

**Proposed Constitution:
Second Constitutional Convention
1971-72**

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CONSTITUTION OF THE TERRITORY
of the
UNITED STATES VIRGIN ISLANDS

Preamble

We, the people of the United States Virgin Islands reaffirm our adherence to the Constitution of the United States, and in order to achieve full liberty and social equality on a democratic basis, to establish a government responsive to the people, to promote the general welfare, and to secure the complete fulfillment of human rights, do hereby ordain and establish the Constitution for the Territory which, in the exercise of our rights, we now create within our union with the United States of America. In so doing, we declare and affirm that all men are born equally free and independent and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

We understand that the democratic system of government is one in which the will of the people is the source of public power; the political order is subordinate to the rights of man; and the free and unrestrained participation of the citizen in collective decisions is assured.

We recognize and accept our pluralistic society with its multicultural pattern as our heritage, and we are dedicated to continue our peaceful way of life in which individual human values are above and beyond racial differences, social position and economic interest;

We hereby covenant and pray to establish our Territory as an example of democracy at work in the Caribbean and as a cultural bridge for all the peoples of the world.

ARTICLE I

THE TERRITORY

Section 1. The Territory. The Virgin Islands of the United States are hereby constituted as the Territory of the United States Virgin Islands, hereinafter referred to as the "Territory". The Territory's power emanates from the people and is to be exercised according to their will and pursuant to this Constitution, and in accordance with the compact agreed upon by the people of the Virgin Islands and the United States of America, as set out in the Virgin Islands Federal Relations Act.

Section 2. Form of Government. The Government of the Territory shall be republican in form and subject to the sovereignty of the people. The legislative, executive and judicial branches are separate and no branch shall exercise powers properly belonging to another.

Section 3. Political Authority. The political authority of the Territory shall extend to the Islands of St. Croix, St. John and St. Thomas, and all the other territorial domain, islands, cays and waters acquired by the United States through cession of the Danish West Indian Islands under the convention entered into by the United States of America and His Majesty the King of Denmark on August 4, 1916, and ratified by the United States Senate on September 7, 1916.

Section 4. The Capital. The capital of the Territory and the seat of Government shall be Charlotte Amalie, St. Thomas.

ARTICLE II

BILL OF RIGHTS

Section 1. Freedom of Religion, Speech, Press, Assembly and Petition. No law shall be enacted 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.

Section 2. Due Process and Equal Protection. No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

Section 3. Searches and Seizures; Inadmissible Evidence. The right of the people to be secure in their persons, houses, papers and other possessions against unreasonable searches and seizures and against invasions of privacy shall not be violated. No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the persons to be arrested or things to be seized. Interception of communications by eavesdropping devices or other means is prohibited. Evidence obtained in violation of this section shall be inadmissible in any court against any person.

Section 4. Rights of Accused.

(a) In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of his rights and of the nature and cause of the accusation and to have a copy thereof, to have the assistance of counsel for his defense and if indigent such assistance at public expense, and to have compulsory process for obtaining witnesses in his favor and to be confronted with the witnesses against him.

(b) In all criminal prosecutions where the penalty may be imprisonment for six months or more the accused shall have the right upon demand to a trial by an impartial jury.

(c) All persons shall be bailable by sufficient sureties in the case of criminal offense, except for first degree murder or where the granting of bail would constitute a hazard to the community. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

(d) No person shall be twice put in jeopardy of criminal punishment for the same offense or be compelled to give testimony which might tend to incriminate him. The failure of an accused to testify shall not be taken into consideration nor commented upon against him.

(e) Every accused is presumed innocent until proven guilty by law.

(f) Incarceration prior to trial shall not exceed six months, except that delays caused by the accused shall not be included in the calculation of this period.

(g) Suspension of civil rights, including the right to vote, shall cease upon service of the sentence, which shall include any period of probation or parole.

