this. I constantly was rebuffed by the former Lottery Board director to answer FOIA requests. According to the response there were less than 10 emails to anyone on the Council, Mayor or public about online gambling/gaming and those emails said practically nothing except for setting up a few meetings.

Now here is what I am also concerned about. Supposedly the Trump Hotel is both inside the federal enclave and outside of it. I doubt seriously if the US Congress will allow gambling, gaming and fantasy sports betting to operate within the federal enclave. But if one portion of the hotel is outside of the enclave the routers can be set up in one room and gambling can take place on that side if another law is passed as it was in the past. I do not doubt that such a request will be made no matter the outcome of the election. Our present Lottery Director who lives in Maryland due to an exemption from the residency law and the independent CFO who does live in DC would be in charge of decision ~~to move~~ forward a positive policy review of such a request. I do not believe this is the position of the present CFO but I have never asked him directly.

Just to repeat my mantra from the past, online gaming and fantasy sports betting is gambling and the rooms look like casinos. Anything can be called electronic gaming or online gaming including robots dealing poker cards.

So I am asking for independence of the CFO but not to include the Lottery Board.

Council Hearing on the Proposed Constitution for the State of New Columbia
Testimony of Anntoinette White-Richardson Ward 4 Resident
October 6, 2016

Good evening my name is Anntoinette White-Richardson and I am a Ward 4 resident, whose "roots" date back in this city since 1833. I come before you today as a citizen very confused and disappointed at the proposed New Columbia Constitution.

If this document's mission was to supposed to be informative in explaining the positive effects of supporting statehood to residents, then it has done the opposite effect. It is inconceivable that this city council expects anyone to understand such an unwieldy document. Portions of this document such as the Legislative Districts and the Board of Education are vague in defining jurisdictions and oversight. In most geography classes you learn that states consist of municipalities (cities, counties and/or townships). However there is nothing proposed in this constitution that speaks to this concept being applied in the planning of New Columbia. Fact, in our surrounding jurisdictions they (the municipalities) are responsible for the maintenance of their own schools, libraries, parks and etc. The bone of contention around internal boundaries deals with questions around tax and revenue bases being equally shared from one set of funds to maintain entities equally, regardless of where they are located. Also, there is a lack of clarity in reference to the organizational structure at various levels and who is in charge of what!

As an Education Specialist with a focus on literacy a few diagrams could have helped in the presentation of this proposed constitution from the aspect helping those who are more visual, interpret the governing body.

I understand that having a voice on the hill is important, but at what cost! We are already dealing with issues around gentrification that are whispered, but never spoken about in the open. This constitution looks as if it could add to our gentrification fears, because it is not easily understandable for most of us to feel comfortable enough to vote for statehood. People say Washington DC is a

transient city, but the reality is it is only transient for a certain population. It is a permanent home for natives and those seeking a better life. In 1973 we got home rule and most residents native or newly arrived can't even begin to tell you what we got out of it! Mayor Bowser's Parents and my parents all had "Good Government" jobs that were federally funded and we both grew up with a solid middle class upbringing.

In addition, I am unclear to whether or not our status as the Nation's Capital will stay intact, the constitution does not address this concern. I say concern, because being from the Nation's Capital gave me great pride and bragging rights wherever I travelled in these United States and abroad.

In closing there are too many unanswered questions for me to feel comfortable about supporting statehood for the District of Columbia. I thank you for your time and listening to my concerns.

Glenda Richmond
2001 15th St., NW, #602
Washington, DC 20009
Telephone: (202) 367-5527

Testimony on Behalf of the Coalition for Democracy and Statehood

B21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016

First, I wish to thank those elected members who served as delegates at the DC Statehood Constitutional Convention and who utilized the democratic process for drafting the constitution for the state of "New Columbia". This constitution was approved and ratified by 60% of the electorate of the District of Columbia, in 1982.

Thank you, Charles Cassell, David Clark (D), Hilda and Charles Mason (D), Reverend James E. Coates, Absalom Jordan, Theresa Jones, Mildred Lockridge, Gwendolyn Paramore, Reverend Jerry Moore, Reverend James Terrell, Richard Bruning, Maurice Jackson, Robert Love, Marie Nahikian, Anita Shelton, Joel Garner, Franklin Kameny (D), Michael Marcus, Talmadge Moore, Norman Nixon, Samuel Robinson, Harry Thomas (D), James Baldwin, David Barnes, Alexa Freeman, Barbara McGuire, William Cooper, Jeannette Feeley, Jannette Hoston- Harris, Victoria Street, Howard Croft , Janice Eicchron, Chestie Graham, Charlotte Holmes, Geraldine Warren and a dear friend and mentor Barbara Lett Simmons.

My name is Glenda Richmond. I am a resident, as well as a registered vote of the District of Columbia. I am also a supporter of the Coalition for Democracy and Statehood. Today, I rise in support of statehood. The struggle for statehood is a struggle for freedom... freedom from the colonial oppression of the Federal Government and self-determination from the economic oppression and dominance of the Federal City Council. We, the residents of Washington, DC, deserve better. We deserve the ability to determine our own destiny and the right, that is, we the people, to create our own constitution utilizing the democratic process. We must not allow our destiny to be controlled and determined by the Federal Government, the Federal City Council nor our "shadow" government of the District of the District of Columbia.

Again, I am a supporter of DC Statehood, however, I am oppose to the process which was utilized by our Mayor/City Council to create the constitution now contained in this bill, B21-0826, Constitution of the State of New Columbia Approval Amendment Act of 2016.

- The process creating the draft Constitution for petitioning Congress for admission as the state of “New Columbia” is a façade of democracy, disempowering to the cause of DC Statehood. A 5 member commission voted on this text.
- The District electorate is being asked to vote in the upcoming election on November 8, 2016, for a proposed constitution. This constitution was not created by an elected delegated Constitutional Convention.

Therefore, we are asking that the DC electorate vote **NO** on the Advisory Referendum on November 8, 2016, unless the DC Council does the following:

1. That the Council agrees to offer and support an amendment to Bill 21-0826 which will require the election of and funding a Constitutional Convention , as provided in DC Law 3-171, within 30 days of the approval of the Advisory Referendum on statehood, and
2. The DC Council make a final text of the Bill 21-0826 with this revision widely available to the electorate of the District no less than (1) week before absentee ballot/early voting commences.

Carl Bergman

1301 Geranium St. NW
Washington, D.C. 20012
202 291 8212
carl@slvrst.com

Chairman Phil Mendelson
Committee of the Whole
Council of the District of Columbia
Suite 410
John A. Wilson Building
1350 Pennsylvania Avenue, NW

Dear Chairman Mendelson,

Background

I want to thank the committee for the opportunity to submit testimony on New Columbia's proposed Constitution. As a circulator of the D.C. Statehood Initiative in 1978, I have long believed that statehood offers the only real path for D.C. citizens to achieve full citizenship.

By way of background and identification, I note that I've been a D.C. resident for 50 years. I served as a staff member on the old, appointed council, and the first elected council and served as the first Deputy District of Columbia Auditor. With respect to the State Auditor, as Matthew Watson testified, I fully support an independent State Auditor's Office.

The testimony I'm submitting is for myself alone as a D.C. citizen.

Technical Issues in the Proposed Constitution.

I recognize that many persons have presented testimony on a number of important and wide ranging issues. Rather than add to what has been said, I want to confine my comments to several technical, but important issues. Those issues are:

1. **Balanced Budget.** Article IV, Section 5, states:

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.

There are two problems with this provision. First, unlike usual state practice, it doesn't distinguish between operating and capital budgets. Second, it does not specify the basis for a balance of which there can be many. These omissions can cause confusion, uncertainty and would invite litigation.

The text should adopt accepted state and federal practice which balances on a cash basis.¹ I suggest the changing the section to read:

*The House of Delegates shall not approve any **operating** budget, which would result in expenditures being in excess of all resources **on a cash basis and in such detail as required by Act**, which the Chief Financial Officer estimates will be available from all funds available to the State of New Columbia for such fiscal year.*

2. Compacts, Regulations and Orders. Article VIII, Section 4 extends all current D.C. laws to the state:

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.

There are two problems with the text. First, it is silent on the status of interstate compacts, such as WMATA. Congress approved D.C.'s participation in interstate compacts and it may take language in the New Columbia Admission Act to continue the state in D.C. old compacts. However, it would be prudent for the state constitution to expressly state that they are affirmed.

Second, the language makes – I think inadvertently – regulations and orders into laws, which can create confusion. I suggest modifying Section 4 to read:

*Upon the effective date of this Constitution, all of the laws, **agreements, regulations and Mayor's Orders** then in force in the District of Columbia shall become the laws, **agreements, regulations and Governor's Orders** of the State of New Columbia and **the same shall** continue in force and effect except as modified by the State of New Columbia Admission Act, or by this Constitution, or as thereafter modified in accordance with this Constitution.*

3. CFO. Article II, Section 6, creates the office of Chief Financial Officer. With the exception of Florida, states have controllers, etc., not CFOs. I suggest changing the name of the office to Controller General.

4. Contracts. Article IV, Section 6 has the legislature review contracts:

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

¹A budget's cash balance is derived from a financial plan. It takes the funds needed to pay obligations for the prospective year, plus the net change in accounts payable. From this, it subtracts available revenue. If the remainder is zero or greater, then the budget is considered balanced.

approval may be no more restrictive or lengthy than the procedures and timelines provided for in the law of the former District of Columbia.

Incorporations by reference, rather than direct language, is dubious drafting at best. In this case, the referred to language is not defined and could change many times until statehood. I suggest eliminating the reference to the council's practice by striking everything in the text from the ";" to the end.

5. District of Columbia Definition. The constitution assumes that the old District of Columbia will be abolished with the creation of the state. However, it is possible that Congress would continue to call the remaining enclave the District of Columbia.

I also believe that the section should state that New Columbia is the custodian of all records and holdings of the former District of Columbia by modifying Article VIII, Section 3 to read:

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 **in all matters and the inheritor of all records, holdings, property and other things of the District of Columbia** ~~in all matters, as defined in the Statehood Admission Act or as provided by Act.~~*

6. Fiscal Impact Statement. Article II, Section 6, e, 17 states that the CFO shall:

[P]repare 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;

This places legislative financial scoring in the executive branch under the CFO who is directly responsible to the Governor. Scoring of proposed legislation is a legislative not an executive function. The foremost example is the Congressional Budget Office, which is a congressional not an executive agency. Of those states with a scoring process, almost all assign the task to a legislative or independent agency. I suggest striking Article II, e, 17 and replacing it with a new Article I, Section 4, b, 1 to read:

By Act, the House of Delegates shall provide for a legislative agency or independent state agency to furnish it with a fiscal impact statement on any proposed act, budget, tax, regulation, contract or agreement or other analysis of the state's finances. Such reports shall be publically available upon submission to the legislature.

7. NCPCC, Fine Arts Commission, etc. NCPCC and the Fine Arts Commission are federal agencies that have congressionally designated D.C. roles. Their jurisdiction should be transferred by the Statehood Admission Act to the state and the constitution should provide for their roles to be

continued or ended as the legislature sees fit. To do this in the constitution, I suggest a new Article VIII, Section 10 to read:

By Act, the House of Delegates shall provide for the transfer of functions from any federal agency designated by the Statehood Admission Act to the state.

8. Terms of Office. Article VIII, Section 1, b states:

New members of the House of Delegates shall be elected on the same schedule as existing Councilmembers of the District of Columbia.

This language does not cover the eight newly elected delegates of the 21 member house. I suggest modifying the section to read:

*New members of the House of Delegates shall be elected on the same schedule as existing Councilmembers of the District of Columbia, or as **defined by Act**.*

I believe that these changes, though technical, will make significant improvements to the constitution's provisions. I recognize that the time is short for making changes and that the number of issues involved in writing a state constitution is dizzying. However I believe these issues are important and worthy of serious consideration.

/Carl Bergman/

Carl Bergman

CONSTITUTION OF THE STATE OF NEW COLUMBIA APPROVAL AMENDMENT ACT OF 2016

Testimony by Janet W. Brown

My name is Janet W. Brown. I'm a resident of Ward 2. I have lived in the District for 59 years, since 1957 when I married and moved here.

My message to the Council is simple:

* I believe that Statehood is essential for the residents DC if we are ever to enjoy full and equal citizenship in the United States of America.

*And I fully endorse the changes in the proposed state constitution that Elinor Hart in her testimony before you last week (September 27, 2016) on Bill 21-826, The Constitution of State of New Columbia Approval Amendment Act of 2016.

It is very important that we in the District have an early election (in no more than a year) of delegates to a Constitutional Convention that would review the transition from a "federal district" to a state. The Council of the District of Columbia can make that transition and, indeed, have incentive to do so because you will make up the core of the new state's State Legislature.

But a fully democratic process requires some changes to Article VII, Section 3 to the draft document that is now before the Council. Elinor Hart in her testimony before you last week spelled out (I have enclosed a copy of her testimony) the necessary changes:

"Article VII, Section 3 c should be revised to read:

No later than the first anniversary of the effective date of the Admission Act, the House of Delegates shall call for a Constitutional Convention to assess the transition from a federal district to a member of the Union and make recommendations for any needed revisions. When the House of Delegates calls for a Constitutional Convention, the House of Delegates shall, by Act, establish the process of electing delegates. Any amendments resulting from such a Constitutional Convention must be ratified by a majority of the qualified voters who vote in a ratification referendum.

Ms Hart also suggested appropriate language :

BALLOT LANGUAGE

Title: Advisory Referendum on the "State of New Colombia Admission Act Resolution of 2016."

Summary Statement: To ask the voters on November 8, 2016, through an advisory referendum, whether 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 of 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 28, 2016; and
- (4) agree that the State of New Columbia shall guarantee an elected representative form of government.

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

YES, to approve _____

NO, to reject _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 8D



Resolution 16-3

A Resolution by Advisory Neighborhood Commission 8D on Resolution 21-570, enacted by the Council of the District of Columbia on July 12, 2016, Regarding Bill 21-0826 Which is Pending Before The Council of the District of Columbia

Whereas, Advisory Neighborhood Commission 8D finds that the voters in the District of Columbia are being asked to support City Council Resolution 21-570, cited as the "Advisory Referendum on the State of New Columbia Admissions Resolution of 2016, and

Whereas, we find that Council Resolution 21-570 calls for the Advisory Referendum to be placed on the November 8, 2016 ballot, and

Whereas, the enabling legislation, DC Code §1-204.12 (b) provides "A special election may be called by resolution of the Council to present an advisory referendum vote to the people ...," and

Whereas, the November 8, 2016 election is a general election and not a "special election," and

Whereas, incorporated in the DC Council Advisory Referendum, for voter approval, is a provision for the adoption "of a Constitution of the State of New Columbia to be adopted by the Council," and

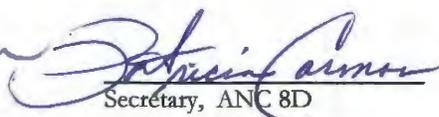
Whereas, the proposed Constitution, pending before the DC City Council designed amend the Constitution adopted and ratified by voters in 1982, was developed without usual democratic procedures and safeguards, and

Whereas, the Council will not be able to produce a final Constitution before the election date and voters are being asked to support the proposed Constitution sight unseen,

BE IT THEREFORE RESOLVED. that Advisory Neighborhood Commission 8D request that the Chairman of the DC City Council agree to offer and support an amendment to Bill 21-0826 which will require the election of, and funding for, a Constitutional Convention, as provided in DC Law 3-171, within 30 days of the approval of the advisory referendum on statehood.

Advisory Neighborhood Commission submits this Resolution to the DC City Council with the assurance that this Resolution will be afforded great weight consideration as provided by law.


Chair, ANC 8D


Secretary, ANC 8D


Date:

September 26, 2016

CHAIRMAN PHIL MENDELSON
2016 OCT 11 PM 5:22

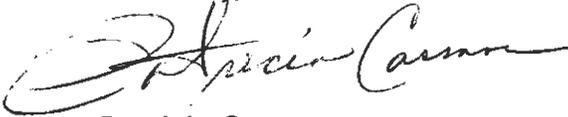
Honorable Phil Mendelson
Chairman, Committee of the Whole
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear, Chairman Mendelson,

Advisory Neighborhood Commission 8D met on Thursday September 22, for its regular scheduler meeting. The Commission has seven Commissioners and all were present for the meeting and voted for a Resolution concerning the issue of a constitution for the state of New Columbia.

A copy of the Resolution is attached for your consideration and action.

Sincerely,



Patricia Carmon

ANC8D Secretary

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
Van Ness • North Cleveland Park • Wakefield • Forest Hills

3F01 – David Dickinson
3F02 – Shirley Adelstein, Treasurer
3F03 – Mary Beth Ray
3F04 – Sally Gresham
3F05 – Andrea Molod, Secretary
3F06 – Malachy Nugent, Chair
3F07 – Patrick Jakopchek, Vice Chair



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RESOLUTION REGARDING DC COUNCIL BILL B21-826 (DC STATEHOOD)

September 20, 2016

WHEREAS, the five-member New Columbia Statehood Commission, co-chaired by the Mayor and DC Council Chairman and also including the elected congressional statehood delegation has recommended that the 13-member DC Council petition Congress in 2017 to enact a statehood Admission Act; and

WHEREAS, the New Columbia Statehood Commission has approved boundaries to be proposed to Congress which would divide the District of Columbia into a small Seat of Federal Government and a much larger State of New Columbia; and

WHEREAS, the New Columbia Statehood Commission decided to propose an initial structure of the State of New Columbia government quite similar to the current structure of District of Columbia government; and

WHEREAS, the New Columbia Statehood Commission has proposed a draft Constitution for the State of New Columbia to be recommended to Congress by the DC Council, which is included in pending Bill B21-826; and

WHEREAS, the DC Council has scheduled public hearings on Bill B21-826 for September 27 and October 6, 2016; and

WHEREAS, the DC Council Chairman has indicated an intention to markup Bill B21-826 and pass it on First and Second Readings before the end of 2016 and the Mayor anticipates signing that legislation in all likelihood; and

WHEREAS, Bill B21-826 provides for submission of legislation so signed by the Mayor to Congress for its "30-day" passive review pursuant to the Home Rule Charter, which probably could not begin until after the new Congress is seated in January 2017; and

WHEREAS, Congress may change or require changes in the proposed Constitution, proposed boundaries, or other aspects as prerequisites to statehood before or after enactment of an Admission Act; and

WHEREAS, for the sake of fiscal integrity it would be wise for Bill B21-826 as marked up by the

DC Council not to diminish independent powers of the DC Auditor and not to subordinate the now-independent Chief Financial Officer to the Governor of New Columbia; and

WHEREAS, for the sake of good government it would be wise for Bill B21-826 as marked up by the DC Council to preserve unmistakably the independent powers of Advisory Neighborhood Commissions, Public Service Commission, Water and Sewer Authority, and Zoning Commission; and

WHEREAS, it is prudent to improve Bill B21-826 to assure clarifications, as provided below, in case Congress approves statehood; and

WHEREAS, the Advisory Referendum on the November 8 ballot will if approved merely advise the DC Council to petition the Congress for statehood, but will not legislate;

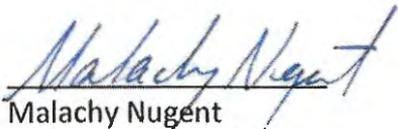
NOW THEREFORE BE IT RESOLVED, that ANC 3F urges the DC Council include in its markup of Bill B21-826 language that

a) clearly preserves the independent powers of DC Auditor, Chief Financial Officer, Advisory Neighborhood Commissions, Public Service Commission, Water and Sewer Authority, and the Zoning Commission, undiminished and uninterrupted from the moment statehood becomes effective; and

b) upon approval of statehood by Congress, provides DC voters with the opportunity to ratify or disapprove in binding referendum the Constitution, boundaries, and any other terms and conditions to statehood as Congress may prescribe in the Admission Act.

