



# House of Representatives

General Assembly

**File No. 498**

February Session, 2006

House Bill No. 5597

*House of Representatives, April 12, 2006*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING DISCRIMINATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does  
5 not exceed 20/200 in the better eye with correcting lenses, or whose  
6 visual acuity is greater than 20/200 but is accompanied by a limitation  
7 in the fields of vision such that the widest diameter of the visual field  
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and  
10 Opportunities created by section 46a-52;

11 (3) "Commission legal counsel" means a member of the legal staff  
12 employed by the commission pursuant to section 46a-54, as amended;

- 13 (4) "Commissioner" means a member of the commission;
- 14 (5) "Court" means the Superior Court or any judge of said court;
- 15 (6) "Discrimination" includes segregation and separation;
- 16 (7) "Discriminatory employment practice" means any discriminatory  
17 practice specified in section 46a-60, as amended by this act, or 46a-81c;
- 18 (8) "Discriminatory practice" means a violation of section 4a-60, as  
19 amended by this act, 4a-60a, 46a-58, as amended by this act, 46a-59, as  
20 amended by this act, 46a-60, as amended by this act, 46a-64, as  
21 amended by this act, 46a-64c, as amended by this act, 46a-66, as  
22 amended by this act, 46a-68, as amended, sections 46a-70 to 46a-78,  
23 inclusive, as amended by this act, subsection (a) of section 46a-80, or  
24 sections 46a-81b to 46a-81o, inclusive;
- 25 (9) "Employee" means any person employed by an employer but  
26 shall not include any individual employed by such individual's  
27 parents, spouse or child, or in the domestic service of any person;
- 28 (10) "Employer" includes the state and all political subdivisions  
29 thereof and means any person or employer with three or more persons  
30 in such person's or employer's employ;
- 31 (11) "Employment agency" means any person undertaking with or  
32 without compensation to procure employees or opportunities to work;
- 33 (12) "Labor organization" means any organization which exists for  
34 the purpose, in whole or in part, of collective bargaining or of dealing  
35 with employers concerning grievances, terms or conditions of  
36 employment, or of other mutual aid or protection in connection with  
37 employment;
- 38 (13) "Mental retardation" means mental retardation as defined in  
39 section 1-1g, as amended;
- 40 (14) "Person" means one or more individuals, partnerships,  
41 associations, corporations, limited liability companies, legal

42 representatives, trustees, trustees in bankruptcy, receivers and the state  
43 and all political subdivisions and agencies thereof;

44 (15) "Physically disabled" refers to any individual who has any  
45 chronic physical handicap, infirmity or impairment, whether  
46 congenital or resulting from bodily injury, organic processes or  
47 changes or from illness, including, but not limited to, epilepsy,  
48 deafness or hearing impairment or reliance on a wheelchair or other  
49 remedial appliance or device;

50 (16) "Respondent" means any person alleged in a complaint filed  
51 pursuant to section 46a-82 to have committed a discriminatory  
52 practice;

53 (17) "Discrimination on the basis of sex" includes but is not limited  
54 to discrimination related to pregnancy, child-bearing capacity,  
55 sterilization, fertility or related medical conditions;

56 (18) "Discrimination on the basis of religious creed" includes but is  
57 not limited to discrimination related to all aspects of religious  
58 observances and practice as well as belief, unless an employer  
59 demonstrates that the employer is unable to reasonably accommodate  
60 to an employee's or prospective employee's religious observance or  
61 practice without undue hardship on the conduct of the employer's  
62 business;

63 (19) "Learning disability" refers to an individual who exhibits a  
64 severe discrepancy between educational performance and measured  
65 intellectual ability and who exhibits a disorder in one or more of the  
66 basic psychological processes involved in understanding or in using  
67 language, spoken or written, which may manifest itself in a diminished  
68 ability to listen, speak, read, write, spell or to do mathematical  
69 calculations;

70 (20) "Mental disability" refers to an individual who has a record of,  
71 or is regarded as having one or more mental disorders, as defined in  
72 the most recent edition of the American Psychiatric Association's

73 "Diagnostic and Statistical Manual of Mental Disorders"; and

74 (21) "Gender identity or expression" means a person's gender-  
75 related identity, appearance or behavior, whether or not that gender-  
76 related identity, appearance or behavior is different from that  
77 traditionally associated with the person's assigned sex at birth.

78 Sec. 2. (NEW) (*Effective October 1, 2006*) As used in sections 4a-60, 8-  
79 169s, 8-265c, 8-294, 8-315, 10-15c, 10-153, 10a-6, 11-24b, 16-245r, 16-247r,  
80 28-15, 31-22p, 31-57e, 32-204, 32-277, 38a-358, 42-125a, 42-125b, 52-571d  
81 and 53-37a of the general statutes, as amended by this act, "gender  
82 identity or expression" means a person's gender-related identity,  
83 appearance or behavior, whether or not that gender-related identity,  
84 appearance or behavior is different from that traditionally associated  
85 with the person's assigned sex at birth.

