

**Proposed Constitution:
Fourth Constitutional Convention
1980-81**

SOURCE: Proposed Document.

VIRGIN ISLANDS PROPOSED CONSTITUTION

**Fourth Constitutional Convention
July 31, 1980**

...We the people of the United States Virgin Islands ...

PREAMBLE

We the people of the United States Virgin Islands, grateful to Almighty God for our creation, preservation, and freedom, assuming the responsibilities of self-government in political union with the United States, and in order to promote more unity among our islands for ourselves and our posterity, promote the general welfare, protect the fundamental rights and freedoms of the individual, ensure political, social and economic justice, maintain a representative democratic government, protect our culture and natural resources, and preserve the identity of the Virgin Islands, do ordain and establish this Constitution.

ARTICLE I. BILL OF RIGHTS

FUNDAMENTAL RIGHTS

Section 1. The dignity of the human being is inviolable. No person shall be deprived of life, liberty or property without due process of law or be denied the equal protection of the laws. No person shall be discriminated against on account of race, color, sex, place of birth, social origin, or political or religious belief.

FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION

Section 2. 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 the redress of grievances.

RIGHT OF PRIVACY

Section 3. The right of the people to privacy in the conduct of their personal affairs is recognized and shall not be infringed.

RIGHT TO KNOW

Section 4. A person may examine any public document or observe the deliberations of any agency of Government, subject to reasonable limitation as may be provided by law, including protection of the right of privacy.

SEARCHES AND SEIZURES

Section 5. 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, thing to be seized, or person to be arrested. Interception of communications by eavesdropping devices or other means is prohibited, unless authorized by warrant issued under terms and conditions provided by law. Evidence obtained in violation of the rights of the accused as set forth in this section shall not be admissible as affirmative evidence against the accused in a criminal trial.

RIGHTS OF THE ACCUSED

Section 6. (a) In all criminal prosecutions, the accused shall be presumed innocent until proven guilty beyond a reasonable doubt, shall have the right to a speedy and public trial, and where the penalty may be imprisonment for more than six months, the right to trial by impartial jury; to be informed of the nature and cause of the accusation; to have the assistance of counsel, and where the accused may be imprisoned, the assistance of counsel at public expense if necessary; to have compulsory process for obtaining witnesses, and to be confronted by the witness against him.

(b) Any person who is subjected to a custodial police interrogation shall, before he is questioned, be advised that he has a right to remain silent, that any statement that he makes may be used as evidence against him, and that he has the right to the presence of an attorney, either retained or appointed.

(c) Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All persons shall be presumed to be bailable, and such presumption shall be overcome only by a preponderance of the evidence, established by the Government, that the accused may flee the jurisdiction or that the granting of bail would constitute a hazard to the community.

(d) No person shall be twice put in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself. The failure of an accused to testify shall not be taken into consideration or commented upon to the detriment of the accused.

(e) All civil rights shall be restored to a person convicted of an offense upon the completion of any sentence served, which shall include any period of probation or parole.

PROHIBITION OF SLAVERY

Section 7. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime after the accused has been duly convicted.

NO IMPRISONMENT FOR DEBT

Section 8. No person shall be imprisoned or suffer forced labor for debt.

HABEAS CORPUS

Section 9. All persons have the right to the writ of habeas corpus.

LABOR

Section 10. (a) All persons shall have the right to organize and bargain collectively, to strike and to picket, and to engage in other lawful concerted activities subject to reasonable limitations to protect the health, welfare, and safety as may be provided by law.

(b) Public employees engaged in services essential to the public health or safety may have the right to strike in accordance with law.

(c) All public employees and all employees of an individual private employer shall have the right to equal pay for equal work: PROVIDED, HOWEVER, that the phrase equal pay for equal work shall not be construed as requiring the equality of salaries, compensation, or benefits between public employees doing substantially equal work represented by different labor organizations.

(d) All employees shall have the right to reasonable protection against injuries in work or employment.

(e) The employment of children in any occupation injurious to their health, morals, or general welfare, or which places them in jeopardy of life or limb is prohibited.

PROTECTION OF PROPERTY

Section 11. Private property shall not be taken for public use without the payment of just compensation.

RESTRICTIONS OF LEGISLATION

Section 12. No ex post facto law, bill of attainder, or law impairing the obligation of contracts shall be enacted.

QUARTERING OF SOLDIERS

Section 13. No soldier, in time of peace, shall be quartered in any house without the consent of the owner, nor in time of war, except as provided by law.

TRIAL BY JURY

Section 14. Trial by jury shall be preserved, but the Senate by law may authorize the trial of civil causes by a jury of no less than six persons.