BE IT FURTHER RESOLVED, that Commissioners Nugent and Jakopchek are authorized to speak on behalf of ANC 3F regarding this matter.

ANC 3F approved this resolution at its meeting on September 20, 2016, which was properly noticed and at which a quorum was present, by a vote of seven in favor, none opposed, and none abstaining (7-0-0).



Malachy Nugent
Chair, ANC 3F



Constitution Commission Report

statehood.dc.gov

#DCStatehood

July 8, 2016

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Report Commissioned by the New Columbia Statehood Commission

D.C. Mayor Muriel Bowser
D.C. Council Chairman Phil Mendelson
United States Senator Paul Strauss
United States Senator Michael D. Brown
United States Representative Franklin Garcia

Prepared in consultation with the Legal Advisory Committee

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Walter Smith, Executive Director, DC Appleseed
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Brian Moore, Chief of Staff, Chairman Mendelson, Council of the District of Columbia
Betsy Cavendish, General Counsel, Mayor Muriel Bowser
Ronald Ross, Deputy Director, Mayor's Office of Legal Counsel
Barry Kreiswirth, General Counsel and Senior Policy Advisor, Office of the City Administrator
Janet Robins, Deputy Attorney General, Office of the Attorney General
Nikolas Nartowicz, Capital City Fellow, Office of Federal and Regional Affairs
Rema Wahabzadah, Legislative Counsel, Office of the Statehood Delegation

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.

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V. Rights of accused in criminal proceedings

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

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

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor, and to have the assistance of counsel for his or her defense.

VII. Trial by jury in civil cases

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

VIII. Bails, fines, and punishments

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

IX. Reservation of the rights of the people

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

X. Equal protection

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

III. THE CONSTITUTION OF THE STATE OF NEW COLUMBIA

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.

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

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

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

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.

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

Sec. 5. Speaker of the House of Delegates

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

Sec. 6. Legislative districts

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

Sec. 7. Advisory Neighborhood Commissions

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

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

ARTICLE II THE EXECUTIVE BRANCH

Section

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

Sec. 1. Executive power

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

Sec. 2. Election of Governor

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

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

- a. (1) No person shall hold the Office of Governor unless he or she: (A) is a qualified voter of the State of New Columbia; (B) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for Governor is to be held; and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his or her employment in and position as Governor), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of

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an armed force of the United States other than a member serving on active duty under a call for more than 30 days. The Governor shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Governor, the elections agency shall hold a special election at least 70 days and not more than 174 days after such vacancy occurs, unless it determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia.

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

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

Sec. 4. Powers and duties of the Governor

The Governor shall be the chief executive officer of the State of New Columbia government. The Governor shall be responsible for the faithful execution of the laws of the State of New Columbia and for carrying out such other powers and authorities that may reside in or be vested in the Office of the Governor. The Governor shall be responsible for the proper execution of all laws of the State of New Columbia, and for the proper administration of the affairs of the State of New Columbia coming under his or her jurisdiction or control, including but not limited to the following powers, duties, and functions:

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

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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.

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

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

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

Sec. 7. The State Board of Education

a. Composition; elections

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

b. Powers

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

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ARTICLE III THE JUDICIAL BRANCH

Section

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

Sec. 1. Judicial power

The judicial power of the State of New Columbia is vested in the State of New Columbia Court of Appeals and the Superior Court of the State of New Columbia. Collectively these shall be referred to as the State of New Columbia Courts.

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

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

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

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

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- b. Judges may not be removed or sanctioned for the good faith legal determinations they render. A judge of the State of New Columbia Courts shall be removed from office upon a final judgment of conviction of a crime which is punishable as a felony under federal law or which would be a felony in the State of New Columbia or a determination, following a process established by law, of:
1. willful misconduct in office;
 2. willful and persistent failure to perform judicial duties;
 3. any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute;
 4. failure to maintain residency in the State of New Columbia; or
 5. a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties.

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

The Superior Court of the State of New Columbia shall have jurisdiction of any civil action or other matter at law or in equity brought in the State of New Columbia and of any criminal case under any law of the State of New Columbia. The State of New Columbia Court of Appeals shall have jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Governor, the House of Delegates, or any agency of the State of New Columbia. The State of New Columbia Courts shall also have jurisdiction over any other matters granted to the State of New Columbia Courts by other provisions of law.

Sec. 5. Designation of Chief Judges

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

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ARTICLE IV BUDGET AND FINANCIAL MANAGEMENT

Section

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

Sec. 1. Fiscal year

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

Sec. 2. Submission of annual budget

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

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

Sec. 3. Adoption of budget by House of Delegates

The House of Delegates, within 70 calendar days after receipt of the budget proposal from the Governor, and after a public hearing, shall adopt by Act the annual budget for the State of New Columbia government. No amount may be obligated or expended by any officer or employee of the State of New Columbia government unless such amount has been approved by Act of the House of Delegates, and then only according to such Act, or as otherwise provided in section 2(c) of this Article.

Sec. 4. Annual financial statement and audits

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

Sec. 5. Balanced budget

- a. The House of Delegates shall not approve any budget which would result in expenditures being in excess of all resources which the Governor estimates will be available from all funds available to the State of New Columbia for such fiscal year.
- b. The Governor shall not forward to the House of Delegates a budget which is not balanced. The budget shall identify any new sources of revenue which shall be required in order to balance the budget as submitted.

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

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

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Sec. 7. Emergency and contingency reserve funds

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

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

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

ARTICLE V BORROWING

Section

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

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

- a. The State of New Columbia may incur indebtedness by issuing general obligation bonds to refund indebtedness of the State of New Columbia at any time outstanding and to provide for the payment of the cost of acquiring or undertaking capital projects, including paying its share of regional transportation projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Governor, subject to the provisions of section 2, may determine to be necessary to make such bonds marketable.
- b. The State of New Columbia may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Governor prior to the issuance of such obligations.

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

The House of Delegates may by Act authorize the issuance of general obligation bonds for the purposes specified in section 1. Such an Act shall contain, at least, provisions: briefly describing each project to be financed by the Act; identifying the Act authorizing each such project or category of projects; setting forth the maximum amount of debt principal which may be incurred for the projects; setting forth the maximum rate of interest to be paid on such indebtedness; and setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year.

Sec. 3. Issuance of general obligation bonds

- a. After an Act of the House of Delegates authorizing the issuance of general obligation bonds has taken effect, the Governor may issue such general obligation bonds. An issue of general obligation bonds may be all or any part of the aggregate principal amount of bonds authorized by such Act.
- b. The principal amount of the general obligation bonds of each issue shall be payable in annual installments beginning not more than 3 years after the date of such bonds and ending not more than 30 years after such date.
- c. The limitation period for suits regarding these general obligation bonds shall be no greater than 30 days and shall be provided for more specifically by Act.

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

- a. In the absence of unappropriated revenues available to meet appropriations, the House of Delegates may by Act authorize the issuance of general obligation notes.
- b. In anticipation of the collection or receipt of revenues for a fiscal year, the House of Delegates may by Act authorize the issuance of revenue anticipation notes.
- c. The total amount of any general obligation notes originally issued during a fiscal year shall not exceed two percent of the total appropriations for the State of New Columbia for such fiscal year, and the total amount of all revenue anticipation notes outstanding at any time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of the State of New Columbia for such fiscal year.
- d. Any general obligation note issued under subsection (a) of this section, or any revenue anticipation note issued under subsection (b) of this section, as authorized by an Act of the House of Delegates, may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the Act authorizing the original issuance of such note takes effect.

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Sec. 5. Special tax

Any Act of the House of Delegates authorizing the issuance of general obligation bonds shall provide for the annual levy of a special tax or charge, if necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in amounts which together with other State of New Columbia revenues available and applicable will be sufficient to pay the principal of and interest on such general obligation bonds as they become due and payable.

Sec. 6. Full faith and credit of State of New Columbia pledged

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

Sec. 7. Payment of the general obligation bonds and notes

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

Sec. 8. Revenue bonds and other obligations

- a. (1) The House of Delegates may by Act or Resolution authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, or assist in the financing or refinancing of undertakings in the areas of: housing; health; transit; utilities; preschool, primary, secondary, vocational, adult, rehabilitative, re-entry, and higher education; educational loans; facilities for culture, sports, mass commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous waste disposal, or local district heating or cooling; or the local furnishing of energy or water; manufacturing, and any other undertaking that the House of Delegates determines to be for a public purpose. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

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

(3) Any revenue bond, note or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the Act or Resolution of the House of Delegates authorizing the issuance of such bond, note, or other obligation. Any act of the House of Delegates authorizing the issuance of such bond, note, or other obligation, or any delegation of such authority, may provide for: (A) The payment of such bond, note, or other obligation from any available revenues, assets, or property; and (B) The securing of such bond, note, or other obligation by the mortgage of real property or the creation of any security interest in available revenues, assets, or other property.

(4) (A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the House of Delegates may enter into or authorize the Governor to enter into any agreement concerning the acquisition, use, or disposition of any funds or property. Any such agreement may create any security interest in any funds or property; may provide for the custody, collection, security, investment, and payment of any funds (including any funds held in trust) for the payment of such bond, note, or other obligation; may mortgage any property; may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such bond, note, or other obligation; and may provide for the doing of any act (or the refraining from doing any act) which the State of New Columbia has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection. (B) Any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the State of New Columbia, whether or not such individual or legal entity has notice of such lien. (C) Any funds of the State of New Columbia held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the State of New Columbia and any

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

- b. Any and all such bonds, notes, or other obligations shall not be general obligations of the State of New Columbia and shall not be a pledge of or involve the faith and credit or the taxing power of the State of New Columbia, shall not constitute a debt of the State of New Columbia, and shall not constitute lending of the public credit for private undertakings.
- c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or Resolution of the House of Delegates without the necessity of submitting the question of such issuance to the registered qualified voters of the State of New Columbia for approval or disapproval.
- d. Any Act or Resolution of the House of Delegates authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section may:
 - (1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued; (2) Identify the Act authorizing such purpose; (3) Prescribe the form, terms, provisions, manner and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations; (4) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default; (5) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and (6) Authorize the Governor to take any actions in connection with the issuance, sale, delivery, security, and payment of such notes, bonds, or other obligations, including the prescribing of any terms or conditions not contained in such Act or Resolution of the House of Delegates.
- e. (1) The House of Delegates may by Act delegate to any department of the executive branch the authority of the House of Delegates under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money for the purposes described in subsection (a) of this section..

Sec. 9. Limitations on borrowing and spending

- a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues

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

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

ARTICLE VI INITIATIVE; REFERENDUM; RECALL

Section

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

Sec. 1. Definitions; computation

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

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

Sec. 2. Process

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

Sec. 3. Submission of measure at election

- a. The elections agency shall submit an initiative measure without alteration at the next general, special, or primary election held at least 90 days after the measure is received.
- b. The elections agency shall hold an election on a referendum measure or a recall petition within 114 days of its receipt of a petition. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a referendum or recall petition, the elections agency may present the referendum at that election.

Sec. 4. Rejection of measure

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

Sec. 5. Approval of measure

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

Sec. 6. Short title and summary

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

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Sec. 7. Recall process

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

Sec. 8. Time limits on initiation of process

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

Sec. 9. When official removed; filling of vacancies

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

ARTICLE VII MISCELLANEOUS

Section

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

Sec. 1. Openness and transparency

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

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Sec. 2. Construction of Constitution

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

Sec. 3. Constitution amending procedure

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

Sec. 4. Effective date

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

ARTICLE VIII TRANSFER OF OFFICES

Section

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

Sec. 1. Transfer of offices

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

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.

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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
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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.

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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
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Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
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.

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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 do not prevent a current ANC from running for Delegate. 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.

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Number	Provision	Comments	Category	New Columbia Statehood Commission Comment
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.

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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.

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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."

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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.

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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.

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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.

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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.

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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.

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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.

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V. Rights of accused in criminal proceedings

No person shall be held to answer for a felony offense, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against 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

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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

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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.

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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

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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.

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- 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.

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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.

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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

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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

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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

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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.

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- 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

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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

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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;

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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

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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

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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

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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

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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 or permanent nature, or the purchase of equipment or furnishings.

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

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- 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

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- 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.

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- 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.

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(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

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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:

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- (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

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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

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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.

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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

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- 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

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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

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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

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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.

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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 Pl., 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).

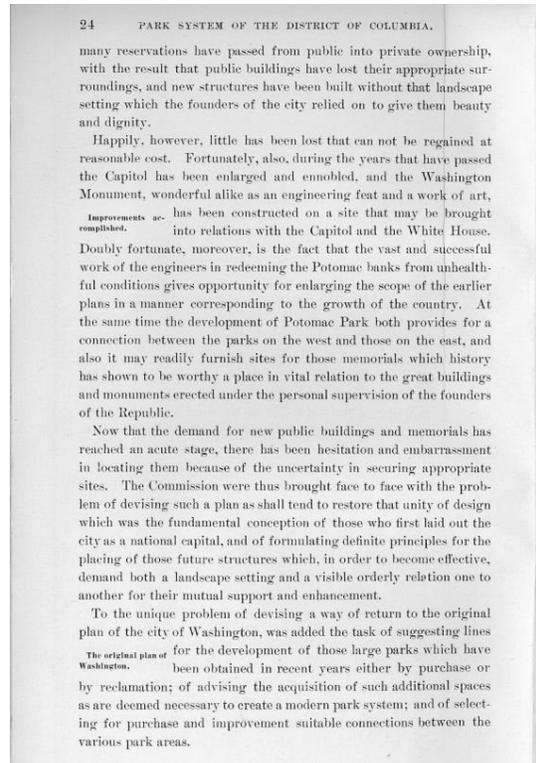
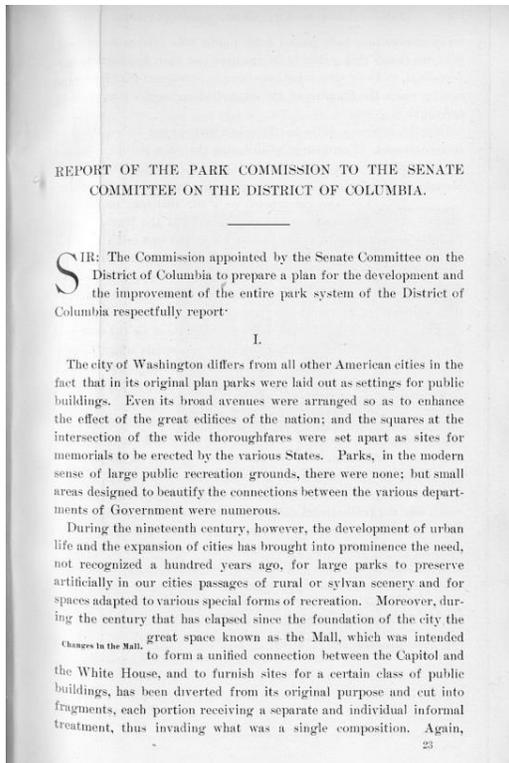


Figure 2: McMillan Commission description of its design concept for central Washington. The design focused on re-establishing the dignity of a unified monumental landscape setting for the seat of government, using the cross-axial framework established by L'Enfant, while also accommodating a greatly expanded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

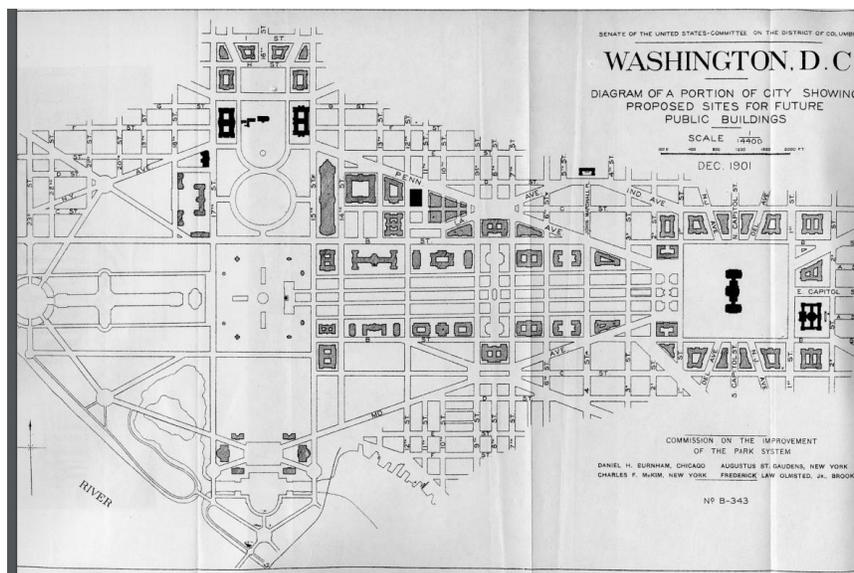


Figure 3: McMillan Commission site plan for public buildings in central Washington. The plan shows the kite-shaped area surrounding the National Mall as a government-dominated precinct of monumental structures. The current Federal Triangle, Mall museums, and frame of federal offices around the Capitol 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).