86 Sec. 3. Subsection (a) of section 4a-60 of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective*  
88 *October 1, 2006*):

89 (a) Every contract to which the state or any political subdivision of  
90 the state other than a municipality is a party shall contain the  
91 following provisions: (1) The contractor agrees and warrants that in  
92 the performance of the contract such contractor will not discriminate  
93 or permit discrimination against any person or group of persons on the  
94 grounds of race, color, religious creed, age, marital status, national  
95 origin, ancestry, sex, gender identity or expression, mental retardation  
96 or physical disability, including, but not limited to, blindness, unless it  
97 is shown by such contractor that such disability prevents performance  
98 of the work involved, in any manner prohibited by the laws of the  
99 United States or of the state of Connecticut. The contractor further  
100 agrees to take affirmative action to insure that applicants with job-  
101 related qualifications are employed and that employees are treated  
102 when employed without regard to their race, color, religious creed,  
103 age, marital status, national origin, ancestry, sex, gender identity or  
104 expression, mental retardation, or physical disability, including, but  
105 not limited to, blindness, unless it is shown by such contractor that

106 such disability prevents performance of the work involved; (2) the  
107 contractor agrees, in all solicitations or advertisements for employees  
108 placed by or on behalf of the contractor, to state that it is an  
109 "affirmative action-equal opportunity employer" in accordance with  
110 regulations adopted by the commission; (3) the contractor agrees to  
111 provide each labor union or representative of workers with which such  
112 contractor has a collective bargaining agreement or other contract or  
113 understanding and each vendor with which such contractor has a  
114 contract or understanding, a notice to be provided by the commission  
115 advising the labor union or workers' representative of the contractor's  
116 commitments under this section, and to post copies of the notice in  
117 conspicuous places available to employees and applicants for  
118 employment; (4) the contractor agrees to comply with each provision  
119 of this section and sections 46a-68e and 46a-68f and with each  
120 regulation or relevant order issued by said commission pursuant to  
121 sections 46a-56, 46a-68e and 46a-68f; (5) the contractor agrees to  
122 provide the Commission on Human Rights and Opportunities with  
123 such information requested by the commission, and permit access to  
124 pertinent books, records and accounts, concerning the employment  
125 practices and procedures of the contractor as relate to the provisions of  
126 this section and section 46a-56. If the contract is a public works  
127 contract, the contractor agrees and warrants that he will make good  
128 faith efforts to employ minority business enterprises as subcontractors  
129 and suppliers of materials on such public works project.

130 Sec. 4. Subsection (c) of section 8-169s of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective*  
132 *October 1, 2006*):

133 (c) The legislative body may, by resolution, vote to transfer the  
134 urban homesteading property with or without compensation to the  
135 applicant selected pursuant to subsection (b) of this section. Such  
136 transfer shall be made pursuant to a contract of sale and rehabilitation  
137 or construction which shall provide among other things that (1) the  
138 property transferred be rehabilitated or constructed predominantly for  
139 residential use and be brought into and maintained in conformity with

140 applicable health, housing and building code standard; (2) the  
141 rehabilitation or construction shall commence and be completed  
142 within a period of time as determined by the urban homesteading  
143 agency; (3) prior to the issuance of a certificate of occupancy by the  
144 building official no transfer of the property or any interest therein,  
145 except a transfer to a bona fide mortgagee or similar lien holder, may  
146 be made by the homesteader without the approval of the urban  
147 homesteading agency, provided any such transfer may only be made  
148 for a consideration not in excess of the cost of the property to the  
149 homesteader together with the costs of any improvements made or  
150 construction thereon by the homesteader; (4) in the sale or rental of the  
151 property, or any portion of such property, no person shall be  
152 discriminated against because of such person's race, color, religion,  
153 sex, gender identity or expression or national origin; and (5)  
154 representatives of the urban homesteading agency, the municipality,  
155 and where state or federal assistance is involved, representatives of the  
156 federal and state governments, shall have access to the property  
157 during normal business hours for the purpose of inspecting  
158 compliance with the provisions of this subsection.

159 Sec. 5. Section 8-265c of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective October 1, 2006*):

161 The authority shall require that occupancy of all housing financed  
162 or otherwise assisted under this chapter be open to all persons  
163 regardless of race, creed, color, national origin or ancestry, [or] sex or  
164 gender identity or expression and that the contractors and  
165 subcontractors engaged in the construction or rehabilitation of such  
166 housing shall take affirmative action to provide equal opportunity for  
167 employment without discrimination as to race, creed, color, national  
168 origin or ancestry, [or] sex or gender identity or expression.