Section 5. Imprisonment for Debt. No person shall be imprisoned or suffer forced labor for debt. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payments, in installments if necessary, and has wilfully failed to make payment.

Section 6. Ex Post Facto: Attainder. No ex post facto law or bill of attainder shall be enacted.

Section 7. Habeas Corpus. All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except in conjunction with a proclamation of martial law. The writ, when applied for, shall be acted upon without delay and in the case of indigence shall be free of cost.

Section 8. Eminent Domain: Contracts. No law impairing the obligation of contracts shall be enacted nor shall private property be taken for public use except upon payment of just compensation as ascertained in the manner provided by law.

Section 9. Slavery: Involuntary Servitude: Civil Rights. Neither slavery, nor involuntary servitude shall exist in the Territory except in the latter case as a punishment for crime after the accused has been duly convicted.

Section 10. Children. The employment of children under the age of sixteen in any occupation injurious to health, morals or general welfare, or which places them in jeopardy of life or limb is prohibited.

Section 11. Human Dignity: Discrimination. The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, place of birth, social origin or condition, political or religious belief. The laws of the Territory and the systems of public education shall embody these principles of essential human equality.

Section 12. Education. Every person has the right to an education, which shall be directed toward the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. The Territory shall provide for an efficient system of high quality public educational instruction and services. Public education through the secondary level shall be free, wholly non-sectarian and compulsory to the age established by law, except that attendance at an approved non-public school shall satisfy any compulsory education law.

Section 13. Labor. Every employee shall have the right to equal pay for equal work and to protection against risks to his health or person in his work or employment. All employees shall have the right to organize and bargain collectively, to strike and picket, and to engage in other concerted activities, except those public employees engaged in services essential to public health or safety, as determined by law.

Section 14. Public Employment. All citizens shall have the right to seek public employment in the civil service of the Territory which shall be open to all on the basis of merit to be determined by competitive examination or other non-discriminatory methods.

Section 15. Oath or Affirmation. No political or religious tests other than an oath or affirmation to support the Constitution and the laws of the United States of America applicable to the Territory and the Constitution and laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

Section 16. Open Beaches. All beaches and shorelines of the Territory, as defined by law, shall be public and open to public use, provided that the Legislature shall have the power to enact reasonable regulations concerning the accessibility and use thereof.

Section 17. Right to Healthful Environment. It shall be the public policy of the Territory to conserve, develop and use its natural resources in the most effective manner possible for the general welfare, and to provide and maintain a healthful environment for the benefit of this and future generations. The Legislature shall provide by law for the implementation and enforcement of this public policy. Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the Legislature may provide by law.

Section 18. Limit of Interpretation. The foregoing enumeration of rights shall not be construed restrictively. Nothing enumerated herein shall be construed to deny or disparage other rights retained by the people. Powers not delegated to the Government of the Virgin Islands or to the Government of the United States, are reserved to the people. Nothing contained in the foregoing shall be construed to limit the power of the Legislature of the Virgin Islands to enact laws for the protection of life, public health, social welfare and public safety.

ARTICLE III

SUFFRAGE AND ELECTION

Section 1. Qualifications for Voting. Every citizen of the United States of the age of eighteen years or over and who is registered to vote in the Territory shall have the right to vote in the election of all officers that may be elected by the people and upon all questions that may be submitted to the voters; but the Legislature may by law establish minimum periods of residence and disqualifications for voting for mental incompetency or conviction of felony. No property, language, literacy or income qualifications shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, religious or political belief.

Section 2. Election Procedure. The Legislature shall by law define residence for voting purposes, insure secrecy in voting, and provide for the registration of voters, absentee voting, the administration of elections and the nomination of candidates.

Section 3. Appointment of Electoral Officers. All officers and employees charged with the duty of directing the administration of the electoral system of the Territory and its representative districts shall be appointed or elected as provided by law.

Section 4. General Elections. A general election shall be held on the Tuesday following the first Monday in November in the year 1974, and on the same day every other year thereafter.

