



VALERIE J. LONGHURST
Majority Leader
STATE REPRESENTATIVE
15th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Ethics, Chair
House Administration, Chair
House Rules, Chair
Legislative Council

House Administration Committee Meeting Minutes
3.28.18

Chair Longhurst called the meeting to order at 2:48 p.m. Members present included Vice Chair Viola, Speaker Schwartzkopf, and Rep. D. Short. For a list of speakers, please see the speaker list below.

Chair Longhurst introduced **HB 349, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COMMISSION ON IRISH HERITAGE AND CULTURE**. Rep. Keeley, the sponsor of the bill, stated that this bill establishes a Delaware Commission on Irish Heritage and Culture. Rep. Keeley mentioned that the city of Wilmington, Delaware is one of the most Irish cities in the United States, and that Americans have much to gain from expanded and strengthened cultural ties, business opportunities, and trade with Ireland.

In jest, Speaker Schwartzkopf asked Rep. Keeley if this bill could be amended to allow for the appointment of more people to the Commission given the many people who have already asked him to be appointed to the Commission. Rep. Keeley responded that amendment is possible.

Chair Longhurst opened up the floor for public comment.

Joe Fitzgerald, a member of the New Castle County Chamber of Commerce and a member of the Irish American Chamber of Commerce and Trade Council of Delaware, stated his support for HB 349, and said that members of the Irish government are eager to expand and strengthen their work with the State of Delaware.

Chair Longhurst requested a motion. A motion to release HB 349 was made by Speaker Schwartzkopf and seconded by Vice Chair Viola; motion carried. Yes – 4 (Longhurst, Schwartzkopf, Viola, and D. Short). Absent – 1 (Hudson). HB 349 was released from committee with a F=0, M=4, U=0 vote.

Chair Longhurst introduced **HB 73, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE COMPENSATION POLICY**. Rep. Briggs King, the sponsor of the bill, stated that the bill would require elected and appointed officials of the State, any county, or a political subdivision who are also employed by a state agency, an education institution, or another state institution to disclose their finances to the Public Integrity Commission (PIC) for the purpose of helping the PIC and State Auditor assess if the officials are receiving dual compensation for coincident hours of work. Rep. Briggs King said that currently, the Public Integrity Commission does not have the statutory authority to collect the necessary financial information on the State's dual employed individuals. She emphasized the importance of transparency in open government for the benefit of the State's residents, and said that this bill would help ensure it.

Speaker Schwartzkopf stated that he is in favor of what this bill is trying to do in preventing state employees from being paid for two jobs within the same time period, but was under the impression that it is the individual's responsibility to ensure he or she is not dually compensated. He said he wants to make sure this bill puts the responsibility of the audit on the right people and that the PIC has the means to do what it needs to do.

Rep. Viola stated that he thought the State Auditor's Office conducted and evaluated the audit of dual state employed individuals. He expressed confusion on how the PIC comes into play here when the State Auditor's Office is the entity that conducts the audits.

Rep. Briggs King responded that PIC does have the statutory authority to ask the State Auditor to perform audits and collect the necessary financial information on dual state employees. She stated that audits that have been done in the past for dual state employees were performed by the State Auditor without a request from PIC. Rep. Briggs King said this bill would enable PIC to ask the Auditor's Office to perform audits and the State Auditor would then have to oblige.

Seeing there was no public comment, Chair Longhurst requested a motion. A motion to release HB 73 was made by Speaker Schwartzkopf and seconded by Rep. D. Short; motion carried. Yes – 4 (Longhurst, Schwartzkopf, Viola, and Short). Absent – 1 (Hudson). HB 73 was released from committee with a F=0, M=4, U=0 vote.

Chair Longhurst introduced **HB 399, AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO EQUAL RIGHTS**. Chair Longhurst, the sponsor of the bill, provided the history of the Equal Rights Amendment (ERA). She stated that in 1972, the U.S. Congress passed an equal rights amendment, but that it needed to be ratified by 38 states to become part of the U.S. Constitution. Although Delaware was the second state to ratify the amendment, not enough states did and the amendment was never added to the U.S. Constitution. Chair Longhurst said that since then, 24 states have added their own equal rights amendments to their state constitutions, and Delaware would be on its way to becoming the 25th state if HB 399 passes.

Chair Longhurst said that putting an equal rights amendment in Delaware's constitution is important because amendments are more durable than statutes, as statutes can be changed within one legislative session or even in one day, while a constitutional amendment requires 2/3's vote in both the House and Senate and must pass two consecutive legislative sessions to be enacted or repealed. She said this bill is the first leg of a constitutional amendment and must be approved by the next General Assembly in order to become part of Delaware's Constitution.

Seeing no comments from committee members, Chair Longhurst opened up the floor to public comment.

Joann Hasse of the Delaware League of Women Voters said she supports HB 399 because Delaware needs to declare that gender equality is a core value. Ms. Hasse emphasized that equality is a fundamental constitutional right, and that HB 399 is not calling for preferential treatment for women, but for respect and the equal treatment of everyone.

Linda Barnett of the Delaware Women's Workforce Council said she supports HB 399 because it provides equal opportunities for both men and women. She emphasized that Delaware needs to express its value for equality of all of its residents in its constitution.