RESERVATION AND IMPLEMENTATION OF RIGHTS

Section 15. The preceding enumeration of rights shall not be construed

restrictively nor shall it be construed to deny or disparage other rights retained by the people. The Senate shall provide by law for the implementation and enforcement of this Article.

ARTICLE II. PRINCIPLES OF GOVERNMENT

REPUBLICAN FORM OF GOVERNMENT

Section 1. The Government of the Virgin Islands shall be republican in form and shall consist of three branches: legislative, executive, and judicial.

ETHICAL STANDARDS

Section 2. Officers and employees of the Government shall be devoted to serving the public interest and shall observe and maintain the highest ethical standards. A code of ethics applicable to all public officers and employees shall be established by law.

CAPITAL

Section 3. The capital of the Virgin Islands shall be Charlotte Amalie, St. Thomas.

ANTHEM, FLAG, AND SYMBOLS

Section 4. The anthem, flag, seal, bird, flower, fish, and tree of the Virgin Islands, each of which shall symbolize the history and culture of the people, shall be provided by law. Within one year of the effective date of this Constitution, the Senate shall provide for the implementation of this section. Once established by law, the anthem, flag, seal, bird, flower, fish, and tree, shall be incorporated and considered a part of this Constitution.

ARTICLE III. CITIZENSHIP

DEFINITION OF A VIRGIN ISLANDER

Section 1. A Virgin Islander is—

- (a) a person born in the Virgin Islands, or
- (b) a person who is a descendant of at least one parent who was born in the Virgin Islands.

CITIZENSHIP

Section 2. Citizens of the Virgin Islands are—

- (a) all persons born in the Virgin Islands and subject to the jurisdiction thereof; or
- (b) all persons born outside of the Virgin Islands who are citizens of the United States, and who have been domiciled in the Virgin Islands for at least one year; or

(c) all former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and were resided in those islands or in the United States or Puerto Rico on February 25, 1927, and who did not make the declaration required to preserve their Danish citizenship by Article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration, have heretofore renounced or may hereafter renounce it by a declaration before a court of record; or

(d) subject to the enactment of appropriate Federal legislation, all persons born in the Virgin Islands residing outside of the United States, its territories, and possessions between January 17, 1917, and June 28, 1932, and not subject to the jurisdiction of the United States, and who are not citizens or subjects of any foreign country.

ARTICLE IV. SUFFRAGE AND ELECTIONS

RIGHT TO VOTE

Section 1. Every citizen of the United States and the Virgin Islands eighteen years of age or older and registered to vote in the Virgin Islands shall have the right to vote. No property, language, literacy, or income qualification may be imposed, but a minimum period of residency in the Virgin Islands may be required by law. Persons who are adjudged mentally incompetent, or serving a sentence after conviction of a felony may be disqualified from voting by law.

REGULAR GENERAL ELECTION

Section 2. The regular general election of the Virgin Islands shall be held on the first Tuesday following the first Monday of November in each even-numbered year. The Governor, Lieutenant Governor, and members of the Senate shall be elected at a regular general election. Other elections, initiative, referenda, and matters with respect to election procedures shall be as provided by law.

DATE OF TAKING OFFICE

Section 3. The Governor and Lieutenant Governor elected at a regular general election shall take office on the first Tuesday following the first Monday in January following the election. All other public officials elected at a regular general election shall take office as provided by law.

OATH OR AFFIRMATION

Section 4. No political or religious test, other than an oath or affirmation to support the Constitution and laws of the Virgin Islands and the Constitution and laws of the United States applicable to the Virgin Islands, shall be required as a qualification for public office.

COMPENSATION

Section 5. Elected officials shall receive compensation as provided by law.

ARTICLE V. LEGISLATIVE BRANCH

LEGISLATIVE POWER

Section 1. The legislative power of the Virgin Islands is vested in a unicameral body designated the Senate of the Virgin Islands and shall extend to all subjects of legislation consistent with this Constitution and the Constitution and laws of the United States applicable to the Virgin Islands. To the extent not inconsistent with the Constitution and laws of the United States, this Constitution and laws of the Virgin Islands enacted under it shall be the supreme law of the Virgin Islands.

COMPOSITION OF THE SENATE

Section 2. The Senate shall consist of fifteen members to be known as Senators. The Senate shall provide for district and at-large Senators in accordance with law: Provided, That there shall be no more than four at-large Senators and the legislative districts of St. Croix, St. John, and St. Thomas each shall be represented. District Senators shall be elected for a term of two years, and at-large Senators for a term of four years.

REAPPORTIONMENT

Section 3. (a) At least once every ten years and within one hundred and twenty days of publication of an official census, the Senate shall be reapportioned by law as required by changes in the distribution of residents on each island. A reapportionment plan may divide a legislative district and shall provide for representation by each Senator of approximately the same number of residents, while ensuring representation for each island.

