

The Constitution of the State of New Columbia

Approved by the Council of the District of Columbia
October 18, 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 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.

V. Rights of accused in criminal proceedings

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

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

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

VII. Trial by jury in civil cases

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

VIII. Bails, fines, and punishments

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

IX. Reservation of the rights of the people

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

X. Equal protection

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

ARTICLE I THE LEGISLATIVE BRANCH

Section

1. Legislative power
2. Composition; election of members; vacancies
3. Qualifications for holding office
4. Acts; resolutions; procedures; and specific authorities

- 5. Speaker of the Legislative Assembly
- 6. Legislative districts
- 7. Advisory Neighborhood Commissions
- 8. Auditor

Sec. 1. Legislative power

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

Sec. 2. Composition; election of members; vacancies

a. The Legislative Assembly shall consist of 21 members:

- 1. The Speaker of the Legislative Assembly who shall be elected on a partisan basis at large by the qualified voters of the State of New Columbia.
- 2. Four members shall be elected on a partisan basis at large by the qualified voters of the State of New Columbia.
- 3. Sixteen members shall be elected on a partisan basis by the qualified voters, two from each of the 8 legislative districts of the State of New Columbia.

b. A member of the Legislative Assembly shall be known as a Representative.

c. The term of office for Representatives shall be 4 years, and shall begin at noon on January 2nd of the year following their election. Representatives shall be elected in accordance with the schedule established pursuant to Article VIII, Sec. 1(b) of this Constitution.

d. The Legislative Assembly may establish its committee structure by Resolution.

e. By a 4/5 vote of its members, the Legislative Assembly may adopt a Resolution of expulsion of one of its members, if it finds, based on substantial evidence, that the member took an action that amounts to a gross failure to meet the applicable standards of personal and professional conduct.

f. (1) In the event of a vacancy in the Legislative Assembly of a Representative elected from a legislative district, the Board of Elections shall hold a special election in the district. The person elected as a Representative to fill a vacancy in the Legislative Assembly shall take office not later than the second day following the day on which the Board of Elections certifies the election, and shall serve as a member of the Legislative Assembly only for the remainder of the term during which such vacancy occurred, unless re-elected in a subsequent election. (2) Other than a vacancy in the Office of Speaker caused by a vacancy in the Office of the Governor, in the event of a vacancy in the position of Speaker of the Legislative Assembly, the Legislative Assembly shall select by

majority vote a member elected at large who shall serve as Speaker of the Legislative Assembly, until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. (3) In the event of a vacancy in the Legislative Assembly of a member elected at large who is affiliated with a political party, the state committee of such political party shall appoint a person to fill such vacancy until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. The person appointed to fill such vacancy shall take within two days of the appointment . With respect to a vacancy of a member elected at large who is not affiliated with any political party, the Legislative Assembly shall appoint a similarly non-affiliated person to fill such vacancy until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. Such person appointed by the Legislative Assembly shall take office within two days of the appointment.

Sec. 3. Qualifications for holding office

- a. No person shall hold the office of member of the Legislative Assembly, unless that person: (1) is a qualified voter of the State of New Columbia; (2) resides in and is domiciled in the State of New Columbia and if nominated for election from a particular legislative district, resides in the district from which that person is nominated; (3) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for such office is to be held; and (4) holds no public office (other than employment in and the position as a member of the Legislative Assembly), for which that person is compensated in an amount in excess of actual expenses in connection therewith. Nothing in this clause shall prohibit any person, while a member of the Legislative Assembly, from serving as an official or delegate to a convention of a political party.
- b. The Speaker of the Legislative Assembly shall not engage in any outside employment, whether as an employee or through self-employment, or hold any position, other than Speaker of the Legislative Assembly, for which that person is compensated in excess of actual expenses.
- c. A member of the Legislative Assembly shall forfeit the office upon failure to maintain the qualifications required by this section or upon conviction of a felony.

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

- a.
 - (1) The Legislative Assembly, to discharge the powers and duties imposed herein, shall pass Acts, adopt Resolutions and adopt rules, upon a vote of a majority of the members of the Legislative Assembly present and voting, unless a greater proportion of members is provided in this Constitution.
 - (2) Except as provided in paragraph (4) of this subsection, the Legislative Assembly shall use Acts for all legislative purposes.
 - (3) The Legislative Assembly shall hold two readings for all Acts, except upon declaration by two-thirds of its members of exigent circumstances, in which case such Act shall only be effective for a period not to exceed 90 days.

- 185 (4) Resolutions shall be used: (A) to express simple determinations, decisions, or
186 directions of the Legislative Assembly of a special or temporary character; and
187 (B) to approve or disapprove proposed actions as authorized by an Act of the
188 Legislative Assembly or of a kind historically or traditionally transmitted to the
189 Council of the District of Columbia under the laws of the former District of
190 Columbia. Such Resolutions must be specifically authorized by Act and must be
191 designed to implement that Act.
192 (5) Resolutions may be approved upon a single reading and may take effect
193 immediately upon such approval.
194

195 b. Proposed Acts and proposed Resolutions shall be made promptly available to the public.
196 Every Act shall be published upon becoming law, and Resolutions shall be published
197 promptly after approval by the Legislative Assembly. The Legislative Assembly shall
198 adopt and publish rules of procedures which shall include provision for adequate public
199 notice of intended actions of the Legislative Assembly.
200

201 c. A bill adopted by the Legislative Assembly shall be presented by the Speaker of the
202 Legislative Assembly to the Governor, who shall, within 10 calendar days after the bill is
203 presented, either approve or disapprove such bill. To approve a bill, the Governor shall
204 affix the Governor's signature to it, and such bill shall become law. To disapprove such
205 bill, the Governor shall, within 10 calendar days after it is presented to the Governor,
206 return such bill to the Legislative Assembly setting forth in writing the reasons for such
207 disapproval. If any bill so adopted shall not be returned to the Legislative Assembly by
208 the Governor within 10 calendar days after being presented to the Governor, the
209 Governor shall be deemed to have approved it, and such Act shall become law unless the
210 Legislative Assembly, when in a recess of 10 days or more, prevents its return, in which
211 case it shall not become law.
212

