

CHAMBER OF COMMERCE MEMBER ALERT

AS OF JUNE 13, 2018

JUST IN FROM THE CHAMBER LEGISLATIVE REPRESENTATIVE LINCOLN WILLIS, LEGISLATIVE UPDATE:

HOUSE OF REPRESENTATIVES 149TH GENERAL ASSEMBLY UPDATE

HOUSE AMENDMENT NO.1 TO HOUSE BILL NO.350 SYNOPSIS:

This amendment eliminates “behavioral characteristics” from the definition of “biometric identifier.” This amendment includes an exception to the requirement that a person obtain an individual’s consent before acquiring, collecting, storing, using or capturing the individual’s biometric information is a security purpose.

This amendment clarifies that an agency of the State or political subdivision of the State includes a law enforcement agency.

This amendment adds language inadvertently omitted from the original bill.

This amendment deletes the Geolocation Privacy Protection Act.

STATUS:

Pulled and not scheduled in committee.

HOUSE SUBSTITUTE NO.1 FOR HOUSE BILL NO.360, AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES SYNOPSIS:

As poll from 2017 revealed that 31% of people in the United States have been sexually harassed in the workplace. The United States Equal Employment Opportunity Commission released a comprehensive study of workplace harassment in the United States which concluded that between 25% and 85% of women reported having experienced sexual harassment in the workplace.

However, the Commission estimated that 75% of all workplace harassment incidents go unreported. The purpose of this bill is to combat sexual harassment in the workplace and to ensure the safety and dignity of all employees in Delaware. This bill defines sexual harassment and makes employers responsible for the sexual harassment of an employee by a supervisor or by another employee when the employer knew or should have known about it and failed to take appropriate corrective action.

Moreover, this bill prevents an employer from retaliating against an employee for filing a discrimination charge. This bill includes a requirement that the Department of Labor create an

information sheet pertaining to sexual harassment that employers must distribute to employees. Employers having more than 50 or more employees in Delaware will be required to provide sexual harassment training to all employees and supervisory employees, which must be conducted every 2 years. This bill also empowers the Department of Labor to investigate violations of this Act and gives the Department jurisdiction over all sexual harassment cases which include an administrative process. This bill requires the Department of Labor to post the requirements in this bill on its website and perform outreach necessary to educate employers of the requirements. This bill takes effect on January 1, 2019.

CHAMBER STATUS:

While the Chamber is not opposed to sexual harassment training and requirements – concerns remain regarding timeline and additional stipulations contained in the bill.

HOUSE BILL NO.460, AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII, § 6 OF THE DELAWARE CONSTITUTION RELATING TO LIMITATIONS ON APPROPRIATIONS

SYNOPSIS:

This Act is the first leg of a Constitutional Amendment reflecting the recommendations of the Advisory Panel to the Delaware Economic and Financial Advisory Council (DEFAC) on Potential Fiscal Controls and Budget Smoothing Mechanisms established as per House Joint Resolution 8 of the 149th General Assembly (Panel). This Act would build upon the State's existing appropriation limit methodology by moving the Budget Reserve Account into a newly defined Budget Stabilization Fund, defining rules for deposits to and withdrawals from said Budget Stabilization Fund, and adding a check of the appropriation limit against an index comprised of relevant indicators of growth of the State's economy. The Panel further recommended that any final adoption of the structural budget reforms included in this Act be accompanied by statutory enactment of structural reforms to the Personal Income Tax by broadening the tax base as initially recommended by the DEFAC Advisory Council of Revenues report dated May 2015 and further detailed in the Panel's report dated June 1, 2018.

CHAMBER STATUS:

The Chamber supports efforts to secure/save revenues into a stabilization fund.

**HOUSE BILL NO.110, AN ACT TO AMEND TITLE 16 AND TITLE 30 OF THE DELAWARE CODE
CREATING THE DELAWARE MARIJUANA CONTROL ACT SYNOPSIS.**

The Delaware Marijuana Control Act regulates and taxes marijuana in the same manner as alcohol. It allows adults over the age of 21 to legally possess and consume under 1 ounce of marijuana for personal use. It does not permit people to grow their own marijuana. To see the full Synopsis [click here](#)

CHAMBER STATUS:

The Chamber has very strong concerns that the legalization of marijuana in the State would not be in the best interest of tourism, given it can change the demographic, particularly as a family destination.

If you have questions, please give Carol a call on the member hotline at 302-227-6446 or on her cell phone at 302-542-7547.