(b) If the Senate fails to reapportion, the appellate court shall have original and exclusive jurisdiction to promulgate a reapportionment plan.

QUALIFICATIONS OF SENATORS

Section 4. A Senator shall be—

- (a) a citizen of the United States,
- (b) a citizen of the Virgin Islands,
- (c) a qualified voter of the Virgin Islands for at least three years,
- (d) at least twenty-one years of age,
- (e) a domiciliary of the Virgin Islands for at least five years immediately preceding the date of filing for office, and
- (f) if a district Senator, a domiciliary of the legislative district from which elected for at least thirty days immediately preceding the date of filing for office.

COMPENSATION

Section 5. No law increasing the compensation of Senators shall take effect during the term of the Senate that enacts the law.

RESTRICTION OF ACTIVITIES

Section 6. A Senator may not hold any other public position while in office. Within one year of ceasing to serve, a Senator may neither be appointed to any salaried public position which was created by the Senate nor benefit from any compensation which was increased by the Senate during the Senator's last term of office.

VACANCIES

Section 7. If a vacancy occurs in the Senate and one year or more remains in the unexpired term of office, the vacancy shall be filled by a special election within sixty days. If less than one year remains in the unexpired term of office when a vacancy occurs, the President of the Senate shall, within thirty days, appoint the next available person from among those candidates considered in order of the highest number of votes received. If there is no available candidate, the vacancy will be filled as provided by law.

LEGISLATIVE IMMUNITY

Section 8. A Senator may not be held to answer in any place except the Senate for a statement made in any Senate proceeding. A Senator shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during attendance at a session of the Senate and in going to and returning from same.

ORGANIZATION AND PROCEDURE

Section 9. A majority of the Senate shall constitute a quorum. The Senate shall have all authority inherent in a legislative assembly; shall be the sole judge of the election and qualifications of its members, and shall have the power to institute and conduct investigations, issue subpoenas, and administer oaths. The Senate, upon the vote of three-fourths of its members, may discipline any member for cause. The Senate shall keep a daily journal of its proceedings, which shall include a record of all votes and shall be published within thirty days.

REGULAR AND SPECIAL SESSIONS

Section 10. (a) Regular sessions of the Senate shall be held in the capital of the Virgin Islands beginning on the first Monday following the first Tuesday in January of each year.

(b) A special session of the Senate may be called by the Governor or by the President of the Senate upon the request of one-third of its members. Until the business specified in the call has been acted upon, no other business shall be considered at a special session.

(c) All sessions of the Senate shall be open to the public.

ENACTMENT OF LAWS

Section 11. (a) A law may be enacted only by bill, and a bill shall not be enacted unless it is written, read, and passed by a majority of the members present and voting on the question.

(b) Each bill passed by the Senate shall be presented to the Governor. If the Governor signs or fails to return a bill within ten working days of presentation, it shall become law. If the Governor vetoes a bill, it shall be returned to the Senate within ten working days of its presentation with a statement of reasons for the veto. The Governor may veto an item of an appropriation bill and sign the remainder of the bill, in which event the vetoed item shall be returned to the Senate within ten working days of its presentation with reasons for the veto.

(c) A bill or item of an appropriation bill vetoed by the Governor may be considered by the Senate upon the motion of any Senator within thirty days of its return and shall become law as originally passed upon a vote of two-thirds of the members of the Senate.

IMPEACHMENT

Section 12. The Senate may impeach any elected public official for cause upon a vote of two-thirds of its members. The appellate court shall determine, by a two-thirds vote, whether to remove from office an elected public official impeached by the Senate, and a person so removed shall not be immune from criminal charges or civil action.

ARTICLE VI. EXECUTIVE BRANCH

EXECUTIVE POWER

Section 1. The Executive power of the Virgin Islands is vested in the Governor.

ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR

Section 2. The Governor and Lieutenant Governor shall be elected by the qualified voters of the Virgin Islands and shall serve for a term of four years. Each qualified voter shall cast a single vote for Governor and Lieutenant Governor, who shall be elected upon receiving a majority of the votes cast. Runoff elections shall be as provided by law. A Governor may not serve more than two successive full terms and may not serve as Lieutenant Governor immediately following two successive full terms.

QUALIFICATIONS FOR GOVERNOR AND LIEUTENANT GOVERNOR

Section 3. The Governor and Lieutenant Governor each shall be—

- (a) a United States citizen,
- (b) a Virgin Islands citizen,
- (c) a qualified voter of the Virgin Islands,
- (d) at least thirty-five years of age, and
- (e) a domiciliary of the Virgin Islands for fifteen years, five of which must immediately precede the date of taking office.