213 d. If, within 30 calendar days after a bill has been timely returned by the Governor to the
214 Legislative Assembly with the Governor's disapproval, two-thirds of the members of the
215 Legislative Assembly present and voting vote to reenact such bill, the Act shall become
216 law without the Governor's signature.
217

218 e. (1) In the case of any Budget Act adopted by the Legislative Assembly and submitted
219 to the Governor, the Governor shall have power to disapprove any items or
220 provisions, or both, and approve the remainder. To exercise such disapproval, the
221 Governor shall append to the signed Act a statement indicating the item(s) or
222 provision(s) which the Governor disapproves, and shall, within such 10-day
223 period, return a copy of the Act and statement to the Legislative Assembly. If the
224 Governor fails to return any such item so disapproved to the Legislative Assembly
225 within such 10-day period, such item shall be deemed approved.
226 (2) If, within 30 calendar days after any such Budget Act has been timely returned by
227 the Governor to the Legislative Assembly, two-thirds of the members of the
228 Legislative Assembly present and voting vote to reenact any such item or
229 provision, it shall become law.
230

- 231 f. All Acts shall become effective and enforceable 60 days after enactment unless another
232 date is specified in the Act or other law.
233
- 234 g. By Act, the Legislative Assembly shall have authority to create or abolish any office,
235 agency, department, or instrumentality of the State of New Columbia not established in
236 this Constitution, and to define the powers, duties, and responsibilities of any such office,
237 agency, department, or instrumentality.
238
- 239 h. The Legislative Assembly, or any Committee or person authorized by it, shall have the
240 power, as otherwise authorized by the rules of the Legislative Assembly, to investigate
241 any matter relating to the affairs of the State of New Columbia, and for that purpose may
242 issue subpoenas and administer oaths to require the attendance and testimony and the
243 production of evidence. In conducting a lawful investigation, the Legislative Assembly
244 or one of its Committees may seek enforcement of any subpoena it issues in the Superior
245 Court of the State of New Columbia.
246
- 247 i. The Legislative Assembly may by Resolution call for an advisory referendum upon any
248 matter upon which the Legislative Assembly desires to take action.
249
- 250 j. A majority of the number of non-vacant seats of the Legislative Assembly shall constitute
251 a quorum for the transaction of business.
252
- 253 k. The Legislative Assembly may establish by its rules what number of members constitutes
254 a quorum for holding hearings or voting in a committee of the Legislative Assembly.
255
- 256 l. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays, and
257 legal holidays.
258

259 Sec. 5. Speaker of the Legislative Assembly
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- 261 a. The Speaker of the Legislative Assembly shall be the presiding officer and chief
262 executive officer of the Legislative Assembly.
263
- 264 b. When the Office of Governor is vacant, the Speaker of the Legislative Assembly shall act
265 in the Governor's stead. While acting as Governor, the Speaker of the Legislative
266 Assembly shall not exercise any authority as Speaker of the Legislative Assembly or a
267 member of the Legislative Assembly. While the Speaker of the Legislative Assembly is
268 acting Governor, the Legislative Assembly shall select one of the elected at large
269 members of the Legislative Assembly to serve as Speaker, until the return of the elected
270 Speaker of the Legislative Assembly.
271

272 Sec. 6. Legislative districts
273

274 The boundaries of the legislative districts shall be established from time to time, at least
275 decennially, by an Act of the Legislative Assembly. Each legislative district shall consist

of contiguous territory, be compact in form, and be of substantially equal population to the other legislative districts.

Sec. 7. Advisory Neighborhood Commissions

- a. The Legislative Assembly shall by Act divide the State of New Columbia into neighborhood commission areas, which neighborhoods shall be represented by an elected advisory neighborhood commission. Members of each advisory neighborhood commission shall be known as Advisory Neighborhood Commissioners and shall be elected from a single member district on a nonpartisan basis.
- b. No person shall hold the office of Advisory Neighborhood Commissioner unless that person: (1) is domiciled in the State of New Columbia and resides in the district from which that person is nominated; (2) is a qualified voter of the State of New Columbia; and (3) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for such office is to be held.
- c. Each advisory neighborhood commission may: (1) advise the Legislative Assembly and the Executive Branch on matters of public policy, which advice shall be given great weight; (2) employ staff and expend public funds as authorized by the annual budget for the State of New Columbia for public purposes within its neighborhood commission area; and (3) have such other advisory powers and responsibilities as the Legislative Assembly may establish by Act.
- d. An Advisory Neighborhood Commissioner shall not be compensated in excess of actual expenses.

Sec. 8. Auditor

- a. There is established for the State of New Columbia the Office of the Auditor who shall be appointed by the Speaker of the Legislative Assembly, subject to the approval of a majority of the Legislative Assembly. The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Legislative Assembly, not to exceed the rate of pay of the Speaker of the House.
- b. The Auditor may conduct audits and investigations of the accounts and operations of the government of the State of New Columbia in accordance with such principles and procedures and under such rules and regulations as the Auditor may prescribe. Such audits and investigations shall include those required by law and such others as may be referred to it by the Legislative Assembly. In the determination of the auditing procedures to be followed and the extend of the examination of vouchers and other documents and records, the Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

- c. The Auditor shall have access to all books, accounts, records, reports, findings and other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the State of New Columbia necessary to facilitate the audit. Release of information by the Auditor shall be subject to the restrictions as are applicable to the agency from which the Auditor obtained the information.
- d. The Auditor shall submit audit reports to the Legislative Assembly, the Governor, and other independent executive offices. Such reports shall set forth the scope of the audit and shall include such comments and information as the Auditor may deem necessary to keep the Legislative Assembly, Governor, and independent executive offices informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Auditor may deem advisable.
- e. The Auditor shall make such reports, together with such other material as the Auditor deems pertinent thereto, available for public inspection.
- f. The Governor or independent executive offices shall state in writing to the Legislative Assembly, within an appropriate time, what action has been taken to effectuate the recommendations made by the Auditor.
- g. The Auditor may be removed for cause by two-thirds vote of the Legislative Assembly. The appointment of a successor, or to otherwise fill a vacancy, shall be for a term of 6 years.

