

The Constitution of the State of New Columbia

Approved by the Council of the District of Columbia
October 4~~1~~8, 2016

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~~ citizenship 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.

47 V. Rights of accused in criminal proceedings

48
49 No person shall be held to answer for a felony offense, unless on a presentment or
50 indictment of a grand jury; nor shall any person be subject for the same offense to be
51 twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a
52 witness against oneself, nor be deprived of life, liberty, or property, without due process
53 of law; nor shall private property be taken for public use, without just compensation.
54

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

56
57 In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial
58 and to be informed of the nature and cause of the accusation; to be confronted with the
59 witnesses against the accused; to have compulsory process for obtaining witnesses in
60 favor of the accused, and to have the assistance of counsel for defense of the accused.
61 Where the potential sentence exceeds 180 days, the accused shall enjoy the right to trial
62 by an impartial jury ~~of the state~~.

63
64 VII. Trial by jury in civil cases

65
66 In suits at common law, where the value in controversy shall exceed five thousand dollars
67 or such greater amount as set by the Superior Court, the right of trial by jury shall be
68 preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the
69 State of New Columbia, than according to the rules of the common law.
70

71 VIII. Bails, fines, and punishments

72
73 Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual
74 punishments inflicted.
75

76 IX. Reservation of the rights of the people

77
78 The enumeration in this Constitution; of certain rights, shall not be construed to deny or
79 disparage others retained by the people.
80

81 X. Equal protection

82
83 The State of New Columbia shall not deny to any person the equal protection of the law.
84
85

86 ARTICLE I
87 THE LEGISLATIVE BRANCH
88

89 Section

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

- 93 4. Acts; resolutions; procedures; and specific authorities
- 94 5. ~~Speaker of the House of Delegates~~ Speaker of the Legislative Assembly
- 95 6. Legislative districts
- 96 7. Advisory Neighborhood Commissions

97
98 Sec. 1. Legislative power

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

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

- 106
107 a. The ~~House of Delegates~~ Legislative Assembly shall consist of 21 members:
 - 108
109 1. The ~~Speaker of the House of Delegates~~ Speaker of the Legislative Assembly who
110 shall be elected on a partisan basis at large by the qualified voters of the State of
111 New Columbia.
 - 112 2. Four members shall be elected on a partisan basis at large by the qualified voters
113 of the State of New Columbia.
 - 114 3. Sixteen members shall be elected on a partisan basis by the qualified voters, two
115 from each of the 8 legislative districts of the State of New Columbia.
- 116
117 b. A member of the Legislative Assembly shall be known as a Representative.
- 118
119 c. The term of office for ~~Delegates~~ Representatives shall be 4 years, and shall begin at noon
120 on January 2nd of the year following their election. ~~Delegates~~ Representatives shall be
121 elected in accordance with the schedule established ~~in pursuant to~~ Article VIII, Sec. 1(b)
122 of this Constitution.
- 123
124 ed. The ~~House of Delegates~~ Legislative Assembly may establish its committee structure by
125 Resolution.
- 126
127 de. By a 5/64/5 vote of its members, the ~~House of Delegates~~ Legislative Assembly may adopt
128 a Resolution of expulsion of one of its members, if it finds, based on substantial evidence,
129 that the member took an action that amounts to a gross failure to meet the applicable
130 standards of personal and professional conduct.
- 131
132 ef. (1) In the event of a vacancy in the ~~House of Delegates~~ Legislative Assembly of a
133 member ~~Representative~~ Representative elected from a legislative district, the ~~elections agency~~ Board of
134 Elections shall hold a special election in the district. The person elected as a member
135 Representative to fill a vacancy in the ~~House of Delegates~~ Legislative Assembly shall take
136 office ~~on not later than the second day following~~ the day on which the ~~elections~~
137 agency Board of Elections certifies the election, and shall serve as a member of the ~~House~~
138 of Delegates Legislative Assembly only for the remainder of the term during which such

139 vacancy occurred, unless re-elected in a subsequent election. (2) Other than a vacancy in
140 the Office of Speaker caused by a vacancy in the Office of the Governor, in the event of a
141 vacancy in the position of ~~Speaker of the House~~Speaker of the Legislative Assembly, the
142 ~~House of Delegates~~Legislative Assembly shall select by majority vote a member elected
143 at large who shall serve as ~~Speaker of the House~~Speaker of the Legislative Assembly,
144 until certification by the elections agency~~Board of Elections can hold~~of the election of a
145 successor in a special election to fill such vacancy. (3) In the event of a vacancy in the
146 ~~House of Delegates~~Legislative Assembly of a member elected at large who is affiliated
147 with a political party, the state committee of such political party shall appoint a person to
148 fill such vacancy; until certification by the elections agency~~Board of Elections can hold~~of
149 the election of a successor in a special election to fill such vacancy. The person appointed
150 to fill such vacancy shall take ~~office on the date of~~within two days of the appointment
151 ~~and shall serve as an at large member of the House of Delegates~~Legislative Assembly
152 ~~until the day on which the elections agency~~Board of Elections certifies the election of a
153 ~~candidate elected to fill such vacancy in either a special election or a general election.~~
154 ~~The person elected to fill such a vacancy shall take office on the day the elections~~
155 ~~agency~~Board of Elections certifies the election, and shall serve only for the remainder of
156 ~~the term during which such vacancy occurred.~~ With respect to a vacancy of a member
157 elected at large who is not affiliated with any political party, the ~~House of~~
158 ~~Delegates~~Legislative Assembly shall appoint a similarly non-affiliated person to fill such
159 vacancy until ~~such vacancy can be filled in a special election in the manner prescribed in~~
160 ~~this paragraph~~certification by the Board of Elections of the election of a successor in a
161 special election to fill such vacancy. Such person appointed by the ~~House of~~
162 ~~Delegates~~Legislative Assembly shall take office ~~and serve as a member at the same time~~
163 ~~and for the same term as a member appointed by a state committee of a political~~
164 ~~party~~within two days of the appointment.

165
166 Sec. 3. Qualifications for holding office

- 167
168 a. No person shall hold the office of member of the ~~House of Delegates~~Legislative
169 Assembly, including the Speaker of the House~~Speaker of the Legislative Assembly,~~
170 unless that person: (1) is a qualified voter of the State of New Columbia; (2) resides in
171 and is domiciled in the State of New Columbia and if nominated for election from a
172 particular legislative district, resides in the district from which that person is nominated;
173 (3) has resided and been domiciled in the State of New Columbia for 1 year immediately
174 preceding the day on which the general or special election for such office is to be held;
175 and (4) holds no public office (other than employment in and the position as a member of
176 the ~~House of Delegates~~Legislative Assembly), for which that person is compensated in an
177 amount in excess of actual expenses in connection therewith, ~~except that n.~~ Nothing in
178 this clause shall prohibit any ~~such~~ person, while a member of the ~~House of~~
179 ~~Delegates~~Legislative Assembly, from serving as ~~a delegate or alternate~~an official or
180 delegate to a convention of a political party ~~nominating candidates for President and Vice~~
181 ~~President of the United States, or from holding an appointment in a reserve component of~~
182 ~~an armed force of the United States other than a member serving on active duty under a~~
183 ~~call for more than 30 days.~~
184

- 185 b. The ~~Speaker of the House of Delegates~~ Speaker of the Legislative Assembly shall not
 186 engage in any outside employment, whether as an employee or through self-employment,
 187 or hold any position, other than ~~Speaker of the House of Delegates~~ Speaker of the
 188 Legislative Assembly, for which that person is compensated in excess of actual expenses.
 189
- 190 c. A member of the ~~House of Delegates~~ Legislative Assembly shall forfeit the office upon
 191 failure to maintain the qualifications required by this section or upon conviction of a
 192 felony.
 193

194 Sec. 4. Acts; resolutions; procedures; specific authorities
 195

- 196 a. (1) The ~~House of Delegates~~ Legislative Assembly, to discharge the powers and duties
 197 imposed herein, shall pass Acts, adopt Resolutions and adopt rules, upon a vote of
 198 a majority of the members of the ~~House of Delegates~~ Legislative Assembly
 199 present and voting, unless a greater proportion of members is provided in this
 200 Constitution.
- 201 (2) Except as provided in paragraph (4) of this subsection, the ~~House of~~
 202 ~~Delegates~~ Legislative Assembly shall use Acts for all legislative purposes.
- 203 (3) The ~~House of Delegates~~ Legislative Assembly shall hold two readings for all Acts,
 204 except upon declaration by two-thirds of its members ~~of of an emergency~~ exigent
 205 circumstances, in which case such Act shall only be effective for a period not to
 206 exceed 90 days.
- 207 (4) Resolutions shall be used: (A) to express simple determinations, decisions, or
 208 directions of the ~~House of Delegates~~ Legislative Assembly of a special or
 209 temporary character; and (B) to approve or disapprove proposed actions as
 210 authorized by an Act of the ~~House of Delegates~~ Legislative Assembly or of a kind
 211 historically or traditionally transmitted to the Council of the District of Columbia
 212 under the laws of the former District of Columbia. Such Resolutions must be
 213 specifically authorized by Act and must be designed to implement that Act.
- 214 (5) Resolutions may be approved upon a single reading and may take effect
 215 immediately upon such approval.
 216
- 217 b. Proposed Acts and proposed Resolutions shall be made promptly available to the public.
 218 Every Act shall be published upon becoming law, and Resolutions shall be published
 219 promptly after approval by the ~~House of Delegates~~ Legislative Assembly. The ~~House of~~
 220 ~~Delegates~~ Legislative Assembly shall adopt and publish rules of procedures which shall
 221 include provision for adequate public notice of intended actions of the ~~House of~~
 222 ~~Delegates~~ Legislative Assembly. ~~Proposed Acts and proposed Resolutions shall be made~~
 223 ~~promptly available to the public.~~
 224
- 225 c. ~~An Act passed~~ A bill adopted by the ~~House of Delegates~~ Legislative Assembly shall be
 226 presented by the ~~Speaker of the House of Delegates~~ Speaker of the Legislative Assembly
 227 to the Governor, who shall, within 10 calendar days after the ~~Act~~ bill is presented, either
 228 approve or disapprove such ~~Act~~ bill. To approve ~~an Act~~ a bill, the Governor shall affix the
 229 Governor's signature to it, and such ~~Act~~ bill shall become law. To disapprove such Act,
 230 the Governor shall, within 10 calendar days after it is presented to the Governor, return

231 such ~~Act~~ bill to the ~~House of Delegates~~ Legislative Assembly setting forth in writing the
232 reasons for such disapproval. If any ~~Act so passed~~ bill so adopted shall not be returned to
233 the ~~House of Delegates~~ Legislative Assembly by the Governor within 10 calendar days
234 after being presented to the Governor, the Governor shall be deemed to have approved it,
235 and such Act shall become law unless the ~~House of Delegates~~ Legislative Assembly,
236 when in -by a recess of 10 days or more, prevents its return, in which case it shall not
237 become law.