POWERS AND DUTIES OF THE GOVERNOR

Section 4. (a) The Governor shall supervise the executive branch and shall be responsible for the faithful execution of the laws of the Virgin Islands.

(b) The Governor shall appoint, with the advice and consent of the Senate, and may remove the heads of all executive branch departments. The Governor shall appoint and may remove all other employees of the executive branch subject to law.

(c) The Governor shall report annually to the Senate on the state of Virgin Islands affairs and, at any time, may recommend bills or other measures.

(d) The Governor shall prepare and submit to the Senate, at a time prescribed by law, a budget for the ensuing fiscal year. The budget shall state the estimated funds available for appropriation and the estimated receipts, expenditures, and obligations for every department, agency, and Governmental instrumentality. The budget shall state the public debt and contingent liabilities and shall include other information as may be required by law.

(e) The Governor shall have the power to issue executive orders consistent with law.

(f) Except in cases of impeachment, the Governor shall have the power to grant reprieves, commutations, pardons, and to remit fines and forfeitures. Each exercise of this power shall be reported to the Senate.

(g) In the event of a natural disaster, invasion, or insurrection, or imminent danger thereof, the Governor may call out the militia or, when the public safety requires, proclaim martial law. Upon such proclamation, the Senate shall meet forthwith and may, upon the affirmative vote of two-thirds of its members, revoke the proclamation of martial law then or at any other time. During an emergency, the Governor may order the executive branch to be moved temporarily.

POWERS AND DUTIES OF THE LIEUTENANT GOVERNOR

Section 5. The Lieutenant Governor shall have custody of the seal of the Virgin Islands, shall countersign and affix the seal to official documents, shall record and preserve the laws of the Virgin Islands, and shall have additional duties as may be assigned by the Governor or provided by law.

OFFICIAL RESIDENCE

Section 6. The official residence of the Governor shall be in the capital of the Virgin Islands. The Governor and Lieutenant Governor shall be provided appropriate rent-free residences.

RESTRICTIONS ON ACTIVITIES

Section 7. The Governor and Lieutenant Governor shall devote full time to their duties. While in office, neither shall practice a trade or profession for profit or, unless authorized by law, hold any public position.

ORDER OF SUCCESSION

Section 8. The order of succession to the office of Governor and to the office of Lieutenant Governor shall be: the President of the Senate, Vice-President of the Senate, and such other public official of the Virgin Islands as may be designated by law.

DISABILITY OF THE GOVERNOR OR LIEUTENANT GOVERNOR

Section 9. (a) The Governor or Lieutenant Governor shall declare a disability to discharge the duties of office by transmitting to the Senate a written declaration of disability. In the event of the temporary disability of the Governor, the Lieutenant Governor shall act as Governor. If the Lieutenant Governor is unable to act as Governor, the next available person in the order of succession shall act as Governor. In the event of the temporary disability of the Lieutenant Governor, the next available person in the order of succession shall act as Lieutenant Governor. The Governor or Lieutenant Governor shall resume office upon submitting a written declaration of termination of the disability.

(b) Upon the affirmative vote of two-thirds of its members, the Senate may raise the question of the temporary or permanent disability of the Governor or Lieutenant Governor. The appellate court shall determine all questions raised by the Senate or otherwise raised, as provided by law, with respect to the temporary or permanent disability of the Governor or Lieutenant Governor. If the Governor or Lieutenant Governor is determined by the appellate court to be permanently disabled, the office shall be declared vacant.

(c) In the event of a permanent disability of the Governor-elect, the office shall be declared vacant and the vacancy shall be filled by a special election to be held within sixty days of the declaration of the disability.

(d) In the event of the permanent disability of the Lieutenant Governor-elect the office shall be declared vacant, and the Governor, with the advice and consent of the Senate, shall appoint a qualified person to fill the vacancy.

PERMANENT VACANCY IN THE OFFICE OF GOVERNOR OR LIEUTENANT GOVERNOR

Section 10. (a) In the event of a permanent vacancy in the office of Governor, the Lieutenant Governor shall become Governor.

(b) In the event of a permanent vacancy in the office of Lieutenant Governor, the Governor shall appoint a qualified person within forty-five days who, upon confirmation by the Senate, shall become Lieutenant Governor. Until such a permanent appointment is made and confirmed, the next available person in the order of succession shall act as Lieutenant Governor.

(c) If simultaneous vacancies occur in the offices of Governor and Lieutenant Governor and more than one year remains in the unexpired term of office, a

special election shall be held within sixty days to fill both offices. Between the occurrence of the vacancies and the election of successors, the offices of Governor and Lieutenant Governor respectively shall be filled by the next two available persons in the order of succession.

