

LAWS
OF THE
STATE OF DELAWARE
ONE HUNDRED AND TWENTY-SECOND
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

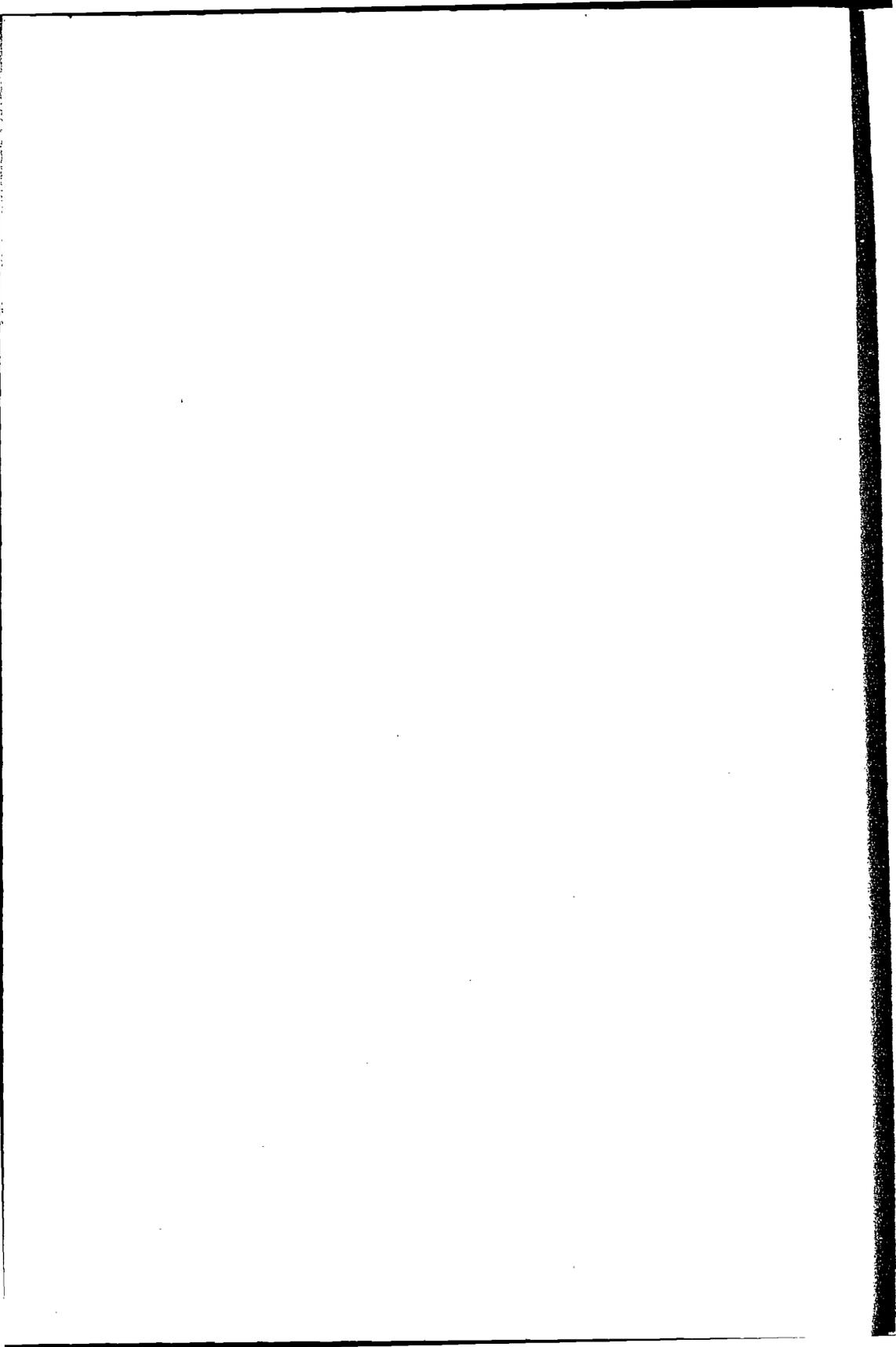
On Tuesday, January 1, A. D.
1963

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
OF AMERICA, THE ONE HUNDRED AND EIGHTY-SEVENTH

VOLUME LIV

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LAWS OF DELAWARE

CHAPTER 1

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPOSITION OF THE HOUSE AND SENATE, BY PROVIDING FOR EXPANSION AND REAPPORTIONMENT.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 121st General Assembly as follows:

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPOSITION OF THE HOUSE AND SENATE, BY PROVIDING FOR EXPANSION AND REAPPORTIONMENT.