ARTICLE II THE EXECUTIVE BRANCH

Part 1. Executive power

Part 2. The Governor

Section

1. Election of Governor
2. Qualifications for holding office; vacancy; compensation
3. Powers and duties of the Governor

Part 3. Independent executive entities.

Section

1. Office of Attorney General
2. Office of the Chief Financial Officer
3. State Board of Education
4. Board of Elections.

Part 1. Executive power

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

Part 2. The Governor

Sec. 1. Election of Governor

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

Sec. 2. Qualifications for holding office; vacancy; compensation

- a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified voter of the State of New Columbia; (B) resides in and is domiciled in the State of New Columbia; (C) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for Governor is to be held; and (D) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than employment in and the position as Governor), for which that person is compensated in an amount in excess of actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as an official or delegate of a political party.
- (2) To fill a vacancy in the Office of Governor, the Board of Elections shall hold a special election at least 70 days and not more than 174 days after such vacancy occurs, unless it determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia. The person elected Governor to fill a vacancy in the Office of Governor shall take office on the day the Board of Elections certifies the election, and shall serve as Governor for the remainder of the term during which such vacancy occurred unless re-elected in a subsequent election. When the Office of Governor becomes vacant, the Speaker of the Legislative Assembly shall become acting Governor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Governor, at which time the acting Governor shall again become Speaker of the Legislative Assembly. While the Speaker of the Legislative Assembly is acting Governor, that person shall receive the compensation regularly paid the Governor, and shall receive no compensation as Speaker or member of the Legislative Assembly.
- b. Should vacancies arise simultaneously for both the Speaker of the Legislative Assembly and the Governor, the order of succession shall be the at large members of the Legislative Assembly in order of seniority of continuous service, followed by the Attorney General.

Temporary or partial incapacity, or short periods of unavailability, shall not constitute a vacancy nor trigger a special election.

- c. The Governor shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of an incumbent Governor. Any changes in the Governor's compensation, upon enactment by the Legislative Assembly, shall apply beginning with the next gubernatorial term after the effective date of such Act.
- d. The Governor shall forfeit the office upon failure to maintain qualifications required by this section or upon conviction of a felony.

Sec. 3. Powers and duties of the Governor

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

- a. The Governor may appoint an Administrator and Chief Operating Officer, who shall serve at the pleasure of the Governor, who shall assist the Governor in carrying out the Governor's functions under this Constitution, and whose salary shall be set by the Governor consistent with any applicable law.
- b. The Governor may designate the officer or officers of the executive branch of the State of New Columbia, who may, during periods of absence from the State of New Columbia, or temporary or partial incapacity, execute and perform the powers and duties of the Governor.
- c. The Governor shall administer the personnel functions of the executive branch of the State of New Columbia except for the independent executive entities, including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel in the Office of the Governor, personnel in departments of the State of New Columbia, and members and employees of boards, offices, commissions, and other agencies.
- d. The Governor shall, through the heads of administrative boards, offices, commissions, and agencies, supervise and direct the activities of such boards, offices, commissions, and agencies.
- e. The Governor may submit proposed Acts and Resolutions to the Legislative Assembly.
- f. The Governor may delegate any of the Governor's functions (other than the function of approving or disapproving Acts passed by the Legislative Assembly or the power to grant pardons) to any officer, employee, or agency of the executive office of the Governor, or to any director of an executive department who may, with the approval of the Governor,

make a further delegation of all or a part of such functions to subordinates under that person's jurisdiction.

- g. The Governor shall be the custodian of the corporate seal of the State of New Columbia and shall use and authenticate it in accordance with law.
- h. The Governor shall have the right to be heard by the Legislative Assembly or any of its committees under rules to be adopted by the Legislative Assembly.
- i. The Governor may issue and enforce administrative orders, not inconsistent with this Constitution or with any statute, to carry out the Governor's functions and duties.
- j. The Governor may, by reorganization order, reorganize the offices, agencies, and other entities within the executive branch of the government of the State of New Columbia except where such reorganization is inconsistent with statute.
- k. The Governor shall have plenary power to grant pardons, commutations, and reprieves, and to remit, forgive or reduce fines and forfeitures, for all offenses against the laws of the State of New Columbia.
- l. To advance the general welfare and provide for public safety, and consistent with federal law, the Governor may enter into compacts and agreements with other states, localities, , the federal government and federal instrumentalities; and may enter into agreements with foreign nations, cities or businesses; provided that any financial obligations of such compacts, and agreements shall be approved by the Legislative Assembly under rules to be adopted by the Legislative Assembly.
- m. The Governor shall be the primary planning authority for the State of New Columbia.
- n. The Governor shall be the Commander in Chief over the National Guard of the State of New Columbia.
- o. The Governor shall have charge of the administration of the financial affairs of the State of New Columbia, except authority assigned by this Constitution to the Chief Financial Officer, and shall have authority to examine and approve all contracts, orders, and other documents by which the State of New Columbia incurs financial or other obligations.

Part 3. Independent executive agencies.

Sec. 1. Office of Attorney General

- a. There is established within the executive branch of the State of New Columbia government an independent Office of the Attorney General for the State of New Columbia headed by an Attorney General. The Attorney General shall be elected by the qualified voters of the State of New Columbia, on a partisan basis, for a term of 4 years

beginning at noon on January 2 of the year following that person's election. The term of office of the Attorney General shall coincide with the term of office of the Governor.

