



SPONSOR: Rep. M. Smith & Sen. Henry & Sen. Townsend
Reps. Baumbach Brady Jaques J. Johnson Mitchell
Paradee Potter Smyk Spiegelman Wilson ; Sens.
Bushweller Lopez

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 48

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

WHEREAS, an amendment to the Delaware Constitution was proposed in the 147th General Assembly, being Chapter 270, Volume 79, Laws of Delaware, as follows:

“AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, § 11 OF THE DELAWARE
CONSTITUTION 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):

Section 1. Amend Article IV, § 11 of the Delaware Constitution by making deletions as shown
by strike through and insertions as shown by underline as follows:

§ 11. Jurisdiction of Supreme Court.

Section 11. The Supreme Court shall have jurisdiction as follows:

(8) To hear and determine questions of law certified to it by other Delaware courts, the Supreme
Court of the United States, a Court of Appeals of the United States, a United States District Court, a
United States Bankruptcy Court, the United States Securities and Exchange Commission, ~~or~~ the highest
appellate court of any other state, the highest appellate court of any foreign country, or any foreign
governmental agency regulating the public issuance or trading of securities, where it appears to the
Supreme Court that there are important and urgent reasons for an immediate determination of such
questions by it. The Supreme Court may, by rules, define generally the conditions under which questions
may be certified to it and prescribe methods of certification.”; and

WHEREAS the proposed amendment was adopted by two-thirds of all members elected to each house of the 147th
General Assembly;

22 NOW THEREFORE:

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

25 Section 1. Amend Article IV, § 11 of the Delaware Constitution by making deletions as shown by strike through
26 and insertions as shown by underline as follows:

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30 United States, a Court of Appeals of the United States, a United States District Court, a United States Bankruptcy Court, the
31 United States Securities and Exchange Commission, ~~or~~ the highest appellate court of any other state, the highest appellate
32 court of any foreign country, or any foreign governmental agency regulating the public issuance or trading of securities,
33 where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such
34 questions by it. The Supreme Court may, by rules, define generally the conditions under which questions may be certified
35 to it and prescribe methods of certification.

SYNOPSIS

This Act is the second leg of a constitutional amendment that would expand the list of entities that may certify questions of law to the Delaware Supreme Court to include the highest appellate court of any foreign country and any foreign governmental agency that regulates the issuance or trading of securities.