

Anti-bias bill could see a vote this time  
Measure repeatedly buried under old rules

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DOVER -- The decade-old battle to ban discrimination on the basis of sexual orientation began anew Tuesday with the introduction of legislation in the state House.

And this year, with the Senate's famous desk-drawer veto now apparently out of play, the bill's chances of reaching the governor's desk seem brighter than in years past.

House Bill 5, sponsored by Majority Leader Peter Schwartkopf, D-Rehoboth Beach, would prohibit discrimination on the basis of sexual orientation in housing, employment, public works contracting, public accommodations and insurance.

"This legislation is long overdue. This is the fifth time it has been introduced in the past nine years and we have passed it in the House three times," Schwartkopf said in a statement. "This is 2009. If the past several months have taught us anything, it's that Americans are much more tolerant and accepting of others now than ever before."

"End of story. That's it," he said in a subsequent interview. "It's not a special-rights bill. It doesn't have anything to do with gay marriage, it has nothing to do with civil unions. The bottom line is, people shouldn't be discriminated against."

Delaware already prohibits discrimination based on age, religion, gender, race, marital status and physical handicap. HB 5 would add sexual orientation to that list.

The bill would not cover religious corporations, associations or societies, even if they receive government funds. And it would not require employers to offer health insurance, pension or other benefits to same-sex couples.

The Senate has always been a dead-end for similar bills, even though it is controlled by Democrats and then-Gov. Ruth Ann Minner, a Democrat, made it a legislative priority. The bills have all died in the Senate without a floor vote.

But this year, the Senate has changed its rules to eliminate the desk-drawer veto, which gave Senate committee chairs the ability to bury a bill.

Under the new rules, bills must be considered in committees within 12 legislative days of their filing.

Senate President Pro Tem Thurman Adams Jr., D-Bridgeville, has consigned similar bills to hostile committees in the past. Last session, the bill got a hearing -- but the committee deadlocked on whether to release the bill and it died there.

On Tuesday, Adams said this bill would be subject to the new rules, just like all other bills.

"I used to have a great big desk drawer," Adams said, stretching his arms wide. "Now I've just got a little one."

However, he said he could not predict how the bill might fare in the Senate.

"It hasn't passed the House yet," he said.

Schwartzkopf expressed optimism that the Senate might finally act on the bill.

"Each year we get a little further in the Senate," Schwartzkopf said. "[Last session] the bill was actually released to committee and had a hearing. This year I think we have a few more members over in the Senate who are supporters of the legislation."

Douglas Marshall-Steele, a Milton resident who has long lobbied for similar legislation, said he is optimistic this time around.

"I think that with our newfound interest in open government in Dover, that our chances are improved," Marshall-Steele said.

However, he was disappointed that "gender identity" was not included as a protected class -- as it had been in draft versions of the bill. The bill introduced Tuesday covers only heterosexuality, homosexuality and bisexuality.

Including gender identity would have extended protection to transgender people, whose sense of themselves as male or female differs from that of their birth sex.

"It's shameful that Delaware is not socially conscious enough to protect its transgender citizens," Marshall-Steele said.

A spokesman for Gov. Jack Markell said the governor had not seen the bill but that he has long supported "eliminating discrimination in all its forms."