- b. (1) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve until the date the Board of Elections certifies the election of the new Attorney General, at which time the Acting Attorney General shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, that person shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General. (2) To fill a vacancy in the position of Attorney General, the Board of Elections shall hold a special election at least 70 days and not more than 174 days after such vacancy occurs, unless it determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day on which the Board of Elections certifies the election, and shall serve as Attorney General for the remainder of the term during which such vacancy occurred.
- c. The Attorney General is the chief law officer of the State of New Columbia and shall have charge and conduct of all law business of the State of New Columbia and of criminal and all suits instituted by and against the government thereof. The Attorney General shall possess all powers afforded the Attorney General by the common and statutory law of the State of New Columbia, and shall be responsible for upholding the public interest. The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of the public interest.
- d. The Attorney General may furnish opinions in writing on the Attorney General's initiative or when requested to do so by the Governor or the Legislative Assembly.
- e. The administration, organization, and operation of the Office of the Attorney General shall be under the jurisdiction and control of the Attorney General. The Attorney General's duties shall include supervising and directing the activities of the Office, administering the personnel functions of the Office (including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel), reorganizing the Office, and approving contracts, orders, and other documents by which the State of New Columbia incurs financial or other obligations for the Office of the Attorney General.
- f. The Attorney General shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of an incumbent Attorney General. Any changes in the Attorney General's compensation, upon enactment by the Legislative Assembly, shall apply beginning with the next Attorney General's term after the effective date of such Act.

Sec. 2. Office of the Chief Financial Officer

- 551
- 552 a. There is established within the executive branch of the State of New Columbia
- 553 government an independent Office of the Chief Financial Officer for the State of New
- 554 Columbia headed by the Chief Financial Officer of the State of New Columbia.
- 555
- 556 b. The Chief Financial Officer for the State of New Columbia shall be appointed by the
- 557 Governor with the advice and consent, by Resolution, of the Legislative Assembly. The
- 558 Chief Financial Officer shall be appointed for a term of 5 years. Any Chief Financial
- 559 Officer may continue to serve beyond the appointed term until a successor takes office.
- 560
- 561 c. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of
- 562 resignation, permanent disability, death, or other reason, the Governor shall appoint one
- 563 of the Deputy Chief Financial Officers to serve as the Chief Financial Officer in an acting
- 564 capacity. The Governor shall promptly nominate a person to serve as Chief Financial
- 565 Officer, for the remainder of the term during which the vacancy occurred; provided, that
- 566 the Governor shall submit the nomination to the Legislative Assembly for its approval as
- 567 provided in paragraph (b) of this section.
- 568
- 569 d. The Chief Financial Officer may be removed only for cause by the Governor, subject to
- 570 the approval of the Legislative Assembly by a Resolution approved by not fewer than 2/3
- 571 of the members of the Legislative Assembly present and voting.
- 572
- 573 e. The administration, organization, and operation of the Office of the Chief Financial
- 574 Officer shall be under the jurisdiction and control of the Chief Financial Officer. The
- 575 Chief Financial Officer's duties shall include supervising and directing the activities of
- 576 the Office, administering the personnel functions of the Office (including all laws relating
- 577 to the appointment, promotion, duties, discipline, separation, and other conditions of
- 578 employment of personnel), and reorganizing the Office.
- 579
- 580 f. The Chief Financial Officer shall, under the direction of the Governor, prepare the
- 581 budgets and financial plans for the State of New Columbia for submission by the
- 582 Governor to the Legislative Assembly.
- 583
- 584 g. The Chief Financial Officer shall: (1) assure that all financial information submitted by
- 585 the Governor to the Legislative Assembly or for any other official purpose is accurate and
- 586 complete; (2) prepare and submit to the Governor and the Legislative Assembly and
- 587 make public annual fiscal year estimates of all revenue for the State of New Columbia
- 588 and quarterly re-estimates of the revenues of New Columbia during the fiscal year; (3)
- 589 supervise and assume responsibility for financial transactions to ensure adequate control
- 590 over revenues and resources; (4) maintain systems of accounting and internal control
- 591 designed to provide full disclosure of the impact of the activities of the New Columbia
- 592 government, adequate financial information necessary for management purposes,
- 593 effective control over and accountability for all funds, property, and other assets of the
- 594 State of New Columbia, and reliable accounting results to serve as the basis for preparing
- 595 and supporting agency budget requests and controlling the execution of the budget; (5)
- 596 submit to the Legislative Assembly a financial statement containing such details and at

such times as the 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 Legislative Assembly may by Act assign to it; (15) govern the accounting policies and systems of the State of New Columbia; (16) timely prepare yearly, quarterly and monthly financial reports of the accounting and financial operations of the State of New Columbia; (17) prepare fiscal impact statements on such regulations, multi-year contracts, agreements, and proposed legislation as the Governor and Legislative Assembly may require by request or Act; (18) certify all collective bargaining agreements and nonunion pay proposals as to the availability of funds before submission to the Legislative Assembly, and prepare any financial analysis requested by the Governor of proposed terms or agreements.

Sec. 3. The State Board of Education

a. Composition; elections

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

b. Powers

1. The State Board of Education shall be responsible for advising the Governor and Legislative Assembly on educational matters, including state standards, state policies, including those governing special, academic, vocational, charter and other schools, state objectives and state regulations.
2. By Act, the Legislative Assembly may establish which educational matters shall be subject to the approval of the State Board of Education.

Sec. 4. Board of Elections

The authority to manage and supervise elections, initiatives, referenda, and recalls provided under this constitution shall be vested in the Board of Elections. The Legislative

Assembly shall, by Act, provide for the composition, method of selection, and procedures for the Board of Elections to use in carrying out its duties.

ARTICLE III THE JUDICIAL BRANCH

Section

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

Sec. 1. Judicial power

The judicial power of the State of New Columbia is vested in the State of New Columbia Court of Appeals, the Superior Court of the State of New Columbia, and such other courts as may be established by Act. The jurisdiction of the courts shall be established by 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 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 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;
3. any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute;
4. failure to maintain residency in the State of New Columbia; or
5. a mental or physical incapacity (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of that person's judicial duties.

c. The authority to reappoint, remove, or sanction a judge of the State of New Columbia Courts as provided in this Article shall be vested in a Commission on Judicial Disabilities and Tenure. The Legislative Assembly shall, by law, provide for the composition, method of selection, and procedures for the Commission on Judicial Disabilities and Tenure to use in carrying out its duties under this Article.

d. All Judges of the State of New Columbia Courts shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of Judges. Any changes in the Judges' compensation, upon enactment by the Legislative Assembly, shall apply after the effective date or the applicability date of such Act, whichever is later.