ARTICLE IV

THE LEGISLATURE

Section 1. Designation and Unicameral Character. The legislative power and authority of the Territory is vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the "Legislature."

Section 2. Composition and Apportionment. The Legislature shall be composed of fifteen members to be known as Senators. The apportionment of the Legislature shall be as provided by law: Provided, that such apportionment shall not deny to any person in the Territory the equal protection of the law; and, provided further, that every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district or at large election, as the case may be; and, provided further, that the Legislature shall be re-apportioned at least every ten years, beginning with the year 1980.

Section 3. Terms of Office. The term of office of each member of the Legislature shall be two years. The term of office of each member shall commence on the first Monday of January immediately following the date of the general election in which he shall have been elected.

Section 4. Qualifications of Members. In order to be eligible for membership in the Legislature, a person shall be a citizen of the United States, at least twenty-one years of age, a qualified voter, a bona fide resident of the Territory for at least five years next preceding the date of his election and a bona fide resident of the legislative district for at least two years next preceding the date of his election in case of a district candidate. Federal employees and persons employed in the Legislative, executive or judicial branches of the Territory shall not be eligible for membership in the Legislature while so employed.

Section 5. Immunity of Members. No member of the Legislature shall be held to answer before any tribunal other than the Legislature for any words used in any proceedings of the Legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Legislature and in going to and returning from the same.

Section 6. Compensation and Allowances. Each member of the Legislature shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed by law. No law increasing the compensation to be paid to members of the Legislature shall become effective during the term of the Legislature enacting such law.

Section 7. Limitations on Holding Other Office. No member of the Legislature shall be appointed during the term for which he was elected, or during one year after the expiration of such term to any office which has been created by the Legislature, or the salary or emoluments of which have increased.

Section 8. Organization and Procedure. The Legislature shall be the sole judge of the election and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies and shall have the power to institute and conduct investigations, issue subpoena of witnesses and other parties concerned, and administer oaths. With the concurrence of three-fourths of the total number of members of which it is composed, the Legislature may expel any member for the causes established in Section 17 of this Article, authorizing impeachments.

Section 9. Vacancies. If prior to the twelve months immediately preceding the date of the next general election, a vacancy occurs in the office of a member of the Legislature, the Governor shall call a special election in said district, or at large, as the case may be, within thirty days following the day on which the vacancy occurs. This election shall be held no later than sixty days after the call, and the person elected shall hold office for the rest of the unexpired term of his predecessor. When the vacancy occurs within twelve months prior to the general election, the President of the Legislature, upon the written recommendation of the Territorial Committee of the political party of which the previous office holder was a candidate, shall appoint the person so recommended; Provided, however, that if the previous office holder was not the candidate of a political party as defined by law, the Legislature by a two-thirds majority vote of its members shall elect a person from said district, or at large, as the case may be, to fill the vacancy.

Section 10. Regular and Special Sessions.

(a) The Legislature shall be deemed a continuous body during the term of which its members are elected and shall meet in regular session each year commencing on the second Monday in January unless otherwise prescribed by law. Sessions of the Legislature shall be held in the capital of the Territory and all sessions shall be open to the public.

(b) The Governor may convene a special session of the Legislature at any time when, in his opinion, the public interest may require it, and he shall convene a special session upon the petition of two-thirds of the members of the Legislature. The call of a special session shall precede the convening thereof by not less than forty-eight hours, except when the Governor shall first declare a state of emergency. No proposed legislation or other legislative business shall be considered at any special session other than that specified in the call therefor.

Section 11. Scope of Legislative Authority: Limitation of Enactments. The legislative authority and power of the Territory shall extend to all rightful subjects of legislation not inconsistent with this Constitution or the laws of the United States made

applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States.

Section 12. Quorum and Method of Voting on Bills. The quorum of the Legislature shall consist of eight of its members. No bill shall become law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

Section 13. Enacting Clause of Acts. The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Territory of the United States Virgin Islands."