238
239 d. If, within 30 calendar days after ~~an Act~~ a bill has been timely returned by the Governor to
240 the ~~House of Delegates~~ Legislative Assembly with the Governor's disapproval, two-thirds
241 of the members of the ~~House of Delegates~~ Legislative Assembly present and voting vote
242 to reenact such ~~Act~~ bill, the Act shall become law without the Governor's signature.

243
244 e. (1) In the case of any Budget Act adopted by the ~~House of Delegates~~ Legislative
245 Assembly and submitted to the Governor, the Governor shall have power to
246 disapprove any items or provisions, or both, and approve the remainder. To
247 exercise such disapproval, the Governor shall append to the signed Act a
248 statement indicating the item(s) or provision(s) which the Governor disapproves,
249 and shall, within such 10-day period, return a copy of the Act and statement to the
250 ~~House of Delegates~~ Legislative Assembly. If the Governor fails to return any such
251 item so disapproved to the Legislative Assembly within such 10-day period, such
252 item shall be deemed approved.

253 (2) If, within 30 calendar days after any such Budget Act has been timely returned by
254 the Governor to the ~~House of Delegates~~ Legislative Assembly, two-thirds of the
255 members of the ~~House of Delegates~~ Legislative Assembly present and voting vote
256 to reenact any such item or provision, it shall become law.

257
258 f. All Acts shall become effective and enforceable 60 days after enactment unless another
259 date is specified in the Act or other law.

260
261 g. By Act, the ~~House of Delegates~~ Legislative Assembly shall have authority to create or
262 abolish any office, agency, department, or instrumentality of the State of New Columbia
263 not established in this Constitution, and to define the powers, duties, and responsibilities
264 of any such office, agency, department, or instrumentality.

265
266 gh. ~~The House of Delegates may appoint an Auditor, who shall serve for a term of 6 years~~
267 ~~and shall be paid at a rate of compensation as may be established by the House of~~
268 ~~Delegates, not to exceed the rate of pay of the Speaker of the House. The Auditor may~~
269 ~~conduct audits and investigations of such matters as may be referred to it by the House of~~
270 ~~Delegates or as otherwise authorized by the rules of the House of Delegates. In carrying~~
271 ~~out an audit or investigation, the Auditor shall have access to all books, accounts, records,~~
272 ~~reports, findings and other papers, things, or property belonging to or in use by any~~
273 ~~agency of the State of New Columbia necessary to facilitate the audit and not subject to a~~
274 ~~privilege.~~

276 h. The ~~House of Delegates~~Legislative Assembly, or any Committee or person authorized by
277 it, shall have the power, as otherwise authorized by the rules of the Legislative Assembly,
278 to investigate any matter relating to the affairs of the State of New Columbia, and for that
279 purpose may issue subpoenas and administer oaths to require the attendance and
280 testimony and the production of evidence. In conducting a lawful investigation, the
281 ~~House of Delegates~~Legislative Assembly or one of its Committees may seek enforcement
282 of any subpoena it issues in the Superior Court of the State of New Columbia.
283

284 i. The ~~House of Delegates~~Legislative Assembly may by Resolution call for an advisory
285 referendum upon any matter upon which the ~~House of Delegates~~Legislative Assembly
286 desires to take action.
287

288 j. A majority of the number of non-vacant seats of the ~~House of Delegates~~Legislative
289 Assembly shall constitute a quorum for the transaction of business.
290

291 k. The ~~House of Delegates~~Legislative Assembly may establish by its rules what number of
292 members constitutes a quorum for holding hearings or voting in a committee of the
293 ~~House of Delegates~~Legislative Assembly.
294

295 l. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays, and
296 legal holidays.
297

298 Sec. 5. ~~Speaker of the House of Delegates~~Speaker of the Legislative Assembly
299

300 a. The ~~Speaker of the House of Delegates~~Speaker of the Legislative Assembly shall be the
301 presiding officer and chief executive officer of the ~~House of Delegates~~Legislative
302 Assembly.
303

304 b. When the Office of Governor is vacant, the ~~Speaker of the House of Delegates~~Speaker of
305 the Legislative Assembly shall act in the Governor's stead. While acting as Governor, the
306 ~~Speaker of the House of Delegates~~Speaker of the Legislative Assembly shall not exercise
307 any authority as ~~Speaker of the House of Delegates~~Speaker of the Legislative Assembly
308 or a member of the ~~House of Delegates~~Legislative Assembly. While the ~~Speaker of the~~
309 ~~House of Delegates~~Speaker of the Legislative Assembly is acting Governor, the ~~House of~~
310 ~~Delegates~~Legislative Assembly shall select one of the elected at large members of the
311 ~~House of Delegates~~Legislative Assembly to serve as Speaker, until the return of the
312 ~~regularly elected~~ Speaker of the House of DelegatesSpeaker of the Legislative Assembly.
313

314 Sec. 6. Legislative districts
315

316 The boundaries of the legislative districts shall be established from time to time, at least
317 decennially, by an Act of the ~~House of Delegates~~Legislative Assembly. Each legislative
318 district shall consist of contiguous territory, be compact in form, and be of substantially
319 equal population to the other legislative districts.
320

321 Sec. 7. Advisory Neighborhood Commissions

322
323 a. The ~~House of Delegates~~ Legislative Assembly shall by Act divide the State of New
324 Columbia into neighborhood commission areas, which neighborhoods shall be
325 represented by an elected advisory neighborhood commission. Members of each
326 advisory neighborhood commission shall be known as Advisory Neighborhood
327 Commissioners and shall be elected from a single member district on a nonpartisan basis.
328 Candidates for Advisory Neighborhood Commissioner shall qualify for election by
329 gathering signatures of at least twenty-five qualified voters in their single member
330 district.

331
332 b. No person shall hold the off Advisory Neighborhood Commissioner unless that person:
333 (1) is domiciled in the State of New Columbia and resides in the district from which that
334 person is nominated; (2) is a qualified voter of the State of New Columbia; and (3) has
335 resided and been domiciled in the State of New Columbia for 1 year immediately
336 preceding the day on which the general or special election for such office is to be held.

337
338 ~~bc.~~ Each advisory neighborhood commission may: (1) advise the ~~House of~~
339 ~~Delegates~~ Legislative Assembly and the Executive Branch on matters of public policy; (2)
340 employ staff and expend public funds as authorized by the annual budget for the State of
341 New Columbia for public purposes within its neighborhood commission area; and (3)
342 have such other advisory powers and responsibilities as the ~~House of~~
343 ~~Delegates~~ Legislative Assembly may establish by Act.

344
345 d. Advisory Neighborhood Commissioners shall not be compensated in excess of actual
346 expenses.

347
348 Sec. 8. Auditor
349

350 a. There is established for the State of New Columbia the Office of the Auditor who shall be
351 appointed by the Speaker of the Legislative Assembly, subject to the approval of a
352 majority of the Legislative Assembly. The Auditor shall serve for a term of 6 years and
353 shall be paid at a rate of compensation as may be established from time to time by the
354 Legislative Assembly, not to exceed the rate of pay of the Speaker of the House.

355
356 b. The Auditor may conduct audits and investigations of the accounts and operations of the
357 government of the State of New Columbia in accordance with such principles and
358 procedures and under such rules and regulations as the Auditor may prescribe ~~of such~~
359 matters as may be referred to it by the Legislative Assembly or as otherwise authorized
360 by the rules of the Legislative Assembly. Such audits and investigations shall include
361 those required by law and such others as may be referred to it by the Legislative
362 Assembly. In the determination of the auditing procedures to be followed and the extend
363 of the examination of vouchers and other documents and records, the Auditor shall give
364 due regard to generally accepted principles of auditing including the effectiveness of the
365 accounting organizations and systems, internal audit and control, and related
366 administrative practices.

367

- 368 c. In carrying out an audit or investigation, the Auditor shall have access to all books,
 369 accounts, records, reports, findings and other papers, things, or property belonging to or
 370 in use by any agency department, agency, or other instrumentality of the State of New
 371 Columbia necessary to facilitate the audit and not subject to a privilege. Release of
 372 information by the Auditor shall be subject to the restrictions as are applicable to the
 373 agency from which the Auditor obtained the information.
- 374
- 375 d. The Auditor shall submit audit reports conducted to the Legislative Assembly, the
 376 Governor, and other independent executive offices. Such reports shall set forth the scope
 377 of the audits conducted and shall include such comments and information as the Auditor
 378 may deem necessary to keep the Legislative Assembly, Governor, and independent
 379 executive entities offices informed of the operations to which the reports relate, together
 380 with such recommendations with respect thereto as the Auditor may deem advisable.
- 381
- 382 e. The Auditor shall make such reports, together with such other material as the Auditor
 383 deems pertinent thereto, available for public inspection.
- 384
- 385 f. The Governor or independent executive entities offices shall state in writing to the
 386 Legislative Assembly, within an appropriate time, what action has been taken to
 387 effectuate the recommendations made by the Auditor.
- 388
- 389 g. The Auditor may be removed for cause by two-thirds vote of the Legislative Assembly.
 390 The appointment of a successor, or to otherwise fill a vacancy, shall be for a term of 6
 391 years.
- 392
- 393

394 ARTICLE II
 395 THE EXECUTIVE BRANCH

396 Part 1. Executive power

397 Section

398 1. Executive power

400

401 Part 2. The Governor

402 Section

403 21. Election of Governor

404 32. Qualifications for holding office; vacancy; compensation

405 43. Powers and duties of the Governor

406

407 Part 3. Independent executive offices/entities.

408 Section

409 51. Office of Attorney General

410 62. Office of the Chief Financial Officer

411 73. State Board of Education

412 4. Board of Elections.