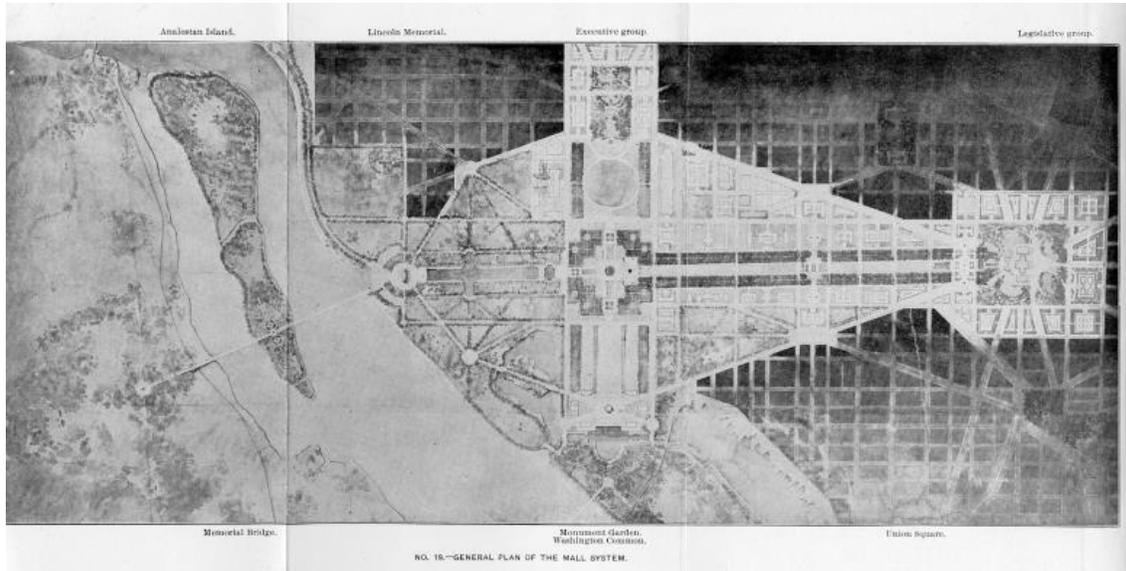


Figure 4: General Plan of The Mall System. The plan denotes specific areas for executive and legislative buildings, while also contemplating a symbolic extension of the monumental national precinct by way a memorial bridge to Arlington Cemetery in Virginia.

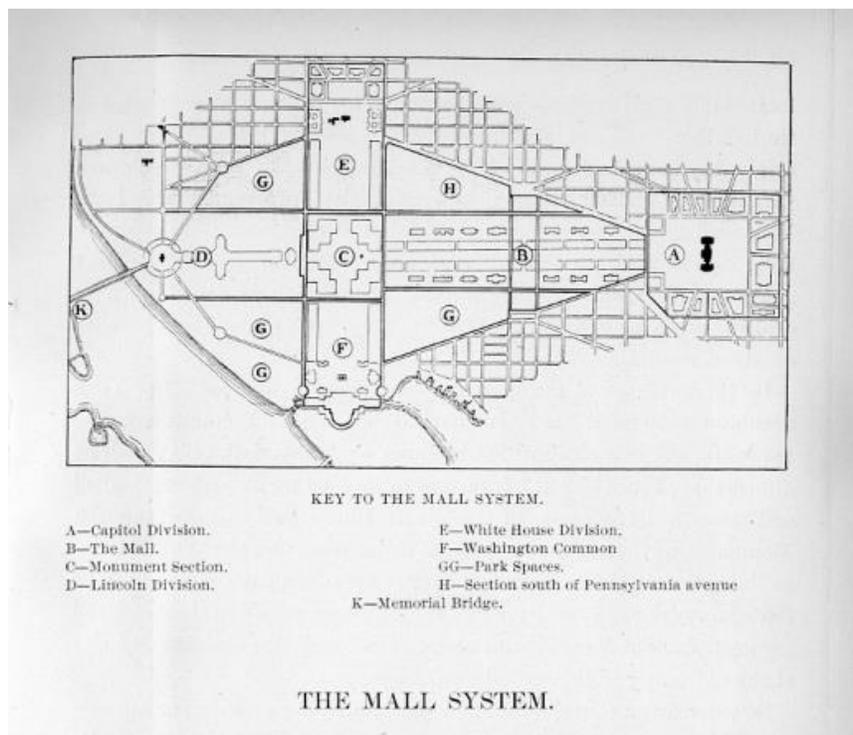


Figure 5: Subdivision of the Mall System. The Commission's plan divided the Mall system into separate areas, allowing for a variety of monumental, functional, and park uses. Two major areas originally identified as park areas were ultimately developed into the Northwest Rectangle and Southwest federal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

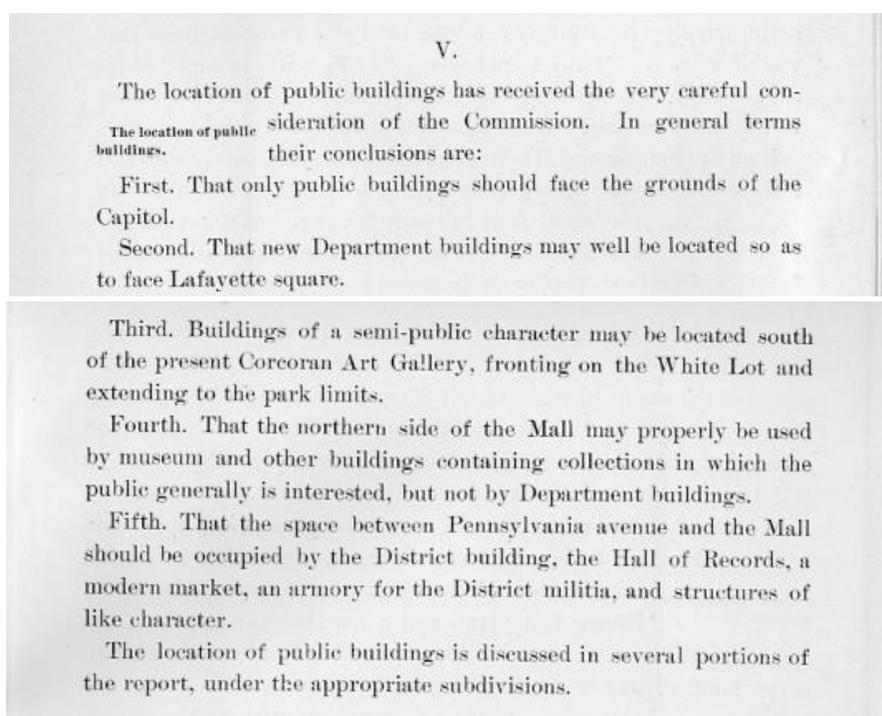


Figure 6: Conclusions on the location of public buildings. The "kite" area of the Mall system was intended to create a monumental setting for public buildings of both the federal and District governments, as well as public museums and semi-public institutions.

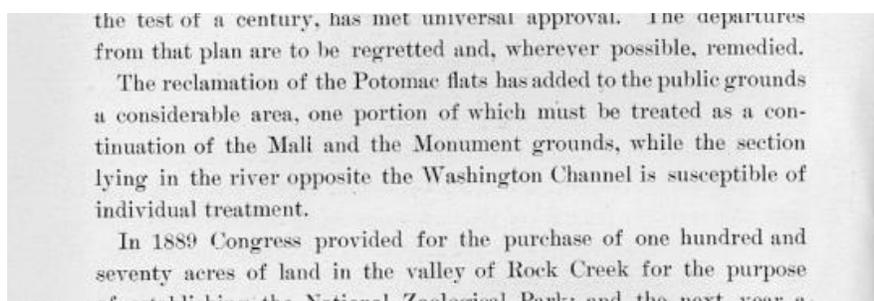


Figure 7: Different treatment of East and West Potomac Parks. While the McMillan plan treated West Potomac Park as part of the natural continuation of the Mall and Monument grounds, it considered East Potomac Park a different type of area whose expected treatment would be more similar to that of Rock 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;

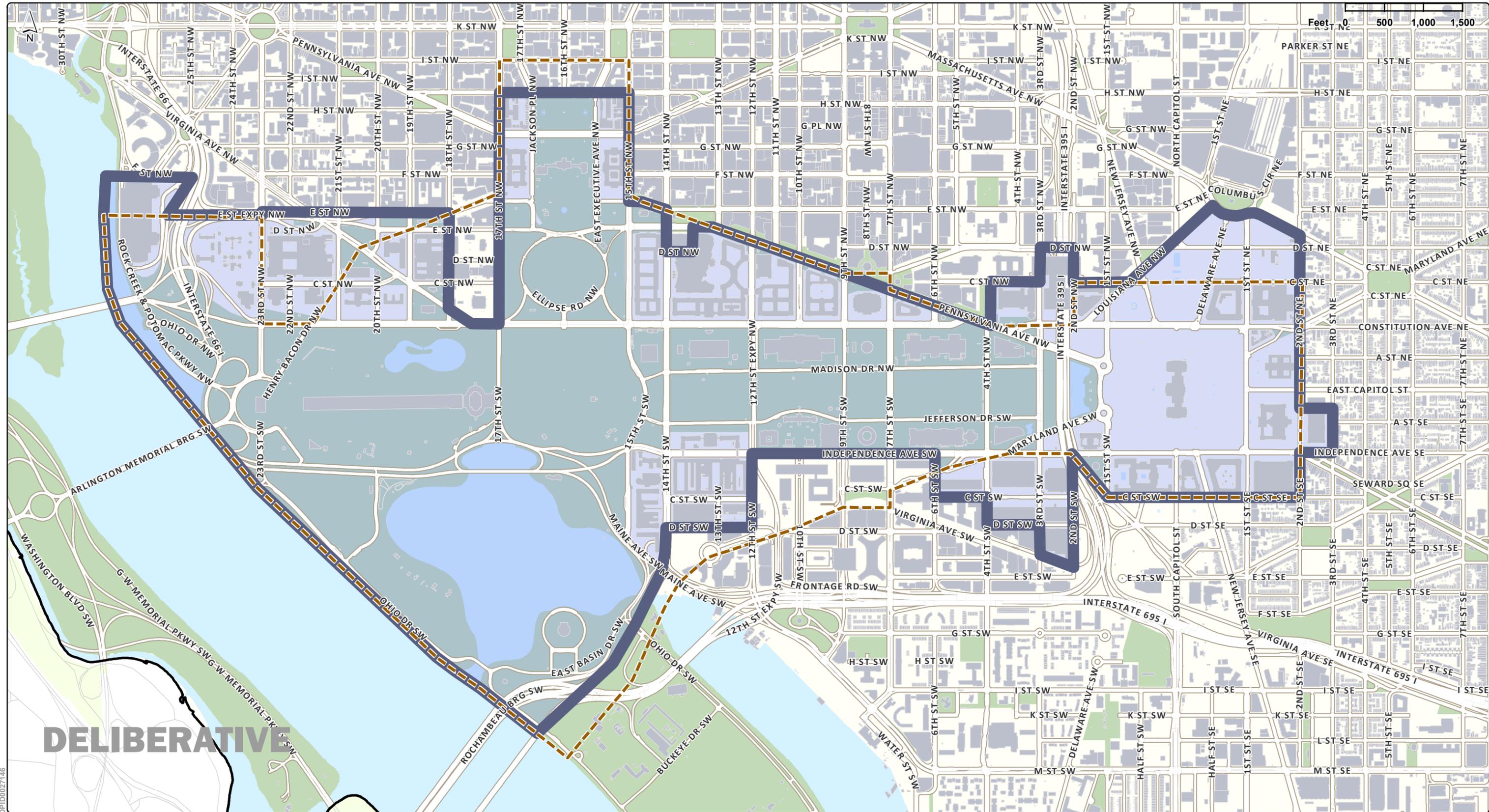
thence northeast along Louisiana Ave NW to Louisiana Ave NE;

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**



DELIBERATIVE

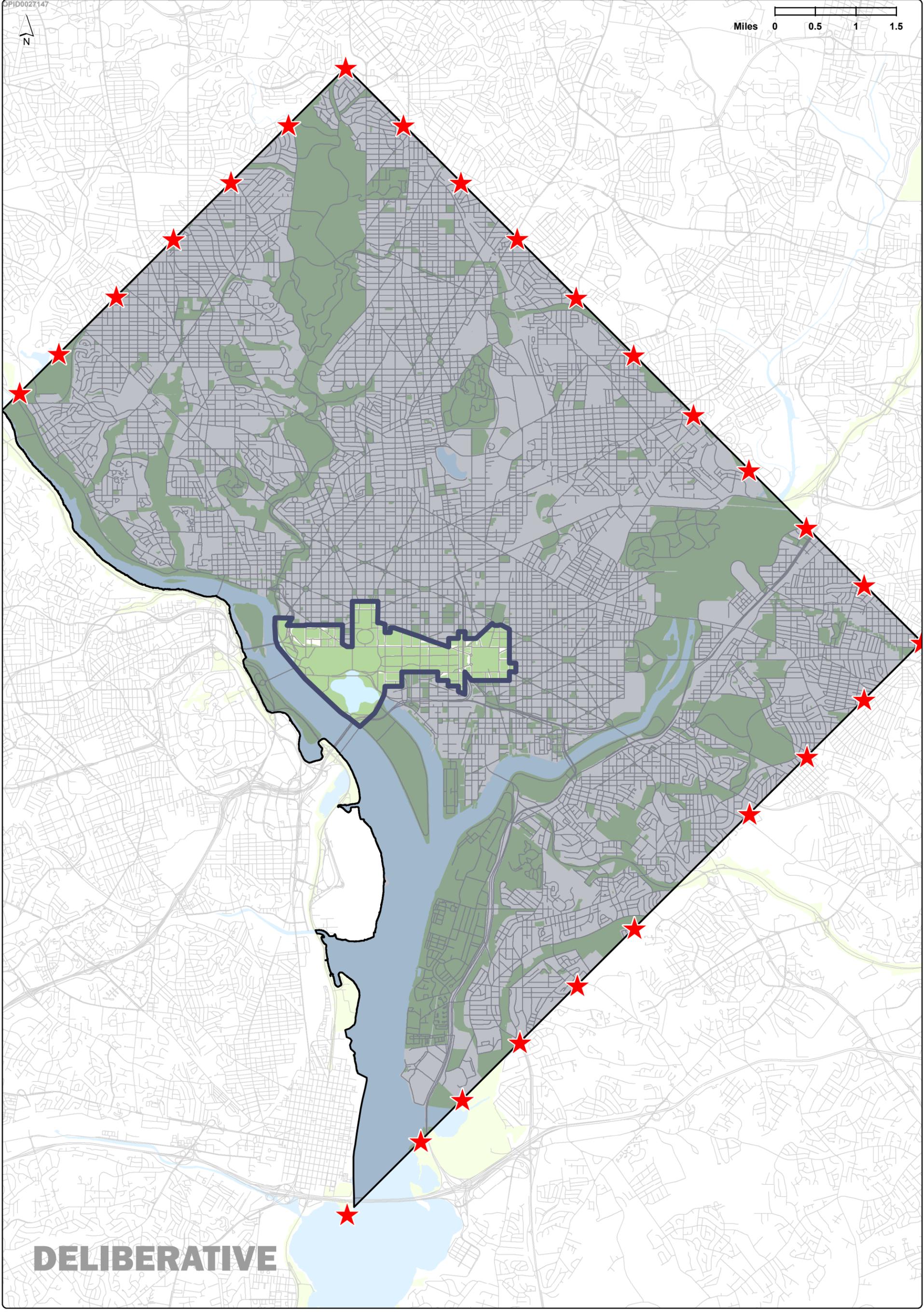
Proposed New Columbia

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*

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.



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



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

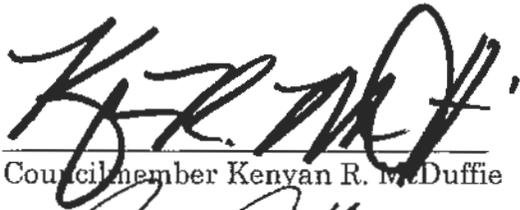
SATURDAY, JUNE 18 • 9:00 A.M. - 1:00 P.M.