(d) If vacancies occur in the positions of both Governor-elect and Lieutenant Governor-elect, a special election shall be held within sixty days to fill both vacancies. The incumbent Governor shall remain in office until such election is held in accordance with law.

EXECUTIVE BRANCH DEPARTMENTS

Section 11. (a) The functions, powers, and duties of the executive branch offices, agencies, and instrumentalities shall be as provided by law. These shall be organized, as far as practicable, in departments according to major purposes. Independent, regulatory, quasi-judicial, and temporary offices, agencies, and instrumentalities need not be attached to a department.

(b) The Governor by executive order may make such changes in the functions, powers, and duties of offices, agencies, and instrumentalities as are considered necessary for efficient administration. Any changes that are inconsistent with law shall be presented to the Senate and, unless modified or disapproved by a majority of the members, shall become effective sixty days after presentation.

(c) The head of the department of law shall be the Attorney General, who shall prosecute all violations of laws in the name of the people of the Virgin Islands. The Attorney General shall be a citizen of the United States and the Virgin Islands and licensed to practice law in the Virgin Islands for at least five years.

ARTICLE VII. JUDICIAL BRANCH

JUDICIAL POWER

Section 1. The judicial power of the Virgin Islands shall be vested in an appellate court and in such lower courts as may be created by law.

APPELLATE COURT

Section 2. The appellate court shall consist of not less than three judges, and shall have appellate jurisdiction over all cases arising under this Constitution and such other appellate and original jurisdiction as may be provided by law. Decisions of the appellate court on questions arising under this Constitution and the laws of the Virgin Islands shall be final, except as Federal law may provide for review of such decisions by the United States Supreme Court. Decisions of the appellate court on questions arising under the United States Constitution or laws or treaties of the United States may be appealed to the United States Court of Appeals for the Third Circuit, unless otherwise provided by the Congress of the United States.

JUDICIAL NOMINATING COMMITTEE

Section 3. There shall be a Judicial Nominating Committee established by law whose members shall be nominated by the Governor with the advice and consent of the Senate. All judges shall be appointed by the Governor with the advice and consent of the Senate, but no person shall be appointed as a judge who has not been nominated by the Judicial Nominating Committee.

JUDICIAL MISCONDUCT AND DISABILITY

Section 4. There shall be a judicial commission established by law with the power to discipline, censure, suspend, remove for misconduct, or retire for disability any judge of any court established by law. Any decision of the judicial commission shall be appealable in a manner as provided by law. The position of any judge suffering permanent disability shall be filled in accordance with law.

TERM

Section 5. The regular term of a judge of any court of the Virgin Islands shall be eight years.

QUALIFICATIONS

Section 6. A judge shall—

- (a) be a citizen of the United States and the Virgin Islands;
- (b) be a domiciliary of the Virgin Islands for not less than five years immediately preceding his appointment;
- (c) have been licensed to practice law in the Virgin Islands for not less than four years immediately preceding his appointment; and
- (d) for appointment to the appellate court of the Virgin Islands, have practiced law for not less than ten years, and for appointment to any lower court, have practiced law for not less than five years.

COMPENSATION

Section 7. The salary and allowance of a judge shall be provided by law, and may not be decreased during his tenure.

RESTRICTIONS ON ACTIVITIES

Section 8. No person who holds a judicial office in the Virgin Islands shall hold any other paid office, engage in the practice of law, or in the pursuit of business. Any judge who files or announces his candidacy for elective office shall thereby forfeit his judicial office.

RULEMAKING POWER

Section 9. The appellate court shall adopt rules with respect to judicial matters, including temporary disability, civil and criminal procedure, judicial ethics, and admission to, governance of and expulsion from the practice of law.

ADMINISTRATION

Section 10. The chief judge of the appellate court of the Virgin Islands shall be responsible for the administration of that court. Administration of any lower court shall be as provided by law.

ARTICLE VIII. LOCAL GOVERNMENT

POLITICAL SUBDIVISIONS; CREATION, POWERS

Section 1. The Senate may create political subdivisions within the Virgin Islands and provide for the government thereof. The Senate may create a political subdivision embodying each major island, but may not create a political subdivision within any of the islands, except with the approval of the majority of the voters voting on the question on the island which is to be subdivided. Each political subdivision shall have and exercise such powers as shall be conferred by law.

LOCAL SELF-GOVERNMENT; CHARTER

Section 2. Each political subdivision shall have the power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be provided by law.

TAXATION AND FINANCE

Section 3. (a) The power to tax shall be reserved to the Senate, but a political subdivision may petition the Senate to impose a tax to be utilized by said political subdivision.

(b) The Senate shall have the power to apportion revenues among the political subdivisions.