169 Sec. 6. Subsection (c) of section 8-294 of the general statutes is  
170 repealed and the following is substituted in lieu thereof (*Effective*  
171 *October 1, 2006*):

172 (c) The legislative body may, by resolution, vote to transfer the

173 urban rehabilitation property with or without compensation to the  
174 person selected pursuant to subsection (b) of this section. Such transfer  
175 shall be made pursuant to a contract of sale and rehabilitation which  
176 shall provide among other things that (1) the property transferred be  
177 rehabilitated predominantly for industrial or commercial use and be  
178 brought into and maintained in conformity with applicable health,  
179 housing and building code standards; (2) that the rehabilitation shall  
180 commence and be completed within a period of time as determined by  
181 the urban rehabilitation agency; (3) prior to the issuance of a certificate  
182 of occupancy by the building official no transfer of the property or any  
183 interest therein, except a transfer to a bona fide mortgagee or similar  
184 lien holder, may be made by the rehabilitator without the approval of  
185 the urban agency, provided any such transfer may only be made for a  
186 consideration not in excess of the cost of the property to the  
187 rehabilitator together with the costs of any improvements made  
188 thereon by the rehabilitator; (4) in the sale or rental of the property, or  
189 any portion of such property, no person shall be discriminated against  
190 because of such person's race, color, religion, sex, gender identity or  
191 expression or national origin; (5) representatives of the urban  
192 rehabilitation agency, the municipality, and where state or federal  
193 assistance is involved, representatives of the federal and state  
194 governments shall be allowed access to the property during normal  
195 business hours for the purpose of inspecting compliance with the  
196 provisions of this subsection.

197 Sec. 7. Section 8-315 of the general statutes is repealed and the  
198 following is substituted in lieu thereof (*Effective October 1, 2006*):

199 The municipality shall take all necessary steps to insure that  
200 occupancy of all housing financed or otherwise assisted pursuant to  
201 this chapter be open to all persons regardless of race, creed, color,  
202 national origin or ancestry, sex, gender identity or expression, age or  
203 physical disability.

204 Sec. 8. Subsection (a) of section 10-15c of the general statutes is  
205 repealed and the following is substituted in lieu thereof (*Effective*

206 *October 1, 2006*):

207 (a) The public schools shall be open to all children five years of age  
208 and over who reach age five on or before the first day of January of  
209 any school year, and each such child shall have, and shall be so  
210 advised by the appropriate school authorities, an equal opportunity to  
211 participate in the activities, programs and courses of study offered in  
212 such public schools, at such time as the child becomes eligible to  
213 participate in such activities, programs and courses of study, without  
214 discrimination on account of race, color, sex, gender identity or  
215 expression, religion, national origin or sexual orientation; provided  
216 boards of education may, by vote at a meeting duly called, admit to  
217 any school children under five years of age.

218 Sec. 9. Section 10-153 of the general statutes is repealed and the  
219 following is substituted in lieu thereof (*Effective October 1, 2006*):

220 No local or regional board of education shall discriminate on the  
221 basis of sex, gender identity or expression or marital status in the  
222 employment of teachers in the public schools or in the determination  
223 of the compensation to be paid to such teachers.

224 Sec. 10. Subsection (b) of section 10a-6 of the general statutes is  
225 repealed and the following is substituted in lieu thereof (*Effective*  
226 *October 1, 2006*):

227 (b) Within the limits of authorized expenditures, the policies of the  
228 state system of higher education shall be consistent with the following  
229 goals: (1) To ensure that no qualified person be denied the opportunity  
230 for higher education on the basis of age, sex, gender identity or  
231 expression, ethnic background or social, physical or economic  
232 condition, (2) to protect academic freedom, (3) to provide  
233 opportunities for education and training related to the economic,  
234 cultural and educational development of the state, (4) to assure the  
235 fullest possible use of available resources in public and private  
236 institutions of higher education, (5) to maintain standards of quality  
237 ensuring a position of national leadership for state institutions of

238 higher education, (6) to apply the resources of higher education to the  
239 problems of society, and (7) to foster flexibility in the policies and  
240 institutions of higher education to enable the system to respond to  
241 changes in the economy, society, technology and student interests.  
242 Said board shall review recent studies of the need for higher education  
243 services, with special attention to those completed pursuant to  
244 legislative action, and to meet such needs shall initiate additional  
245 programs or services through one or more of the constituent units.