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. Paragraphs 1 and 2 of Section 2 of Article II of the Constitution are hereby amended to read:

The House of Representatives shall be composed of thirty-five members, plus such additional members as shall be provided pursuant to Section 2A of this Article, who shall be chosen for two years. The Senate shall be composed of twenty-one members, who shall be chosen for four years.

The State is hereby divided into thirty-five Representative Districts. There shall be such additional Representative Districts as shall be provided pursuant to Section 2A of this Article. From each Representative District there shall be chosen, by the qualified electors thereof, one Representative.

The State is also hereby divided into twenty-one Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, seven Senatorial Districts, numbered from one to seven inclusive; and in Sussex County, seven Senatorial Districts from one to seven inclusive.

Section 2. The following words are hereby added after the words: "Number Five. The Eighth and Tenth Representative Districts", in that part of Article II, Section 2 of the Constitution dealing with the Senatorial Districts in Kent County:

Number Six, at Large. The first, second, fifth, seventh and eighth Representative Districts.

Number Seven, at Large. The third, fourth, sixth, ninth and tenth Representative Districts.

Section 3. The following words are added following the words "Number Five. The Ninth and Tenth Representative Districts", in that part of Article II, Section 2 of the Constitution dealing with the Senatorial Districts in Sussex County:

Number Six, at Large. The first, second, third, fourth and fifth Representative Districts.

Number Seven, at Large. The sixth, seventh, eighth, ninth and tenth Representative Districts.

Section 4. The following words are added immediately following the words added by Section 3 above:

The first Senators elected from the Sixth Senatorial Districts of Kent and Sussex Counties shall serve for a two year term only, thereafter their successors shall serve for a full four year term.

Section 5. The following new Section 2A is added to Article II of the Constitution, immediately following Section 2:

Section 2A. In addition to the existing 35 Representative Districts as set forth in Section 2 of this Article, there shall be additional Representative Districts as hereafter provided.

Each existing Representative District as set forth in Section 2 of this Article, with a population residing therein in excess of 15,000, as shown by the last official federal decennial census shall be entitled to one additional Representative for each additional 15,000 population or major fraction thereof residing within the District.

Upon any Representative District, as set forth in Section 2 of this Article, being entitled to more than one Representative, it shall be sub-divided into new Representative Districts for each additional Representative to which it is entitled, from which shall be chosen by the qualified electors thereof, a Representative.

After each official federal decennial census the new Representative Districts created pursuant to this Section shall be abolished and the Representative Districts set forth in Section 2 of this Article shall again be re-divided as set forth herein.

The sub-dividing of the Representative Districts as set forth herein shall be done by a Redistricting Commission, consisting of the Governor, as Chairman, and the State Chairman of the two political parties receiving the largest vote for Governor at the preceeding election for Governor as advisors to the Governor. Redistricting and reapportioning by the Commission as set forth herein shall be accomplished in accordance with the following criteria: Each new Representative District shall, insofar as is possible, be formed of contiguous territory; shall be as nearly equal in population as possible to the other new districts being created within the existing Representative District; shall be bounded by ancient boundaries, major roads, streams, or other natural boundaries; and not be so created as to unduly favor any person or political party.

Within 120 calendar days following the official reporting to the President of the United States of each decennial census, (or within 120 calendar days after this amendment takes effect) the Governor, on behalf of the Commission, shall file with the

Secretary of State the plan for redistricting and reapportioning as provided for herein. Forthwith, after the filing, the Governor shall issue a proclamation of redistricting and reapportioning. The Secretary of State shall cause such proclamation to be published in two newspapers of general circulation within the State for two consecutive weeks, within 20 days after the issuance of the proclamation. The proclamation shall become effective within 30 days of its issuance.