413

414 ~~Sec. 1~~Part 1. Executive power

415
416 The executive power of the State of New Columbia shall be vested in the Governor and
417 the independent executive offices established herein.

418
419 Part 2. The Governor

420
421 Sec. 21. Election of Governor

422
423 The Governor shall be elected on a partisan basis by the qualified voters of the State of
424 New Columbia for a term of 4 years beginning at noon on January 2nd of the year
425 following that person's election. The Governor shall be elected in even years when there
426 is no federal presidential election.

427
428 Sec. 32. Qualifications for holding office; vacancy; compensation

- 429
430 a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified
431 voter of the State of New Columbia; (B) resides in and is domiciled in the State of
432 New Columbia; (C) has resided and been domiciled in the State of New Columbia
433 for 1 year immediately preceding the day on which the general or special election
434 for Governor is to be held; and (D) is not engaged in any employment (whether as
435 an employee or as a self-employed individual) and holds no public office or
436 position (other than employment in and the position as Governor), for which that
437 person is compensated in an amount in excess of actual expenses in connection
438 therewith, except that nothing in this clause shall be construed as prohibiting such
439 person, while holding the Office of Governor, from serving as a delegatean
440 official or delegate of a political party~~alternate delegate to a convention of a~~
441 ~~political party nominating candidates for President and Vice President of the~~
442 ~~United States, or from holding an appointment in a reserve component of an~~
443 ~~armed force of the United States other than a member serving on active duty~~
444 ~~under a call for more than 30 days.~~
- 445 (2) To fill a vacancy in the Office of Governor, the elections agencyBoard of
446 Elections shall hold a special election at least 70 days and not more than 174 days
447 after such vacancy occurs, unless it determines that such vacancy could be more
448 practicably filled in a special election held on the same day as the next general
449 election to be held in the State of New Columbia. The person elected Governor to
450 fill a vacancy in the Office of Governor shall take office on the day the elections
451 agencyBoard of Elections certifies the election, and shall serve as Governor only
452 for the remainder of the term during which such vacancy occurred unless re-
453 elected in a subsequent election. When the Office of Governor becomes vacant,
454 the ~~Speaker of the House of Delegates~~Speaker of the Legislative Assembly shall
455 become acting Governor and shall serve from the date such vacancy occurs until
456 the date on which the elections agencyBoard of Elections certifies the election of
457 the new Governor, at which time the acting Governor shall again become Speaker
458 ~~of the House of Delegates~~Speaker of the Legislative Assembly. While the Speaker
459 ~~of the House~~Speaker of the Legislative Assembly is acting Governor, that person

460 shall receive the compensation regularly paid the Governor, and shall receive no
461 compensation as Speaker or member of the ~~House of Delegates~~Legislative
462 Assembly.

- 463
- 464 b. Should vacancies arise simultaneously for both the ~~Speaker of the House of~~
465 ~~Delegates~~Speaker of the Legislative Assembly and the Governor, the order of succession
466 shall be the at large members of the ~~House of Delegates~~Legislative Assembly in order of
467 seniority of continuous service, followed by the Attorney General. Temporary or partial
468 incapacity, or short periods of unavailability, shall not constitute a vacancy nor trigger a
469 special election.
- 470
- 471 c. The Governor shall receive compensation, payable in equal installments, at a rate of pay
472 established by Act. The ~~House of Delegates~~Legislative Assembly shall not reduce the
473 salary of ~~the an inelumbent~~incumbent Governor. Any changes in the Governor's
474 compensation, upon enactment by the ~~House of Delegates~~Legislative Assembly, shall
475 apply beginning with the next gubernatorial term after the effective date of such Act.
- 476
- 477 d. The Governor shall forfeit the office upon failure to maintain qualifications required by
478 this section or upon conviction of a felony.

479

480 Sec. ~~43~~. Powers and duties of the Governor

481

482 The Governor shall be the chief executive officer of the State of New Columbia
483 government. The Governor shall be responsible for the faithful execution of the laws of
484 the State of New Columbia and for the proper administration of the affairs of the State of
485 New Columbia coming under the Governor's jurisdiction or control, including but not
486 limited to the following powers, duties, and functions:

- 487
- 488 ~~ga.~~ The Governor may appoint an Administrator and Chief Operating Officer, who shall
489 serve at the pleasure of the Governor, who shall assist the Governor in carrying out the
490 Governor's functions under this Constitution, and whose salary shall be set by the
491 Governor consistent with any applicable law.
- 492
- 493 ~~ab.~~ The Governor may designate the officer or officers of the executive branch of the State of
494 New Columbia, who may, during periods of absence from the State of New Columbia, or
495 temporary or partial incapacity, execute and perform the powers and duties of the
496 Governor.
- 497
- 498 ~~bc.~~ The Governor shall administer the personnel functions of the executive branch of the
499 State of New Columbia except for the independent executive entities, including all laws
500 relating to the appointment, promotion, duties, discipline, separation, and other
501 conditions of employment of personnel in the Office of the Governor, personnel in
502 departments of the State of New Columbia, and members and employees of boards,
503 offices, commissions, and other agencies.
- 504

- 505 ~~ed.~~ The Governor shall, through the heads of administrative boards, offices, commissions,
506 and agencies, supervise and direct the activities of such boards, offices, commissions, and
507 agencies.
- 508
- 509 ~~de.~~ The Governor may submit proposed Acts and Resolutions to the ~~House of~~
510 ~~Delegates~~Legislative Assembly.
- 511
- 512 ~~ef.~~ The Governor may delegate any of the Governor’s functions (other than the function of
513 approving or disapproving Acts passed by the ~~House of Delegates~~Legislative Assembly
514 or the power to grant pardons) to any officer, employee, or agency of the executive office
515 of the Governor, or to any director of an executive department who may, with the
516 approval of the Governor, make a further delegation of all or a part of such functions to
517 subordinates under that person’s jurisdiction.
- 518
- 519 ~~fg.~~ The Governor shall be the custodian of the corporate seal of the State of New Columbia
520 and shall use and authenticate it in accordance with law.
- 521
- 522 ~~g.~~ ~~The Governor may appoint an Administrator and Chief Operating Officer, who shall~~
523 ~~serve at the pleasure of the Governor, who shall assist the Governor in carrying out the~~
524 ~~Governor’s functions under this Constitution, and whose salary shall be set by the~~
525 ~~Governor.~~
- 526
- 527 h. The Governor shall have the right to be heard by the ~~House of Delegates~~Legislative
528 Assembly or any of its committees under rules to be adopted by the Legislative
529 Assembly.
- 530
- 531 i. The Governor may issue and enforce administrative orders, not inconsistent with this
532 Constitution, or with any ~~Act of the House of Delegates~~Legislative Assembly statute, to
533 carry out the Governor’s functions and duties.
- 534
- 535 j. The Governor may, by reorganization order, reorganize the offices, agencies, and other
536 entities within the executive branch of the government of the State of New Columbia
537 except where such reorganization is inconsistent with statute.
- 538
- 539 k. The Governor shall have plenary power to grant pardons, commutations, and reprieves,
540 and to remit, forgive or reduce fines and forfeitures, for all offenses against the laws of
541 the State of New Columbia.
- 542
- 543 l. To advance the general welfare and provide for public safety, and consistent with federal
544 law, the Governor may enter into compacts and agreements with other states, localities,
545 ~~non-profit chartered entities~~, the federal government and federal instrumentalities, ~~;~~ and
546 ~~may enter into public-private partnerships~~contracts with private entities; ~~;~~ and may enter
547 into agreements with foreign nations, cities or businesses; ~~;~~ provided that any financial
548 obligations of such compacts, and agreements, ~~and partnerships~~ contracts shall be
549 approved by the ~~House of Delegates~~Legislative Assembly under rules to be adopted by
550 the Legislative Assembly.

- 551
552 m. The Governor shall be the primary planning authority for the State of New Columbia.
553
554 n. The Governor shall be the Commander in Chief over the National Guard of the State of
555 New Columbia.
556
557 o. The Governor shall have charge of the administration of the financial affairs of the State
558 of New Columbia, except authority assigned by this Constitution to the Chief Financial
559 Officer, and shall have authority to examine and approve all contracts, orders, and other
560 documents by which the State of New Columbia incurs financial or other obligations.
561

562 Part 3. Independent executive agencies.

563
564 Sec. 51. Office of Attorney General
565

- 566 a. There is established within the executive branch of the State of New Columbia
567 government an independent Office of the Attorney General for the State of New
568 Columbia headed by an Attorney General. The Attorney General shall be elected by the
569 qualified voters of the State of New Columbia, on a partisan basis, for a term of 4 years
570 beginning at noon on January 2 of the year following that person's election. The term of
571 office of the Attorney General shall coincide with the term of office of the Governor.
572
573 b. (1) When the position of Attorney General becomes vacant, the Chief Deputy Attorney
574 General shall become the Acting Attorney General and shall serve until the date the
575 Board of Elections certifies the election of the new Attorney General, at which time the
576 Acting Attorney General shall again become the Chief Deputy Attorney General. While
577 the Chief Deputy Attorney General is Acting Attorney General, that person shall receive
578 the compensation regularly paid the Attorney General, and shall receive no compensation
579 as Chief Deputy Attorney General. (42) To fill a vacancy in the position of Attorney
580 General, the ~~elections agency~~Board of Elections shall hold a special election at least 70
581 days and not more than 174 days after such vacancy occurs, unless it determines that such
582 vacancy could be more practicably filled in a special election held on the same day as the
583 next general election to be held in the State of New Columbia. The person elected
584 Attorney General to fill a vacancy in the Office of the Attorney General shall take office
585 on the day on which the ~~elections agency~~Board of Elections certifies the election, and
586 shall serve as Attorney General for the remainder of the term during which such vacancy
587 occurred. (2) ~~When the position of Attorney General becomes vacant, the Chief Deputy~~
588 ~~Attorney General shall become the Acting Attorney General and shall serve until the date~~
589 ~~the elections agency~~Board of Elections certifies the election of the new Attorney General,
590 ~~at which time the Acting Attorney General shall again become the Chief Deputy Attorney~~
591 ~~General. While the Chief Deputy Attorney General is Acting Attorney General, that~~
592 ~~person shall receive the compensation regularly paid the Attorney General, and shall~~
593 ~~receive no compensation as Chief Deputy Attorney General.~~
594
595 c. The Attorney General is the chief law officer of the State of New Columbia and shall
596 have charge and conduct of all law business of the State of New Columbia and of

597 criminal and all suits instituted by and against the government thereof. The Attorney
598 General shall possess all powers afforded the Attorney General by the common and
599 statutory law of the State of New Columbia, and shall be responsible for upholding the
600 public interest. The Attorney General shall have the power to control litigation and
601 appeals, as well as the power to intervene in legal proceedings on behalf of the public
602 interest.