246 Sec. 11. Subsection (a) of section 11-24b of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective*  
248 *October 1, 2006*):

249 (a) For the fiscal year ending June 30, 1985, and annually thereafter,  
250 each public library shall be eligible to receive a state grant in  
251 accordance with the provisions of subsections (b), (c) and (d) of this  
252 section provided the following requirements are met:

253 (1) An annual statistical report which includes certification that the  
254 grant, when received, shall be used for library purposes is filed with  
255 the State Library Board in such manner as the board may require. The  
256 report shall include information concerning local library governance,  
257 hours of service, type of facilities, library policies, resources, programs  
258 and services available, measurement of levels of services provided,  
259 personnel and fiscal information concerning library receipts and  
260 expenditures;

261 (2) Documents certifying the legal establishment of the public  
262 library in accordance with the provisions of section 11-20 are filed with  
263 the board;

264 (3) The library is a participating library in the Connecticard program  
265 established pursuant to section 11-31b;

266 (4) The public library shall not have had the amount of its annual  
267 tax levy or appropriation reduced to an amount which is less than the  
268 average amount levied or appropriated for the library (A) prior to July

269 1, 1995, for the three fiscal years immediately preceding July 1, 1984,  
270 (B) on and after July 1, 1995, for the three fiscal years immediately  
271 preceding the year of the grant, except that if the expenditures of the  
272 library in any one year in such three-year period are unusually high as  
273 compared with expenditures in the other two years, the library may  
274 request an exception to this requirement and the board, upon review  
275 of the expenditures for that year, may grant an exception;

276 (5) State grant funds shall be expended within two years of the date  
277 of receipt of such funds. If the funds are not expended in that period,  
278 the library shall submit a plan to the State Librarian for the  
279 expenditure of any unspent balance;

280 (6) Public libraries shall provide access to library materials without  
281 charge to individuals residing in the town in which the library is  
282 located or the town in which the contract library is located; and

283 (7) Public libraries shall provide equal access to library service for  
284 all individuals and shall not discriminate upon the basis of age, race,  
285 sex, gender identity or expression, religion, national origin, handicap  
286 or place of residency in the town in which the library is located or the  
287 town in which the contract library is located.

288 Sec. 12. Section 16-245r of the general statutes is repealed and the  
289 following is substituted in lieu thereof (*Effective October 1, 2006*):

290 No electric supplier, as defined in section 16-1, as amended, shall  
291 refuse to provide electric generation services to, or refuse to negotiate  
292 to provide such services to any customer because of age, race, creed,  
293 color, national origin, ancestry, sex, gender identity or expression,  
294 marital status, sexual orientation, lawful source of income, disability or  
295 familial status. No electric supplier shall decline to provide electric  
296 generation services to a customer for the sole reason that the customer  
297 is located in an economically distressed geographic area or the  
298 customer qualifies for hardship status under section 16-262c. No  
299 electric supplier shall terminate or refuse to reinstate electric  
300 generation services except in accordance with the provisions of this

301 title.

302 Sec. 13. Section 16-247r of the general statutes is repealed and the  
303 following is substituted in lieu thereof (*Effective October 1, 2006*):

304 No telephone company or certified telecommunications provider, as  
305 defined in section 16-1, as amended, shall refuse to provide  
306 telecommunications services to, or refuse to negotiate to provide such  
307 services to any customer because of age, race, creed, color, national  
308 origin, ancestry, sex, gender identity or expression, marital status,  
309 sexual orientation, lawful source of income, disability or familial  
310 status. No telephone company or certified telecommunications  
311 provider shall decline to provide telecommunications services to a  
312 customer for the sole reason that the customer is located in an  
313 economically distressed geographic area or the customer qualifies for  
314 hardship status under section 16-262c. No telephone company or  
315 certified telecommunications provider shall terminate or refuse to  
316 reinstate telecommunications services except in accordance with the  
317 provisions of this title.

318 Sec. 14. Subsection (b) of section 28-15 of the general statutes is  
319 repealed and the following is substituted in lieu thereof (*Effective*  
320 *October 1, 2006*):

321 (b) No person shall discriminate on the basis of race, color, religious  
322 creed, sex, gender identity or expression, age, national origin, ancestry  
323 or economic status in carrying out any provision of this chapter or any  
324 federal major disaster or emergency assistance function in this state.

325 Sec. 15. Section 31-22p of the general statutes is repealed and the  
326 following is substituted in lieu thereof (*Effective October 1, 2006*):

327 The Labor Commissioner, with the advice and guidance of the  
328 council, shall formulate work training standards which will ensure  
329 necessary safeguards for the welfare of apprentices and a full craft  
330 experience in any skill, in order to provide equal opportunities to all,  
331 without regard to their race, color, religion, sex, gender identity or

332 expression, age or national origin, and to provide training,  
333 employment and upgrading opportunities for disadvantaged workers  
334 to acquire a comprehensive skilled work experience and to extend the  
335 application of such standards of skill training by inclusion thereof in  
336 apprenticeship agreements, and shall bring together representatives of  
337 management and labor for the development of training programs and  
338 terms of apprenticeship incidental thereto and cooperate with state  
339 and federal agencies similarly interested in furtherance of training  
340 requirements in keeping with established and new processes of  
341 Connecticut industries. The Labor Commissioner shall publish  
342 information relating to existing and proposed work standards of  
343 apprenticeship, hold area conferences throughout the state for the  
344 purpose of promoting interest in skilled trades training and appoint  
345 such advisory committees as may be deemed necessary to evaluate the  
346 skilled manpower requirements of Connecticut in order to cope with  
347 any new technological changes in industry.