WOODROW WILSON HIGH SCHOOL

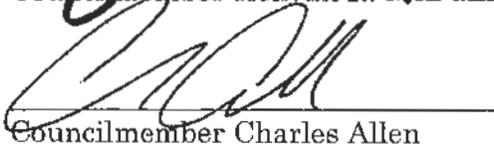
3950 CHESAPEAKE STREET NW

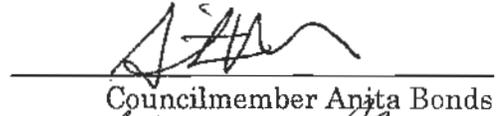
REGISTER TODAY! @ [HTTP://BIT.LY/1XOJMOA](http://bit.ly/1XOJMOA)

STATEHOOD.DC.GOV

1 
2 Councilmember Kenyan R. McDuffie

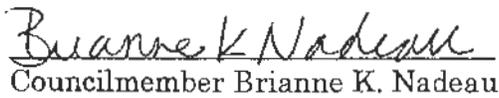

Chairman Phil Mendelson

3
4 
5 Councilmember Charles Allen

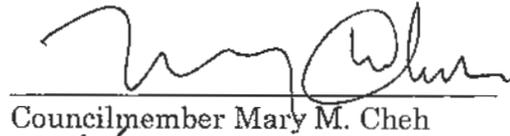

Councilmember Anita Bonds

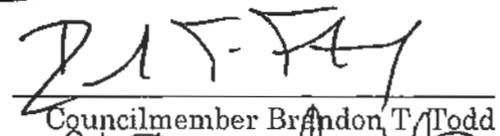
7
8 
9 Councilmember David Grosso

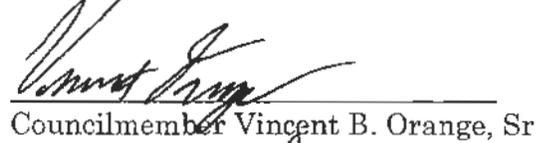

Councilmember Elissa Silverman

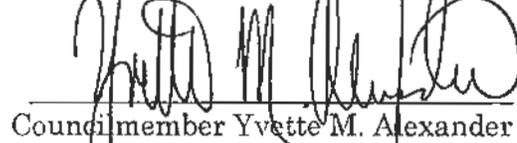
11
12 
13 Councilmember Brianne K. Nadeau

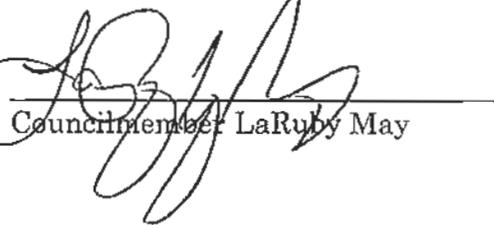

Councilmember Jack Evans

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16 
17 Councilmember Mary M. Cheh


Councilmember Brandon T. Todd

19
20 
21 Councilmember Vincent B. Orange, Sr


Councilmember Yvette M. Alexander

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24 
25 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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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

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

72

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

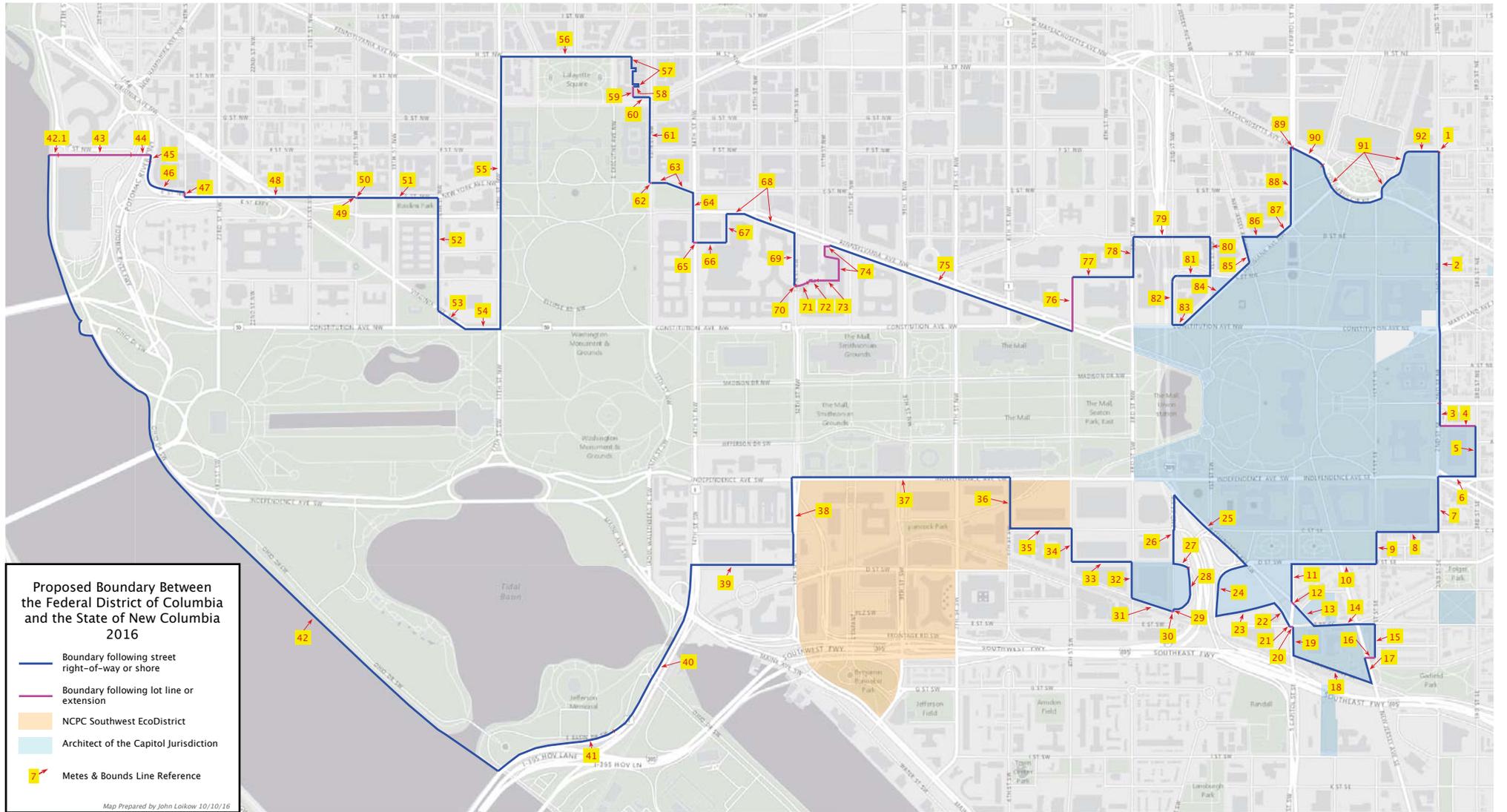
78 Sec. 3. The District of Columbia Public Library shall make drafts of the state
79 constitution and proposed boundaries available for public inspection at every branch.

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.



Proposed Boundary Between the Federal District of Columbia and the State of New Columbia 2016

- Boundary following street right-of-way or shore
- Boundary following lot line or extension
- NPC Southwest EcoDistrict
- Architect of the Capitol Jurisdiction
- Metes & Bounds Line Reference

Map Prepared by John Loikow 10/10/16

1 **DRAFT COMMITTEE PRINT**

2 Committee of the Whole

3 October 18, 2016

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9 A PROPOSED RESOLUTION

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PR 21-913

15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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20 To approve for transmittal to Congress a proposed constitution for the State of New Columbia and
21 a proposed boundary between the federal enclave and the State of New Columbia.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
resolution may be cited as the “Constitution and Boundaries for the State of New Columbia
Approval Resolution of 2016.”

26

Sec 2. Constitution for the State of New Columbia.

27

Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved December
28 24, 1793 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby approves the
29 document entitled “The Constitution of The State of New Columbia” dated October 18, 2016,
30 attached and made part of this resolution, for transmittal to Congress by the Council consistent
31 with the advisory referendum.

32

Sec. 3. Specific description of metes and bounds for federal enclave.

33

(a) Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved
34 December 24, 1793 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby
35 approves for transmittal to Congress the proposed boundary between the federal enclave and the

36 State of New Columbia as recommended by the New Columbia Statehood Commission, as
37 amended by the Council, to read as set forth in subsection (b).

38 (b)(1) Beginning at the intersection of the southern right-of-way of F Street NE and the
39 eastern right-of-way of 2nd Street NE;

40 (2) Thence south along the said eastern right-of-way of 2nd Street NE to the eastern
41 right-of-way of 2nd Street SE;

42 (3) Thence south along the said eastern right-of-way of 2nd Street SE to its intersection
43 with the northern property boundary of the John Adams Building of the Library of Congress;

44 (4) Thence east along the said northern property boundary of the John Adams Building
45 of the Library of Congress to its intersection with the western right-of-way of 3rd Street SE;

46 (5) Thence south along the said western right-of-way of 3rd Street SE to its intersection
47 with the northern right-of-way of Independence Avenue SE;

48 (6) Thence west along the said northern right-of-way of Independence Avenue SE to its
49 intersection with the eastern right-of-way of 2nd Street SE;

50 (7) Thence south along the said eastern right-of way of 2nd Street SE to its intersection
51 with the southern right-of-way of C Street SE;

52 (8) Thence west along the said southern right-of-way of C Street SE to its intersection
53 with the eastern right-of-way of 1st Street SE;

54 (9) Thence south along the said eastern right-of-way of 1st Street SE to its intersection
55 with the southern right-of-way of D Street SE;

56 (10) Thence west along the said southern right-of-way of D Street SE to its intersection
57 with the western right-of-way of South Capitol Street;

58 (11) Thence south along the said western right-of-way of South Capitol Street to its

59 intersection with a line extending northwestward the southwestern right-of-way of Canal Street
60 SE;

61 (12) Thence southeast along the said line extending northwestward the southwestern
62 right-of-way of Canal Street SE to the southwestern right-of-way of Canal Street SE;

63 (13) Thence southeast along the said southwestern right-of-way of Canal Street SE to its
64 intersection with the southern right-of-way of E Street SE;

65 (14) Thence east along the said southern right-of-way of said E Street SE to its
66 intersection with the western right-of-way of 1st Street SE;

67 (15) Thence south along the said western right-of-way of 1st Street SE to its intersection
68 with the southern property boundary of the former Congressional House Page's Dormitory;

69 (16) Thence west along the said boundary of the former Congressional House Page's
70 Dormitory to its intersection with the southwestern right-of-way of New Jersey Avenue SE;

71 (17) Thence southeast along the said southwestern right-of-way of New Jersey Avenue
72 SE to its intersection with the northeastern right-of-way of Virginia Avenue SE;

73 (18) Thence northwest along the said northeastern right-of-way of Virginia Avenue SE
74 to its intersection with the eastern right-of-way of South Capitol Street;

75 (19) Thence north along the said eastern right-of-way of South Capitol Street to its
76 intersection with the southern right-of-way of E Street SE;

77 (20) Thence west along a line extending westward the said southern right-of-way of E
78 Street SE to its intersection with the western right-of-way of South Capitol Street;

79 (21) Thence north along the said western right-of-way of South Capitol Street to its
80 intersection with the southwestern right-of-way of Washington Avenue SW;

81 (22) Thence northwest along the said southwestern right-of-way of Washington Avenue

82 SW to its intersection with the northern boundary of the railroad track right-of-way;

83 (23) Thence generally west along the said northern boundary of the railroad track right-
84 of-way to its intersection with the eastern right-of way of the D Street exit ramp from Interstate
85 395;

86 (24) Thence north then northeast along the said eastern right-of-way of the D Street exit
87 ramp from Interstate 395 to its intersection with the southwestern right-of-way of Washington
88 Avenue SW;

89 (25) Thence northwest along the said southwestern right-of-way of Washington Avenue
90 SW to its intersection with the eastern right-of-way of 2nd Street SW;

91 (26) Thence south along the said eastern right-of-way of 2nd Street SW to its
92 intersection with the southern right-of-way of the D Street SW entry ramp to Interstate 395;

93 (27) Thence east along the said southern right-of-way of the D Street SW entry ramp to
94 Interstate 395 to its intersection with the western right-of-way of the Virginia Avenue SW exit
95 ramp from Interstate 395;

96 (28) Thence generally south then west along the said western then northern right-of-way
97 of the Virginia Avenue SW exit ramp from Interstate 395 to its intersection with the eastern
98 right-of-way of 2nd Street SW;

99 (29) Thence south along the said eastern right-of-way of 2nd Street SW to its
100 intersection with a line extending southeastward the southwestern right-of-way of Virginia
101 Avenue SW;

102 (30) Thence northwest along the said line extending southeastward the southwestern
103 right-of-way of Virginia Avenue SW to the southwestern right-of-way of Virginia Avenue SW;

104 (31) Thence northwest along the said southwestern right-of-way of Virginia Avenue SW

105 to its intersection with the western right-of-way of 3rd Street SW;

106 (32) Thence north along the said western right-of-way of 3rd Street SW to its
107 intersection with the northern right-of-way of D Street SW;

108 (33) Thence west along the said northern right-of-way of D Street SW to its intersection
109 with the eastern right-of-way of 4th Street SW;

110 (34) Thence north along the said eastern right-of-way of 4th Street SW to its intersection
111 with the northern right-of-way of C Street SW;

112 (35) Thence west along the said northern right-of-way of C Street SW to its intersection
113 with the eastern right-of-way of 6th Street SW;

114 (36) Thence north along the said eastern right-of-way of 6th Street SW to its intersection
115 with the northern right -of-way of Independence Avenue SW;

116 (37) Thence west along the said northern right-of-way of Independence Avenue SW to
117 its intersection with the western right-of-way of 12th Street SW;

118 (38) Thence south along the said western right-of-way of 12th Street SW to its
119 intersection with the northern right-of-way of D Street SW;

120 (39) Thence west along the said northern right-of-way of D Street SW to its intersection
121 with the western right-of-way of 14th Street SW;

122 (40) Thence south then southwest along the said western then northwestern right-of-way
123 of 14th Street SW to the northwestern right-of-way of Interstate 395;

124 (41) Thence southwest along the said northwestern right-of-way of Interstate 395 to its
125 intersection with the eastern shore of the Potomac River;

126 (42) Thence generally northwest along the said eastern shore of the Potomac River to its
127 intersection with a line extending westward the northern property boundary of the John F.

128 Kennedy Center for the Performing Arts;

129 (43) Thence east along the said line extending westward the northern property boundary
130 of the John F. Kennedy Center for the Performing Arts to the northern property boundary of the
131 John F. Kennedy Center for the Performing Arts;

132 (44) Thence east along the said northern property boundary of the John F. Kennedy
133 Center for the Performing Arts to the northeast corner of the property;

134 (45) Thence east along a line extending eastward the said northern property boundary of
135 the John F. Kennedy Center for the Performing Arts to its intersection with the eastern right-of-
136 way of Interstate 66;

137 (46) Thence south along the said eastern right-of-way of Interstate 66 to the eastern
138 right-of-way of the E Street NW entrance ramp to Interstate 66;

139 (47) Thence south then east along the said eastern then northern right-of-way of the E
140 Street entrance ramp to Interstate 66 to the point where the said northern right-of-way of the E
141 Street NW entrance ramp to Interstate 66 becomes the northern right-of-way of E Street NW;

142 (48) Thence south across said E Street NW to the southern right-of-way of E Street NW;

143 (49) Thence east along the said southern right-of-way of E Street NW to its intersection
144 with the western right-of-way of 20th Street NW;

145 (50) Thence south along the said western right-of-way of 20th Street NW to its
146 intersection with a line extending westward the southern right-of-way of the portion of E Street
147 NW north of Walt Whitman Park;

148 (51) Thence east along the said line extending westward the southern right-of-way of the
149 portion of E Street NW north of Walt Whitman Park to the southern right-of-way of the portion
150 of E Street NW north of Walt Whitman Park;

151 (52) Thence east along the said southern right-of-way of the portion of E Street NW
152 north of Walt Whitman Park to its intersection with the western right-of-way of 18th Street NW;

153 (53) Thence south along the said western right-of-way of 18th Street NW to its
154 intersection with the southwestern right-of-way of Virginia Avenue NW;

155 (54) Thence southeast along the said southwestern right-of-way of Virginia Avenue NW
156 to its intersection with the southern right-of-way of Constitution Avenue NW;

157 (55) Thence east along the said southern right-of-way of Constitution Avenue NW to its
158 intersection with the eastern right-of-way of 17th Street NW;

159 (56) Thence north along the said eastern right-of-way of 17th Street NW to its
160 intersection with the southern right-of-way of H Street NW;

161 (57) Thence east along the said southern right-of-way of H Street NW to its intersection
162 with the eastern boundary of the unnamed alley on the southern side of the 1500 block of H
163 Street NW;

164 (58) Thence generally south along the eastern boundary of the said unnamed alley to its
165 southern boundary;

166 (59) Thence west along the southern boundary of the said unnamed alley to its
167 intersection with the westernmost boundary of the property designated as Square 221 Lot 810;

168 (60) Thence south along the said westernmost boundary of the property designated as
169 Square 221 Lot 810 to its intersection with the northern right-of-way of Pennsylvania Avenue
170 NW;

171 (61) Thence east along the said northern right-of-way of Pennsylvania Avenue NW to its
172 intersection with the western right-of-way of 15th Street NW;

173 (62) Thence south along the said western right-of-way of 15th Street NW to its

174 intersection with a line extending westward the southern right-of-way of the portion of
175 Pennsylvania Avenue NW north of Pershing Square;

176 (63) Thence east along the said line extending the southern right-of-way of the portion of
177 Pennsylvania Avenue NW north of Pershing Square to the southern right-of-way of the portion
178 of Pennsylvania Avenue NW north of Pershing Square;

179 (64) Thence east then southeast along the said southern right-of-way of Pennsylvania
180 Avenue NW to its intersection with the western right-of-way of 14th Street NW;

181 (65) Thence south along the said western right-of-way of 14th Street NW to its
182 intersection with a line extending westward the southern right-of-way of D Street NW;

183 (66) Thence east along the said line extending westward the southern right-of-way of D
184 Street NW to the southern right-of-way of D Street NW;

185 (67) Thence east along the said southern right-of-way of D Street NW to its intersection
186 with the eastern right-of-way of 13 1/2th Street NW;

187 (68) Thence north along the said eastern right-of-way of 13 1/2th Street NW to its
188 intersection with the southern right-of-way of Pennsylvania Avenue NW;

189 (69) Thence east then southeast along the said southern then southwestern right-of-way
190 of Pennsylvania Avenue NW to its intersection with the western right-of-way of 12th Street NW;

191 (70) Thence south along the said western right-of-way of 12th Street NW to its
192 intersection with a line extending westward the southern boundary of the property designated as
193 Square 324 Lot 809;

194 (71) Thence east along the said line extending westward the southern boundary of the
195 property designated as Square 324 Lot 809 to the southwest corner of the said property
196 designated as Square 324 Lot 809;

197 (72) Thence northeast along the southern boundary of the said property designated as
198 Square 324 Lot 809 to its intersection with the southern boundary of the property designated as
199 Square 323 Lot 802;

200 (73) Thence northeast then east along the southern boundary of the said property
201 designated as Square 323 Lot 802 to a point where it meets the southern boundary of the
202 property designated as Square 324 Lot 808;

203 (74) Thence east along the southern boundary of the said property designated as Square
204 324 Lot 808 to the southeast corner of the said property designated as Square 324 Lot 808;

205 (75) Thence generally north along the eastern boundary of the said property designated
206 as Square 324 Lot 808 to its intersection with the southern right-of-way of Pennsylvania Avenue
207 NW;

208 (76) Thence southeast along the said southern right-of-way of Pennsylvania Avenue NW
209 to its intersection with the eastern right-of-way of 4th Street NW;

210 (77) Thence north along a line extending northward the said eastern right-of-way of 4th
211 Street NW to its intersection with the southern right-of-way of C Street NW;

212 (78) Thence east along the said southern right-of-way of C Street NW to its intersection
213 with the eastern right-of-way of 3rd Street NW;

214 (79) Thence north along the said eastern right-of-way of 3rd Street NW to its intersection
215 with the southern right-of-way of D Street NW;

216 (80) Thence east along the said southern right-of-way of D Street NW to its intersection
217 with the western right of way of 1st Street NW;

218 (81) Thence south along the said western right-of-way of 1st Street NW to its
219 intersection with the northern right-of-way of C Street NW;

220 (82) Thence west along the said northern right-of-way of C Street NW to its intersection
221 with the western right-of-way of 2nd Street NW;

222 (83) Thence south along the said western right-of-way of 2nd Street NW to its
223 intersection with the northern right-of-way of Constitution Avenue NW;

224 (84) Thence east along the said northern right-of-way of Constitution Avenue NW to its
225 intersection with the northwestern right-of-way of Louisiana Avenue NW;

226 (85) Thence northeast along the said northwestern right-of-way of Louisiana Avenue
227 NW to its intersection with the southwestern right-of-way of New Jersey Avenue, NW;

228 (86) Thence northwest along the said southwestern right-of-way of New Jersey Avenue
229 NW to its intersection with the northern right-of-way of D Street NW;

230 (87) Thence east along the said northern right-of-way of D Street NW to its intersection
231 with the northwestern right-of-way of Louisiana Avenue NW;

232 (88) Thence northeast along the said northwestern right-of-way of Louisiana Avenue
233 NW to its intersection with the western right-of-way of North Capitol Street;

234 (89) Thence north along the said western right-of-way of North Capitol Street to its
235 intersection with the southwestern right-of-way of Massachusetts Avenue NW;

236 (90) Thence southeast along the said southwestern right-of-way of Massachusetts
237 Avenue NW to the southwestern right-of-way of Massachusetts Avenue NE;

238 (91) Thence southeast along the said southwestern right-of-way of Massachusetts
239 Avenue NE to the southwestern right-of-way of Columbus Circle NE;

240 (92) Thence counter-clockwise along the said southwestern, then southern, southeastern,
241 and eastern right-of-way of Columbus Circle NE to its intersection with the southern right-of-
242 way of F Street NE;

243 (93) Thence east along the said southern right-of-way of F Street NE to the point of
244 beginning.