- 603
- 604 d. The Attorney General may furnish opinions in writing on the Attorney General's
605 initiative or when requested to do so by the Governor or the ~~House of~~
606 ~~Delegates~~Legislative Assembly.
- 607
- 608 e. The administration, organization, and operation of the Office of the Attorney General
609 shall be under the jurisdiction and control of the Attorney General. The Attorney
610 General's duties shall include supervising and directing the activities of the Office,
611 administering the personnel functions of the Office (including all laws relating to the
612 appointment, promotion, duties, discipline, separation, and other conditions of
613 employment of personnel), reorganizing the Office, and approving contracts, orders, and
614 other documents by which the State of New Columbia incurs financial or other
615 obligations for the Office of the Attorney General.
- 616
- 617 f. The Attorney General shall receive compensation, payable in equal installments, at a rate
618 of pay established by Act. The ~~House of Delegates~~Legislative Assembly shall not reduce
619 the salary of ~~the an incumbent~~ Attorney General. Any changes in the Attorney General's
620 compensation, upon enactment by the Legislative Assembly, shall apply beginning with
621 the next Attorney General's term after the effective date of such Act.

622

623 Sec. ~~62~~. Office of the Chief Financial Officer

- 624
- 625 a. There is established within the executive branch of the State of New Columbia
626 government an independent Office of the Chief Financial Officer for the State of New
627 Columbia headed by the Chief Financial Officer of the District of Columbia.
- 628
- 629 b. The Chief Financial Officer for the State of New Columbia shall be appointed by the
630 Governor with the advice and consent, by Resolution, of the ~~House of~~
631 ~~Delegates~~Legislative Assembly, ~~and shall report to the Governor~~. The Chief Financial
632 Officer shall be appointed for a term of 5 years. Any Chief Financial Officer may
633 continue to serve beyond the appointed term until a successor takes office.
- 634
- 635 bc. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of
636 resignation, permanent disability, death, or other reason, the Governor shall appoint one
637 of the Deputy Chief Financial Officers; ~~or any other person qualified to serve~~, to serve as
638 the Chief Financial Officer in an acting capacity. The Governor shall ~~thereafter promptly~~
639 nominate a person to serve as Chief Financial Officer, for the remainder of the term
640 during which the vacancy occurred; provided, that the Governor shall submit the
641 nomination to the ~~House of Delegates~~Legislative Assembly for its approval as provided
642 in paragraph (ab) of this section.

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ed. The Chief Financial Officer may be removed only for cause by the Governor, subject to the approval of the ~~House of Delegates~~Legislative Assembly by a Resolution approved by not fewer than 2/3 of the members of the ~~House of Delegates~~Legislative Assembly present and voting.

e. The administration, organization, and operation of the Office of the Chief Financial Officer shall be under the jurisdiction and control of the Chief Financial Officer. The Chief Financial Officer’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

def. 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~~Legislative Assembly.

efg. The Chief Financial Officer shall: (1) assure that all financial information submitted by the Governor to the ~~House of Delegates~~Legislative Assembly or for any other official purpose is accurate and complete; (2) prepare and submit to the Governor and the ~~House of Delegates~~Legislative Assembly 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~~Legislative Assembly a financial statement containing such details and at such times as the ~~House of Delegates~~Legislative Assembly 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~~Legislative Assembly 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

689 impact statements on such regulations, multi-year contracts, agreements, and proposed
690 legislation as the Governor and ~~House of Delegates~~Legislative Assembly may require by
691 ~~request or Act or request~~; (18) certify all collective bargaining agreements and nonunion
692 pay proposals as to the availability of funds before submission to the ~~House of~~
693 ~~Delegates~~Legislative Assembly, and prepare any financial analysis requested by the
694 Governor of proposed terms or agreements.

695
696
697 Sec. ~~73~~. The State Board of Education

698
699 a. Composition; elections

- 700
701 1. The State Board of Education shall consist of one member elected from each
702 legislative district and one elected at large. By Act, the length of terms and
703 provisions for addressing vacancies may be established.
704 2. A President and Vice President of the State Board of Education shall be elected
705 from among the members of the State Board of Education.

706
707 b. Powers

- 708
709 1. The State Board of Education shall be responsible for advising the Governor and
710 Legislative Assembly on educational matters, including state standards, state
711 policies, including those governing special, academic, vocational, charter and
712 other schools, state objectives and state regulations.
713 2. By Act, the ~~House of Delegates~~Legislative Assembly may establish which
714 educational ~~polieies matters~~ shall be subject to the approval of the State Board of
715 Education.

716
717 Sec. ~~84~~. ~~Elections agency~~Board of Elections

718
719 The authority to manage and supervise elections, initiatives, referenda, and recalls
720 provided under this constitution shall be vested in ~~an the elections agency~~Board of
721 Elections. The ~~House of Delegates~~Legislative Assembly shall, by ~~law~~Act, provide for the
722 composition, method of selection, and procedures for the ~~elections agency~~Board of
723 Elections to use in carrying out its duties.

724
725
726 ARTICLE III
727 THE JUDICIAL BRANCH

728
729 Section

- 730 1. Judicial power
731 2. Nomination and appointment to the State of New Columbia Courts
732 3. Qualification for nomination and appointment; removal; compensation
733 4. Powers of the State of New Columbia Courts
734 5. Designation of Chief Judges

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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 such other courts as may be established by ~~law~~Act. ~~The jurisdiction of such the courts shall be established by law~~Act. 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 by the State of New Columbia Judicial Nomination Commission, and, by and with the advice and consent of the ~~House of Delegates~~Legislative Assembly 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~~Legislative Assembly shall, by law, provide for the composition, method of selection, and procedures for the Judicial Nomination 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 or 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;

- 781 3. any other conduct which is prejudicial to the administration of justice or which
782 brings the judicial office into disrepute;
783 4. failure to maintain residency in the State of New Columbia; or
784 5. a mental or physical incapacity (including habitual intemperance) which is or is
785 likely to become permanent and which prevents, or seriously interferes with, the
786 proper performance of that person’s judicial duties.
787
- 788 c. The authority to reappoint, remove, or sanction a judge of the State of New Columbia
789 Courts as provided in this Article shall be vested in a Commission on Judicial Disabilities
790 and Tenure. The ~~House of Delegates~~Legislative Assembly shall, by law, provide for the
791 composition, method of selection, and procedures for the Commission on Judicial
792 Disabilities and Tenure to use in carrying out its duties under this Article.
793
- 794 d. All Judges of the State of New Columbia Courts shall receive compensation, payable in
795 equal installments, at a rate of pay established by Act. The ~~House of Delegates~~Legislative
796 Assembly shall not reduce the salary of Judges. Any changes in the Judges’
797 compensation, upon enactment by the Legislative Assembly, shall apply after the
798 effective date or the applicability date of such Act, whichever is later.
799

800 Sec. 4. Powers of the State of New Columbia Courts
801

802 The Superior Court of the State of New Columbia shall have jurisdiction of any civil
803 action or other matter at law or in equity brought in the State of New Columbia and of
804 any criminal case under ~~any the~~ law of the State of New Columbia. The State of New
805 Columbia Court of Appeals shall have jurisdiction of appeals from the Superior Court or
806 an intermediate appellate court established by statute and, to the extent provided by law,
807 to review orders and decisions of the Governor, the ~~House of Delegates~~Legislative
808 Assembly, or any agency of the State of New Columbia. The State of New Columbia
809 Courts shall also have jurisdiction over any other matters granted to the State of New
810 Columbia Courts by other provisions of law.
811

812 Sec. 5. Designation of Chief Judges
813

814 All Chief Judges of the State of New Columbia Courts shall be designated by the State of
815 New Columbia Judicial Nomination Commission from among the judges of their
816 respective courts in regular active service, and shall serve as Chief Judge for a term of
817 four years or until a successor is designated, except that a term as Chief Judge shall not
818 extend beyond the Chief Judge's term as a judge of a State of New Columbia Courts. A
819 Chief Judge shall be eligible for re-designation as Chief Judge.
820

821
822 ARTICLE IV
823 BUDGET AND FINANCIAL MANAGEMENT
824

825 Section

- 826 1. Fiscal year

- 827 2. Submission of annual budget
- 828 3. Adoption of budget by ~~House of Delegates~~Legislative Assembly
- 829 4. Annual financial statements and audits
- 830 5. Balanced budget
- 831 6. Review of Contracts by the ~~House of Delegates~~Legislative Assembly
- 832 7. Emergency and contingency reserve funds Sec. 1. Fiscal year

833
834 The ~~House of Delegates~~Legislative Assembly shall establish by Act the fiscal year of the
835 State of New Columbia.