348 Sec. 16. Subsection (e) of section 31-57e of the general statutes is  
349 repealed and the following is substituted in lieu thereof (*Effective*  
350 *October 1, 2006*):

351 (e) The Employment Rights Code referred to under this section shall  
352 include the following provisions:

353 (1) A commercial enterprise subject to tribal jurisdiction shall not,  
354 except in the case of a bona fide occupational qualification or need,  
355 refuse to hire or employ or bar or discharge from employment any  
356 individual or discriminate against him in compensation or in terms,  
357 conditions or privileges of employment because of the individual's  
358 race, color, religious creed, sex, gender identity or expression, marital  
359 status, national origin, ancestry, age, present or past history of mental  
360 disorder, mental retardation, sexual orientation, learning or physical  
361 disability, political activity, union activity or the exercise of rights  
362 protected by the United States Constitution. This subdivision shall not  
363 be construed to restrict the right of a tribe to give preference in hiring  
364 to members of the tribe.

365 (2) A commercial enterprise subject to tribal jurisdiction shall not  
366 deny any individual, including a representative of a labor  
367 organization, seeking to ensure compliance with this section, access to  
368 employees of the tribe's commercial enterprise during nonwork time in  
369 nonwork areas. The tribe shall not permit any supervisor, manager or  
370 other agent of the tribe to restrict or otherwise interfere with such  
371 access.

372 (3) When a labor organization claims that it has been designated or  
373 selected for the purposes of collective bargaining by the majority of the  
374 employees in a unit appropriate for such purposes, the labor  
375 organization may apply to an arbitrator to verify the claim pursuant to  
376 subdivision (4) of this subsection. If the arbitrator verifies that the labor  
377 organization has been designated or selected as the bargaining  
378 representative by a majority of the employees in an appropriate unit,  
379 the tribe shall, upon request, recognize the labor organization as the  
380 exclusive bargaining agent and bargain in good faith with the labor  
381 organization in an effort to reach a collective bargaining agreement.  
382 However, the arbitrator shall disallow any claim by a labor  
383 organization which is dominated or controlled by the tribe.

384 (4) (A) Any individual or organization claiming to be injured by a  
385 violation of any provision of this subsection shall have the right to seek  
386 binding arbitration under the rules of the American Arbitration  
387 Association. Such individual or organization shall file a demand for  
388 arbitration with the tribe not later than one hundred eighty days after  
389 the employee or labor organization knows or should know of the  
390 tribe's violation of any provision of this subsection. The demand shall  
391 state, in plain language, the facts giving rise to the demand.

392 (B) The demand for arbitration shall also be served upon the  
393 Connecticut office of the American Arbitration Association. Absent  
394 settlement, a hearing shall be held in accordance with the rules and  
395 procedures of the American Arbitration Association. The costs and fees  
396 of the arbitrator shall be shared equally by the tribe and the labor  
397 organization.

398 (C) The decision of the arbitrator shall be final and binding on both  
399 parties and shall be subject to judicial review and enforcement against  
400 all parties in the manner prescribed by chapter 909.

401 (5) A tribe shall not retaliate against any individual who exercises  
402 any right under the Employment Rights Code. Any individual or  
403 organization claiming to be injured by a violation of the provisions of  
404 this section shall have the right to seek binding arbitration pursuant to  
405 subdivision (4) of this subsection.

406 Sec. 17. Section 32-204 of the general statutes is repealed and the  
407 following is substituted in lieu thereof (*Effective October 1, 2006*):