Penny Deiner, President of the American Association of University Women of Delaware, stated that women's rights are human rights, and urged the committee to support HB 399.

Dounya Ramadan, a student at Newark Charter High School, said that she was here on behalf of her intersectional feminist group from her high school that is composed of both males and females. She stated that this group has been advocating for an equal rights amendment to the Delaware Constitution for two years, and emphasized the need for Delaware's Constitution to address that one gender is not more privileged than the other. Ms. Ramadan stated that this amendment is important to protect women from sex based discrimination, and therefore must be explicitly stated in the state constitution. She urged the committee to support HB 399.

Chair Longhurst thanked Ms. Ramadan for returning to Legislative Hall, and said she is proud to see young people so energetic, passionate, and advocating on behalf of these kinds of issues.

Karen Peterson, former State Senator and member of Delaware ERANow, thanked Chair Longhurst for her work on this bill. She stated four reasons as to why Delaware needs this amendment: 1) this amendment is a statement of principle, as it is a fundamental right for women and men to be treated equally; 2) cases of sexual discrimination should be held to the same standard as racial discrimination; 3) the right to equal treatment should be more durable and permanent than what a statute can provide since statutes can be changed very quickly; and 4) the right to equal treatment should apply across all state and local entities and laws. Ms. Peterson stated that 24 other states have already added equal rights amendments to their state constitutions and there have not been any unintended consequences as a result. She emphasized that all an equal rights amendment means is equal treatment for men and women.

Susan DePescio, Delaware's first female Superior Court judge and member of Delaware ERANow, thanked Chair Longhurst for her work on HB 399. She said that including an equal rights amendment in the Delaware Constitution would ensure discrimination on the basis of sex cannot happen. She emphasized the need to include an equal rights amendment in Delaware's Constitution to help women attain high positions of power in the workforce.

Rodney Smolla, the Dean of Delaware Law School at Widener University, said he supports the passage of HB 399. He said that during the 1970s there was a strong bipartisan effort in the U.S. Congress to pass an equal rights amendment, and that the public viewed discrimination based on sex to be just as wrong as racial discrimination. Mr. Smolla emphasized that the same standards should be held for both racial and sexual discrimination, and that we need to get this done at the state level since it has not been accomplished at the federal level. He said that constitutional amendments represent our fundamental values as a state, and that gender equality is a fundamental right.

Marsha White of Delaware ERANow said she supports the passage of HB 399. She said all humans are equal, that HB 399 will enshrine the value that discrimination on the basis of sex is wrong, and will ensure that the State of Delaware cannot pass future laws that discriminate based on sex. She added that constitutional amendments are more durable and permanent than statutes, and it is important to codify that all human beings should be treated equally.

Kyle Gay, Co-Chair of Women and the Law Section of the Delaware State Bar Association, said she supports HB 399 because true equality can only be achieved with an equal rights amendment in the Delaware Constitution.

Melanie Ross Levin of the Office of Women's Advancement and Advocacy in the Delaware Department of Human Resources thanked Chair Longhurst for her work on HB 399. She said she supports this bill because it sets the right tone for inclusion and equality, and that adding an equal rights amendment to the Delaware Constitution is important.

Christine Schultz of Christiana Care said her organization supports HB 399. She stated that the majority of Christiana Care employees are women, and that passing this bill is a very important step in achieving gender equality in the State of Delaware.

Chair Longhurst said that she has never seen Christiana Care come out to Legislative Hall and support a piece of legislation unless it was one of their bills. She asked Ms. Schultz why Christiana Care is now showing an interest.

Ms. Schultz responded that Dr. Janice Nevin, the CEO of Christiana Care, is the first female CEO and is an advocate of women's rights. Ms. Schultz said that Dr. Nevin is in strong support of HB 399 because it ensures women's rights in the State of Delaware, which is why she was sent by Christiana Care to testify in support of this bill.

Krista Griffith, a resident of Delaware, said she supports HB 399 because it presents the State of Delaware with the opportunity to ensure equality for all of its residents.

Chair Longhurst requested a motion. A motion to release HB 399 was made by Speaker Schwartzkopf and seconded by Rep. Viola; motion carried. Yes – 4 (Longhurst, Schwartzkopf, Viola, and Short). Absent – 1 (Hudson). HB 399 was released from committee with a F=3, M=1, U=0 vote.

Chair Longhurst adjourned the meeting at 3:34 p.m.

Respectfully submitted by:

Lauren Barkachy

Speaker List

1. Joe Fitzgerald (New Castle County Chamber of Commerce; Irish American Chamber of Commerce and Trade Council of Delaware)
2. Joann Hasse (Delaware League of Women Voters)
3. Linda Barnett (Delaware Women's Workforce Council)
4. Penny Deiner (American Association of University Women of Delaware)
5. Dounya Ramadan (Newark Charter High School)
6. Karen Peterson (Delaware ERANow)
7. Susan DelPesco (Delaware ERANow)
8. Dean Rodney Smolla (Delaware Law School, Widener University)
9. Marsha White (Delaware ERANow)
10. Kyle Gay (Women and the Law, Delaware State Bar Association)
11. Melanie Ross Levin (Office of Women's Advancement and Advocacy, Department of Human Resources)
12. Christine Schultz (Christiana Care)
13. Krista Griffith (Delaware Resident)