



SPONSOR: Sen. Buckson & Rep. Ramone
Reps. Gray, Hilovsky

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 242

AN ACT PROPOSING AN AMENDMENT TO § 9, ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO THE RULES OF THE PROCEEDINGS OF EACH HOUSE.

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

Section 1. Amend § 9, Article II of the Delaware Constitution by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 9. Rules; punishment and expulsion of members; scope of powers; bill filing deadline.

Section 9. (a) Each House may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds of all members elected thereto expel a member, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

(b)(1) A bill may not be introduced in either House of the General Assembly after the second Friday in June of the calendar year in which a session of the General Assembly occurs unless one of the following applies:

a. The bill is the annual budget act, one-time supplemental appropriations act, bond and capital improvement act, or grants-in-aid act.

b. The bill is introduced on a calendar day after July 1 and before the second Tuesday of January during a special session called by mutual call of the presiding officers of both Houses of the General Assembly under Section 4 of this Article or by the Governor under Section 4 of this Article or Section 16 of Article III.

c. The bill is authorized to be introduced in the House of origin by a motion or resolution of that House passed with the concurrence of three-fourths of all the members elected to that House.

(2) A bill authorized to be introduced in the House of origin under paragraph (b)(1)c. of this Section may not be considered by the other House of the General Assembly in the same calendar year unless the bill is authorized to be considered by the other House by a motion or resolution of the other House passed with the concurrence of three-fourths of all the members elected to the other House.

SYNOPSIS

This Act is the first leg of a constitutional amendment that imposes a filing deadline for the introduction of new bills. Specifically, this Act prohibits a bill from being introduced after the second Friday in June unless one of the following apply:

(1) The bill is the annual budget act, one-time supplemental appropriations act, bond and capital improvement act, or grants-in-aid act.

(2) The bill is introduced in a special session.

(3) The bill is authorized to be introduced in the House of origin by a motion or resolution of the other House passed with the concurrence of three-fourths of all the members elected to the other House.

The purpose of this Act is to prevent the last-minute introduction of legislation that is apt to circumvent the deliberative process required by § 911 of Title 29 of the Delaware Code and the Senate and House Rules.

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.

Amending the Delaware Constitution requires not only the passing of the changes in this Act, but also passage of the same changes after the next general election by the next General Assembly.

Author: Senator Buckson