408 The general purpose of the authority shall be to stimulate new  
409 spending in Connecticut and to encourage the diversification of the  
410 state economy through the construction, operation, maintenance and  
411 marketing of a conference or exhibition facility that will create new  
412 jobs, add to the benefits of the hospitality industry, broaden the base of  
413 the tourism effort and stimulate substantial surrounding economic  
414 development and corresponding increased tax revenues to the state.  
415 The primary purpose of the authority shall be to attract and service  
416 large conventions, tradeshow, exhibitions and conferences, preferably  
417 those whose attendees are predominantly from out-of-state; the  
418 secondary purpose of the authority, at times when its primary purpose  
419 cannot be fulfilled, shall be to attract and service local consumer  
420 shows, exhibitions and events which generate less new spending in  
421 Connecticut. For these purposes, the authority shall have the following  
422 powers: (1) To have perpetual succession as a body corporate and to  
423 adopt procedures for the regulation of its affairs and the conduct of its  
424 business as provided in subsection (f) of section 32-203; to adopt a  
425 corporate seal and alter the same at its pleasure; and to maintain an  
426 office at such place or places within the state as it may designate; (2) to  
427 sue and be sued; to contract and be contracted with, provided, if  
428 management, operating, or promotional contracts or agreements or  
429 other contracts or agreements are entered into with nongovernmental  
430 parties with respect to property financed with the proceeds of

431 obligations the interest on which is excluded from gross income for  
432 federal income taxation, the board of directors will ensure that such  
433 contracts or agreements are in compliance with the covenants of the  
434 authority upon which such tax exclusion is conditioned; (3) to acquire,  
435 by gift, purchase, condemnation or transfer, lands or rights-in-land in  
436 connection therewith and to sell, lease as lessee or as lessor, provided  
437 such activity is consistent with all applicable federal tax covenants of  
438 the authority, transfer or dispose of any property or interest therein  
439 acquired by it, at any time; and to receive and accept aid or  
440 contributions, from any source, of money, labor, property or other  
441 things of value, to be held, used and applied to carry out the purposes  
442 of sections 32-200 to 32-212, inclusive, subject to the conditions upon  
443 which such grants and contributions are made, including, but not  
444 limited to, gifts or grants from any department, agency or  
445 instrumentality of the United States or this state for any purpose  
446 consistent with said sections; (4) to formulate plans for, acquire,  
447 finance and develop, lease, purchase, construct, reconstruct, repair,  
448 improve, expand, extend, operate, maintain and market the project,  
449 provided such activities are consistent with all applicable federal tax  
450 covenants of the authority; (5) to fix and revise from time to time and  
451 to charge and collect fees, rents and other charges for the use,  
452 occupancy or operation of the project, and to establish and revise from  
453 time to time, regulations in respect of the use, operation and  
454 occupancy of any such project, provided such regulations are  
455 consistent with all applicable federal tax covenants of the authority; (6)  
456 to employ such assistants, agents and other employees as may be  
457 necessary or desirable to carry out its purposes and to fix their  
458 compensation; to establish and modify personnel procedures as may  
459 be necessary from time to time and to negotiate and enter into  
460 collective bargaining agreements with labor unions; (7) to engage  
461 architects, engineers, attorneys, accountants, consultants and such  
462 other independent professionals as may be necessary or desirable to  
463 carry out its purposes; to contract for construction, development,  
464 concessions and the procurement of goods and services and to  
465 establish and modify procurement procedures from time to time to

466 implement the foregoing in accordance with the provisions of  
467 subsection (b) of this section; (8) to adopt procedures with respect to  
468 contractors and subcontractors engaged in the construction of the  
469 project which require such contractors or subcontractors (A) to take  
470 affirmative action to provide equal opportunity for employment  
471 without discrimination as to race, creed, color, national origin,  
472 ancestry, sex, gender identity or expression, marital status, age, lawful  
473 source of income, mental retardation, mental disability or physical  
474 disability, including, but not limited to, blindness or deafness and (B)  
475 to ensure that the wages paid on an hourly basis to any mechanic,  
476 laborer or workman employed by such contractor or subcontractor  
477 with respect to the project shall be at a rate equal to the rate customary  
478 or prevailing for the same work in the same trade or occupation in the  
479 town and city of Stamford; (9) to engage in and contract for marketing  
480 and promotional activities to attract national, regional and local  
481 conventions, trade shows, exhibitions, banquets and other events in  
482 order to maximize the use of the project and to carry out the purposes  
483 of sections 32-200 to 32-212, inclusive; (10) to acquire, lease, hold and  
484 dispose of personal property for the purposes set forth in sections 32-  
485 200 to 32-212, inclusive; (11) to procure insurance against any liability  
486 or loss in connection with its property and other assets, in such  
487 amounts and from such insurers as it deems desirable and to procure  
488 insurance for employees; (12) to borrow money and to issue bonds,  
489 notes and other obligations of the authority to the extent permitted  
490 under sections 32-200 to 32-212, inclusive, to fund and refund the same  
491 and to provide for the rights of the holders thereof and to secure the  
492 same by pledge of assets, revenues, notes and state contract assistance  
493 as provided in said sections and such state taxes as the authority shall  
494 be entitled to receive pursuant to the provisions of said sections; (13) to  
495 invest any funds not needed for immediate use or disbursement in  
496 obligations issued or guaranteed by the United States of America or  
497 the state of Connecticut and in other obligations which are legal  
498 investments for savings banks in this state and in time deposits or  
499 certificates of deposit or other similar banking arrangements secured  
500 in such manner as the authority determines; (14) to do anything