MANDATES, ACCRUED CLAIMS

Section 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

GENERAL LAWS

Section 5. This Article shall not limit the power of the Senate to enact laws of general concern, and no political subdivision may infringe upon this power.

ARTICLE IX. EDUCATION

EDUCATIONAL PHILOSOPHY

Section 1. (a) The Government of the Virgin Islands shall provide for the education of its people and establish a system of elementary, secondary, and higher education which embodies the principle of essential human equality and includes programs that respond to the needs, interests, and abilities of its people.

(b) Elementary and secondary education shall be compulsory for all persons as provided by law. Attendance at a public or an accredited nonpublic school shall satisfy this requirement. Public elementary and secondary education shall be essentially free.

SCHOOL BOARDS

Section 2. (a) A Virgin Islands Board of Education shall be established by law and shall have such powers and duties as may be provided by law.

(b) Other school boards, subordinate to the Virgin Islands Board of Education, may be provided by law.

ARTICLE X. PROTECTION OF CULTURE AND ENVIRONMENT

CULTURAL DEVELOPMENT

Section 1. No law shall be passed abridging the preservation and development of Virgin Islands culture, language, traditions or customs. Study of Virgin Islands culture, including but not limited to language, traditions, history, music, and art, shall be an integral part of the public education system.

COMMISSION ON CULTURE

Section 2. A commission shall be established by law to study, promote and preserve the history, culture, and traditions of the Virgin Islands.

HISTORICAL PLACES AND ARTIFACTS

Section 3. Places, artifacts, documents, and objects of cultural or historical significance to the people of the Virgin Islands shall be protected and preserved, and public access to such places and artifacts shall be maintained as provided by law.

AGRICULTURE AND LAND COMMISSION

Section 4. A commission shall be established by law to acquire land for redistribution by lease to the people of the Virgin Islands for agriculture, homestead, or other public purposes as provided by law. The commission may acquire land only by transfer from the Government of the Virgin Islands or by purchase.

ENVIRONMENTAL PROTECTION

Section 5. The policy of the Virgin Islands shall be to preserve its natural resources, protect its air, land, and water, and to provide for the enjoyment of its natural beauty.

OPEN BEACHES

Section 6. All beaches and shorelines of the Virgin Islands shall be public and open to public access. Where not available, public access may be provided by law.

RIGHT TO A HEALTHFUL ENVIRONMENT

Section 7. Every person has the right to a healthful environment subject to

reasonable limitations as may be provided by law. Each person may enforce this right against any party subject to reasonable limitations as may be provided by law.

ARTICLE XI. TAXATION AND FINANCE

TAX AUTHORITY

Section 1. All taxes shall be levied by law, and the Senate may not surrender, suspend, or contract away its power to initiate tax legislation except as provided by this Constitution. A tax may be levied or an appropriation of public money made only for a public purpose.

INCOME TAX

Section 2. Laws shall be enacted to administer and enforce the income tax and the Federal tax laws applicable to the Virgin Islands.

PUBLIC DEBT LIMITATION

Section 3. (a) The Senate by law may cause bonds or other obligations to be issued on behalf of the Government either for (i) a public improvement or public undertaking or (ii) other projects nominally and/or beneficially privately owned which will promote the public interest through economic development. Such bonds or obligations shall be payable solely from revenues directly derived from and attributable to such public improvement, public undertaking, or other project. Such bonds shall not constitute a general obligation of the Virgin Islands or of the United States.

(b) The Senate, as authorized by law, may cause to be issued such negotiable general obligation bonds or other evidence of indebtedness as it may deem necessary and advisable to achieve or further a public purpose: PROVIDED, That no public indebtedness of the Virgin Islands shall be incurred in excess of 10 percent of the assessed valuation of the taxable real property in the Virgin Islands.

(c) Bonds issued pursuant to this section may bear such dates, may be in such denominations, may mature in such amounts and at such time, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or non redeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be provided by law. In case of any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before 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 and be payable at such time or times specified by law.

All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All bonds issued by the Government of the Virgin Islands, specifically including interest thereon, shall be exempt from taxation by the Government of the Virgin Islands or any political subdivision thereof; by any State, territory or possession or any political subdivision thereof, or by the District of Columbia.

(d) The proceeds of the bond issue or other obligation herein authorized shall be expended only for public purposes as set forth in this section or for the reduction of the debt created by such bond issue or obligation.

(e) For purposes of this section bonds shall mean bonds, notes, or other obligations and shall be deemed to include bonds to refund any bonds, notes, or other obligations.

(f) Aggregate bonds issued in support of a single project pursuant to section (b) above, which exceed 20 percent of the average Government revenue for the previous three years, shall be approved by a majority of the qualified voters of the Virgin Islands voting on the question at a referendum.