Section 14. Approval and Disapproval of Bills. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the Legislature within ten days (Sundays and holidays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Legislature by adjournment sine die prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the Legislature with his objections, the Legislature shall enter his objections at large on its journal and, upon motion of a member of the Legislature, proceed to reconsider the bill. If after such reconsideration, which shall take place within a period of not more than twelve months, two-thirds of all the members of the Legislature pass the bill, it shall be a law.

Section 15. Item Veto Power. The Governor shall have the power to disapprove any distinct item or items of any bill making appropriations of money while at the same time approving the remainder of the bill; Provided, that no qualifications or restrictions shall be vetoed without vetoing the appropriation to which it relates. The part or parts of the bill so approved shall become effective and the item or items of appropriations so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the requirements prescribed for the passage of bills over the executive veto. In cases in which the Governor shall exercise this power he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for disapproval, and transmit the bill to the Legislature.

Section 16. Journal of Proceedings: Contents. No bill shall be passed unless it has been printed, and read. The Legislature shall keep a journal of its proceedings and of the yeas and nays on every bill passed, and on any question before the Legislature. The journal shall be published not later than thirty days after the close of a meeting of the Legislature.

Section 17. Impeachment. The Legislature may impeach the Governor, Lieutenant Governor, Comptroller, the heads of principal executive departments, judicial officers and such other officers of the Territory as may be made subject to impeachment by law, by a three-fourths vote of all the members, and shall provide by law procedures for the trial and removal from office, after conviction, of officers so impeached. No officer shall be convicted on impeachment by vote of less than two-thirds of the members of the tribunal hearing the charges. Judgment shall be limited to removal from office. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

Section 18. State of Emergency: Relocation of Government. In case of invasion, rebellion, epidemic or any other event giving rise to a state of emergency, the Governor may call the Legislature to meet in a place other than the capital, subject to the approval of the Legislature. Under the same conditions, the Governor may, during the period of emergency order the Government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the Government.

ARTICLE V

THE EXECUTIVE

Section 1. Executive Power. The executive power of the Territory is vested in the Governor.

Section 2. Lieutenant Governor. The Lieutenant Governor shall perform such duties as may be assigned to him by the Governor and such other duties as prescribed by law.

Section 3. Qualifications of Governor and Lieutenant Governor. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter; was born in the United States Virgin Islands or has been a citizen of the United States and a bona fide resident of the Territory for ten consecutive years immediately preceding his election; and will be, at the time of taking office, at least thirty years of age.

Section 4. Election of Governor and Lieutenant Governor. The Governor, together with the Lieutenant Governor, shall be elected by a plurality of not less than forty percent of the votes cast by the people who are qualified to vote for the members of the Legislature. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive the required plurality of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest numbers of votes cast. The Governor and Lieutenant Governor shall be elected, at the general election every other even numbered year for a term of four years and until their successors are elected and qualified, which term shall commence on the first Monday of January following the date of election.

Section 5. Limitation on Successive Terms. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office or the office of Lieutenant Governor until one full term has intervened.

Section 6. Limitation on Holding Other Office. The Governor and Lieutenant Governor shall devote full time to their executive duties. During their term of office they shall not practice a trade or profession, nor hold any other position of profit or public office unless authorized by law.

Section 7. Supervision of Executive Branch. The Governor shall exercise general supervision and control over the executive branch of the Government and he shall be responsible for the faithful execution of the laws of the Territory.

Section 8. Appointive Powers. The Governor shall appoint, and may remove, all officers and employees of the executive branch except those in the civil service or where otherwise provided by law. The heads of all executive departments shall be appointed by the Governor with the advice and consent of the Legislature. Each executive department head shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified unless sooner removed by the Governor on his own authority.

Section 9. Executive Clemency. The Governor shall have the power to grant reprieves, commutations and pardons, except in cases of conviction on impeachment, and to remit fines and forfeitures against the laws of the Territory. He shall report to the Legislature in writing, at least annually, of instances of the exercise of this power.

