



SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Lockman &
Sen. Hocker & Sen. Pettyjohn & Rep. Schwartzkopf &
Rep. Longhurst & Rep. Minor-Brown & Rep. Ramone &
Rep. Yearick
Sen. Richardson

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 39

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO LIMITATIONS ON THE TIME AND FREQUENCY OF LEGISLATIVE SESSIONS.

1 WHEREAS, an amendment to the Delaware Constitution was proposed in the 151st General Assembly, being
2 Chapter 324 of Volume 83 of the Laws of Delaware (“proposed amendment”); and

3 WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 151st
4 General Assembly; and

5 WHEREAS, following adoption by the General Assembly, the proposed amendment was publicized in accordance
6 with the Delaware Constitution; and

7 WHEREAS, when the 152nd General Assembly concurs in the proposed amendment, the amendment will become
8 part of the Delaware Constitution.

9 NOW, THEREFORE:

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

12 Section 1. Amend § 4, Article II of the Delaware Constitution by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 4. Time and frequency of sessions.

15 Section 4. The General Assembly shall convene on the second Tuesday of January of each calendar year unless
16 otherwise convened by the Governor, or by mutual call of the presiding officers of both Houses.

17 The General Assembly may continue in session each calendar year so long as, in its judgment, the public interest
18 may require; however, each session ~~shall not~~ may not extend beyond 5:00 p.m. on the last day of June unless the session is
19 recalled by the Governor or the mutual call of the presiding officers of both Houses.

SYNOPSIS

This Act is the second leg of a constitutional amendment that would prohibit the regular session of the General Assembly from extending beyond 5:00 p.m. on the last day of June, unless the session is recalled by the Governor or the presiding officers of both Houses. This changes the time beyond which a regular session of the General Assembly may not

extend from midnight on June 30 to 5:00 p.m., which changes the time at which the presiding officers of both Houses must act to recall the General Assembly into special session. This means the General Assembly no longer has to remain in session until midnight to recall itself into special session. The first leg of this constitutional amendment was House Bill 411 of the 151st General Assembly published in Chapter 324 of Volume 83 of the Laws of Delaware. On passage of this second leg by this General Assembly this amendment will become part of the Delaware Constitution.

This Act does not change the date of or process for “final adjournment,” as defined in Opinion of the Justices, 175 A.2d 543, 545 (Del. 1961) (“[F]inal adjournment’ . . . means the adjournment sine die of the second regular session, or, in the absence of such adjournment, the extinguishment of the particular General Assembly by reason of expiration of the terms of office of the members.”). In addition, this Act contemplates that each House will continue its traditional practice of recessing to the call of the chair.

This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

Author: Senator Sokola