



SPONSOR: Sen. Adams & Rep. Valihura
Sen. Vaughn & Rep. Spence

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE BILL NO. 62

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend Article IV, § 11 paragraph (8) of the Delaware Constitution of 1897, as amended, by striking
2 said paragraph (8) in its entirety and substituting in lieu thereof a new paragraph (8) to read as follows:

3 “(8) To hear and determine questions of law certified to it by other Delaware courts, the Supreme
4 Court of the United States, a Court of Appeals of the United States, a United States District Court, the United States
5 Securities and Exchange Commission, or the highest appellate court of any other state, where it appears to the Supreme
6 Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme
7 Court may, by rules, define generally the conditions under which questions may be certified to it and prescribe methods of
8 certification.”

SYNOPSIS

The purpose of this amendment is to add the United States Securities and Exchange Commission to the list of entities that may certify questions of law to the Delaware Supreme Court. More than half of the publicly traded companies in the United States are Delaware corporations. This legislation passed in the 143rd General Assembly. To amend the constitution, legislation must pass two consecutive sessions of the General Assembly.

Author: Senator Adams