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## Bills to protect gay, domestic partner rights continue moving through legislature

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Dover, Del. — Gay rights advocates are optimistic about a collection of bills scheduled to come before the Delaware legislature this year that, if passed, would expand protection from discrimination and extend insurance benefits to state workers' same-sex domestic partners.

Two of the bills have not yet been introduced and will likely be filed when legislators reconvene Tuesday, March 17, after their Joint Finance Committee meetings.

The third bill, HB 75, was introduced Feb. 18 and would allow domestic partners to visit each other in hospitals even if they are not married.

The measures represent the latest efforts in a decade-long campaign to provide gay, lesbian and bisexual individuals with the same rights and protections under the law as heterosexual individuals.

In past years, bills that sought to extend insurance benefits to same-sex partners or that added sexual orientation to the nondiscrimination laws died in committees in the House or Senate.

Last year, a nondiscrimination bill passed the House but was held up in the Senate, something gay rights advocates say is a sign of progress.

"We had the curious situation in Delaware where in the recent past bills were getting through the Republican-controlled House but failing in the Senate," said Douglas Marshall-Steele, Milton resident and author of the gay rights website [www.towardequality.org](http://www.towardequality.org).

"The reason they failed in the Senate was because of the desk drawer veto," Marshall-Steele added. "[Senate President Pro Tempore] Thurman Adams and the pro tem before him were assigning these bills to hostile committee chairs and these chairs were exercising the desk-drawer veto — not even bringing it to the committee, much less out of the committee."

The latest bill that would extend insurance benefits to domestic partners of state employees, including those of the same sex, still is being finalized but has been designated HB 10. Rep. Theresa Schooley, D-Newark, is the bill's lead sponsor.

Rep. John A. Kowalko Jr., D-Newark South, is a co-sponsor of the bill and said he feels good about its chances in the House.

"I don't think there's anyone that will keep it down in the House, I think we have the votes," he said. "I don't know how it will be received in the Senate, that's an area that I don't pretend to be able to understand."

The latest nondiscrimination bill, authored by House Majority Leader Peter C. Schwartzkopf, D-Rehoboth Beach, also has yet to be filed, but many think it will take a similar path to HB 10.

HB 75, which currently is before the House Health and Human Development Committee, already has a significant degree of bipartisan support from cosponsors like Rep. Don Blakey, R-Dover South, and Rep. Pam Thornburg, R-Dover West.

That bill's author, Rep. Helene Keeley, D-Wilmington South, emphasized the fact that, if passed, it would apply not only to same-sex couples, but to any couple that decided for whatever reason not to marry.

"There's a lot of people who are not in same-sex relationships that are living with each other, or who are very close, or who have decided to remain single and their next of kin is their best friend," she said. "At the moment they're not even allowed to go into the hospitals because of what the policies are."

Keeley said she's supported gay rights laws in the past and will continue to support them, but added she's not too concerned about an anti-gay backlash against HB 75.

"I am sure there are some folks that are turned off by it because the gay and lesbian community most likely will be out supporting this bill," she said. "But I think once they start hearing from their constituents, hopefully that will change their minds and they won't see this as just a bill that the gay community supports, because it's not. You have a lot of couples who choose not to sign that dotted line but have been in committed relationships for years."

Drew Fennell, executive director of the American Civil Liberties Union Delaware chapter, said her organization has worked on similar bills since the late 1990s, and despite past impediments, the time may be right for them to advance.

"We're hopeful that this year we'll get it out of committee and out for a vote," she said. "I think that it's very clear that the majority of people in Delaware believe that people should have protection from discrimination, but a few legislators have held up consideration of the bills, for which I believe the votes are there to pass."

Marshall-Steele also said he thinks Gov. Jack Markell, who lent his support to similar bills in the past, will pave the way for their passage through his emphasis on open government.

"We are encouraged that the new thrust with open government that is currently happening to some degree at Legislative Hall will help us, any move toward open government and getting rid of the desk drawer veto," he said.

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