Any qualified voter may apply to the Superior Court to compel the Governor, by mandamus or otherwise, to perform the redistricting and reapportioning duties or to correct any error in redistricting and reapportioning. Application to compel the Governor to perform the redistricting and reapportioning duties must be filed within thirty days of the expiration of the 120 days allotted to the Commission to file its plan, if such plan is not timely filed. Application to compel correction of any error in redistricting and reapportioning must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the Superior Court. On appeal, the cause shall be reviewed by the Supreme Court upon the law and the facts.

Section 6. The following new Section 2B is added to Article II of the Constitution, immediately following Section 2A as enacted above.

Section 2B. The number of delegates and the method of electing delegates to the Constitutional Convention as provided in Section 2, Article 16, shall not be effected by the addition of Representatives or Representative Districts, pursuant to Section 2A of this Article. The Representative Districts which shall elect delegates to the Constitutional Convention are as set forth in Section 2 of this Article, AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 121st General Assembly, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House concurring therein):

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 17, 1963.

CHAPTER 2

**AN ACT MAKING AN EMERGENCY APPROPRIATION TO
THE STATE CUSTODIAN FOR THE PURPOSE OF IN-
STALLING AN ELEVATOR IN LEGISLATIVE HALL.**

WHEREAS, an elevator is immediately needed in Legislative Hall in order for the aged and infirm people of the State to be able to appear at the General Assembly, and

WHEREAS, it is also presently needed for the efficient operation of the General Assembly and the government of the State, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Thirty Thousand Dollars (\$30,000) is hereby appropriated to the State Custodian for the purpose of installing an elevator in Legislative Hall.

Section 2. This is an emergency supplemental appropriation and the monies appropriated by this act shall be paid by the Treasurer from the General Fund of the State. Any such funds unexpended one year after the effective date of this act shall revert to the General Fund, but shall not revert until then.

Approved January 17, 1963.

CHAPTER 3

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE PUBLIC ARCHIVES COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1963, TO BE USED ON MARCH 29, 1963, IN COOPERATION WITH THE CITY OF WILMINGTON IN THEIR CELEBRATION IN COMMEMORATION OF THE SETTLEMENT OF "THE ROCKS" BY THE SWEDES IN 1638.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. In addition to any sums heretofore appropriated, the sum of \$3000 is hereby appropriated to the Public Archives Commission for the fiscal year ending June 30, 1963, to be used on March 29, 1963, in cooperation with the City of Wilmington in their celebration in commemoration of the settlement of "the rocks" by the Swedes in 1638.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved February 7, 1963.

CHAPTER 4

AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF COSMETOLOGY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 606 (a) Title 24, Delaware Code, is amended by striking out the words "and shall be accompanied by the payment of the original registration fee, as hereinafter provided for." in the first sentence and placing a period after the word Board as it appears the second time in the first sentence.

Section 2. § 612 (a) Title 24, Delaware Code, is amended by striking out the following lines:

Beauty Salon, original registration (ownership only)	\$ 50.00
Beauty Salon, annual renewal	30.00
School of Cosmetology, original registration	100.00
School of Cosmetology, annual renewals	50.00
Managing Cosmetologist, annual renewal	15.00
Annual renewals—for the designated occupation	25.00

and by inserting after the line Managing Cosmetologist, or owner-manager, original license.....\$25. the following line:

Managing Cosmetologist or owner-manager, annual renewal	\$15.00
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Section 3. § 615 Title 24, Delaware Code, is amended by striking out the next to the last sentence which reads as follows:

Twenty-five Dollars (\$25.00) for instructors, Twenty-five Dollars (\$25.00) for managing cosmetologists, Fifty Dollars (\$50.00) for owners of beauty salons, Five Dollars (\$5.00) for students or apprentices, and One Hundred Dollars (\$100.00) for schools of cosmetology, and insert in lieu thereof the following sentence: Twenty-five Dollars (\$25.00) for instructors, Twenty-five Dollars (\$25.00) for managing cosmetologists or owners of beauty salons, Five Dollars (\$5.00) for students or