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

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

Sec. 5. Designation of Chief Judges

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

ARTICLE IV BUDGET AND FINANCIAL MANAGEMENT

Section

1. Fiscal year
2. Submission of annual budget
3. Adoption of budget by Legislative Assembly
4. Annual financial statements and audits
5. Balanced budget
6. Review of Contracts by the Legislative Assembly
7. Emergency and contingency reserve funds

Sec. 1. Fiscal year

The Legislative Assembly shall establish by Act the fiscal year of the State of New Columbia.

Sec. 2. Submission of annual budget

- a. The Governor shall prepare and submit to the Legislative Assembly each year, at such time as the Legislative Assembly shall direct, and shall make available to the public, a proposed annual budget for the State of New Columbia government. It shall:
 1. (A) Reflect the actual financial condition of the State of New Columbia government, (B) Specify the agencies and purposes for which funds are being requested; and (C) Be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated resources from existing sources and proposed resources.
 2. Be accompanied by: (A) An annual budget message which shall include supporting financial and statistical information for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding 3 fiscal years; (B) A multiyear financial plan of revenues and expenses, including multiyear operating and capital improvement plans for all agencies; (C) A summary of the budget for distribution to the general public.
 3. The proposed budget and financial plan shall be certified by the Chief Financial Officer as balanced. The budget shall identify any new sources of revenue that shall be necessary to balance the budget as submitted.

- b. The budget prepared and submitted by the Governor shall include, but not be limited to, recommended expenditures for agencies under the authority of the Governor, and shall include expenditures as established by the Legislative Assembly, the State of New Columbia court system, the Office of the Attorney General, the Office of the Chief Financial Officer, the State Board of Education, and the Board of Elections for each such entity.
- c. The Governor may prepare and submit to the Legislative Assembly such supplemental or deficiency budget proposals as are necessary, including proposals to increase revenues to meet any such increased expenditure, and may prepare and submit to the Legislative Assembly for approval by Resolution, proposed reprogrammings of budgeted amounts. The Legislative Assembly may by Act designate categories and classes of supplemental and deficiency budget modifications and reprogrammings for which approval by the 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 Legislative Assembly.

Sec. 3. Adoption of budget by Legislative Assembly

The Legislative Assembly, within 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 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 123 days following the close of the fiscal year, the Governor shall submit to the Legislative Assembly a complete and audited financial statement and report for the preceding fiscal year.

Sec. 5. Balanced budget

The 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.

Sec. 6. Review of Contracts by the Legislative Assembly

By Act, the 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 Legislative Assembly shall not exceed those contracts that were subject to approval of the former Council of the District of Columbia.

824 Sec. 7. Emergency and contingency reserve funds

- 825
- 826 a. 1. The Governor shall deposit into an emergency cash reserve fund not later than the
- 827 first day of each fiscal year such an amount as may be required to maintain a
- 828 balance in the fund of at least 2 percent of the operating expenditures of the
- 829 government of the State of New Columbia; provided, if the Governor uses money
- 830 from the fund during a fiscal year, the State of New Columbia shall appropriate
- 831 sufficient funds each fiscal year in the budget process to replenish any amounts
- 832 allocated from the emergency reserve fund during the preceding fiscal years so
- 833 that not less than 50 percent of any amount allocated in the preceding fiscal year
- 834 or the amount necessary to restore the emergency reserve fund to the 2 percent
- 835 required balance, whichever is less, is replenished by the end of the first fiscal
- 836 year following each such allocation and 100 percent of the amount allocated or
- 837 the amount necessary to restore the emergency reserve fund to the 2 percent
- 838 required balance, whichever is less, is replenished by the end of the second fiscal
- 839 year following each such allocation; provided further, if an amount is allocated
- 840 from the emergency cash reserve fund for cash flow management purposes, the
- 841 Governor shall fully replenish the fund in the amount allocated not later than the
- 842 earlier of the expiration of the 9-month period which begins on the date the
- 843 allocation is made or the last day of the fiscal year.
- 844
- 845 2. The Governor may use the emergency cash reserve fund to provide for
- 846 unanticipated and nonrecurring extraordinary needs of an emergency nature,
- 847 including a natural disaster or calamity or a state of emergency as declared by the
- 848 Governor, for unexpected obligations of federal law and for cash flow
- 849 management purposes in an amount of not more than 50 percent of the balance of
- 850 the fund.
- 851
- 852 b. 1. The Governor shall deposit into a contingency cash reserve fund not later than the
- 853 first day of each fiscal year such amount as may be required to maintain a balance
- 854 in the fund of at least 4 percent of the operating expenditures of the government
- 855 of the State of New Columbia; provided, the government of the State of New
- 856 Columbia shall appropriate sufficient funds each fiscal year in the budget process
- 857 to replenish any amounts allocated from the contingency reserve fund during the
- 858 preceding fiscal years so that not less than 50 percent of any amount allocated in
- 859 the preceding fiscal year or the amount necessary to restore the contingency
- 860 reserve fund to the 4 percent required balance, whichever is less, is replenished by
- 861 the end of the first fiscal year following each such allocation and 100 percent of
- 862 the amount allocated or the amount necessary to restore the contingency reserve
- 863 fund to the 4 percent required balance, whichever is less, is replenished by the end
- 864 of the second fiscal year following each such allocation; provided further, if an
- 865 amount is allocated from the contingency cash reserve fund for cash flow
- 866 management purposes, the Governor shall fully replenish the fund in the amount
- 867 allocated not later than the earlier of the expiration of the 9-month period which
- 868 begins on the date the allocation is made or the last day of the fiscal year.
- 869

