

Sen. John J. Walsh, Chair  
Sen. Brian G. Pettyjohn  
Sen. Bryant L. Richardson  
Sen. David P. Sokola  
Sen. Bryan J. Townsend



Rep. Stephanie T. Bolden, Vice-Chair  
Rep. Andria L. Bennett  
Rep. Gerald L. Brady  
Rep. Timothy D. Dukes  
Rep. Jeffrey N. Spiegelman

## STATE OF DELAWARE

### JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

#### Human Relations Commission Public Hearing 2.8.2017

Chair Walsh called the meeting to order at 5:36p.m. Members present included Vice Chair Bolden; Senators Pettyjohn, Richardson, Sokola, and Townsend; and Representatives Bennett, Dukes, and Spiegelman. Julie Fedele, JLOSC Analyst, and Holly Vaughn Wagner, Legislative Attorney, were also present. The Chairman of the Commission, Calvin Christopher, and Director of the Division of Human Relations, Romona Fullman, were also in attendance along with their legal counsel.

Chair Walsh welcomed the members of the committee to the fourth meeting of the Joint Legislative Oversight and Sunset Committee (“the Committee”) in the 149<sup>th</sup> General Assembly and called for introductions of members present. Chair Walsh read a brief explanation of the role of the joint committee. Representative Spiegelman motioned to approve the February 1, 2017 minutes, which was seconded by Senator Sokola and carried 9 (Senators Walsh, Pettyjohn, Richardson, Sokola and Townsend; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0. Chair Walsh then invited Mr. Christopher to present to the Committee on behalf of the Human Relations Commission (“the Commission”).

Mr. Christopher explained that the Commission is charged with promoting amicable relations between various identity groups and enforcing equal accommodation and equal rights to housing laws. After providing a brief overview of the legal background of anti-discrimination laws in Delaware, Mr. Christopher detailed the variety of activities, programing, and advocacy in which Commission members participate. He also outlined the process for filing an equal accommodation or equal right to housing discrimination claim.

Representative Dukes asked who requested that the Commission contribute to the death penalty repeal debate, to which Mr. Christopher replied that several stakeholders requested an opinion from the Commission. Senator Townsend expressed an interest in using the sunset process to streamline efforts in order to better tackle the problems of discrimination and institutionalized racism. Senator Sokola clarified that the Commission does in fact have enforcement power. Senator Pettyjohn asked for more information about the resolution of *Short v. Delaware* and *Ovens v. Danberg*, and how frequently Commission decisions were overturned. Mr. Christopher clarified that most decisions are not appealed to the Supreme Court, and that he would be happy to provide specific figures. Senator Pettyjohn also asked for more information on the statutory limit for damages. Mr. Christopher explained that individual case information would be necessary to determine awarded damages.

Representative Bennett asked clarifying procedural questions. Representative Brady asked which body could contribute to conversations about school discipline, to which Mr. Christopher replied that that Commission takes on a variety of advocacy roles in matters outside its statutory directives, especially in dialogue facilitation. Representative Spiegelman suggested that it may be helpful to limit the statutory purview of the Commission to make its progress and effectiveness more apparent. Chair Walsh asked for a clarification between the duties of the Commission and the Division of Human Relations. Mr. Christopher clarified that Commission members must remain removed from participation on the Committee to make a decision. Representative Dukes asked where the guidelines for fines and damages comes from; Mr. Christopher affirmed that those details are specific to each case. Representative Bolden asked about the Commission's public presence, especially in its ability to advertise events. She also suggested that the Commission meet in new locations. Senator Pettyjohn requested the Commission work to provide videoconferencing in Sussex County.

Chair Walsh asked how many members the Commission would prefer to have ; Mr. Christopher replied that eighteen commissioners may be appropriate, but that the Commission had formed an ad hoc committee to investigate that issue. Chair Walsh also asked for a more detailed breakdown in expenditures, which Mr. Christopher agreed to provide the Committee. Senator Townsend requested a comparative analysis of how states structure and utilize their power to be provided by the Commission or Committee staff.

Chair Walsh suggested a motion to meet for the Human Relations Commission's recommendation hearing for March 28, 2017 at 12:00p.m. Representative Spiegelman motioned to schedule the meeting and it carried 8 (Senators Walsh, Pettyjohn, Richardson, and Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0.

Public comment was taken from one guest, Doug James, a Human Relations Commissioner in Sussex County.

Representative Spiegelman motioned to adjourn the meeting at 7:38p.m., which was seconded by Senator Sokola and carried 9 (Senators Walsh, Pettyjohn, Richardson, and Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Respectfully prepared by:

Julie Fedele, Research Analyst-Joint Legislative Oversight and Sunset Committee

*Access to the audio recording of this proceeding is available upon request.*