836
837 Sec. 2. Submission of annual budget

- 838
- 839 a. The Governor shall prepare and submit to the ~~House of Delegates~~Legislative Assembly
840 each year, at such time as the ~~House of Delegates~~Legislative Assembly shall direct, and
841 shall make available to the public ~~at such time, an a proposed~~ annual budget for the State
842 of New Columbia government. It shall:
 - 843 1. (A) Reflect the actual financial condition of the State of New Columbia
844 government, (B) Specify the agencies and purposes for which funds are being
845 requested; and (C) Be prepared on the assumption that proposed expenditures for
846 such fiscal year shall not exceed estimated resources from existing sources and
847 proposed resources.
 - 848 2. Be accompanied by: (A) An annual budget message which shall include
849 supporting financial and statistical information for the forthcoming fiscal year and
850 information on the approved budgets and expenditures for the immediately
851 preceding 3 fiscal years; (B) A multiyear financial plan of revenues and expenses,
852 including Mmultiyear operating and capital improvement plans for all agencies;
853 (C) A summary of the budget for distribution to the general public.
 - 854 3. The proposed budget and financial plan shall be certified by the Chief Financial
855 Officer as balanced. The budget shall identify any new sources of revenue that
856 shall be necessary to balance the budget as submitted.
- 857
- 858 b. The budget prepared and submitted by the Governor shall include, but not be limited to,
859 recommended expenditures ~~at a reasonable level for~~for agencies under the authority of
860 the Governor, and shall include expenditures as established by the House of
861 DelegatesLegislative Assembly, the State of New Columbia court system, the Office of
862 the Attorney General, the Office of the Chief Financial Officer, ~~and~~ the State Board of
863 Education, and the Board of Elections for each such entity.
- 864
- 865 c. The Governor may prepare and submit to the ~~House of Delegates~~Legislative Assembly
866 such supplemental or deficiency budget proposals as are necessary, including proposals
867 to increase ~~resources~~revenues to meet any such increased expenditure, and may prepare
868 and submit to the ~~House of Delegates~~Legislative Assembly for approval by resolution,
869 proposed reprogrammings of budgeted amounts. ~~Such proposals shall be subject to the~~
870 ~~approval of the House of Delegates by Act or Resolution; provided, T~~the ~~House of~~
871 ~~Delegates~~Legislative Assembly may by Act designate categories and classes of
872 supplemental and deficiency budget modifications and reprogrammings for which

approval by the ~~House of Delegates~~Legislative Assembly is not required or for which approval of the House will be deemed to have occurred upon the expiration of a specified period of time after the Governor submits the proposal to the ~~House of Delegates~~Legislative Assembly.

Sec. 3. Adoption of budget by ~~House of Delegates~~Legislative Assembly

The ~~House of Delegates~~Legislative Assembly, within ~~70-77~~ 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~~Legislative Assembly, 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 ~~120-123~~ days following the close of the fiscal year, the Governor shall submit to the ~~House of Delegates~~Legislative Assembly a complete and audited financial statement and report for the preceding fiscal year.

Sec. 5. Balanced budget

a. The ~~House of Delegates~~Legislative Assembly 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 and the subsequent three fiscal years.

~~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~~Legislative Assembly

By Act, the ~~House of Delegates~~Legislative Assembly 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~~Legislative Assembly 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 the 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

919 balance in the fund of at least 2 percent of the operating expenditures of the
920 government of the State of New Columbia; provided, if the Governor uses money
921 from the fund during a fiscal year, the State of New Columbia shall appropriate
922 sufficient funds each fiscal year in the budget process to replenish any amounts
923 allocated from the emergency reserve fund during the preceding fiscal years so
924 that not less than 50 percent of any amount allocated in the preceding fiscal year
925 or the amount necessary to restore the emergency reserve fund to the 2 percent
926 required balance, whichever is less, is replenished by the end of the first fiscal
927 year following each such allocation and 100 percent of the amount allocated or
928 the amount necessary to restore the emergency reserve fund to the 2 percent
929 required balance, whichever is less, is replenished by the end of the second fiscal
930 year following each such allocation; provided further, if an amount is allocated
931 from the emergency cash reserve fund for cash flow management purposes, the
932 Governor shall fully replenish the fund in the amount allocated not later than the
933 earlier of the expiration of the 9-month period which begins on the date the
934 allocation is made or the last day of the fiscal year.

935
936 (2) The Governor may use the emergency cash reserve fund to provide for
937 unanticipated and nonrecurring extraordinary needs of an emergency nature,
938 including a natural disaster or calamity or a state of emergency as declared by the
939 Governor, for unexpected obligations of federal law and for cash flow
940 management purposes in an amount of not more than 50 percent of the balance of
941 the fund.

942
943 b. (1) The Governor shall deposit into a contingency cash reserve fund not later than the
944 first day of each fiscal year such amount as may be required to maintain a balance
945 in the fund of at least 4 percent of the operating expenditures of the government
946 of the State of New Columbia; provided, the government of the State of New
947 Columbia shall appropriate sufficient funds each fiscal year in the budget process
948 to replenish any amounts allocated from the contingency reserve fund during the
949 preceding fiscal years so that not less than 50 percent of any amount allocated in
950 the preceding fiscal year or the amount necessary to restore the contingency
951 reserve fund to the 4 percent required balance, whichever is less, is replenished by
952 the end of the first fiscal year following each such allocation and 100 percent of
953 the amount allocated or the amount necessary to restore the contingency reserve
954 fund to the 4 percent required balance, whichever is less, is replenished by the end
955 of the second fiscal year following each such allocation; provided further, if an
956 amount is allocated from the contingency cash reserve fund for cash flow
957 management purposes, the Governor shall fully replenish the fund in the amount
958 allocated not later than the earlier of the expiration of the 9-month period which
959 begins on the date the allocation is made or the last day of the fiscal year.

960
961 (2) The Governor may use the contingency cash reserve fund to provide for
962 nonrecurring or unforeseen needs that arise during the fiscal year, including
963 expenses associated with unforeseen weather or other natural disasters,
964 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, provided that no funds shall be expended from the contingency cash reserve fund unless such expenditure is approved by Resolution by the Legislative Assembly.

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
- 10. Tax exemption
- 11. Legal investment

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

- a. The State of New Columbia may incur indebtedness by issuing general obligation bonds to refund indebtedness of the State of New Columbia at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects, including paying its share of regional transportation projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Governor, subject to the provisions of section 2, may determine to be necessary to make such bonds marketable.
- b. The State of New Columbia may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Governor prior to the issuance of such obligations.
- c. For purposes of section 1, capital projects means any physical public betterment or improvement, the acquisition of property of a permanent nature, or the purchase of equipment or furnishings.

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

1010 a. The ~~House of Delegates~~Legislative Assembly may by Act authorize the issuance of
1011 general obligation bonds for the purposes specified in section 1. Such an Act shall
1012 contain, at least, provisions: briefly describing each project to be financed by the Act;
1013 identifying the Act authorizing each such project or category of projects; setting forth the
1014 maximum amount of debt principal which may be incurred for the projects; setting forth
1015 the maximum rate of interest to be paid on such indebtedness; setting forth the maximum
1016 allowable maturity for the issue and the maximum debt service payable in any year;
1017 authorizing the bonds to be sold at public sale or at private sale on a negotiated basis, as
1018 determined by the Governor in the public interest; authorizing the Governor to enter into
1019 and amend agreements in connection with the bond issue, including a trust indenture;
1020 vesting in the trustee under such a trust indenture such properties, rights, powers, and
1021 duties in trust as may be necessary, convenient or desirable; authorizing the creation of a
1022 security interest in State of New Columbia revenues as additional security for the
1023 payment of the bonds; describing the particular State of New Columbia revenues which
1024 are subject to such security interest; prescribing the validity of such security interest;
1025 prescribing remedies of the bondholders in the event of a default; and such other
1026 covenants, provisions and conditions necessary to issue the additional bonds as parity
1027 bonds.

1028
1029 b. The Governor shall publish the enacted Act in at least one newspaper of general
1030 circulation within the State of New Columbia with the notification that the time within
1031 which a suit, action or proceeding questioning the validity of such bonds may be
1032 commenced expires at the end of the 20-day period beginning on the date of the first
1033 publication of the notice.

1034
1035 c. Failure to publish the notice or any error in any publication shall not impair the effect of
1036 the Act or the validity of the bonds issued pursuant to the Act.

1037
1038 Sec. 3. Issuance of general obligation bonds

1039
1040 a. After an Act of the ~~House of Delegates~~Legislative Assembly authorizing the issuance of
1041 general obligation bonds has taken effect, the Governor may issue such general
1042 obligation bonds. An issue of general obligation bonds may be all or any part of the
1043 aggregate principal amount of bonds authorized by such Act.

1044
1045 b. The principal amount of the general obligation bonds of each issue shall be payable in
1046 annual installments beginning not more than 3 years after the date of such bonds and
1047 ending not more than 30 years after such date.

1048
1049 Sec. 4. Borrowing to meet appropriations and in anticipation of revenues

1050
1051 a. In the absence of unappropriated revenues available to meet appropriations, the ~~House of~~
1052 ~~Delegates~~Legislative Assembly may by Act authorize the issuance of general obligation
1053 notes.

1054

- 1055 b. In anticipation of the collection or receipt of revenues for a fiscal year, the ~~House of~~
1056 ~~Delegates~~Legislative Assembly may by Act authorize the issuance of revenue
1057 anticipation notes.
1058
- 1059 c. The total amount of any general obligation notes originally issued during a fiscal year
1060 shall not exceed two percent of the total appropriations for the State of New Columbia for
1061 such fiscal year, and the total amount of all revenue anticipation notes outstanding at any
1062 time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of
1063 the State of New Columbia that the Governor estimates, and the Chief Financial Officer
1064 certifies, will be credited to the State of New Columbia during the fiscal year in which
1065 the bonds will be issued.
1066
- 1067 d. Any general obligation note issued under subsection (a) of this section, or any revenue
1068 anticipation note issued under subsection (b) of this section, as authorized by an Act of
1069 the ~~House of Delegates~~Legislative Assembly, may be renewed. Any such note, including
1070 any renewal of such note, shall be due and payable not later than the last day of the fiscal
1071 year occurring immediately after the fiscal year during which the Act authorizing the
1072 original issuance of such note takes effect.
1073

1074 Sec. 5. Special tax
1075

1076 Any Act of the ~~House of Delegates~~Legislative Assembly authorizing the issuance of
1077 general obligation bonds shall provide for the annual levy of a special tax or charge, if
1078 necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in
1079 amounts which together with other State of New Columbia revenues available and
1080 applicable will be sufficient to pay the principal of and interest on such general obligation
1081 bonds as they become due and payable.
1082