Section 10. Executive Orders. The Governor shall have the power to issue executive orders not in conflict with any applicable law. He shall furnish each member of the Legislature a certified copy of every executive order within ten days from the date of its issuance.

Section 11. Civil Disorders. In the event of disasters, invasions, insurrections, rebellions, or imminent danger thereof, the Governor may call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico.

Section 12. Martial Law. The Governor may, in the case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the Virgin Islands to be under martial law. In such event, the members of the Legislature shall meet forthwith on their own initiative and may, by a two-thirds vote of all the members, revoke such proclamation then or at any time during its continuance.

Section 13. Removal of Governor by Referendum. The Governor may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. Such referendum election shall be initiated by the Legislature of the Virgin Islands following (a) a two-thirds vote of the members of the Legislature in favor of a referendum, or (b) a petition for such referendum to the Legislature by registered voters equal in number to at least forty per cent of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.

Section 14. Governor's Temporary Disability or Absence. In case of the temporary disability or temporary absence of the Governor from the Virgin Islands the Lieutenant Governor shall have the powers of the Governor.

Section 15. Permanent Vacancy or Disability. In the case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal

by recall or conviction on impeachment, or permanent disability of the Governor, or the death, or resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become Governor to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

Section 16. Temporary Absence or Disability of Lieutenant Governor. In the case of the temporary disability or temporary absence of the Lieutenant Governor from the Virgin Islands or during any period when the Lieutenant Governor is acting as Governor, the Governor or upon his failure to do so, the Lieutenant Governor, shall designate the head of one of the executive departments as Acting Governor.

Section 17. Permanent Vacancy in Office of Lieutenant Governor. In case of a permanent vacancy in the office of the Lieutenant Governor, arising by reason of the death, resignation, conviction on impeachment, or permanent disability of the Lieutenant Governor or because the Lieutenant Governor or the Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the Legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

Section 18. Permanent Vacancy in Office of Governor and Lieutenant Governor. In case of permanent vacancies in the offices of both the Governor and Lieutenant Governor, the President of the Legislature shall vacate his office and he shall succeed to the office of Governor to hold that office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor; Provided, however, that should such vacancies occur prior to one year next preceding the succeeding general election, a special election shall be held to fill the offices of Governor and Lieutenant Governor within sixty days from the date such vacancies occur. In the event a special election is required, the President of the Legislature shall issue a call for such election and he shall serve as the Acting Governor until a Governor and Lieutenant Governor are elected and qualified.

Section 19. State of Territory Message. The Governor shall render annually to the Legislature a report which shall constitute his State of the Territory message to the Legislature and to the Congress of the United States.

Section 20. Recommended Legislation. The Governor may recommend bills to the Legislature at anytime and give expression to his views on any matter before the Legislature.

Section 21. Executive Departments. All executive and administrative offices, agencies, and instrumentalities of the Government, and their respective functions, powers, and duties, shall be allocated by law among and within executive departments, so as to group them as far as practicable according to major purposes, except for independent bodies whose existence may be required by Federal law for

participation in Federal programs and regulatory, quasi-judicial and temporary agencies established by law, which may, but need not be allocated to an executive department. The Legislature shall by law prescribe the functions, powers and duties of the principal department and of all other agencies of the Territory and may from time to time reallocate offices, agencies and instrumentalities among the executive departments, may increase, modify, diminish or change their functions, powers and duties and may assign new functions, powers and duties to them; but the Governor may make such changes in the allocation of offices, agencies and instrumentalities, and in the allocation of such functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature while in session, and shall become effective, and shall have the force of law sixty days after submission, or at the close of the session, whichever is sooner, unless modified or disapproved by a resolution concurred in by a majority of all the members of the Legislature.