(g) Bonds may not be issued for the operating expenses of the Government of the Virgin Islands, except that short-term bonds which are required to be repaid within one year may be issued by law to meet appropriations for any fiscal period in anticipation of the collection of revenue for that period or to meet casual deficits.

AUDITOR GENERAL

Section 4. (a) There shall be an Auditor General, who shall be appointed by the Governor with the advice and consent of the Senate and shall serve for a term of six years.

(b) The Auditor General shall be a United States citizen, a Virgin Islands citizen, a qualified voter of the Virgin Islands, a domiciliary of the Virgin Islands for at least five years, and shall have such other qualifications as may be provided by law.

(c) The Auditor General shall audit all revenues, accounts, expenditures, and programs of the Government, its departments, offices, agencies, and instrumentalities; shall make a public report and any special reports that may be required by the Governor or the Senate, and shall perform other duties as may be provided by law. In the performance of official duties, the Auditor General shall have the authority to administer oaths, take evidence, compel the attendance of witnesses and the production of books, letters, papers, records, and all other necessary articles.

(d) The Auditor General may not hold any other public position while in office, nor engage in any activity that would conflict with official duties and

responsibilities. The salary of the Auditor General may not be decreased during a term of office.

(e) The Auditor General may be removed from office for cause by the Governor, with the advice and consent of the Senate, or by impeachment.

ARTICLE XII. INITIATIVE, REFERENDUM AND RECALL

All political power is inherent in the people, who reserve the power to propose, adopt, or reject laws, and also the power to adopt or reject any act or section of any act passed by the Senate.

INITIATIVE AND REFERENDUM

Section 1. (a) Initiative and referendum is the power of the electors to propose the enactment, amendment, or repeal laws of the Virgin Islands, except public exigency laws and laws involving operating expenses. An initiative shall be instituted by a petition containing the full text of the proposal, and be signed by at least 10 percent of the qualified voters of each legislative district or by 41 percent of the qualified voters of the Virgin Islands.

(b) An initiative shall be filed with the Senate. If adopted by the Senate within thirty days of the filing of the petition, the proposal contained in the petition shall take effect in accordance with its terms. If the Senate fails to act within thirty days, the proposal shall be submitted to the voters at the next general election or at a special election held before the next general election.

(c) An initiative shall take effect upon affirmative vote of a majority of the qualified voters of the Virgin Islands voting on the question. An initiative may not be vetoed by the Governor, and when adopted by the people may not be amended or repealed by the Senate in office when the petition was filed.

RECALL

Section 2. (a) Elected public officials of the Virgin Islands may be recalled by the qualified voters. A recall petition shall identify the official to be recalled by name and office, and be signed by at least 30 percent of the persons qualified to vote for that office. The petition shall state the reasons for recall.

(b) A special recall election shall be held within sixty days of the filing of the recall petition. An official shall be recalled upon the affirmative vote of two-thirds of those voting on the question.

(c) A recall petition may not be filed during the first year of the first term of office of an elected official, and not less than three months before a general election; nor more than once a year except for cause.

ARTICLE XIII. CONSTITUTIONAL AMENDMENT

PROPOSAL OF AMENDMENTS

Section 1. Amendments to this Constitution shall maintain the principles of a republican form of government and may be proposed by initiative, a constitutional convention, or the Senate.

GENERAL CONSTITUTIONAL CONVENTION

Section 2. (a) The Senate, by the affirmative vote of two-thirds of its members, may submit to the qualified voters of the Virgin Islands at a regular general election the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" This question shall be submitted by the Senate to the qualified voters of the Virgin Islands within ten years after the effective date of this Constitution and at least once every ten years thereafter.

(b) An initiative petition may submit to the qualified voters of the Virgin Islands the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least 15 percent of the qualified voters of each legislative district of the Virgin Islands or by 51 percent of the qualified voters of the Virgin Islands. The question shall be submitted to the voters at the first regular election held not less than ninety days after the filing of the initiative petition.

(c) If a majority of those voting on the question of a constitutional convention favors holding such a convention, the Senate shall convene a convention within one hundred and twenty days after approval of the petition.

(d) Delegates to a constitutional convention shall be elected on a nonpartisan ballot as provided by law. A constitutional convention may propose an amendment to the Constitution only upon the affirmative vote of two-thirds of its members.

LEGISLATIVE PROPOSAL

Section 3. The Senate may propose an amendment to this Constitution upon the affirmative vote of two-thirds of its members.

INITIATIVE

Section 4. The people may propose an amendment to this Constitution by initiative. An initiative petition shall contain the full text of the proposed amendment and shall be signed by 15 percent of the qualified voters of each legislative district of the Virgin Islands or by 51 percent of the qualified voters of the Virgin Islands.