501 necessary and desirable, including executing reimbursement  
502 agreements or similar agreements in connection with credit facilities,  
503 including, but not limited to, letters of credit or policies of bond  
504 insurance, remarketing agreements and agreements for the purpose of  
505 moderating interest rate fluctuations, to render any bonds to be issued  
506 pursuant to sections 32-200 to 32-212, inclusive, more marketable; (15)  
507 to do all acts and things necessary or convenient to carry out the  
508 purposes of sections 32-200 to 32-212, inclusive, and the powers  
509 expressly granted by said sections.

510 Sec. 18. Section 32-277 of the general statutes is repealed and the  
511 following is substituted in lieu thereof (*Effective October 1, 2006*):

512 A regional corporation shall not provide any financial assistance  
513 authorized by sections 32-271 to 32-284, inclusive, unless the following  
514 conditions are met:

515 (1) The applicant has demonstrated that there is little prospect of  
516 obtaining the conventional project financing requested from either  
517 private or public sources of funding within the region, and that there is  
518 little prospect of obtaining adequate project financing from private  
519 sources of capital, or in the case of a loan guarantee, that there is little  
520 prospect of obtaining project financing without the guarantee;

521 (2) There is a reasonable prospect of repayment;

522 (3) The project is located in the region represented by the regional  
523 corporation;

524 (4) The project will comply with any applicable environmental rules  
525 or regulations;

526 (5) The applicant has certified that it will not discriminate against  
527 any employee or any applicant for employment because of race,  
528 religion, color, national origin, sex, gender identity or expression or  
529 age;

530 (6) A staff member or a representative of the regional corporation

531 acting in an official capacity has personally visited the project site and  
532 the applicant's place of business; and

533 (7) Financial commitments or contingent financial commitments for  
534 the project have been obtained from other public and private sources.

535 Sec. 19. Section 38a-358 of the general statutes is repealed and the  
536 following is substituted in lieu thereof (*Effective October 1, 2006*):

537 The declination, cancellation or nonrenewal of a policy for private  
538 passenger nonfleet automobile insurance is prohibited if the  
539 declination, cancellation or nonrenewal is based: (1) On the race,  
540 religion, nationality or ethnicity of the applicant or named insured; (2)  
541 solely on the lawful occupation or profession of the applicant or  
542 named insured, except that this provision shall not apply to any  
543 insurer which limits its market to one lawful occupation or profession  
544 or to several related lawful occupations or professions; (3) on the  
545 principal location of the insured motor vehicle unless such decision is  
546 for a business purpose which is not a mere pretext for unfair  
547 discrimination; (4) solely on the age, sex, gender identity or expression  
548 or marital status of an applicant or an insured, except that this  
549 subdivision shall not apply to an insurer in an insurer group if one or  
550 more other insurers in the group would not decline an application for  
551 essentially similar coverage based upon such reasons; (5) on the fact  
552 that the applicant or named insured previously obtained insurance  
553 coverage through a residual market; (6) on the fact that another insurer  
554 previously declined to insure the applicant or terminated an existing  
555 policy in which the applicant was the named insured; or (7) the first or  
556 second accident within the current experience period in relation to  
557 which the applicant or insured was not convicted of a moving traffic  
558 violation and was not at fault.

559 Sec. 20. Section 42-125a of the general statutes is repealed and the  
560 following is substituted in lieu thereof (*Effective October 1, 2006*):

561 It is the policy of the state of Connecticut to oppose restraints of  
562 trade and unfair trade practices in the form of discriminatory boycotts

563 which are not specifically authorized by the law of the United States  
564 and which are fostered or imposed by foreign persons, foreign  
565 governments or international organizations against any domestic  
566 individual on the basis of race, color, creed, religion, sex, gender  
567 identity or expression, nationality or national origin. It is also the  
568 policy of the state to oppose any actions, including the formation or  
569 continuance of agreements, understandings or contractual  
570 arrangements, expressed or implied, which have the effect of  
571 furthering such discriminatory boycotts, in order that the peace,  
572 health, safety, prosperity and general welfare of all the inhabitants of  
573 the state may be protected and ensured. This chapter shall be deemed  
574 an exercise of the police power of the state for the protection of the  
575 people of this state and shall be administered and principally enforced  
576 by the Attorney General. The provisions of this chapter shall be  
577 construed liberally so as to effectuate this declaration of policy and the  
578 laws and Constitution of the United States, but nothing in this chapter  
579 shall be construed to infringe upon the right of the United States  
580 government to regulate interstate and foreign commerce.