245 Sec. 4. Transmittal of resolution.

246 After the effective date of this resolution, the Chairman of the Council shall transmit a
247 copy of this resolution, to the New Columbia Statehood Commission, the Speaker of the United
248 States House of Representatives, and the President of the United States Senate.

249 Sec. 5. Effective date.

250 This resolution shall take effect only upon certification by the Board of Elections of a
251 plurality vote of yes on the question asked pursuant to the November 8, 2016 Advisory
252 Referendum on the State of New Columbia Admission Act Resolution of 2016, and publication
253 in the District of Columbia Register.

47
48 No person shall be held to answer for a felony offense, unless on a presentment or
49 indictment of a grand jury; nor shall any person be subject for the same offense to be
50 twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a
51 witness against oneself, nor be deprived of life, liberty, or property, without due process
52 of law; nor shall private property be taken for public use, without just compensation.
53

54 VI. Right to a speedy jury trial, witnesses, assistance of counsel
55

56 In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial
57 and to be informed of the nature and cause of the accusation; to be confronted with the
58 witnesses against the accused; to have compulsory process for obtaining witnesses in
59 favor of the accused, and to have the assistance of counsel for defense of the accused.
60 Where the potential sentence exceeds 180 days, the accused shall enjoy the right to trial
61 by an impartial jury.
62

63 VII. Trial by jury in civil cases
64

65 In suits at common law, where the value in controversy shall exceed five thousand dollars
66 or such greater amount as set by the Superior Court, the right of trial by jury shall be
67 preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the
68 State of New Columbia, than according to the rules of the common law.
69

70 VIII. Bails, fines, and punishments
71

72 Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual
73 punishments inflicted.
74

75 IX. Reservation of the rights of the people
76

77 The enumeration in this Constitution of certain rights, shall not be construed to deny or
78 disparage others retained by the people.
79

80 X. Equal protection
81

82 The State of New Columbia shall not deny to any person the equal protection of the law.
83
84

85 ARTICLE I
86 THE LEGISLATIVE BRANCH
87

88 Section

- 89 1. Legislative power
- 90 2. Composition; election of members; vacancies
- 91 3. Qualifications for holding office
- 92 4. Acts; resolutions; procedures; and specific authorities

- 93 5. Speaker of the Legislative Assembly
- 94 6. Legislative districts
- 95 7. Advisory Neighborhood Commissions

96
97 Sec. 1. Legislative power

98
99 The legislative power of the State of New Columbia shall be vested in a legislature to be
100 known as the Legislative Assembly, and shall extend to all rightful subjects of legislation
101 within the State of New Columbia, consistent with the Constitution of the United States
102 of America and the provisions of this Constitution.

103
104 Sec. 2. Composition; election of members; vacancies

- 105
106 a. The Legislative Assembly shall consist of 21 members:
 - 107
108 1. The Speaker of the Legislative Assembly who shall be elected on a partisan basis
109 at large by the qualified voters of the State of New Columbia.
 - 110 2. Four members shall be elected on a partisan basis at large by the qualified voters
111 of the State of New Columbia.
 - 112 3. Sixteen members shall be elected on a partisan basis by the qualified voters, two
113 from each of the 8 legislative districts of the State of New Columbia.
- 114
115 b. A member of the Legislative Assembly shall be known as a Representative.
- 116
117 c. The term of office for Representatives shall be 4 years, and shall begin at noon on
118 January 2nd of the year following their election. Representatives shall be elected in
119 accordance with the schedule established pursuant to Article VIII, Sec. 1(b) of this
120 Constitution.
- 121
122 d. The Legislative Assembly may establish its committee structure by Resolution.
- 123
124 e. By a 4/5 vote of its members, the Legislative Assembly may adopt a Resolution of
125 expulsion of one of its members, if it finds, based on substantial evidence, that the
126 member took an action that amounts to a gross failure to meet the applicable standards of
127 personal and professional conduct.
- 128
129 f. (1) In the event of a vacancy in the Legislative Assembly of a Representative elected
130 from a legislative district, the Board of Elections shall hold a special election in the
131 district. The person elected as a Representative to fill a vacancy in the Legislative
132 Assembly shall take office not later than the second day following the day on which the
133 Board of Elections certifies the election, and shall serve as a member of the Legislative
134 Assembly only for the remainder of the term during which such vacancy occurred, unless
135 re-elected in a subsequent election. (2) Other than a vacancy in the Office of Speaker
136 caused by a vacancy in the Office of the Governor, in the event of a vacancy in the
137 position of Speaker of the Legislative Assembly, the Legislative Assembly shall select by
138 majority vote a member elected at large who shall serve as Speaker of the Legislative

139 Assembly, until certification by the Board of Elections of the election of a successor in a
140 special election to fill such vacancy. (3) In the event of a vacancy in the Legislative
141 Assembly of a member elected at large who is affiliated with a political party, the state
142 committee of such political party shall appoint a person to fill such vacancy until
143 certification by the Board of Elections of the election of a successor in a special election
144 to fill such vacancy. The person appointed to fill such vacancy shall take within two days
145 of the appointment . With respect to a vacancy of a member elected at large who is not
146 affiliated with any political party, the Legislative Assembly shall appoint a similarly non-
147 affiliated person to fill such vacancy until certification by the Board of Elections of the
148 election of a successor in a special election to fill such vacancy. Such person appointed
149 by the Legislative Assembly shall take office within two days of the appointment.
150

151 Sec. 3. Qualifications for holding office
152

- 153 a. No person shall hold the office of member of the Legislative Assembly, unless that
154 person: (1) is a qualified voter of the State of New Columbia; (2) resides in and is
155 domiciled in the State of New Columbia and if nominated for election from a particular
156 legislative district, resides in the district from which that person is nominated; (3) has
157 resided and been domiciled in the State of New Columbia for 1 year immediately
158 preceding the day on which the general or special election for such office is to be held;
159 and (4) holds no public office (other than employment in and the position as a member of
160 the Legislative Assembly), for which that person is compensated in an amount in excess
161 of actual expenses in connection therewith. Nothing in this clause shall prohibit any
162 person, while a member of the Legislative Assembly, from serving as an official or
163 delegate to a convention of a political party.
164
- 165 b. The Speaker of the Legislative Assembly shall not engage in any outside employment,
166 whether as an employee or through self-employment, or hold any position, other than
167 Speaker of the Legislative Assembly, for which that person is compensated in excess of
168 actual expenses.
169
- 170 c. A member of the Legislative Assembly shall forfeit the office upon failure to maintain
171 the qualifications required by this section or upon conviction of a felony.
172

173 Sec. 4. Acts; resolutions; procedures; specific authorities
174

- 175 a. (1) The Legislative Assembly, to discharge the powers and duties imposed herein,
176 shall pass Acts, adopt Resolutions and adopt rules, upon a vote of a majority of
177 the members of the Legislative Assembly present and voting, unless a greater
178 proportion of members is provided in this Constitution.
- 179 (2) Except as provided in paragraph (4) of this subsection, the Legislative Assembly
180 shall use Acts for all legislative purposes.
- 181 (3) The Legislative Assembly shall hold two readings for all Acts, except upon
182 declaration by two-thirds of its members of exigent circumstances, in which case
183 such Act shall only be effective for a period not to exceed 90 days.

- 184 (4) Resolutions shall be used: (A) to express simple determinations, decisions, or
185 directions of the Legislative Assembly of a special or temporary character; and
186 (B) to approve or disapprove proposed actions as authorized by an Act of the
187 Legislative Assembly or of a kind historically or traditionally transmitted to the
188 Council of the District of Columbia under the laws of the former District of
189 Columbia. Such Resolutions must be specifically authorized by Act and must be
190 designed to implement that Act.
- 191 (5) Resolutions may be approved upon a single reading and may take effect
192 immediately upon such approval.
- 193
- 194 b. Proposed Acts and proposed Resolutions shall be made promptly available to the public.
195 Every Act shall be published upon becoming law, and Resolutions shall be published
196 promptly after approval by the Legislative Assembly. The Legislative Assembly shall
197 adopt and publish rules of procedures which shall include provision for adequate public
198 notice of intended actions of the Legislative Assembly.
- 199
- 200 c. A bill adopted by the Legislative Assembly shall be presented by the Speaker of the
201 Legislative Assembly to the Governor, who shall, within 10 calendar days after the bill is
202 presented, either approve or disapprove such bill. To approve a bill, the Governor shall
203 affix the Governor's signature to it, and such bill shall become law. To disapprove such
204 Act, the Governor shall, within 10 calendar days after it is presented to the Governor,
205 return such bill to the Legislative Assembly setting forth in writing the reasons for such
206 disapproval. If any bill so adopted shall not be returned to the Legislative Assembly by
207 the Governor within 10 calendar days after being presented to the Governor, the
208 Governor shall be deemed to have approved it, and such Act shall become law unless the
209 Legislative Assembly, when in a recess of 10 days or more, prevents its return, in which
210 case it shall not become law.
- 211
- 212 d. If, within 30 calendar days after a bill has been timely returned by the Governor to the
213 Legislative Assembly with the Governor's disapproval, two-thirds of the members of the
214 Legislative Assembly present and voting vote to reenact such bill, the Act shall become
215 law without the Governor's signature.
- 216
- 217 e. (1) In the case of any Budget Act adopted by the Legislative Assembly and submitted
218 to the Governor, the Governor shall have power to disapprove any items or
219 provisions, or both, and approve the remainder. To exercise such disapproval, the
220 Governor shall append to the signed Act a statement indicating the item(s) or
221 provision(s) which the Governor disapproves, and shall, within such 10-day
222 period, return a copy of the Act and statement to the Legislative Assembly. If the
223 Governor fails to return any such item so disapproved to the Legislative Assembly
224 within such 10-day period, such item shall be deemed approved.
- 225 (2) If, within 30 calendar days after any such Budget Act has been timely returned by
226 the Governor to the Legislative Assembly, two-thirds of the members of the
227 Legislative Assembly present and voting vote to reenact any such item or
228 provision, it shall become law.
- 229

- 230 f. All Acts shall become effective and enforceable 60 days after enactment unless another
231 date is specified in the Act or other law.
232
- 233 g. By Act, the Legislative Assembly shall have authority to create or abolish any office,
234 agency, department, or instrumentality of the State of New Columbia not established in
235 this Constitution, and to define the powers, duties, and responsibilities of any such office,
236 agency, department, or instrumentality.
237
- 238 h. The Legislative Assembly, or any Committee or person authorized by it, shall have the
239 power, as otherwise authorized by the rules of the Legislative Assembly, to investigate
240 any matter relating to the affairs of the State of New Columbia, and for that purpose may
241 issue subpoenas and administer oaths to require the attendance and testimony and the
242 production of evidence. In conducting a lawful investigation, the Legislative Assembly
243 or one of its Committees may seek enforcement of any subpoena it issues in the Superior
244 Court of the State of New Columbia.
245
- 246 i. The Legislative Assembly may by Resolution call for an advisory referendum upon any
247 matter upon which the Legislative Assembly desires to take action.
248
- 249 j. A majority of the number of non-vacant seats of the Legislative Assembly shall constitute
250 a quorum for the transaction of business.
251
- 252 k. The Legislative Assembly may establish by its rules what number of members constitutes
253 a quorum for holding hearings or voting in a committee of the Legislative Assembly.
254
- 255 l. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays, and
256 legal holidays.
257

258 Sec. 5. Speaker of the Legislative Assembly
259

- 260 a. The Speaker of the Legislative Assembly shall be the presiding officer and chief
261 executive officer of the Legislative Assembly.
262
- 263 b. When the Office of Governor is vacant, the Speaker of the Legislative Assembly shall act
264 in the Governor's stead. While acting as Governor, the Speaker of the Legislative
265 Assembly shall not exercise any authority as Speaker of the Legislative Assembly or a
266 member of the Legislative Assembly. While the Speaker of the Legislative Assembly is
267 acting Governor, the Legislative Assembly shall select one of the elected at large
268 members of the Legislative Assembly to serve as Speaker, until the return of the elected
269 Speaker of the Legislative Assembly.
270

271 Sec. 6. Legislative districts
272

273 The boundaries of the legislative districts shall be established from time to time, at least
274 decennially, by an Act of the Legislative Assembly. Each legislative district shall consist

275 of contiguous territory, be compact in form, and be of substantially equal population to
276 the other legislative districts.

277
278 Sec. 7. Advisory Neighborhood Commissions

- 279
- 280 a. The Legislative Assembly shall by Act divide the State of New Columbia into
281 neighborhood commission areas, which neighborhoods shall be represented by an elected
282 advisory neighborhood commission. Members of each advisory neighborhood
283 commission shall be known as Advisory Neighborhood Commissioners and shall be
284 elected from a single member district on a nonpartisan basis. Candidates for Advisory
285 Neighborhood Commissioner shall qualify for election by gathering signatures of at least
286 twenty-five qualified voters in their single member district.
 - 287
 - 288 b. No person shall hold the off Advisory Neighborhood Commissioner unless that person:
289 (1) is domiciled in the State of New Columbia and resides in the district from which that
290 person is nominated; (2) is a qualified voter of the State of New Columbia; and (3) has
291 resided and been domiciled in the State of New Columbia for 1 year immediately
292 preceding the day on which the general or special election for such office is to be held.
 - 293
 - 294 c. Each advisory neighborhood commission may: (1) advise the Legislative Assembly and
295 the Executive Branch on matters of public policy; (2) employ staff and expend public
296 funds as authorized by the annual budget for the State of New Columbia for public
297 purposes within its neighborhood commission area; and (3) have such other advisory
298 powers and responsibilities as the Legislative Assembly may establish by Act.
 - 299
 - 300 d. Advisory Neighborhood Commissioners shall not be compensated in excess of actual
301 expenses.

302
303 Sec. 8. Auditor

- 304
- 305 a. There is established for the State of New Columbia the Office of the Auditor who shall be
306 appointed by the Speaker of the Legislative Assembly, subject to the approval of a
307 majority of the Legislative Assembly. The Auditor shall serve for a term of 6 years and
308 shall be paid at a rate of compensation as may be established from time to time by the
309 Legislative Assembly, not to exceed the rate of pay of the Speaker of the House.
 - 310
 - 311 b. The Auditor may conduct audits and investigations of the accounts and operations of the
312 government of the State of New Columbia in accordance with such principles and
313 procedures and under such rules and regulations as the Auditor may prescribe. Such
314 audits and investigations shall include those required by law and such others as may be
315 referred to it by the Legislative Assembly. In the determination of the auditing
316 procedures to be followed and the extend of the examination of vouchers and other
317 documents and records, the Auditor shall give due regard to generally accepted principles
318 of auditing including the effectiveness of the accounting organizations and systems,
319 internal audit and control, and related administrative practices.
- 320

- 321 c. The Auditor shall have access to all books, accounts, records, reports, findings and other
322 papers, things, or property belonging to or in use by any department, agency, or other
323 instrumentality of the State of New Columbia necessary to facilitate the audit. Release of
324 information by the Auditor shall be subject to the restrictions as are applicable to the
325 agency from which the Auditor obtained the information.
326
- 327 d. The Auditor shall submit audit reports to the Legislative Assembly, the Governor, and
328 other independent executive offices. Such reports shall set forth the scope of the audit
329 and shall include such comments and information as the Auditor may deem necessary to
330 keep the Legislative Assembly, Governor, and independent executive offices informed of
331 the operations to which the reports relate, together with such recommendations with
332 respect thereto as the Auditor may deem advisable.
333
- 334 e. The Auditor shall make such reports, together with such other material as the Auditor
335 deems pertinent thereto, available for public inspection.
336
- 337 f. The Governor or independent executive offices shall state in writing to the Legislative
338 Assembly, within an appropriate time, what action has been taken to effectuate the
339 recommendations made by the Auditor.
340
- 341 g. The Auditor may be removed for cause by two-thirds vote of the Legislative Assembly.
342 The appointment of a successor, or to otherwise fill a vacancy, shall be for a term of 6
343 years.
344
345

346 ARTICLE II
347 THE EXECUTIVE BRANCH
348

349 Part 1. Executive power
350

351 Part 2. The Governor

352 Section

- 353 1. Election of Governor
354 2. Qualifications for holding office; vacancy; compensation
355 3. Powers and duties of the Governor
356

357 Part 3. Independent executive entities.

358 Section

- 359 1. Office of Attorney General
360 2. Office of the Chief Financial Officer
361 3. State Board of Education
362 4. Board of Elections.
363

364 Part 1. Executive power
365

366 The executive power of the State of New Columbia shall be vested in the Governor and
367 the independent executive offices established herein.
368

369 Part 2. The Governor

370

371 Sec. 1. Election of Governor

372

373 The Governor shall be elected on a partisan basis by the qualified voters of the State of
374 New Columbia for a term of 4 years beginning at noon on January 2nd of the year
375 following that person's election. The Governor shall be elected in even years when there
376 is no federal presidential election.
377

378

378 Sec. 2. Qualifications for holding office; vacancy; compensation

379

380 a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified
381 voter of the State of New Columbia; (B) resides in and is domiciled in the State of
382 New Columbia; (C) has resided and been domiciled in the State of New Columbia
383 for 1 year immediately preceding the day on which the general or special election
384 for Governor is to be held; and (D) is not engaged in any employment (whether as
385 an employee or as a self-employed individual) and holds no public office or
386 position (other than employment in and the position as Governor), for which that
387 person is compensated in an amount in excess of actual expenses in connection
388 therewith, except that nothing in this clause shall be construed as prohibiting such
389 person, while holding the Office of Governor, from serving as an official or
390 delegate of a political party.