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

916
917 Sec. 2. Contents of borrowing legislation and elections on issuing general obligation bonds
918

- 919 a. The Legislative Assembly may by Act authorize the issuance of general obligation bonds
920 for the purposes specified in section 1. Such an Act shall contain, at least, provisions:
921 briefly describing each project to be financed by the Act; identifying the Act authorizing
922 each such project or category of projects; setting forth the maximum amount of debt
923 principal which may be incurred for the projects; setting forth the maximum rate of
924 interest to be paid on such indebtedness; setting forth the maximum allowable maturity
925 for the issue and the maximum debt service payable in any year; authorizing the bonds to
926 be sold at public sale or at private sale on a negotiated basis, as determined by the
927 Governor in the public interest; authorizing the Governor to enter into and amend
928 agreements in connection with the bond issue, including a trust indenture; vesting in the
929 trustee under such a trust indenture such properties, rights, powers, and duties in trust as
930 may be necessary, convenient or desirable; authorizing the creation of a security interest
931 in State of New Columbia revenues as additional security for the payment of the bonds;
932 describing the particular State of New Columbia revenues which are subject to such
933 security interest; prescribing the validity of such security interest; prescribing remedies of
934 the bondholders in the event of a default; and such other covenants, provisions and
935 conditions necessary to issue the additional bonds as parity bonds.
936
- 937 b. The Governor shall publish the enacted Act in at least one newspaper of general
938 circulation within the State of New Columbia with the notification that the time within
939 which a suit, action or proceeding questioning the validity of such bonds may be
940 commenced expires at the end of the 20-day period beginning on the date of the first
941 publication of the notice.
942
- 943 c. Failure to publish the notice or any error in any publication shall not impair the effect of
944 the Act or the validity of the bonds issued pursuant to the Act.
945

946 Sec. 3. Issuance of general obligation bonds
947

- 948 a. After an Act of the Legislative Assembly authorizing the issuance of general obligation
949 bonds has taken effect, the Governor may issue such general obligation bonds. An issue
950 of general obligation bonds may be all or any part of the aggregate principal amount of
951 bonds authorized by such Act.
952
- 953 b. The principal amount of the general obligation bonds of each issue shall be payable in
954 annual installments beginning not more than 3 years after the date of such bonds and
955 ending not more than 30 years after such date.
956

957 Sec. 4. Borrowing to meet appropriations and in anticipation of revenues
958

- 959 a. In the absence of unappropriated revenues available to meet appropriations, the
960 Legislative Assembly may by Act authorize the issuance of general obligation notes.
961

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

Sec. 5. Special tax

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

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

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

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

- a. In each annual budget, the Legislative Assembly shall provide sufficient funds to pay the principal of and interest on all general obligation bonds or notes due and payable during such fiscal year.
- b. The Governor shall insure that the principal and interest on all general obligation bonds and notes issued under this Article are paid when due, including by paying such principal and interest from funds not otherwise legally committed.
- c. All amounts obligated or expended by the State of New Columbia for the payment of principal of, interest on, or redemption premium for any general obligation bonds issued

under this Article or issued before the effective date of this Constitution are not subject to appropriation.

Sec. 8. Revenue bonds and other obligations

- a. (1) The Legislative Assembly may by Act or Resolution authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, or assist in the financing or refinancing of undertakings in the areas of: housing; health; transit; utilities; preschool, primary, secondary, vocational, adult, rehabilitative, re-entry, and higher education; educational loans; facilities for culture, sports, mass commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous waste disposal, or local district heating or cooling; or the local furnishing of energy or water; manufacturing, and any other undertaking that the Legislative Assembly determines will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of New Columbia, or to economic development of New Columbia, and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.
- (2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the State of New Columbia and shall be a negotiable instrument.
- (3) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the Act or Resolution of the Legislative Assembly authorizing the issuance of such bond, note, or other obligation. Any Act of the Legislative Assembly authorizing the issuance of such bond, note, or other obligation, or any delegation of such authority, may provide for: (A) The payment of such bond, note, or other obligation from any available revenues, assets, or property; and (B) The securing of such bond, note, or other obligation by the mortgage of real property or the creation of any security interest in available revenues, assets, or other property.
- (4) (A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the Legislative Assembly may authorize the Governor to enter into any agreement concerning the acquisition, use, or disposition of any funds or property. Any such agreement may create any security interest in any funds or property; may provide for the custody, collection, security, investment, and payment of any funds (including any funds held in trust) for the payment of such bond, note, or other obligation; may mortgage any property; may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such bond, note, or other obligation; and may provide for the doing of any act (or the refraining from doing any act) which the State of New Columbia has the right to do in the absence of such agreement. Any such agreement may be assigned for

the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection. (B) Any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the State of New Columbia, whether or not such individual or legal entity has notice of such lien. (C) Any funds of the State of New Columbia held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the State of New Columbia and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

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

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

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

d. Any Act or Resolution of the Legislative Assembly authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section may: (1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued; (2) Prescribe the form, terms, provisions, manner, and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations; (3) Provide for the rights and remedies of the holders of such bonds,

notes, or other obligations upon default; (4) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and (5) Authorize the Governor to take any actions in connection with the issuance, sale, delivery, security, and payment of such notes, bonds, or other obligations, including the prescribing of any terms or conditions not contained in such Act or Resolution of the Legislative Assembly.

- e. The Legislative Assembly may by Act delegate to any independent instrumentality of New Columbia the authority of the Legislative Assembly under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money for the purposes described in subsection (a) of this section.

Sec. 9. Limitations on borrowing and spending

- a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 17% of the State of New Columbia revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from the sale of general obligation or revenue bonds) which the Governor estimates, and the Chief Financial Officer certifies, will be credited to the State of New Columbia during the fiscal year in which the bonds will be issued.
- b. The 17% limitation specified in section 9(a) shall be calculated in the following manner:
 - (1) Determine the dollar amount equivalent to 17% of the State of New Columbia revenues as specified in section 9(a);
 - (2) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds (less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects) and such Treasury loans;
 - (3) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued; and
 - (4) If in any one fiscal year the sum arrived at by adding subparagraphs (2) and (3) of this section exceeds the amount determined under subparagraph (1) of this section then the proposed general obligation bond or such Treasury loan in subparagraph (3) of this paragraph cannot be issued.