1083 Sec. 6. Full faith and credit of State of New Columbia pledged
1084

1085 The full faith and credit of the State of New Columbia is pledged for the payment of the
1086 principal of and interest on any general obligation bond or note issued under this Article,
1087 whether or not such pledge is stated in such bond or note or in the Act authorizing the
1088 issuance of such bond or note.
1089

1090 Sec. 7. Payment of the general obligation bonds and notes
1091

- 1092 a. In each annual budget, the ~~House of Delegates~~Legislative Assembly shall provide
1093 sufficient funds to pay the principal of and interest on all general obligation bonds or
1094 notes due and payable during such fiscal year.
1095
- 1096 b. The Governor shall insure that the principal and interest on all general obligation bonds
1097 and notes issued under this Article are paid when due, including by paying such principal
1098 and interest from funds not otherwise legally committed.
1099

1100 c. All amounts obligated or expended by the State of New Columbia for the payment of
1101 principal of, interest on, or redemption premium for any general obligation bonds issued
1102 under this Article or issued before the effective date of this Constitution are not subject to
1103 appropriation.
1104

1105 Sec. 8. Revenue bonds and other obligations
1106

- 1107 a. (1) The ~~House of Delegates~~Legislative Assembly may by Act or Resolution authorize
1108 the issuance of revenue bonds, notes, or other obligations (including refunding
1109 bonds, notes, or other obligations) to borrow money to finance, or assist in the
1110 financing or refinancing of undertakings in the areas of: housing; health; transit;
1111 utilities; preschool, primary, secondary, vocational, adult, rehabilitative, re-entry,
1112 and higher education; educational loans; facilities for culture, sports, mass
1113 commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous
1114 waste disposal, or local district heating or cooling; or the local furnishing of
1115 energy or water; manufacturing, and any other undertaking that the ~~House of~~
1116 ~~Delegates~~Legislative Assembly determines will contribute to the health,
1117 education, safety, or welfare of, or the creation or preservation of jobs for,
1118 residents of New Columbia, or to economic development of New Columbia, and
1119 any facilities or property, real or personal, used in connection with or
1120 supplementing any of the foregoing. Any such financing or refinancing may be
1121 effected by loans made directly or indirectly to any individual or legal entity, by
1122 the purchase of any mortgage, note, or other security, or by the purchase, lease, or
1123 sale of any property.
- 1124 (2) Any revenue bond, note, or other obligation issued under paragraph (1) of this
1125 subsection shall be a special obligation of the State of New Columbia and shall be
1126 a negotiable instrument.
- 1127 (3) Any revenue bond, note, or other obligation issued under paragraph (1) of this
1128 subsection shall be paid and secured (as to principal, interest, and any premium)
1129 as provided by the Act or Resolution of the ~~House of Delegates~~Legislative
1130 Assembly authorizing the issuance of such bond, note, or other obligation. Any
1131 Act of the ~~House of Delegates~~Legislative Assembly authorizing the issuance of
1132 such bond, note, or other obligation, or any delegation of such authority, may
1133 provide for: (A) The payment of such bond, note, or other obligation from any
1134 available revenues, assets, or property; and (B) The securing of such bond, note,
1135 or other obligation by the mortgage of real property or the creation of any security
1136 interest in available revenues, assets, or other property.
- 1137 (4) (A) In authorizing the issuance of any revenue bond, note, or other obligation
1138 under paragraph (1) of this subsection, the ~~House of Delegates~~Legislative
1139 Assembly may authorize the Governor to enter into any agreement concerning the
1140 acquisition, use, or disposition of any funds or property. Any such agreement
1141 may create any security interest in any funds or property; may provide for the
1142 custody, collection, security, investment, and payment of any funds (including
1143 any funds held in trust) for the payment of such bond, note, or other obligation;
1144 may mortgage any property; may provide for the acquisition, construction,
1145 maintenance, and disposition of the undertaking financed or refinanced using the

1146 proceeds of such bond, note, or other obligation; and may provide for the doing of
1147 any act (or the refraining from doing any act) which the State of New Columbia
1148 has the right to do in the absence of such agreement. Any such agreement may be
1149 assigned for the benefit of, or made a part of any contract with, any holder of such
1150 revenue bond, note, or other obligation issued under paragraph (1) of this
1151 subsection. (B) Any security interest created under subparagraph (A) of this
1152 paragraph shall be valid, binding, and perfected from the time such security
1153 interest is created, with or without the physical delivery of any funds or any other
1154 property and with or without any further action. Such security interest shall be
1155 valid, binding, and perfected whether or not any statement, document, or
1156 instrument relating to such security interest is recorded or filed. The lien created
1157 by such security interest is valid, binding, and perfected with respect to any
1158 individual or legal entity having claims against the State of New Columbia,
1159 whether or not such individual or legal entity has notice of such lien. (C) Any
1160 funds of the State of New Columbia held for the payment or security of any
1161 revenue bond, note, or other obligation issued under paragraph (1) of this
1162 subsection, whether or not such funds are held in trust, may be secured in the
1163 manner agreed to by the State of New Columbia and any depository of such
1164 funds. Any depository of such funds may give security for the deposit of such
1165 funds.

1166 (5) The following obligations and expenditures by the State of New Columbia shall
1167 not be subject to appropriations: (A) All amounts (including the amount of any
1168 accrued interest or premium) obligated or expended from the proceeds of the sale
1169 of any revenue bond, note, or other obligation issued under this section, or issued
1170 before the effective date of this Constitution; (B) All amounts obligated or
1171 expended for the payment of principal of, interest on, or redemption premium for
1172 or to secure any bonds issued under this section or issued before the effective date
1173 of this Constitution; and (C) All amounts obligated or expended pursuant to
1174 commitments made in connection with the issuance of the revenue bond, note, or
1175 other obligation for repair, maintenance, and capital improvements relating to
1176 undertakings financed through any revenue bond, note, or other obligation issued
1177 under this section or issued before the effective date of this Constitution.
1178

1179 b. Any and all such bonds, notes, or other obligations shall not be general obligations of the
1180 State of New Columbia and shall not be a pledge of or involve the faith and credit or the
1181 taxing power of the State of New Columbia, shall not constitute a debt of the State of
1182 New Columbia, and shall not constitute lending of the public credit for private
1183 undertakings.
1184

1185 c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or
1186 Resolution of the ~~House of Delegates~~ Legislative Assembly without the necessity of
1187 submitting the question of such issuance to the registered qualified voters of the State of
1188 New Columbia for approval or disapproval.
1189

1190 d. Any Act or Resolution of the ~~House of Delegates~~ Legislative Assembly authorizing the
1191 issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection

1192 (a) of this section may: (1) Briefly describe the purpose for which such bonds, notes, or
1193 other obligations are to be issued; (2) Prescribe the form, terms, provisions, manner, and
1194 method of issuing and selling (including sale by negotiation or by competitive bid) such
1195 bonds, notes, or other obligations; (3) Provide for the rights and remedies of the holders
1196 of such bonds, notes, or other obligations upon default; (4) Prescribe any other details
1197 with respect to the issuance, sale, or securing of such bonds, notes, or other obligations;
1198 and (5) Authorize the Governor to take any actions in connection with the issuance, sale,
1199 delivery, security, and payment of such notes, bonds, or other obligations, including the
1200 prescribing of any terms or conditions not contained in such Act or Resolution of the
1201 ~~House of Delegates~~Legislative Assembly.

1202
1203 e. The ~~House of Delegates~~Legislative Assembly may by Act delegate to any independent
1204 instrumentality of New Columbia the authority of the ~~House of Delegates~~Legislative
1205 Assembly under subsection (a) of this section to issue revenue bonds, notes, and other
1206 obligations to borrow money for the purposes described in subsection (a) of this section.
1207

1208 Sec. 9. Limitations on borrowing and spending
1209

1210 a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall
1211 be issued during any fiscal year in an amount which would cause the amount of principal
1212 and interest required to be paid both serially and into a sinking fund in any fiscal year on
1213 the aggregate amounts of all outstanding general obligation bonds and such Treasury
1214 loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues
1215 directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the
1216 purposes of water and sewer facilities (including fees or revenues directed to servicing or
1217 securing revenue bonds issued for such purposes), retirement contributions, revenues
1218 from retirement systems, and revenues derived from the sale of general obligation or
1219 revenue bonds) which the Governor estimates, and the Chief Financial Officer certifies,
1220 will be credited to the State of New Columbia during the fiscal year in which the bonds
1221 will be issued.
1222

1223 b. The 17% limitation specified in section 9(a) shall be calculated in the following manner:
1224 (1) Determine the dollar amount equivalent to 17% of the State of New Columbia
1225 revenues as specified in section 9(a);
1226 (2) Determine the actual total amount of principal and interest to be paid in each
1227 fiscal year for all outstanding general obligation bonds (less the allocable portion
1228 of principal and interest to be paid during the year on general obligation bonds of
1229 the District of Columbia issued prior to October 1, 1996, for the financing of
1230 Department of Public Works, Water and Sewer Utility Administration capital
1231 projects) and such Treasury loans;
1232 (3) Determine the amount of principal and interest to be paid during each fiscal year
1233 over the term of the proposed general obligation bond or such Treasury loan to be
1234 issued; and
1235 (4) If in any one fiscal year the sum arrived at by adding subparagraphs (2) and (3) of
1236 this section exceeds the amount determined under subparagraph (1) of this section

1237 then the proposed general obligation bond or such Treasury loan in subparagraph
1238 (3) of this paragraph cannot be issued.

1239
1240 Sec. 10. Tax exemption

1241
1242 Bonds and notes issued pursuant to this Article and the interest thereon shall be exempt
1243 from all taxes of the State of New Columbia, except estate, inheritance, and gift taxes.

1244
1245 Sec. 11. Legal investment

1246
1247 Notwithstanding any restriction on the investment of funds by fiduciaries contained in
1248 any other law, all domestic insurance companies, domestic insurance associations,
1249 executors, administrators, guardians, trustees, and other fiduciaries within the State of
1250 New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds
1251 belonging to them or within their control in any bonds issued pursuant to this title, it
1252 being the purpose of this section to authorize the investment in such bonds or notes of all
1253 sinking, insurance, retirement, compensation, pension, and trust funds.