391 (2) To fill a vacancy in the Office of Governor, the Board of Elections shall hold a
392 special election at least 70 days and not more than 174 days after such vacancy
393 occurs, unless it determines that such vacancy could be more practicably filled in
394 a special election held on the same day as the next general election to be held in
395 the State of New Columbia. The person elected Governor to fill a vacancy in the
396 Office of Governor shall take office on the day the Board of Elections certifies the
397 election, and shall serve as Governor for the remainder of the term during which
398 such vacancy occurred unless re-elected in a subsequent election. When the
399 Office of Governor becomes vacant, the Speaker of the Legislative Assembly
400 shall become acting Governor and shall serve from the date such vacancy occurs
401 until the date on which the Board of Elections certifies the election of the new
402 Governor, at which time the acting Governor shall again become Speaker of the
403 Legislative Assembly. While the Speaker of the Legislative Assembly is acting
404 Governor, that person shall receive the compensation regularly paid the Governor,
405 and shall receive no compensation as Speaker or member of the Legislative
406 Assembly.
407

408

408 b. Should vacancies arise simultaneously for both the Speaker of the Legislative Assembly
409 and the Governor, the order of succession shall be the at large members of the Legislative
410 Assembly in order of seniority of continuous service, followed by the Attorney General.

411 Temporary or partial incapacity, or short periods of unavailability, shall not constitute a
412 vacancy nor trigger a special election.

413
414 c. The Governor shall receive compensation, payable in equal installments, at a rate of pay
415 established by Act. The Legislative Assembly shall not reduce the salary of an incumbent
416 Governor. Any changes in the Governor's compensation, upon enactment by the
417 Legislative Assembly, shall apply beginning with the next gubernatorial term after the
418 effective date of such Act.

419
420 d. The Governor shall forfeit the office upon failure to maintain qualifications required by
421 this section or upon conviction of a felony.

422
423 Sec. 3. Powers and duties of the Governor

424
425 The Governor shall be the chief executive officer of the State of New Columbia
426 government. The Governor shall be responsible for the faithful execution of the laws of
427 the State of New Columbia and for the proper administration of the affairs of the State of
428 New Columbia coming under the Governor's jurisdiction or control, including but not
429 limited to the following powers, duties, and functions:

430
431 a. The Governor may appoint an Administrator and Chief Operating Officer, who shall
432 serve at the pleasure of the Governor, who shall assist the Governor in carrying out the
433 Governor's functions under this Constitution, and whose salary shall be set by the
434 Governor consistent with any applicable law.

435 b. The Governor may designate the officer or officers of the executive branch of the State of
436 New Columbia, who may, during periods of absence from the State of New Columbia, or
437 temporary or partial incapacity, execute and perform the powers and duties of the
438 Governor.

439
440 c. The Governor shall administer the personnel functions of the executive branch of the
441 State of New Columbia except for the independent executive entities, including all laws
442 relating to the appointment, promotion, duties, discipline, separation, and other
443 conditions of employment of personnel in the Office of the Governor, personnel in
444 departments of the State of New Columbia, and members and employees of boards,
445 offices, commissions, and other agencies.

446
447 d. The Governor shall, through the heads of administrative boards, offices, commissions,
448 and agencies, supervise and direct the activities of such boards, offices, commissions, and
449 agencies.

450
451 e. The Governor may submit proposed Acts and Resolutions to the Legislative Assembly.

452
453 f. The Governor may delegate any of the Governor's functions (other than the function of
454 approving or disapproving Acts passed by the Legislative Assembly or the power to grant
455 pardons) to any officer, employee, or agency of the executive office of the Governor, or
456 to any director of an executive department who may, with the approval of the Governor,

- 457 make a further delegation of all or a part of such functions to subordinates under that
458 person's jurisdiction.
459
- 460 g. The Governor shall be the custodian of the corporate seal of the State of New Columbia
461 and shall use and authenticate it in accordance with law.
462
463
464
- 465 h. The Governor shall have the right to be heard by the Legislative Assembly or any of its
466 committees under rules to be adopted by the Legislative Assembly.
467
- 468 i. The Governor may issue and enforce administrative orders, not inconsistent with this
469 Constitution or with any statute, to carry out the Governor's functions and duties.
470
- 471 j. The Governor may, by reorganization order, reorganize the offices, agencies, and other
472 entities within the executive branch of the government of the State of New Columbia
473 except where such reorganization is inconsistent with statute.
474
- 475 k. The Governor shall have plenary power to grant pardons, commutations, and reprieves,
476 and to remit, forgive or reduce fines and forfeitures, for all offenses against the laws of
477 the State of New Columbia.
478
- 479 l. To advance the general welfare and provide for public safety, and consistent with federal
480 law, the Governor may enter into compacts and agreements with other states, localities, ,
481 the federal government and federal instrumentalities; and may enter into agreements with
482 foreign nations, cities or businesses; provided that any financial obligations of such
483 compacts, and agreements shall be approved by the Legislative Assembly under rules to
484 be adopted by the Legislative Assembly.
485
- 486 m. The Governor shall be the primary planning authority for the State of New Columbia.
487
- 488 n. The Governor shall be the Commander in Chief over the National Guard of the State of
489 New Columbia.
490
- 491 o. The Governor shall have charge of the administration of the financial affairs of the State
492 of New Columbia, except authority assigned by this Constitution to the Chief Financial
493 Officer, and shall have authority to examine and approve all contracts, orders, and other
494 documents by which the State of New Columbia incurs financial or other obligations.
495
- 496 Part 3. Independent executive agencies.
497
- 498 Sec. 1. Office of Attorney General
499
- 500 a. There is established within the executive branch of the State of New Columbia
501 government an independent Office of the Attorney General for the State of New
502 Columbia headed by an Attorney General. The Attorney General shall be elected by the

503 qualified voters of the State of New Columbia, on a partisan basis, for a term of 4 years
504 beginning at noon on January 2 of the year following that person's election. The term of
505 office of the Attorney General shall coincide with the term of office of the Governor.
506

507 b. (1) When the position of Attorney General becomes vacant, the Chief Deputy Attorney
508 General shall become the Acting Attorney General and shall serve until the date the
509 Board of Elections certifies the election of the new Attorney General, at which time the
510 Acting Attorney General shall again become the Chief Deputy Attorney General. While
511 the Chief Deputy Attorney General is Acting Attorney General, that person shall receive
512 the compensation regularly paid the Attorney General, and shall receive no compensation
513 as Chief Deputy Attorney General. (2) To fill a vacancy in the position of Attorney
514 General, the Board of Elections shall hold a special election at least 70 days and not more
515 than 174 days after such vacancy occurs, unless it determines that such vacancy could be
516 more practicably filled in a special election held on the same day as the next general
517 election to be held in the State of New Columbia. The person elected Attorney General
518 to fill a vacancy in the Office of the Attorney General shall take office on the day on
519 which the Board of Elections certifies the election, and shall serve as Attorney General
520 for the remainder of the term during which such vacancy occurred.
521

522 c. The Attorney General is the chief law officer of the State of New Columbia and shall
523 have charge and conduct of all law business of the State of New Columbia and of
524 criminal and all suits instituted by and against the government thereof. The Attorney
525 General shall possess all powers afforded the Attorney General by the common and
526 statutory law of the State of New Columbia, and shall be responsible for upholding the
527 public interest. The Attorney General shall have the power to control litigation and
528 appeals, as well as the power to intervene in legal proceedings on behalf of the public
529 interest.
530

531 d. The Attorney General may furnish opinions in writing on the Attorney General's
532 initiative or when requested to do so by the Governor or the Legislative Assembly.
533

534 e. The administration, organization, and operation of the Office of the Attorney General
535 shall be under the jurisdiction and control of the Attorney General. The Attorney
536 General's duties shall include supervising and directing the activities of the Office,
537 administering the personnel functions of the Office (including all laws relating to the
538 appointment, promotion, duties, discipline, separation, and other conditions of
539 employment of personnel), reorganizing the Office, and approving contracts, orders, and
540 other documents by which the State of New Columbia incurs financial or other
541 obligations for the Office of the Attorney General.
542

543 f. The Attorney General shall receive compensation, payable in equal installments, at a rate
544 of pay established by Act. The Legislative Assembly shall not reduce the salary of an
545 incumbent Attorney General. Any changes in the Attorney General's compensation,
546 upon enactment by the Legislative Assembly, shall apply beginning with the next
547 Attorney General's term after the effective date of such Act.
548

549 Sec. 2. Office of the Chief Financial Officer

550

551 a. There is established within the executive branch of the State of New Columbia
552 government an independent Office of the Chief Financial Officer for the State of New
553 Columbia headed by the Chief Financial Officer of the District of Columbia.

554

555 b. The Chief Financial Officer for the State of New Columbia shall be appointed by the
556 Governor with the advice and consent, by Resolution, of the Legislative Assembly. The
557 Chief Financial Officer shall be appointed for a term of 5 years. Any Chief Financial
558 Officer may continue to serve beyond the appointed term until a successor takes office.

559

560 c. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of
561 resignation, permanent disability, death, or other reason, the Governor shall appoint one
562 of the Deputy Chief Financial Officers to serve as the Chief Financial Officer in an acting
563 capacity. The Governor shall promptly nominate a person to serve as Chief Financial
564 Officer, for the remainder of the term during which the vacancy occurred; provided, that
565 the Governor shall submit the nomination to the Legislative Assembly for its approval as
566 provided in paragraph (b) of this section.

567

568 d. The Chief Financial Officer may be removed only for cause by the Governor, subject to
569 the approval of the Legislative Assembly by a Resolution approved by not fewer than 2/3
570 of the members of the Legislative Assembly present and voting.

571

572 e. The administration, organization, and operation of the Office of the Chief Financial
573 Officer shall be under the jurisdiction and control of the Chief Financial Officer. The
574 Chief Financial Officer's duties shall include supervising and directing the activities of
575 the Office, administering the personnel functions of the Office (including all laws relating
576 to the appointment, promotion, duties, discipline, separation, and other conditions of
577 employment of personnel), reorganizing the Office

578

579 f. The Chief Financial Officer shall, under the direction of the Governor, prepare the
580 budgets and financial plans for the State of New Columbia for submission by the
581 Governor to the Legislative Assembly.

582

583 g. The Chief Financial Officer shall: (1) assure that all financial information submitted by
584 the Governor to the Legislative Assembly or for any other official purpose is accurate and
585 complete; (2) prepare and submit to the Governor and the Legislative Assembly and
586 make public annual fiscal year estimates of all revenue for the State of New Columbia
587 and quarterly re-estimates of the revenues of New Columbia during the fiscal year; (3)
588 supervise and assume responsibility for financial transactions to ensure adequate control
589 over revenues and resources; (4) maintain systems of accounting and internal control
590 designed to provide full disclosure of the impact of the activities of the New Columbia
591 government, adequate financial information necessary for management purposes,
592 effective control over and accountability for all funds, property, and other assets of the
593 State of New Columbia, and reliable accounting results to serve as the basis for preparing
594 and supporting agency budget requests and controlling the execution of the budget; (5)

595 submit to the Legislative Assembly a financial statement containing such details and at
596 such times as the Legislative Assembly may specify; (6) supervise and assume
597 responsibility for the assessment of all property subject to assessments and taxes: which
598 includes preparing tax maps, and providing notice of taxes and special assessments; (7)
599 supervise and assume responsibility for the levying and collection of all taxes, special
600 assessments, licensing fees and other revenues of the State of New Columbia and
601 receiving all amounts paid to it; (8) maintain custody of all public funds; (9) apportion
602 funds made available so as to prevent deficiencies or a need for supplemental
603 appropriations; (10) certify all contracts and leases prior to execution as to the availability
604 of funds; (11) determine the regularity, legality and correctness of bills, invoices,
605 payrolls, claims, demands or charges; (12) supervise and administer all borrowing
606 programs; (13) administer the cash management program of the State of New Columbia;
607 (14) administer such payroll and retirement systems as the Legislative Assembly may by
608 Act assign to it; (15) govern the accounting policies and systems of the State of New
609 Columbia; (16) timely prepare yearly, quarterly and monthly financial reports of the
610 accounting and financial operations of the State of New Columbia; (17) prepare fiscal
611 impact statements on such regulations, multi-year contracts, agreements, and proposed
612 legislation as the Governor and Legislative Assembly may require by request or Act; (18)
613 certify all collective bargaining agreements and nonunion pay proposals as to the
614 availability of funds before submission to the Legislative Assembly, and prepare any
615 financial analysis requested by the Governor of proposed terms or agreements.
616

617

618 Sec. 3. The State Board of Education

619

620 a. Composition; elections

621

622 1. The State Board of Education shall consist of one member elected from each
623 legislative district and one elected at large. By Act, the length of terms and
624 provisions for addressing vacancies may be established.

625 2. A President and Vice President of the State Board of Education shall be elected
626 from among the members of the State Board of Education.
627

628

628 b. Powers

629

630 1. The State Board of Education shall be responsible for advising the Governor and
631 Legislative Assembly on educational matters, including state standards, state
632 policies, including those governing special, academic, vocational, charter and
633 other schools, state objectives and state regulations.

634 2. By Act, the Legislative Assembly may establish which educational matters shall
635 be subject to the approval of the State Board of Education.
636

637

637 Sec. 4. Board of Elections

638

639 The authority to manage and supervise elections, initiatives, referenda, and recalls
640 provided under this constitution shall be vested in the Board of Elections. The Legislative

641 Assembly shall, by Act, provide for the composition, method of selection, and procedures
642 for the Board of Elections to use in carrying out its duties.

643
644
645 ARTICLE III
646 THE JUDICIAL BRANCH
647

648 Section

- 649 1. Judicial power
650 2. Nomination and appointment to the State of New Columbia Courts
651 3. Qualification for nomination and appointment; removal; compensation
652 4. Powers of the State of New Columbia Courts
653 5. Designation of Chief Judges
654

655 Sec. 1. Judicial power
656

657 The judicial power of the State of New Columbia is vested in the State of New Columbia
658 Court of Appeals, the Superior Court of the State of New Columbia, and such other
659 courts as may be established by Act. The jurisdiction of the courts shall be established by
660 Act. Collectively these shall be referred to as the State of New Columbia Courts.
661

662 Sec. 2. Nomination and appointment to the State of New Columbia Courts
663

- 664 a. The Governor shall nominate, from the list of persons recommended by the State of New
665 Columbia Judicial Nomination Commission, and, by and with the advice and consent of
666 the Legislative Assembly by Resolution, appoint all judges of the State of New Columbia
667 Courts.
668
669 b. A judge appointed to the State of New Columbia Courts shall be appointed for a term of
670 fifteen years, unless removed or suspended, and upon completion of such term, such
671 judge shall continue to serve until reappointed or a successor is appointed and is sworn
672 in. A judge who is found well-qualified by the Commission on Judicial Disabilities and
673 Tenure shall be reappointed.
674
675 c. The Legislative Assembly shall, by law, provide for the composition, method of
676 selection, and procedures for the Judicial Nomination Commission to use in carrying out
677 its duties under this Article.
678

679 Sec. 3. Qualification for nomination and appointment; removal; compensation
680

- 681 a. No person may be nominated or appointed as a judge of the State of New Columbia
682 Courts unless that person:
683 1. has resided and been domiciled in the State of New Columbia for at least 1 year
684 prior to nomination;

- 685 2. is an active member of the unified bar created pursuant to the rules of the State of
686 New Columbia Court of Appeals and has been active in that bar for at least five
687 years; and
688 3. is recommended to the Governor, for such nomination and appointment, by the
689 State of New Columbia Judicial Nomination Commission.
690

691 b. Judges may not be removed or sanctioned for the good faith legal determinations they
692 render. A judge of the State of New Columbia Courts shall be removed from office upon
693 a final judgment of conviction of a crime which is punishable as a felony under federal
694 law or which would be a felony in the State of New Columbia or a determination,
695 following a process established by law, of:
696

- 697 1. willful misconduct in office;
698 2. willful and persistent failure to perform judicial duties;
699 3. any other conduct which is prejudicial to the administration of justice or which
700 brings the judicial office into disrepute;
701 4. failure to maintain residency in the State of New Columbia; or
702 5. a mental or physical incapacity (including habitual intemperance) which is or is
703 likely to become permanent and which prevents, or seriously interferes with, the
704 proper performance of that person's judicial duties.
705

706 c. The authority to reappoint, remove, or sanction a judge of the State of New Columbia
707 Courts as provided in this Article shall be vested in a Commission on Judicial Disabilities
708 and Tenure. The Legislative Assembly shall, by law, provide for the composition,
709 method of selection, and procedures for the Commission on Judicial Disabilities and
710 Tenure to use in carrying out its duties under this Article.
711

712 d. All Judges of the State of New Columbia Courts shall receive compensation, payable in
713 equal installments, at a rate of pay established by Act. The Legislative Assembly shall not
714 reduce the salary of Judges. Any changes in the Judges' compensation, upon enactment
715 by the Legislative Assembly, shall apply after the effective date or the applicability date
716 of such Act, whichever is later.
717

718 Sec. 4. Powers of the State of New Columbia Courts 719

720 The Superior Court of the State of New Columbia shall have jurisdiction of any civil
721 action or other matter at law or in equity brought in the State of New Columbia and of
722 any criminal case under the law of the State of New Columbia. The State of New
723 Columbia Court of Appeals shall have jurisdiction of appeals from the Superior Court or
724 an intermediate appellate court established by statute and, to the extent provided by law,
725 to review orders and decisions of the Governor, the Legislative Assembly, or any agency
726 of the State of New Columbia. The State of New Columbia Courts shall also have
727 jurisdiction over any other matters granted to the State of New Columbia Courts by other
728 provisions of law.
729

730 Sec. 5. Designation of Chief Judges

731 All Chief Judges of the State of New Columbia Courts shall be designated by the State of
732 New Columbia Judicial Nomination Commission from among the judges of their
733 respective courts in regular active service, and shall serve as Chief Judge for a term of
734 four years or until a successor is designated, except that a term as Chief Judge shall not
735 extend beyond the Chief Judge's term as a judge of a State of New Columbia Courts. A
736 Chief Judge shall be eligible for re-designation as Chief Judge.
737
738

739
740 ARTICLE IV
741 BUDGET AND FINANCIAL MANAGEMENT
742

743 Section

- 744 1. Fiscal year
745 2. Submission of annual budget
746 3. Adoption of budget by Legislative Assembly
747 4. Annual financial statements and audits
748 5. Balanced budget
749 6. Review of Contracts by the Legislative Assembly
750 7. Emergency and contingency reserve funds Sec. 1. Fiscal year
751

752 The Legislative Assembly shall establish by Act the fiscal year of the State of New
753 Columbia.
754

755 Sec. 2. Submission of annual budget
756

- 757 a. The Governor shall prepare and submit to the Legislative Assembly each year, at such
758 time as the Legislative Assembly shall direct, and shall make available to the public, a
759 proposed annual budget for the State of New Columbia government. It shall:
760 1. (A) Reflect the actual financial condition of the State of New Columbia
761 government, (B) Specify the agencies and purposes for which funds are being
762 requested; and (C) Be prepared on the assumption that proposed expenditures for
763 such fiscal year shall not exceed estimated resources from existing sources and
764 proposed resources.
765 2. Be accompanied by: (A) An annual budget message which shall include
766 supporting financial and statistical information for the forthcoming fiscal year and
767 information on the approved budgets and expenditures for the immediately
768 preceding 3 fiscal years; (B) A multiyear financial plan of revenues and expenses,
769 including multiyear operating and capital improvement plans for all agencies; (C)
770 A summary of the budget for distribution to the general public.
771 3. The proposed budget and financial plan shall be certified by the Chief Financial
772 Officer as balanced. The budget shall identify any new sources of revenue that
773 shall be necessary to balance the budget as submitted.
774
775 b. The budget prepared and submitted by the Governor shall include, but not be limited to,
776 recommended expenditures for agencies under the authority of the Governor, and shall

777 include expenditures as established by the Legislative Assembly, the State of New
778 Columbia court system, the Office of the Attorney General, the Office of the Chief
779 Financial Officer, the State Board of Education, and the Board of Elections for each such
780 entity.