ARTICLE VI

FINANCE AND TAXATION

Section 1. Power of Taxation: Power to Contract Debts. The power of the Government of the Territory to impose and collect taxes, not inconsistent with Federal statutes, shall be exercised as determined by the Legislature. The power of the Government to contract and to authorize the contracting of debts shall be exercised as determined by law consistent with this Constitution.

Section 2. Uniform Taxation. No assessment nor any exemption therefrom with respect to any tax imposed by the Territory or any governmental unit thereof shall be made except pursuant to uniform rules within classes or subclasses of taxpayers, property or events as may be provided by law.

Section 3. Limitation on appropriation. The appropriations made for any fiscal year shall not exceed the total revenues, including available surplus, estimated for said fiscal year unless the imposition of taxes sufficient to cover such appropriations is provided by law. The general appropriation act shall contain only appropriations and rules for their disbursement.

Section 4. Failure to Make Appropriations. If at the end of any fiscal year the appropriations necessary for the ordinary operating expenses of the Government and for the payment of interest on and amortization of the public debt for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation Acts for the objects and purposes therein specified, so far as the same may be applicable, shall continue in effect item by item, and the Governor shall authorize the payments necessary for such purposes until corresponding appropriations are made.

Section 5. Use of Public Property. Public funds, property or credit shall be used only for public purposes and pursuant to law.

Section 6. Government Bonds.

(a) The Legislature may cause to be issued, bonds or other obligations for public improvements or public undertaking authorized by law, which shall be payable solely from the revenues directly derived from and attributable to such public improvements, public undertaking, or other project, and shall be sold at public sale. Bonds or other obligations issued pursuant to this subsection shall under no circumstances constitute a general obligation of the Territory.

(b) The Legislature may cause to be issued such negotiable general obligations, bonds or other evidence of indebtedness as it may deem necessary or

advisable to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, schools, libraries, gymnasias, athletic fields, sewers, sewage-disposal plants and water systems: (Provided, That no public indebtedness shall be incurred in excess of twenty per centum of the aggregate assessed valuation of the taxable real property in the Territory). All such bonds or other obligations shall be sold for not less than the principal amount thereof plus accrued interest and the proceeds thereof shall be expended only for the public improvements set forth in this subsection or for the reduction of the debt created by such bond issue or obligation.

(c) Bonds or other obligations issued pursuant to subsections (a) and (b) of this section may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal or interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by law. In case the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by law, payable semiannually.

Section 7. Systems of Account. The Governor shall establish and maintain systems of accounting and internal control designed to provide:

- (1) Full disclosure of the financial results of the Government's activities;
- (2) Adequate financial information needed for the Government's management purposes;
- (3) Effective control over and accountability for all funds, property, and other assets for which the Government is responsible, including appropriate internal audit; and
- (4) Reliable accounting results to serve as the basis for the Governor's executive budget request to the Legislature, and for controlling the execution of the executive budget.

Section 8. Executive Budget. The Governor shall prepare and submit to the Legislature, at a time prescribed by law, an executive budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year for every department, authority, public corporation and quasi-public corporation of the Territory, the College of the Virgin Islands, and every public agency created by the Territory. The budget shall also set forth the indebtedness and contingent liabilities of the Territory and such other

information as may be required by law.

Section 9. Comptroller. The Governor shall appoint a Comptroller with the advice and consent of two-thirds majority of the members of the Legislature sitting in formal session. The Comptroller shall meet the requirements prescribed by law and shall hold office for a term of five years and until his successor has been appointed and qualified. The Comptroller shall audit all the revenues, accounts and expenditures of the Government, its agencies and authorities, in order to determine whether they have been made in accordance with law. He shall render annual reports and any special reports that may be required of him by the Legislature or by the Governor. All reports of the Comptroller shall be submitted to the Governor and the Legislature. The Comptroller's annual report shall be a public document.