Sec. 10. Tax exemption

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

Sec. 11. Legal investment

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

ARTICLE VI INITIATIVE; REFERENDUM; RECALL

Section

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

Sec. 1. Definitions

- a. The term "initiative" means the process by which the registered qualified electors of the State of New Columbia may propose laws (except laws appropriating funds or having the effect of authorizing discrimination) and present such proposed laws directly to the registered qualified electors of the State of New Columbia for their approval or disapproval.
- b. The term "referendum" means the process by which the registered qualified electors of the State of New Columbia may repeal or ratify acts of the Legislative Assembly (except emergency acts, acts levying taxes, acts appropriating funds, acts having the effect of prohibiting discrimination, or advisory referenda).
- c. The term "recall" means the process by which the registered qualified electors of the State of New Columbia may call for the holding of an election to remove or retain an elected official prior to the expiration of that official's term.

Sec. 2. Process

- 1191
- 1192 a. An initiative or referendum may be proposed by the presentation to the Board of
- 1193 Elections of a petition containing the signatures of 5 percent of the registered voters in
- 1194 the State of New Columbia; provided that the total signatures submitted include 5 percent
- 1195 of the registered voters in a majority of the legislative districts.
- 1196
- 1197 b. The latest official count of registered voters by the State of New Columbia Board of
- 1198 Elections, which was issued 30 or more days prior to submission of the signatures for any
- 1199 particular initiative, referendum, or recall petition, shall be used for computing the
- 1200 signature requirements of this Article.
- 1201

1202 Sec. 3. Submission of measure at election

1203

- 1204 a. The Board of Elections shall submit an initiative or referendum measure without
- 1205 alteration at the next statewide general, primary, or special election held at least 90 days
- 1206 after the measure is received.
- 1207
- 1208 b. The Board of Elections shall hold an election on a recall petition within 114 days of its
- 1209 receipt of a petition. If a previously scheduled general, primary, or special election will
- 1210 occur between 54 and 114 days of its receipt of a recall petition, the Board of Elections
- 1211 may present the recall petition at that election.
- 1212

1213 Sec. 4. Rejection of measure

1214

1215 If a majority of the registered qualified electors voting on a referred act vote to

1216 disapprove the Act, such action shall be deemed a rejection of the Act or that portion of

1217 the Act on the referendum ballot. No action may be taken by the Legislative Assembly

1218 with regard to the matter presented at referendum for 365 days following the date of the

1219 Board of Election's certification of the vote concerning the referendum.

1220

1221 Sec. 5. Approval of measure

1222

1223 If a majority of the registered qualified electors voting in a referendum approve of an act

1224 or adopt legislation by initiative, then the adopted initiative or Act approved by

1225 referendum shall become law upon the certification of the vote by the Board of Elections

1226 on such initiative or act.

1227

1228 Sec. 6. Short title and summary

1229

1230 The Board of Elections shall propose a short title and summary of the initiative and

1231 referendum matter, which shall accurately reflect the intent and meaning of the proposed

1232 referendum or initiative.

1233

1234 Sec. 7. Recall process

1235

Any elected official of the State of New Columbia government, elected on a partisan basis, may be recalled by the registered qualified electors of the election district or districts from which that official was elected. A recall shall be proposed by the filing with the Board of Elections of a petition demanding the recall of the elected official, signed by 10 percent of the registered qualified electors in the elected official's election district or districts, including 10 percent of the registered qualified electors in a majority of the election districts for a statewide elected official.

Sec. 8. Time limits on initiation of recall process

The process of recalling an elected official may not be initiated within the first 365 days nor the last 365 days of the official's term of office. Nor may the process be initiated within 1 year after a recall election has been determined in the official's favor.

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

An elected official is removed from office if a majority of the qualified electors voting in the election vote to remove the official. The vacancy created by such recall shall be filled in the same manner as other vacancies as provided in this Constitution.

ARTICLE VII MISCELLANEOUS

Section

1. Openness and transparency
2. Construction of Constitution
3. Constitution amending procedure
4. Constitutional convention
5. Oath of office.
6. Effective date

Sec. 1. Openness and transparency

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

Sec. 2. Construction of Constitution

- a. To the extent that any provisions of this Constitution are inconsistent with the provisions of any other laws of the State of New Columbia, the provisions of this Constitution shall prevail and shall be deemed to supersede the provisions of such laws.
- b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall determine only when the name of a political party may appear next to the name of a

candidate on the ballot but shall not limit the authority of the Legislative Assembly to establish any type of primary or runoff system it may find appropriate.

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

Sec. 3. Constitution amending procedure

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

Sec. 4. Constitutional convention

- a. No later than the second anniversary of the date of admission of the State of New Columbia as a member of the Union, the Legislative Assembly shall call for a Constitutional Convention to assess the functionality of this Constitution in the transition from a federal district to statehood.
- b. The Legislative Assembly shall, by Act, establish for the Constitutional Convention:
1. The subjects to be considered including checks and balances, governance principles, efficient legislative processes, and independence of executive agencies; and
 2. Procedures for the convention which shall include the election process for delegates to the Constitutional Convention, to be comprised of an equal number of delegates from each legislative district.
- c. The Legislative Assembly shall appoint a Constitutional Convention Commission comprised of legal and subject matter experts with the purpose of preparing comprehensive recommendations and advice to the Constitutional Convention delegates on the subjects established by the Legislative Assembly.
- d. Any amendments resulting from such a Constitutional Convention shall be considered pursuant to section 3 of this article.

Sec. 5. Oath of office

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.