781
782 c. The Governor may prepare and submit to the Legislative Assembly such supplemental or
783 deficiency budget proposals as are necessary, including proposals to increase revenues to
784 meet any such increased expenditure, and may prepare and submit to the Legislative
785 Assembly for approval by resolution, proposed reprogrammings of budgeted amounts.
786 The Legislative Assembly may by Act designate categories and classes of supplemental
787 and deficiency budget modifications and reprogrammings for which approval by the
788 Legislative Assembly is not required or for which approval of the House will be deemed
789 to have occurred upon the expiration of a specified period of time after the Governor
790 submits the proposal to the Legislative Assembly.

791
792 Sec. 3. Adoption of budget by Legislative Assembly

793
794 The Legislative Assembly, within 77 calendar days after receipt of the budget proposal
795 from the Governor, and after a public hearing, shall adopt by Act the annual budget for
796 the State of New Columbia government. No amount may be obligated or expended by
797 any officer or employee of the State of New Columbia government unless such amount
798 has been approved by Act of the Legislative Assembly, and then only according to such
799 Act, or as otherwise provided in section 2(c) of this Article.

800
801 Sec. 4. Annual financial statement and audits

802
803 Within 123 days following the close of the fiscal year, the Governor shall submit to the
804 Legislative Assembly a complete and audited financial statement and report for the
805 preceding fiscal year.

806
807 Sec. 5. Balanced budget

808
809 a. The Legislative Assembly shall not approve any budget which would result in
810 expenditures being in excess of all resources which the Chief Financial Officer estimates
811 will be available from all funds available to the State of New Columbia for such fiscal
812 year and the subsequent three fiscal years.

813
814 Sec. 6. Review of Contracts by the Legislative Assembly

815
816 By Act, the Legislative Assembly may establish which contracts shall be subject to its
817 review and approval; provided, the scope of contracts subject to the review of the
818 Legislative Assembly shall not exceed those contracts that were subject to approval of the
819 former Council of the District of Columbia.

820
821 Sec. 7. Emergency and contingency reserve funds

822

- 823 a. (1) The Governor shall deposit into an emergency cash reserve fund not later than the
824 first day of each fiscal year such an amount as may be required to maintain a
825 balance in the fund of at least 2 percent of the operating expenditures of the
826 government of the State of New Columbia; provided, if the Governor uses money
827 from the fund during a fiscal year, the State of New Columbia shall appropriate
828 sufficient funds each fiscal year in the budget process to replenish any amounts
829 allocated from the emergency reserve fund during the preceding fiscal years so
830 that not less than 50 percent of any amount allocated in the preceding fiscal year
831 or the amount necessary to restore the emergency reserve fund to the 2 percent
832 required balance, whichever is less, is replenished by the end of the first fiscal
833 year following each such allocation and 100 percent of the amount allocated or
834 the amount necessary to restore the emergency reserve fund to the 2 percent
835 required balance, whichever is less, is replenished by the end of the second fiscal
836 year following each such allocation; provided further, if an amount is allocated
837 from the emergency cash reserve fund for cash flow management purposes, the
838 Governor shall fully replenish the fund in the amount allocated not later than the
839 earlier of the expiration of the 9-month period which begins on the date the
840 allocation is made or the last day of the fiscal year.
841
- 842 (2) The Governor may use the emergency cash reserve fund to provide for
843 unanticipated and nonrecurring extraordinary needs of an emergency nature,
844 including a natural disaster or calamity or a state of emergency as declared by the
845 Governor, for unexpected obligations of federal law and for cash flow
846 management purposes in an amount of not more than 50 percent of the balance of
847 the fund.
848
- 849 b. (1) The Governor shall deposit into a contingency cash reserve fund not later than the
850 first day of each fiscal year such amount as may be required to maintain a balance
851 in the fund of at least 4 percent of the operating expenditures of the government
852 of the State of New Columbia; provided, the government of the State of New
853 Columbia shall appropriate sufficient funds each fiscal year in the budget process
854 to replenish any amounts allocated from the contingency reserve fund during the
855 preceding fiscal years so that not less than 50 percent of any amount allocated in
856 the preceding fiscal year or the amount necessary to restore the contingency
857 reserve fund to the 4 percent required balance, whichever is less, is replenished by
858 the end of the first fiscal year following each such allocation and 100 percent of
859 the amount allocated or the amount necessary to restore the contingency reserve
860 fund to the 4 percent required balance, whichever is less, is replenished by the end
861 of the second fiscal year following each such allocation; provided further, if an
862 amount is allocated from the contingency cash reserve fund for cash flow
863 management purposes, the Governor shall fully replenish the fund in the amount
864 allocated not later than the earlier of the expiration of the 9-month period which
865 begins on the date the allocation is made or the last day of the fiscal year.
866
- 867 (2) The Governor may use the contingency cash reserve fund to provide for
868 nonrecurring or unforeseen needs that arise during the fiscal year, including

869 expenses associated with unforeseen weather or other natural disasters,
870 unexpected obligations created by federal law or new public safety, health,
871 welfare, or education needs or requirements that have been identified after the
872 budget process has occurred, for opportunities to achieve cost savings, to cover
873 revenue shortfalls experienced by the District government for 3 consecutive
874 months (based on a 2 month rolling average) that are 5 percent or more below the
875 budget forecast, and for cash flow management purposes in an amount of not
876 more than 50 percent of the balance of the fund, provided that no funds shall be
877 expended from the contingency cash reserve fund unless such expenditure is
878 approved by Resolution by the Legislative Assembly.
879

880 ARTICLE V BORROWING

881 Section

- 884 1. Authority to issue and redeem general obligation bonds for capital projects
- 885 2. Contents of borrowing legislation on issuing general obligation bonds
- 886 3. Issuance of general obligation bonds
- 887 4. Borrowing to meet appropriations and in anticipation of revenues
- 888 5. Special tax
- 889 6. Full faith and credit of State of New Columbia pledged
- 890 7. Payment of the general obligation bonds and notes
- 891 8. Revenue bonds and other obligations
- 892 9. Limitations on borrowing and spending
- 893 10. Tax exemption
- 894 11. Legal investment

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

- 896 a. The State of New Columbia may incur indebtedness by issuing general obligation bonds
897 to refund indebtedness of the State of New Columbia at any time outstanding and to
898 provide for the payment of the cost of acquiring or undertaking its various capital
899 projects, including paying its share of regional transportation projects. Such bonds shall
900 bear interest, payable on such dates, at such rate or rates and at such maturities as the
901 Governor, subject to the provisions of section 2, may determine to be necessary to make
902 such bonds marketable.
903
- 904 b. The State of New Columbia may reserve the right to redeem any or all of its obligations
905 before maturity in such manner and at such price as may be fixed by the Governor prior
906 to the issuance of such obligations.
907
- 908 c. For purposes of section 1, capital projects means any physical public betterment or
909 improvement, the acquisition of property of a permanent nature, or the purchase of
910 equipment or furnishings.
911

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

915
916 a. The Legislative Assembly may by Act authorize the issuance of general obligation bonds
917 for the purposes specified in section 1. Such an Act shall contain, at least, provisions:
918 briefly describing each project to be financed by the Act; identifying the Act authorizing
919 each such project or category of projects; setting forth the maximum amount of debt
920 principal which may be incurred for the projects; setting forth the maximum rate of
921 interest to be paid on such indebtedness; setting forth the maximum allowable maturity
922 for the issue and the maximum debt service payable in any year; authorizing the bonds to
923 be sold at public sale or at private sale on a negotiated basis, as determined by the
924 Governor in the public interest; authorizing the Governor to enter into and amend
925 agreements in connection with the bond issue, including a trust indenture; vesting in the
926 trustee under such a trust indenture such properties, rights, powers, and duties in trust as
927 may be necessary, convenient or desirable; authorizing the creation of a security interest
928 in State of New Columbia revenues as additional security for the payment of the bonds;
929 describing the particular State of New Columbia revenues which are subject to such
930 security interest; prescribing the validity of such security interest; prescribing remedies of
931 the bondholders in the event of a default; and such other covenants, provisions and
932 conditions necessary to issue the additional bonds as parity bonds.
933

934 b. The Governor shall publish the enacted Act in at least one newspaper of general
935 circulation within the State of New Columbia with the notification that the time within
936 which a suit, action or proceeding questioning the validity of such bonds may be
937 commenced expires at the end of the 20-day period beginning on the date of the first
938 publication of the notice.
939

940 c. Failure to publish the notice or any error in any publication shall not impair the effect of
941 the Act or the validity of the bonds issued pursuant to the Act.
942

943 Sec. 3. Issuance of general obligation bonds

944

945 a. After an Act of the Legislative Assembly authorizing the issuance of general obligation
946 bonds has taken effect, the Governor may issue such general obligation bonds. An issue
947 of general obligation bonds may be all or any part of the aggregate principal amount of
948 bonds authorized by such Act.
949

950 b. The principal amount of the general obligation bonds of each issue shall be payable in
951 annual installments beginning not more than 3 years after the date of such bonds and
952 ending not more than 30 years after such date.
953

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

955

956 a. In the absence of unappropriated revenues available to meet appropriations, the
957 Legislative Assembly may by Act authorize the issuance of general obligation notes.
958

959 b. In anticipation of the collection or receipt of revenues for a fiscal year, the Legislative
960 Assembly may by Act authorize the issuance of revenue anticipation notes.

961
962 c. The total amount of any general obligation notes originally issued during a fiscal year
963 shall not exceed two percent of the total appropriations for the State of New Columbia for
964 such fiscal year, and the total amount of all revenue anticipation notes outstanding at any
965 time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of
966 the State of New Columbia that the Governor estimates, and the Chief Financial Officer
967 certifies, will be credited to the State of New Columbia during the fiscal year in which
968 the bonds will be issued.

969
970 d. Any general obligation note issued under subsection (a) of this section, or any revenue
971 anticipation note issued under subsection (b) of this section, as authorized by an Act of
972 the Legislative Assembly, may be renewed. Any such note, including any renewal of
973 such note, shall be due and payable not later than the last day of the fiscal year occurring
974 immediately after the fiscal year during which the Act authorizing the original issuance
975 of such note takes effect.

976
977 Sec. 5. Special tax
978

979 Any Act of the Legislative Assembly authorizing the issuance of general obligation
980 bonds shall provide for the annual levy of a special tax or charge, if necessary. Such tax
981 or charge shall be levied, without limitation as to rate or amount, in amounts which
982 together with other State of New Columbia revenues available and applicable will be
983 sufficient to pay the principal of and interest on such general obligation bonds as they
984 become due and payable.

985
986 Sec. 6. Full faith and credit of State of New Columbia pledged
987

988 The full faith and credit of the State of New Columbia is pledged for the payment of the
989 principal of and interest on any general obligation bond or note issued under this Article,
990 whether or not such pledge is stated in such bond or note or in the Act authorizing the
991 issuance of such bond or note.

992
993 Sec. 7. Payment of the general obligation bonds and notes
994

995 a. In each annual budget, the Legislative Assembly shall provide sufficient funds to pay the
996 principal of and interest on all general obligation bonds or notes due and payable during
997 such fiscal year.

998
999 b. The Governor shall insure that the principal and interest on all general obligation bonds
1000 and notes issued under this Article are paid when due, including by paying such principal
1001 and interest from funds not otherwise legally committed.

1002
1003 c. All amounts obligated or expended by the State of New Columbia for the payment of
1004 principal of, interest on, or redemption premium for any general obligation bonds issued
1005 under this Article or issued before the effective date of this Constitution are not subject to
1006 appropriation.

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Sec. 8. Revenue bonds and other obligations

- a. (1) The Legislative Assembly 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 Legislative Assembly 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 Legislative Assembly authorizing the issuance of such bond, note, or other obligation. Any Act of the Legislative Assembly 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 Legislative Assembly 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)

1053 Any security interest created under subparagraph (A) of this paragraph shall be
1054 valid, binding, and perfected from the time such security interest is created, with
1055 or without the physical delivery of any funds or any other property and with or
1056 without any further action. Such security interest shall be valid, binding, and
1057 perfected whether or not any statement, document, or instrument relating to such
1058 security interest is recorded or filed. The lien created by such security interest is
1059 valid, binding, and perfected with respect to any individual or legal entity having
1060 claims against the State of New Columbia, whether or not such individual or legal
1061 entity has notice of such lien. (C) Any funds of the State of New Columbia held
1062 for the payment or security of any revenue bond, note, or other obligation issued
1063 under paragraph (1) of this subsection, whether or not such funds are held in trust,
1064 may be secured in the manner agreed to by the State of New Columbia and any
1065 depository of such funds. Any depository of such funds may give security for the
1066 deposit of such funds.

1067 (5) The following obligations and expenditures by the State of New Columbia shall
1068 not be subject to appropriations: (A) All amounts (including the amount of any
1069 accrued interest or premium) obligated or expended from the proceeds of the sale
1070 of any revenue bond, note, or other obligation issued under this section, or issued
1071 before the effective date of this Constitution; (B) All amounts obligated or
1072 expended for the payment of principal of, interest on, or redemption premium for
1073 or to secure any bonds issued under this section or issued before the effective date
1074 of this Constitution; and (C) All amounts obligated or expended pursuant to
1075 commitments made in connection with the issuance of the revenue bond, note, or
1076 other obligation for repair, maintenance, and capital improvements relating to
1077 undertakings financed through any revenue bond, note, or other obligation issued
1078 under this section or issued before the effective date of this Constitution.

1079
1080 b. Any and all such bonds, notes, or other obligations shall not be general obligations of the
1081 State of New Columbia and shall not be a pledge of or involve the faith and credit or the
1082 taxing power of the State of New Columbia, shall not constitute a debt of the State of
1083 New Columbia, and shall not constitute lending of the public credit for private
1084 undertakings.

1085
1086 c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or
1087 Resolution of the Legislative Assembly without the necessity of submitting the question
1088 of such issuance to the registered qualified voters of the State of New Columbia for
1089 approval or disapproval.

1090
1091 d. Any Act or Resolution of the Legislative Assembly authorizing the issuance of revenue
1092 bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section
1093 may: (1) Briefly describe the purpose for which such bonds, notes, or other obligations
1094 are to be issued; (2) Prescribe the form, terms, provisions, manner, and method of issuing
1095 and selling (including sale by negotiation or by competitive bid) such bonds, notes, or
1096 other obligations; (3) Provide for the rights and remedies of the holders of such bonds,
1097 notes, or other obligations upon default; (4) Prescribe any other details with respect to the
1098 issuance, sale, or securing of such bonds, notes, or other obligations; and (5) Authorize

1099 the Governor to take any actions in connection with the issuance, sale, delivery, security,
1100 and payment of such notes, bonds, or other obligations, including the prescribing of any
1101 terms or conditions not contained in such Act or Resolution of the Legislative Assembly.
1102

1103 e. The Legislative Assembly may by Act delegate to any independent instrumentality of
1104 New Columbia the authority of the Legislative Assembly under subsection (a) of this
1105 section to issue revenue bonds, notes, and other obligations to borrow money for the
1106 purposes described in subsection (a) of this section.
1107

1108 Sec. 9. Limitations on borrowing and spending
1109

1110 a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall
1111 be issued during any fiscal year in an amount which would cause the amount of principal
1112 and interest required to be paid both serially and into a sinking fund in any fiscal year on
1113 the aggregate amounts of all outstanding general obligation bonds and such Treasury
1114 loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues
1115 directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the
1116 purposes of water and sewer facilities (including fees or revenues directed to servicing or
1117 securing revenue bonds issued for such purposes), retirement contributions, revenues
1118 from retirement systems, and revenues derived from the sale of general obligation or
1119 revenue bonds) which the Governor estimates, and the Chief Financial Officer certifies,
1120 will be credited to the State of New Columbia during the fiscal year in which the bonds
1121 will be issued.
1122

1123 b. The 17% limitation specified in section 9(a) shall be calculated in the following manner:
1124 (1) Determine the dollar amount equivalent to 17% of the State of New Columbia
1125 revenues as specified in section 9(a);
1126 (2) Determine the actual total amount of principal and interest to be paid in each
1127 fiscal year for all outstanding general obligation bonds (less the allocable portion
1128 of principal and interest to be paid during the year on general obligation bonds of
1129 the District of Columbia issued prior to October 1, 1996, for the financing of
1130 Department of Public Works, Water and Sewer Utility Administration capital
1131 projects) and such Treasury loans;
1132 (3) Determine the amount of principal and interest to be paid during each fiscal year
1133 over the term of the proposed general obligation bond or such Treasury loan to be
1134 issued; and
1135 (4) If in any one fiscal year the sum arrived at by adding subparagraphs (2) and (3) of
1136 this section exceeds the amount determined under subparagraph (1) of this section
1137 then the proposed general obligation bond or such Treasury loan in subparagraph
1138 (3) of this paragraph cannot be issued.
1139

1140 Sec. 10. Tax exemption
1141

1142 Bonds and notes issued pursuant to this Article and the interest thereon shall be exempt
1143 from all taxes of the State of New Columbia, except estate, inheritance, and gift taxes.
1144

1145 Sec. 11. Legal investment

1146

1147 Notwithstanding any restriction on the investment of funds by fiduciaries contained in
1148 any other law, all domestic insurance companies, domestic insurance associations,
1149 executors, administrators, guardians, trustees, and other fiduciaries within the State of
1150 New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds
1151 belonging to them or within their control in any bonds issued pursuant to this title, it
1152 being the purpose of this section to authorize the investment in such bonds or notes of all
1153 sinking, insurance, retirement, compensation, pension, and trust funds.