1254
1255
1256 ARTICLE VI INITIATIVE; REFERENDUM; RECALL

1257
1258 Section

- 1259 1. Definitions; computation
1260 2. Process
1261 3. Submission of measure at election
1262 4. Rejection of measure
1263 5. Approval of measure
1264 6. Short title and summary
1265 7. Recall process
1266 8. Time limits on initiation of recall process
1267 9. When official removed; filling of vacancies

1268
1269 Sec. 1. Definitions; ~~computation~~

1270
1271 a. The term "initiative" means the process by which the ~~citizens-registered qualified electors~~
1272 ~~of the State of New Columbia~~ may propose laws and present such proposed laws directly
1273 to the ~~voters-registered qualified electors~~ of the State of New Columbia for their approval
1274 or disapproval. ~~This provision shall not apply to acts appropriating funds or to acts~~
1275 ~~authorizing or having the effect of authorizing discrimination.~~

1276
1277 b. The term "referendum" means the process by which the ~~voters-registered qualified~~
1278 ~~electors~~ of the State of New Columbia may repeal ~~or ratify~~ acts of the ~~House of~~
1279 ~~Delegates~~ ~~Legislative Assembly~~. ~~(Except This provision shall not apply to~~ emergency acts,
1280 acts levying taxes, acts appropriating funds, acts prohibiting or having the effect of
1281 ~~prohibiting~~ discrimination, or advisory referenda.

1282

1283 c. The term "recall" means the process by which the ~~voters-registered qualified electors~~ of
1284 the State of New Columbia may call for the holding of an election to remove or retain an
1285 elected official prior to the expiration of that official's term.

1287 ~~d. The latest official count of registered voters by the State of New Columbia elections~~
1288 ~~agency, which was issued 30 or more days prior to submission of the signatures for any~~
1289 ~~particular initiative, referendum, or recall petition, shall be used for computing the~~
1290 ~~signature requirements of this Article.~~

1291
1292 Sec. 2. Process

1293
1294 a. An initiative or referendum may be proposed by the presentation to the ~~elections~~
1295 ~~agency~~Board of Elections of a petition containing the signatures of 5 percent of the
1296 registered voters in the State of New Columbia; provided that the total signatures
1297 submitted include 5 percent of the registered voters in a majority of the legislative
1298 districts.

1299
1300 ~~b. The latest official count of registered voters by the State of New Columbia Board of~~
1301 ~~Elections, which was issued 30 or more days prior to submission of the signatures for any~~
1302 ~~particular initiative, referendum, or recall petition, shall be used for computing the~~
1303 ~~signature requirements of this Article.~~

1304
1305
1306
1307 Sec. 3. Submission of measure at election

1308
1309 a. The ~~elections agency~~Board of Elections shall submit an initiative or referendum measure
1310 without alteration at the next statewide general, primary, or special election held at least
1311 90 days after the measure is received.

1312
1313 b. The ~~elections agency~~Board of Elections shall hold an election on a recall petition within
1314 114 days of its receipt of a petition. If a previously scheduled general, primary, or special
1315 election will occur between 54 and 114 days of its receipt of a recall petition, the
1316 ~~elections agency~~Board of Elections may present the recall petition at that election.

1317
1318 Sec. 4. Rejection of measure

1319
1320 If a majority of the registered ~~voters-qualified electors voting on a referred act~~who vote in
1321 ~~a referendum~~ vote to disapprove the ~~referred~~ Act, such action shall be deemed a repeal
1322 rejection of the Act or that portion of the Act on the referendum ballot. No action may be
1323 taken by the ~~House of Delegates~~Legislative Assembly ~~to advance with regard to~~ the
1324 matter presented at referendum for 365 days following the date of the ~~elections~~
1325 ~~agency~~Board of Election's certification of the vote concerning the referendum.

1326
1327 Sec. 5. Approval of measure

1328

1329 If a majority of the registered ~~voters-qualified electors voting in a referendum approve of~~
1330 ~~an act or~~~~who vote~~ adopt legislation by initiative, then the adopted initiative ~~or Act~~
1331 ~~approved by referendum~~ shall become law upon the certification of the vote by the
1332 ~~elections agency~~Board of Elections on such initiative or act.
1333

1334 Sec. 6. Short title and summary
1335

1336 The ~~elections agency~~Board of Elections shall propose a short title and summary of the
1337 initiative and referendum matter, which shall accurately reflect the intent and meaning of
1338 the proposed referendum or initiative.
1339

1340 Sec. 7. Recall process
1341

1342 Any elected official of the State of New Columbia government, elected on a partisan
1343 basis, may be recalled by the registered ~~voters-qualified electors~~ of the ~~electorate election~~
1344 ~~district of districts~~ from which that official was elected. A recall ~~may shall~~ be proposed
1345 by the filing with the ~~elections agency~~Board of Elections of a petition demanding the
1346 recall of the elected official, signed by 10 percent of the registered ~~voters-qualified~~
1347 ~~electors~~ in the elected official's ~~electorate election district or districts~~, including ~~at least~~ 10
1348 percent of the registered ~~voters-qualified electors~~ in a majority of the ~~legislative election~~
1349 districts for a statewide elected official.
1350

1351 Sec. 8. Time limits on initiation of recall process
1352

1353 The process of recalling an elected official may not be initiated within ~~1 year~~the first 365
1354 days nor the last 365 days of the official's term of office. Nor may the process be
1355 initiated within 1 year after a recall election has been determined in the official's favor.
1356 ~~after a recall election has been determined in favor of the same elected official, unless the~~
1357 ~~petition describes and the elections agency is satisfied that there exist compelling new~~
1358 ~~facts that have emerged warranting consideration of a new recall petition within that year.~~
1359

1360 Sec. 9. When an official is removed; filling of vacancies
1361

1362 ~~When a majority of qualified voters votes to remove an elected official from office, that~~
1363 ~~person shall be removed immediately upon certification of the results of the vote. An~~
1364 ~~elected official is removed from office if a majority of the qualified electors voting in the~~
1365 ~~election vote to remove the official. The vacancy created by such recall shall be filled in~~
1366 ~~the same manner as other vacancies~~ in the offices as provided in this Constitution.
1367
1368

1369 ARTICLE VII MISCELLANEOUS
1370

1371 Section

- 1372 1. Openness and transparency
- 1373 2. Construction of Constitution
- 1374 3. Constitution amending procedure

1375 4. Constitutional convention

1376 5. Oath of office.

1377 46. Effective date

1378

1379 Sec. 1. Openness and transparency

1380

1381 The government of the State of New Columbia shall operate on principles of openness,
1382 transparency and democratic participation. Specific obligations regarding participation
1383 and transparency may be established by Act of the ~~House of Delegates~~Legislative
1384 Assembly and administrative orders of the Governor.

1385

1386 Sec. 2. Construction of Constitution

1387

1388 a. To the extent that any provisions of this Constitution are inconsistent with the provisions
1389 of any other laws of the State of New Columbia, the provisions of this Constitution shall
1390 prevail and shall be deemed to supersede the provisions of such laws.

1391

1392 b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall
1393 determine only when the name of a political party may appear next to the name of a
1394 candidate on the ballot but shall not limit ~~in any way~~ the authority of the ~~House of~~
1395 ~~Delegates~~Legislative Assembly to establish any type of primary or runoff system it may
1396 find appropriate.

1397

1398 c. In interpreting this Constitution, the courts are not bound by the interpretation given by
1399 federal courts to identical or similar language in the United States Constitution, but shall
1400 interpret this Constitution in light of its purposes and the laws, values, and traditions of
1401 the State of New Columbia.

1402

1403 Sec. 3. Constitution amending procedure

1404

1405 a. The Constitution may be amended by an Act passed by the affirmative vote of two-thirds
1406 of the members of the ~~House of Delegates~~Legislative Assembly and ratified by a majority
1407 of the qualified voters who vote in a ratification referendum.

1408

1409 b. Ratified constitutional amendments take effect either on the date the ~~elections~~
1410 ~~agency~~Board of Elections certifies the ratification, or the date prescribed by the
1411 amendment, whichever is later.

1412

1413 Sec. 4. Constitutional convention

1414

1415 ea. ~~On or about the fifth~~No later than the second anniversary of the ~~effective date of the~~
1416 ~~Admission Act~~date of admission of the State of New Columbia as a member of the
1417 Union, the ~~House of Delegates~~Legislative Assembly ~~may shall~~ call for a Constitutional
1418 Convention to assess the functionality of this Constitution in the transition from a federal
1419 district to ~~a member of the Union~~statehood.

1420

- 1421 b. ~~If the House of Delegates elects to call a Constitutional Convention, t~~The House of
 1422 DelegatesLegislative Assembly shall, by Act, establish for the Constitutional Convention:
- 1423 1. ~~the~~The subjects to be considered including checks and balances, governance
 1424 principals, efficient legislative processes, and independence of executive
 1425 agencies; and
 - 1426 2. ~~procedures~~Procedures for the convention which shall include the selection
 1427 process for delegates to the Constitutional Convention, to be comprised of an
 1428 equal number of delegates from each legislative district.
- 1429
- 1430 c. The Legislative Assembly shall appoint a Constitutional Convention Commission
 1431 comprised of legal and subject matter experts with the purpose of preparing
 1432 comprehensive recommendations and advice to the Constitutional Convention delegates
 1433 on the subjects established by the Legislative Assembly.
- 1434
- 1435 d. Any amendments resulting from such a Constitutional Convention ~~must be ratified by a~~
 1436 majority of the qualified voters who vote in a ratification referendumshall be considered
 1437 pursuant to section 3 of this article.
- 1438

1439 Sec. 5. Oath of office

1440

The Representatives of the Legislative Assembly, the Governor, all Executive and
Judicial offices, and the Advisory Neighborhood Commissioners 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 of America.

1445

1446 Sec. 46. Effective date

1447

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.