1327
1328 Sec. 6. Effective date
1329

1330 This Constitution shall take effect upon passage of an Admission Act to admit New
1331 Columbia as a state of the United States of America with the same rights as other states,
1332 unless otherwise provided therein.
1333
1334

1335 ARTICLE VIII TRANSFER OF OFFICES
1336

1337 Section

- 1338 1. Transfer of offices
1339 2. Continuation of State of New Columbia court system
1340 3. Pending actions and proceedings
1341 4. Laws in force and prior powers
1342 5. Personnel rights
1343 6. Debts; assets; records
1344 7. Residency and qualifications
1345 8. Adjustments
1346 9. Voting rights
1347

1348 Sec. 1. Transfer of offices
1349

1350 The Council of the District of Columbia and the offices of Councilmembers, Chairman of
1351 the Council, and Mayor are abolished as of the effective date of this Constitution.
1352

- 1353 a. To provide continuity during the transition from the government of the District of
1354 Columbia to the State of New Columbia, the members of the Council, the Chairman of
1355 the Council, the Mayor, the Attorney General, and members of the State Board of
1356 Education and Advisory Neighborhood Commissions in office as of the effective date of
1357 this Constitution shall be deemed Representatives of the Legislative Assembly, Speaker
1358 of the Legislative Assembly, Governor, Attorney General, and members of the State
1359 Board of Education and Advisory Neighborhood Commissions respectively (in
1360 accordance with current boundaries), until the expiration of the term of office each such
1361 individual held immediately prior to the effective date of this Constitution. Vacancies in
1362 these offices occurring during the holdover term shall be filled as provided in Articles I,
1363 II, and VI.
1364
- 1365 b. New members of the Legislative Assembly shall be elected on the same schedule as
1366 existing Councilmembers of the District of Columbia. The Board of Elections shall hold
1367 elections for newly created positions in the Legislative Assembly at least 60 days and not
1368 more than 120 days after the effective date of this Constitution, unless it determines that
1369 such positions could be more practicably filled in a special election held on the same day
1370 as the next primary or general election to be held in the State of New Columbia. The
1371 Legislative Assembly shall, by Act, establish the election schedule for all newly created

positions, provided such Act ensures a staggered schedule, including between Delegates from the same legislative district.

- c. The individual serving as District of Columbia Auditor as of the effective date of this Constitution shall be deemed to have been appointed as Auditor under Article I for a term to expire as of the date of expiration of the term to which he or she was appointed.
- d. Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall be held after the effective date of this Constitution by members of the Legislative Assembly, the Speaker of the Legislative Assembly, and the Governor, respectively, to the extent consistent with this Constitution.
- e. For boards and commissions, members not federally appointed and in office as of the effective date of this Constitution shall continue to serve until the expiration of that term of office held on the effective date of this Constitution.
- f. The terms of federally appointed members to any District of Columbia board or commission shall expire on the 90th day from the effective date of this Constitution unless otherwise provided by law, and no vacancies shall be deemed to be created by the abolition of these positions unless the Governor or Legislative Assembly creates a new position on the board or commission.
- g. The individual serving as Chief Financial Officer as of the effective date of this Constitution shall be deemed to have been appointed as Chief Financial Officer under Article II, for a term to expire on July 1 of the year in which that individual's previously extant term would have expired.

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

- a. To provide continuity during the transition from the government of the District of Columbia and the State of New Columbia, the members of the District of Columbia Superior Court and the Court of Appeals of the District of Columbia appointed as of the effective date of this Constitution shall be deemed members of the State of New Columbia Superior Court and the Court of Appeals of the State of New Columbia, respectively, until the expiration of that term of office held immediately prior to the effective date of this Constitution.
- b. The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the Judicial Nomination Commission, and the Commission on Judicial Disability and Tenure shall continue subject to the provisions of Article III of this Constitution. Any changes in the Judges' compensation, upon enactment by the Legislative Assembly, shall apply after the effective date or the applicability date of such Act, whichever is later.

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

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

Sec. 3. Pending actions and proceedings

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

Sec. 4. Laws in force and prior powers

a. Acts of the Council of the District of Columbia preceding the effective date of this Constitution and the convening of the Legislative Assembly shall be considered valid as if they were enacted by the Legislative Assembly.

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

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

d. The powers possessed by the respective Advisory Neighborhood Commissions for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Advisory Neighborhood Commissions for the State of New Columbia on the effective date of this Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter modified or repealed in accordance with this Constitution

- e. Except as otherwise provided in this Constitution, all functions previously granted to or vested in the Mayor of the District of Columbia through the District of Columbia Home Rule Act, to the extent not inconsistent with this Constitution and to the extent not thereafter having been transferred or repealed, shall be vested in the Office of the Governor in accordance with the provisions of this Constitution.
- f. The annual compensation of the Speaker of the Legislative Assembly and Representatives, the Governor, the Attorney General, the Chief Financial Officer, and the judges of the Superior Court and Court of Appeals on the effective date of this Constitution shall be the annual compensation provided to the Chairman and members of the Council, the Mayor, the Attorney General, the Chief Financial Officer, and the judges of the Superior Court and Court of Appeals immediately prior to the effective date of this Constitution.
- g. The powers possessed by the Attorney General for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Attorney General for the State of New Columbia upon the effective date of the Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter having been transferred or repealed.

Sec. 5. Personnel rights

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

Sec. 6. Debts; assets; records

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

Sec. 7. Residency and qualifications

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

Sec. 8. Adjustments

1508 The Governor is authorized and empowered to enter into an agreement or agreements
1509 concerning the manner and method by which amounts owed by the State of New
1510 Columbia to the United States or by the United States to the State of New Columbia,
1511 shall be ascertained and paid.

1512
1513 Sec. 9. Voting rights
1514

1515 Any person who resides in any area which was a part of the District of Columbia
1516 immediately prior to the admission of the State of New Columbia but which is not
1517 included within the boundaries of the State of New Columbia may, at that person's
1518 option, be deemed to be a resident of the State of New Columbia for purposes of voting
1519 in a State of New Columbia election, unless that person claims residency in another state
1520 for voting purposes.