1154

1155

1156 ARTICLE VI INITIATIVE; REFERENDUM; RECALL

1157

1158 Section

- 1159 1. Definitions; computation
- 1160 2. Process
- 1161 3. Submission of measure at election
- 1162 4. Rejection of measure
- 1163 5. Approval of measure
- 1164 6. Short title and summary
- 1165 7. Recall process
- 1166 8. Time limits on initiation of recall process
- 1167 9. When official removed; filling of vacancies

1168

1169 Sec. 1. Definitions

1170

1171 a. The term "initiative" means the process by which the registered qualified electors of the
1172 State of New Columbia may propose laws and present such proposed laws directly to the
1173 registered qualified electors of the State of New Columbia for their approval or
1174 disapproval.

1175

1176 b. The term "referendum" means the process by which the registered qualified electors of
1177 the State of New Columbia may repeal or ratify acts of the Legislative Assembly (Except
1178 emergency acts, acts levying taxes, acts appropriating funds, acts prohibiting or having
1179 the effect of discrimination, or advisory referenda.

1180

1181 c. The term "recall" means the process by which the registered qualified electors of the
1182 State of New Columbia may call for the holding of an election to remove or retain an
1183 elected official prior to the expiration of that official's term.

1184

1185

1186 Sec. 2. Process

1187

1188 a. An initiative or referendum may be proposed by the presentation to the Board of
1189 Elections of a petition containing the signatures of 5 percent of the registered voters in

1190 the State of New Columbia; provided that the total signatures submitted include 5 percent
1191 of the registered voters in a majority of the legislative districts.

1192
1193 b. The latest official count of registered voters by the State of New Columbia Board of
1194 Elections, which was issued 30 or more days prior to submission of the signatures for any
1195 particular initiative, referendum, or recall petition, shall be used for computing the
1196 signature requirements of this Article.

1197
1198
1199

1200 Sec. 3. Submission of measure at election

1201
1202 a. The Board of Elections shall submit an initiative or referendum measure without
1203 alteration at the next statewide general, primary, or special election held at least 90 days
1204 after the measure is received.

1205
1206 b. The Board of Elections shall hold an election on a recall petition within 114 days of its
1207 receipt of a petition. If a previously scheduled general, primary, or special election will
1208 occur between 54 and 114 days of its receipt of a recall petition, the Board of Elections
1209 may present the recall petition at that election.

1210
1211 Sec. 4. Rejection of measure

1212
1213 If a majority of the registered qualified electors voting on a referred act vote to
1214 disapprove the Act, such action shall be deemed a rejection of the Act or that portion of
1215 the Act on the referendum ballot. No action may be taken by the Legislative Assembly
1216 with regard to the matter presented at referendum for 365 days following the date of the
1217 Board of Election's certification of the vote concerning the referendum.

1218
1219 Sec. 5. Approval of measure

1220
1221 If a majority of the registered qualified electors voting in a referendum approve of an act
1222 or adopt legislation by initiative, then the adopted initiative or Act approved by
1223 referendum shall become law upon the certification of the vote by the Board of Elections
1224 on such initiative or act.

1225
1226 Sec. 6. Short title and summary

1227
1228 The Board of Elections shall propose a short title and summary of the initiative and
1229 referendum matter, which shall accurately reflect the intent and meaning of the proposed
1230 referendum or initiative.

1231
1232 Sec. 7. Recall process

1233
1234 Any elected official of the State of New Columbia government, elected on a partisan
1235 basis, may be recalled by the registered qualified electors of the election district of

1236 districts from which that official was elected. A recall shall be proposed by the filing
1237 with the Board of Elections of a petition demanding the recall of the elected official,
1238 signed by 10 percent of the registered qualified electors in the elected official's election
1239 district or districts, including 10 percent of the registered qualified electors in a majority
1240 of the election districts for a statewide elected official.
1241

1242 Sec. 8. Time limits on initiation of recall process
1243

1244 The process of recalling an elected official may not be initiated within the first 365 days
1245 nor the last 365 days of the official's term of office. Nor may the process be initiated
1246 within 1 year after a recall election has been determined in the official's favor.

1247 Sec. 9. When an official is removed; filling of vacancies
1248

1249 An elected official is removed from office if a majority of the qualified electors voting
1250 in the election vote to remove the official. The vacancy created by such recall shall be
1251 filled in the same manner as other vacancies as provided in this Constitution.
1252
1253

1254 ARTICLE VII MISCELLANEOUS
1255

1256 Section

- 1257 1. Openness and transparency
 - 1258 2. Construction of Constitution
 - 1259 3. Constitution amending procedure
 - 1260 4. Constitutional convention
 - 1261 5. Oath of office.
 - 1262 6. Effective date
- 1263

1264 Sec. 1. Openness and transparency
1265

1266 The government of the State of New Columbia shall operate on principles of openness,
1267 transparency and democratic participation. Specific obligations regarding participation
1268 and transparency may be established by Act of the Legislative Assembly and
1269 administrative orders of the Governor.
1270

1271 Sec. 2. Construction of Constitution
1272

- 1273 a. To the extent that any provisions of this Constitution are inconsistent with the provisions
1274 of any other laws of the State of New Columbia, the provisions of this Constitution shall
1275 prevail and shall be deemed to supersede the provisions of such laws.
1276
- 1277 b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall
1278 determine only when the name of a political party may appear next to the name of a
1279 candidate on the ballot but shall not limit the authority of the Legislative Assembly to
1280 establish any type of primary or runoff system it may find appropriate.
1281

1282 c. In interpreting this Constitution, the courts are not bound by the interpretation given by
1283 federal courts to identical or similar language in the United States Constitution, but shall
1284 interpret this Constitution in light of its purposes and the laws, values, and traditions of
1285 the State of New Columbia.

1286
1287 Sec. 3. Constitution amending procedure

1288
1289 a. The Constitution may be amended by an Act passed by the affirmative vote of two-thirds
1290 of the members of the Legislative Assembly and ratified by a majority of the qualified
1291 voters who vote in a ratification referendum.

1292
1293 b. Ratified constitutional amendments take effect either on the date the Board of Elections
1294 certifies the ratification, or the date prescribed by the amendment, whichever is later.

1295 Sec. 4. Constitutional convention

1296
1297 a. No later than the second anniversary of the date of admission of the State of New
1298 Columbia as a member of the Union, the Legislative Assembly shall call for a
1299 Constitutional Convention to assess the functionality of this Constitution in the transition
1300 from a federal district to statehood.

1301
1302 b. The Legislative Assembly shall, by Act, establish for the Constitutional Convention:
1303 1. The subjects to be considered including checks and balances, governance
1304 principals, efficient legislative processes, and independence of executive
1305 agencies; and
1306 2. Procedures for the convention which shall include the selection process for
1307 delegates to the Constitutional Convention, to be comprised of an equal number
1308 of delegates from each legislative district.

1309
1310 c. The Legislative Assembly shall appoint a Constitutional Convention Commission
1311 comprised of legal and subject matter experts with the purpose of preparing
1312 comprehensive recommendations and advice to the Constitutional Convention delegates
1313 on the subjects established by the Legislative Assembly.

1314
1315 d. Any amendments resulting from such a Constitutional Convention shall be considered
1316 pursuant to section 3 of this article.

1317
1318 Sec. 5. Oath of office

1319
1320 The Representatives of the Legislative Assembly, the Governor, all Executive and
1321 Judicial offices, and the Advisory Neighborhood Commissioners shall be bound by Oath
1322 or Affirmation to support this Constitution, the laws of the State of New Columbia, and
1323 the Constitution of the United States of America.

1324
1325 Sec. 6. Effective date

1326

1327 This Constitution shall take effect upon passage of an Admission Act to admit New
1328 Columbia as a state of the United States of America with the same rights as other states,
1329 unless otherwise provided therein.

1330
1331

1332 ARTICLE VIII TRANSFER OF OFFICES

1333

1334 Section

- 1335 1. Transfer of offices
- 1336 2. Continuation of State of New Columbia court system
- 1337 3. Pending actions and proceedings
- 1338 4. Laws in force and prior powers
- 1339 5. Personnel rights
- 1340 6. Debts; assets; records
- 1341 7. Residency and qualifications
- 1342 8. Adjustments
- 1343 9. Voting rights

1344

1345 Sec. 1. Transfer of offices

1346

1347 The Council of the District of Columbia and the offices of Councilmembers, Chairman of
1348 the Council, and Mayor are abolished as of the effective date of this Constitution.

1349

1350 a. To provide continuity during the transition from the government of the District of
1351 Columbia to the State of New Columbia, the members of the Council, the Chairman of
1352 the Council, the Mayor, the Attorney General, and members of the State Board of
1353 Education and Advisory Neighborhood Commissions in office as of the effective date of
1354 this Constitution shall be deemed Representatives of the Legislative Assembly, Speaker
1355 of the Legislative Assembly, Governor, Attorney General, and members of the State
1356 Board of Education and Advisory Neighborhood Commissions respectively (in
1357 accordance with current boundaries), until the expiration of the term of office each such
1358 individual held immediately prior to the effective date of this Constitution. Vacancies in
1359 these offices occurring during the holdover term shall be filled as provided in Articles I,
1360 II, and VI.

1361

1362 b. New members of the Legislative Assembly shall be elected on the same schedule as
1363 existing Councilmembers of the District of Columbia. The Board of Elections shall hold
1364 elections for newly created positions in the Legislative Assembly at least 60 days and not
1365 more than 120 days after the effective date of this Constitution, unless it determines that
1366 such positions could be more practicably filled in a special election held on the same day
1367 as the next primary or general election to be held in the State of New Columbia. The
1368 Legislative Assembly shall, by Act, establish the election schedule for all newly created
1369 positions, provided such Act ensures a staggered schedule, including between Delegates
1370 from the same legislative district.

1371

- 1372 c. The individual serving as District of Columbia Auditor as of the effective date of this
1373 Constitution shall be deemed to have been appointed as Auditor under Article I for a term
1374 to expire as of the date of expiration of the term to which he or she was appointed.
1375
- 1376 d. Positions previously held on boards, commissions, and regional bodies by members of
1377 the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall
1378 be held after the effective date of this Constitution by members of the Legislative
1379 Assembly, the Speaker of the Legislative Assembly, and the Governor, respectively, to
1380 the extent consistent with this Constitution.
1381
- 1382 e. For boards and commissions, members not federally appointed and in office as of the
1383 effective date of this Constitution shall continue to serve until the expiration of that term
1384 of office held on the effective date of this Constitution.
1385
- 1386 f. The terms of federally appointed members to any District of Columbia board or
1387 commission shall expire on the 90th day from the effective date of this Constitution
1388 unless otherwise provided by law, and no vacancies shall be deemed to be created by the
1389 abolition of these positions unless the Governor or Legislative Assembly creates a new
1390 position on the board or commission.
1391
- 1392 g. The individual serving as Chief Financial Officer as of the effective date of this
1393 Constitution shall be deemed to have been appointed as Chief Financial Officer under
1394 Article II, for a term to expire on July 1 of the year in which that individual's previously
1395 extant term would have expired.
1396
- 1397 Sec. 2. Continuation of State of New Columbia court system
1398
- 1399 a. To provide continuity during the transition from the government of the District of
1400 Columbia and the State of New Columbia, the members of the District of Columbia
1401 Superior Court and the Court of Appeals of the District of Columbia appointed as of the
1402 effective date of this Constitution shall be deemed members of the State of New
1403 Columbia Superior Court and the Court of Appeals of the State of New Columbia,
1404 respectively, until the expiration of that term of office held immediately prior to the
1405 effective date of this Constitution.
1406
- 1407 b. The District of Columbia Court of Appeals, the Superior Court of the District of
1408 Columbia, the Judicial Nomination Commission, and the Commission on Judicial
1409 Disability and Tenure shall continue subject to the provisions of Article III of this
1410 Constitution. Any changes in the Judges' compensation, upon enactment by the
1411 Legislative Assembly, shall apply after the effective date or the applicability date of such
1412 Act, whichever is later.
1413
- 1414 c. The term and qualifications of any judge of any District of Columbia court appointed
1415 prior to the effective date of this Constitution shall not be affected by the provisions of
1416 Article III of this Constitution. No provision of this Constitution shall be construed to

1417 extend the term of any such judge. Judges of the State of New Columbia courts appointed
1418 after the effective date of this Constitution shall be appointed according to Article III.
1419

1420 d. Nothing in this Constitution shall be construed to amend, repeal, or diminish the duties,
1421 rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the
1422 District of Columbia Code, dealing with retirement, or to authorize a decrease in the level
1423 of compensation of the judges of the District of Columbia courts as of the effective date
1424 of this Constitution.

1425 Sec. 3. Pending actions and proceedings
1426

1427 All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal
1428 liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action,
1429 contracts, claims, demands, titles, and rights shall continue unaffected except as may be
1430 modified in accordance with the provisions of this Constitution. The State of New
1431 Columbia shall be the legal successor to the District of Columbia in all matters.
1432

1433 Sec. 4. Laws in force and prior powers
1434

1435 a. Acts of the Council of the District of Columbia preceding the effective date of this
1436 Constitution and the convening of the Legislative Assembly shall be considered valid as
1437 if they were enacted by the Legislative Assembly.
1438

1439 b. Upon the effective date of this Constitution, all of the laws then in force in the District of
1440 Columbia, including regulations and Mayor's Orders, shall become the laws of the State
1441 of New Columbia and continue in force and effect throughout the State of New
1442 Columbia, except as modified by the State of New Columbia Admission Act, or by this
1443 Constitution, or as thereafter modified in accordance with this Constitution.
1444

1445 c. All powers previously vested in the Council of the District of Columbia by Congress
1446 through the District of Columbia Home Rule Act, to the extent not inconsistent with this
1447 Constitution and to the extent not thereafter having been transferred or repealed, shall be
1448 vested in the Legislative Assembly in accordance with the provisions of this Constitution.
1449

1450 d. Except as otherwise provided in this Constitution, all functions previously granted to or
1451 vested in the Mayor of the District of Columbia through the District of Columbia Home
1452 Rule Act, to the extent not inconsistent with this Constitution and to the extent not
1453 thereafter having been transferred or repealed, shall be vested in the Office of the
1454 Governor in accordance with the provisions of this Constitution.
1455

1456 e. The annual compensation of the Speaker of the Legislative Assembly and
1457 Representatives, the Governor, the Attorney General, the Chief Financial Officer, and the
1458 judges of the Superior Court and Court of Appeals on the effective date of this
1459 Constitution shall be the annual compensation provided to the Chairman and members of
1460 the Council, the Mayor, the Attorney General, the Chief Financial Officer, and the judges
1461 of the Superior Court and Court of Appeals immediately prior to the effective date of this
1462 Constitution.

1463
1464 f. The powers possessed by the Attorney General for the District of Columbia on the day
1465 prior to the effective date of this Constitution shall be possessed by the Attorney General
1466 for the State of New Columbia upon the effective date of the Constitution, to the extent
1467 not inconsistent with this Constitution, and to the extent not thereafter having been
1468 transferred or repealed.

1469
1470 Sec. 5. Personnel rights

1471
1472 Nothing in this Constitution shall be construed as affecting the rights under District of
1473 Columbia law of employees of the State of New Columbia who were employed by the
1474 District of Columbia government prior to the effective date of this Constitution to
1475 personnel benefits, including, but not limited to pay, tenure, leave, retirement, health and
1476 life insurance, and employee disability and death benefits, or regulations adopted
1477 pursuant thereto, and applicable to such officers and employees immediately prior to the
1478 effective date of this Constitution, provided, all such benefits shall thereafter be subject to
1479 modification by Act or regulation.

1480
1481 Sec. 6. Debts; assets; records

1482
1483 The debts and liabilities of the District of Columbia as of the effective date of this
1484 Constitution shall be assumed by the State of New Columbia, and debts owed to the
1485 District of Columbia shall be collected by the State of New Columbia. Assets and records
1486 of the District of Columbia shall become the property of the State of New Columbia.

1487
1488 Sec. 7. Residency and qualifications

1489
1490 Residence, voter registration, or other qualifications under the District of Columbia may
1491 be used toward the fulfillment of corresponding qualifications required by this
1492 Constitution.

1493
1494 Sec. 8. Adjustments

1495
1496 The Governor is authorized and empowered to enter into an agreement or agreements
1497 concerning the manner and method by which amounts owed by the State of New
1498 Columbia to the United States or by the United States to the State of New Columbia,
1499 shall be ascertained and paid.

1500
1501 Sec. 9. Voting rights

1502
1503 Any person who resides in any area which was a part of the District of Columbia
1504 immediately prior to the admission of the State of New Columbia but which is not
1505 included within the boundaries of the State of New Columbia may, at that person's
1506 option, be deemed to be a resident of the State of New Columbia for purposes of voting
1507 in a State of New Columbia election, unless that person claims residency in another state
1508 for voting purposes.