In the performance of his duties the Comptroller shall be authorized to administer oaths, take evidence and compel, under pain of contempt, the attendance of witnesses and the production of books, letters, documents, papers, records and all other articles deemed essential to a full understanding of the matter under investigation.

The Comptroller may be removed from office for cause and pursuant to the procedure established by Section 17 of Article IV of this Constitution.

ARTICLE VII

THE JUDICIARY

Section 1. Judicial Power. The judicial power of the Territory shall be vested in a unified judicial system, which shall include a Superior Court and such other court or courts of lesser jurisdiction or limited jurisdiction as may have been or may hereafter be established by law. Courts of lesser jurisdiction may be divided into geographical departments or districts as provided by law and into functional divisions and subdivisions as provided by law or by judicial rules not inconsistent with law.

Section 2. Superior Court. The Superior Court shall be the highest court of the Territory and shall consist of a chief judge and such associate judges as may be provided by law.

Section 3. Jurisdiction of Courts. The Superior Court shall have general original jurisdiction in all causes in the Territory, except causes arising under the Constitution, treaties and laws of the United States or except where otherwise provided by law. The Superior Court may on motion of any party, when it is in the interest of justice of do so, transfer to the Superior Court any action or proceeding brought in a court of lesser jurisdiction and the Superior Court shall have jurisdiction to hear and determine such action or proceeding. The Superior Court shall also have appellate jurisdiction to review the judgments and orders of the lesser courts of the Territory to the extent now or hereafter provided by law.

Section 4. Appointment of Judges. The Governor with the advice and consent of the Legislature shall appoint the chief judge and associate judges of the Superior Court and all other courts of lesser jurisdiction. The Governor shall give ten days' public notice before making an interim appointment when the Legislature is not in session.

Section 5. Qualifications of Judges. No person shall be eligible for judicial office unless he is a citizen of the United States, shall have been admitted to the practice of law in the Territory at least ten years prior to his appointment, and shall have resided in the Territory at least five years immediately prior thereto. No person who holds a judicial office in the Territory shall hold any other paid office, position of profit or employment under the Territory of the United States. Any judge who becomes a candidate for an elective office shall thereby forfeit his judicial office.

Section 6. Terms of Office. The Judges of the Superior Court shall hold their offices for initial terms of seven years and upon reappointment shall hold their offices during good behavior. They shall be retired upon attaining the age of seventy years and shall be pensioned as may be provided by law. The chief judge of the Superior Court may from time to time appoint retired judges to such special assignments as may

be provided by the rules of the Superior Court. The judges of the lesser courts shall hold their offices for such terms as provided by the Legislature.

Section 7. Removal From Office. The judges of the Superior Court shall be subject to impeachment and any such judge impeached shall not exercise his office until acquitted. The Superior Court may also remove judges of the courts of lesser jurisdiction for such cause and in such manner as may be provided by law.

Section 8. Administration. The chief judge of the Superior Court shall be the administrative head of the unified judicial system. The Superior Court shall appoint an administrator of the courts to serve at the pleasure of the chief judge and to supervise the administrative operation of the judicial system.

Section 9. Financing. The chief judge of the Superior Court shall submit to the Legislature an annual consolidated budget for the entire unified judicial system and the total cost of the systems shall be paid by the Territory.

Section 10. Rule-making Power. The Superior Court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. Rules pertaining to practice and procedure may be changed by the Legislature by a two-thirds vote of all the members.

Section 11. Effective Date of Article. This Article shall not take effect upon the effective date of this Constitution, but shall take effect on a date prescribed by law.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. Municipalities. The Legislature shall have the power to create, abolish, consolidate and reorganize municipalities; to change their territorial limits, to determine their organization and functions; and to authorize them to develop programs for the general welfare and to create any agencies necessary for that purpose.

Section 2. Referendum on Municipalities. No law creating or abolishing a municipality, or consolidating municipalities shall take effect until ratified in a referendum or referenda by a majority of the qualified electors resident therein and voting thereon. The referendum shall be conducted in the manner determined by law, which shall include the applicable procedures of the election laws in effect when the referendum is held.