LIMITED CONSTITUTIONAL CONVENTION

Section 5. A constitutional amendment proposed by the Senate or by initiative may provide, in accordance with its terms, for direct ratification by the qualified voters of the Virgin Islands or for the convening of a constitutional convention limited to the

issues raised by the proposed amendment. If a majority of those voting on the question of a limited constitutional convention favors holding such convention, the Senate shall convene a limited constitutional convention within one hundred and twenty days, subject to the same restrictions on membership and adoption of any proposed amendment as those imposed on a general constitutional convention.

CONSTITUTIONAL REVIEW COMMISSION

Section 6. Within five years after the effective date of this Constitution and at least once every ten years thereafter, a constitutional review commission shall be established by law. The commission shall, within one hundred and twenty days of its establishment, make a public report to the Senate with its proposals, if any, for revision of the Constitution. Members of the commission shall be qualified voters of the Virgin Islands.

RATIFICATION OF AMENDMENTS

Section 7. Each proposed amendment to this Constitution shall be submitted to the qualified voters of the Virgin Islands for ratification at the first regular general election or at a special election called by the Senate. A proposed amendment shall take effect in accordance with its terms upon the affirmative vote of a majority of those voting on the amendment.

TRANSITIONAL SCHEDULE

RATIFICATION AND EFFECTIVE DATE OF THE CONSTITUTION

Section 1. This Constitution, as finally approved or modified by the Congress of the United States under Section 5 of Public Law 94-584 (October 12, 1976), shall be submitted to the qualified voters of the Virgin Islands and shall be ratified upon the affirmative vote of a majority of those voting on the question. The Constitution shall take effect one hundred and twenty days after ratification, except as provided in Sections 2 and 5 of this Transitional Schedule.

ELECTIONS

Section 2. Notwithstanding any other provision of this Constitution, all elected officials shall be elected in accordance with this Constitution at the first general election after the effective date of this Constitution.

CONTINUITY OF LAWS

Section 3. Laws, executive orders, and regulations in force in the Virgin Islands on the effective date of this Constitution that are consistent with this Constitution shall continue in force until they expire, are amended, or repealed. Laws, executive orders, and regulations that have been enacted by the legislature of the Virgin Islands or by local executive authorities, respectively that are inconsistent with this Constitution shall be void to the extent of such inconsistency.

CONTINUITY OF GOVERNMENT EMPLOYMENT AND OPERATIONS

Section 4. Employees of the Government of the Virgin Islands on the effective

date of this Constitution shall be employees of the constitutional government on the same terms and conditions of employment as were in effect and enforceable previously, unless otherwise provided by law. Employees of the Government of the Virgin Islands shall have the same functions and duties after becoming employees of the constitutional government unless otherwise provided by law.

CONTINUITY OF JUDICIAL MATTERS

Section 5. Until the Senate otherwise provides, the appellate court created by Section 1 of Article VII shall consist of the two United States District Court judges for the Virgin Islands and one judge appointed in accordance with the provisions of Section 3 and Section 6 of Article VII of this Constitution. The judge so appointed shall serve as the chief judge of the appellate court until the appellate court created by Section 1 is fully implemented.

The Territorial Court of the Virgin Islands shall continue as a trial court of original jurisdiction in the same manner as existed prior to the date of adoption of this Constitution until and unless changed by law. The qualifications for judges set forth in this Constitution shall not be retroactively applied to any sitting judge of the Territorial Court. All rules of the judicial system consistent with this Constitution and in effect upon the adoption of this Constitution shall continue or may be modified or terminated in the same manner as existed prior to the adoption of this Constitution until and unless changed by law.

PROSPECTIVE OPERATION OF RIGHTS

Section 6. All rights or obligations, procedural or substantive, created for the first time by this Constitution shall be prospective and not retroactive.

SUCCESSION

Section 7. The constitutional government of the Virgin Islands shall succeed to all rights and obligations of the Government of the Virgin Islands that existed prior to the effective date of this Constitution. The validity of all public and private bonds, debts, and contracts, and of all claims, actions, and causes of action, shall continue as if no change had taken place.

Signed and Witnessed by the Delegates to the Fourth Constitutional Convention of the Virgin Islands, at Charlotte Amalie, St. Thomas, United States Virgin Islands, on this 1st day of August, 1980.

Rupert W. Ross, Jr.,
President
Ruth H. Beagles
Bent Lawaetz,
Secretary
Toya Andrew,
Assistant Secretary
Clarice Bryan

John James
Wilfred James
Sidney Lee
Lucien Moolenaar
Alva McFarlane
Thyra Hodge Smith
Clement Sackey,
2nd Vice President