1451

1452 **ARTICLE VIII TRANSFER OF OFFICES**

1453

1454

1455 **Section**

- 1456 1. Transfer of offices
 - 1457 2. Continuation of State of New Columbia court system
 - 1458 3. Pending actions and proceedings
 - 1459 4. Laws in force and prior powers
 - 1460 5. Personnel rights
 - 1461 6. Debts; assets; records
 - 1462 7. Residency and qualifications
 - 1463 8. Adjustments
 - 1464 9. Voting rights
- 1465

1466 **Sec. 1. Transfer of offices**

- 1467
1468 The Council of the District of Columbia and the offices of Councilmembers, Chairman of
1469 the Council, and Mayor are abolished as of the effective date of this Constitution.
1470
- 1471 a. To provide continuity during the transition from the government of the District of
1472 Columbia to the State of New Columbia, the members of the Council, the Chairman of
1473 the Council, the Mayor, the Attorney General, and members of the State Board of
1474 Education and Advisory Neighborhood Commissions in office as of the effective date of
1475 this Constitution shall be deemed ~~members-Representatives~~ of the House of
1476 DelegatesLegislative Assembly, ~~Speaker of the House of Delegates~~Speaker of the
1477 Legislative Assembly, Governor, Attorney General, and members of the State Board of
1478 Education and Advisory Neighborhood Commissions respectively (in accordance with
1479 current boundaries), until the expiration of the term of office each such individual held
1480 immediately prior to the effective date of this Constitution. Vacancies in these offices
1481 occurring during the holdover term shall be filled as provided in Articles I, II, and VI.
1482
- 1483 b. New members of the House of DelegatesLegislative Assembly shall be elected on the
1484 same schedule as existing Councilmembers of the District of Columbia. The ~~elections~~
1485 agencyBoard of Elections shall hold elections for newly created positions in the ~~House of~~
1486 DelegatesLegislative Assembly at least 60 days and not more than 120 days after the
1487 effective date of this Constitution, unless it determines that such positions could be more
1488 practicably filled in a special election held on the same day as the next primary or general
1489 election to be held in the State of New Columbia. The ~~House of Delegates~~Legislative
1490 Assembly shall, by Act, establish the election schedule for all newly created positions,
1491 provided such Act ensures a staggered schedule, including between Delegates from the
1492 same legislative district.
- 1493
- 1494 ~~e. — If authorized by the Constitution of the United States and the Admission Act, the~~
1495 ~~Senators elect and Representative elect elected prior to admission of the State to the~~
1496 ~~Union shall serve as United States Senators and Representative in Congress until an~~
1497 ~~election for these offices is held.~~
- 1498 ~~c. The individual serving as District of Columbia Auditor as of the effective date of this~~
1499 ~~Constitution shall be deemed to have been appointed as Auditor under Article I for a term~~
1500 ~~to expire as of the date of expiration of the term to which he or she was appointed.~~
- 1501
- 1502 d. Positions previously held on boards, commissions, and regional bodies by members of
1503 the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall
1504 be held after the effective date of this Constitution by members of the House of
1505 DelegatesLegislative Assembly, the ~~Speaker of the House of Delegates~~Speaker of the
1506 Legislative Assembly, and the Governor, respectively, to the extent consistent with this
1507 Constitution.
1508
- 1509 e. For boards and commissions, members not federally appointed and in office as of the
1510 effective date of this Constitution shall continue to serve until the expiration of that term
1511 of office held on the effective date of this Constitution.
1512

1513 f. The terms of federally appointed members to any District of Columbia board or
1514 commission shall expire on the 90th day from the effective date of this Constitution
1515 unless otherwise provided by law, and no vacancies shall be deemed to be created by the
1516 abolition of these positions unless the Governor or ~~House of Delegates~~Legislative
1517 Assembly creates a new position on the board or commission.

1518
1519 g. The individual serving as Chief Financial Officer as of the effective date of this
1520 Constitution shall be deemed to have been appointed as Chief Financial Officer under
1521 Article II, for a term to expire on July 1 of the year in which that individual's previously
1522 extant term would have expired.

1523
1524 Sec. 2. Continuation of State of New Columbia court system

1525
1526 a. To provide continuity during the transition from the government of the District of
1527 Columbia and the State of New Columbia, the members of the District of Columbia
1528 Superior Court and the Court of Appeals of the District of Columbia appointed as of the
1529 effective date of this Constitution shall be deemed members of the State of New
1530 Columbia Superior Court and the Court of Appeals of the State of New Columbia,
1531 respectively, until the expiration of that term of office held immediately prior to the
1532 effective date of this Constitution.

1533
1534 b. The District of Columbia Court of Appeals, the Superior Court of the District of
1535 Columbia, the Judicial Nomination Commission, and the Commission on Judicial
1536 Disability and Tenure shall continue subject to the provisions of Article III of this
1537 Constitution; ~~provided, by Act, the House of Delegates may modify or reallocate the~~
1538 ~~functions of the District of Columbia Commission on Judicial Disabilities and Tenure.~~
1539 Any changes in the Judges' compensation, upon enactment by the Legislative Assembly,
1540 shall apply after the effective date or the applicability date of such Act, whichever is
1541 later.

1542
1543 c. The term and qualifications of any judge of any District of Columbia court appointed
1544 prior to the effective date of this Constitution shall not be affected by the provisions of
1545 Article III of this Constitution. No provision of this Constitution shall be construed to
1546 extend the term of any such judge. Judges of the State of New Columbia courts appointed
1547 after the effective date of this Constitution shall be appointed according to Article III.

1548
1549 d. Nothing in this Constitution shall be construed to amend, repeal, or diminish the duties,
1550 rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the
1551 District of Columbia Code, dealing with retirement, or to authorize a decrease in the level
1552 of compensation of the judges of the District of Columbia courts as of the effective date
1553 of this Constitution. ~~The compensation received by judges of the State of New Columbia~~
1554 ~~courts shall not be diminished during their continuance in office.~~

1555
1556 Sec. 3. Pending actions and proceedings

1557

1558 All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal
1559 liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action,
1560 contracts, claims, demands, titles, and rights shall continue unaffected except as may be
1561 modified in accordance with the provisions of this Constitution. The State of New
1562 Columbia shall be the legal successor to the District of Columbia in all matters.
1563

1564 Sec. 4. Laws in force and prior powers
1565

1566 a. Acts of the Council of the District of Columbia preceding the effective date of this
1567 Constitution and the convening of the ~~House of Delegates~~Legislative Assembly shall be
1568 considered valid as if they were enacted by the ~~House of Delegates~~Legislative Assembly.
1569

1570 b. Upon the effective date of this Constitution, all of the laws then in force in the District of
1571 Columbia, including regulations and Mayor's Orders, shall become the laws of the State
1572 of New Columbia and continue in force and effect throughout the State of New
1573 Columbia, except as modified by the State of New Columbia Admission Act, or by this
1574 Constitution, or as thereafter modified in accordance with this Constitution.
1575

1576 c. All powers previously vested in the Council of the District of Columbia by Congress
1577 through the District of Columbia Home Rule Act, to the extent not inconsistent with this
1578 Constitution and to the extent not thereafter having been transferred or repealed, shall be
1579 vested in the ~~House of Delegates~~Legislative Assembly in accordance with the provisions
1580 of this Constitution.
1581

1582 d. Except as otherwise provided in this Constitution, all functions previously granted to or
1583 vested in the Mayor of the District of Columbia through the District of Columbia Home
1584 Rule Act, to the extent not inconsistent with this Constitution and to the extent not
1585 thereafter having been transferred or repealed, shall be vested in the Office of the
1586 Governor in accordance with the provisions of this Constitution.
1587

1588 e. The annual compensation of the ~~Governor~~Speaker of the Legislative Assembly and
1589 Representatives, the Governor, the Attorney General, the Chief Financial Officer, and the
1590 judges of the Superior Court and Court of Appeals on the effective date of this
1591 Constitution shall be the annual compensation provided to the ~~Mayor of the District of~~
1592 ~~Columbia~~Chairman and members of the Council, the Mayor, the Attorney General, the
1593 Chief Financial Officer, and the judges of the Superior Court and Court of Appeals
1594 immediately prior to the effective date of this Constitution.
1595

1596 f. The powers possessed by the Attorney General for the District of Columbia on the day
1597 prior to the effective date of this Constitution shall be possessed by the Attorney General
1598 for the State of New Columbia upon the effective date of the Constitution, to the extent
1599 not inconsistent with this Constitution, and to the extent not thereafter ~~modified or~~
1600 ~~repealed in accordance with this Constitution~~having been transferred or repealed.
1601

1602 Sec. 5. Personnel rights
1603

1604 Nothing in this Constitution shall be construed as affecting the rights under District of
1605 Columbia law of employees of the State of New Columbia who were employed by the
1606 District of Columbia government prior to the effective date of this Constitution to
1607 personnel benefits, including, but not limited to pay, tenure, leave, retirement, health and
1608 life insurance, and employee disability and death benefits, or regulations adopted
1609 pursuant thereto, and applicable to such officers and employees immediately prior to the
1610 effective date of this Constitution, provided, all such benefits shall thereafter be subject to
1611 modification by Act or regulation.

1612
1613 Sec. 6. Debts; assets; records
1614

1615 The debts and liabilities of the District of Columbia as of the effective date of this
1616 Constitution shall be assumed by the State of New Columbia, and debts owed to the
1617 District of Columbia shall be collected by the State of New Columbia. Assets and records
1618 of the District of Columbia shall become the property of the State of New Columbia.
1619

1620 Sec. 7. Residency and qualifications
1621

1622 Residence, voter registration, or other qualifications under the District of Columbia may
1623 be used towards the fulfillment of corresponding qualifications required by this
1624 Constitution.
1625

1626 Sec. 8. Adjustments
1627

1628 The Governor is authorized and empowered to enter into an agreement or agreements
1629 concerning the manner and method by which amounts owed by the State of New
1630 Columbia to the United States or by the United States to the State of New Columbia,
1631 shall be ascertained and paid.
1632

1633 Sec. 9. Voting rights
1634

1635 Any person who resides in any area which was a part of the District of Columbia
1636 immediately prior to the admission of the State of New Columbia but which is not
1637 included within the boundaries of the State of New Columbia may, at that person's
1638 option, be deemed to be a resident of the State of New Columbia for purposes of voting
1639 in a State of New Columbia election, unless that person claims residency in another state
1640 for voting purposes.