Section 3. Nondiscriminatory Municipal Legislation. No law creating or abolishing a municipality, or consolidating municipalities shall unreasonably discriminate against, nor deny due process or equal protection of the law to the people of any municipality or locality within the Territory.

Section 4. Imposition and Collection of Taxes. The power of the Territory to impose and collect taxes and to authorize their imposition and collection by municipalities shall be exercised as determined by the Legislature and shall never be surrendered or suspended.

Section 5. Extra Compensation for Services; Extension of Term or Decrease of Salary of Public Officer; Salary for More Than One Office. No law shall give extra compensation to any public officer, employee, agent or contractor after services shall have been rendered or contract made. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment. No person shall draw a salary for more than one office or position in the Government.

Section 6. Militia. The militia of the Territory consists of all able-bodied persons residing in the Territory except those exempted by law. The military shall be in strict subordination to the civil authority. The Legislature shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States. The Governor shall be the commander-in-chief of the organized militia, except when they are in the service of the United States.

Section 7. Flag, Seal and Anthem. The Legislature shall determine all matters concerning the flag, the seal, the anthem and the flower of the Territory. Once determined, no law changing them shall take effect until one year after the general election next following the date of enactment of said law.

Section 8. Regional Cooperation. Recognizing the important role of the Territory in Caribbean regional cooperation in matters of common interest, the Governor and the Legislature shall initiate and promote regional cooperation in all matters that serve the public interest of the people of the Territory.

ARTICLE IX

CONSTITUTIONAL REVISION

Section 1. Constitutional Amendment. An amendment to this Constitution may be proposed either by the affirmative vote of not less than two-thirds of all the members of the Legislature or by the affirmative vote of a majority of all the members of a constitutional convention. Any proposed amendment shall be submitted to the voters of the Territory at a special or general election as determined by the Legislature or by a constitutional convention, whichever proposes the amendment. Notice of the election shall be given as the Legislature shall prescribe by law. Unless otherwise provided, the amendment shall become effective thirty days after approval by the vote of a majority of those voting on the amendment.

Section 2. Constitutional Convention. The Legislature, by law, no more than once in five years, may call a constitutional convention or may submit the question of whether a constitutional convention should be called to the voters of the Territory. If a constitutional convention shall not have been called, or if the question of calling a constitutional convention shall not have been submitted to the voters of the Territory, for a period of twenty years, then the question shall be submitted at the next general election following the expiration of such twenty-year period. A constitutional convention shall be held within two years after a majority of those voting on the question approve the calling of a convention or within two years after the Legislature calls a convention. Within sixty days after the Legislature calls a convention, the Governor shall appoint a commission to prepare for the convention. Not later than the second regular session following the approval, the Legislature shall prescribe by law the manner for electing delegates by the qualified voters of the Territory, for filling vacancies in the position of delegate and for assembling the convention, and shall appropriate sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing this Constitution shall be submitted to the voters of the Territory for adoption and shall be effective only if approved by a majority of those voting on the proposal.

Section 3. Constitutional Initiative. An amendment to this Constitution may be proposed to the Legislature by means of an initiative petition signed by not less than ten per centum of the qualified voters of the Territory. If the Legislature approves the proposed Constitutional amendment by a vote of not less than two-thirds of its members, the proposed amendment shall then be submitted to the voters of the Territory at a special or general election, as may be determined by the Legislature. If the Legislature rejects, fails to act upon or substitutes another amendment for the amendment proposed through an initiative petition, then the amendment so proposed through the initiative petition shall be submitted to the voters of the Territory at the next general election following such inaction, substitution and revision by the Legislature.

Section 4. Restrictions on Amendment. Any amendment or revision of this Constitution shall maintain the principles of a republican form of government, and shall be consistent with the Virgin Islands Federal Relations Act and the applicable provisions of the Constitution of the United States.