581 Sec. 21. Subsection (c) of section 42-125b of the general statutes is  
582 repealed and the following is substituted in lieu thereof (*Effective*  
583 *October 1, 2006*):

584 (c) "Participating in a discriminatory boycott" means the entering  
585 into or performing of any agreement, understanding or contractual  
586 arrangement for economic benefit by any person with any foreign  
587 government, foreign person or international organization, which is not  
588 specifically authorized by the laws of the United States and which is  
589 required or imposed, either directly or indirectly, overtly or covertly,  
590 by the foreign government, foreign person or international  
591 organization in order to restrict, condition, prohibit or interfere with  
592 any business relationship in this state on the basis of a domestic  
593 individual's race, color, creed, religion, sex, gender identity or  
594 expression, nationality or national origin; provided, handling, altering  
595 or shipping goods or complying with the commercial laws of a foreign  
596 country, unless such laws require discrimination against a domestic

597 individual on the basis of race, color, creed, religion, sex, nationality or  
598 national origin, shall not constitute a discriminatory boycott.

599 Sec. 22. Subsection (a) of section 46a-58 of the 2006 supplement to  
600 the general statutes is repealed and the following is substituted in lieu  
601 thereof (*Effective October 1, 2006*):

602 (a) It shall be a discriminatory practice in violation of this section for  
603 any person to subject, or cause to be subjected, any other person to the  
604 deprivation of any rights, privileges or immunities, secured or  
605 protected by the Constitution or laws of this state or of the United  
606 States, on account of religion, national origin, alienage, color, race, sex,  
607 gender identity or expression, sexual orientation, blindness or physical  
608 disability.

609 Sec. 23. Subsection (a) of section 46a-59 of the general statutes is  
610 repealed and the following is substituted in lieu thereof (*Effective*  
611 *October 1, 2006*):

612 (a) It shall be a discriminatory practice in violation of this section for  
613 any association, board or other organization the principal purpose of  
614 which is the furtherance of the professional or occupational interests of  
615 its members, whose profession, trade or occupation requires a state  
616 license, to refuse to accept a person as a member of such association,  
617 board or organization because of his race, national origin, creed, sex,  
618 gender identity or expression or color.

619 Sec. 24. Subsection (a) of section 46a-60 of the general statutes is  
620 repealed and the following is substituted in lieu thereof (*Effective*  
621 *October 1, 2006*):

622 (a) It shall be a discriminatory practice in violation of this section:

623 (1) For an employer, by the employer or the employer's agent,  
624 except in the case of a bona fide occupational qualification or need, to  
625 refuse to hire or employ or to bar or to discharge from employment  
626 any individual or to discriminate against such individual in  
627 compensation or in terms, conditions or privileges of employment

628 because of the individual's race, color, religious creed, age, sex, gender  
629 identity or expression, marital status, national origin, ancestry, present  
630 or past history of mental disability, mental retardation, learning  
631 disability or physical disability, including, but not limited to,  
632 blindness;

633 (2) For any employment agency, except in the case of a bona fide  
634 occupational qualification or need, to fail or refuse to classify properly  
635 or refer for employment or otherwise to discriminate against any  
636 individual because of such individual's race, color, religious creed, age,  
637 sex, gender identity or expression, marital status, national origin,  
638 ancestry, present or past history of mental disability, mental  
639 retardation, learning disability or physical disability, including, but not  
640 limited to, blindness;

641 (3) For a labor organization, because of the race, color, religious  
642 creed, age, sex, gender identity or expression, marital status, national  
643 origin, ancestry, present or past history of mental disability, mental  
644 retardation, learning disability or physical disability, including, but not  
645 limited to, blindness of any individual to exclude from full  
646 membership rights or to expel from its membership such individual or  
647 to discriminate in any way against any of its members or against any  
648 employer or any individual employed by an employer, unless such  
649 action is based on a bona fide occupational qualification;

650 (4) For any person, employer, labor organization or employment  
651 agency to discharge, expel or otherwise discriminate against any  
652 person because such person has opposed any discriminatory  
653 employment practice or because such person has filed a complaint or  
654 testified or assisted in any proceeding under section 46a-82, 46a-83, as  
655 amended, or 46a-84;

656 (5) For any person, whether an employer or an employee or not, to  
657 aid, abet, incite, compel or coerce the doing of any act declared to be a  
658 discriminatory employment practice or to attempt to do so;

659 (6) For any person, employer, employment agency or labor

660 organization, except in the case of a bona fide occupational  
661 qualification or need, to advertise employment opportunities in such a  
662 manner as to restrict such employment so as to discriminate against  
663 individuals because of their race, color, religious creed, age, sex,  
664 gender identity or expression, marital status, national origin, ancestry,  
665 present or past history of mental disability, mental retardation,  
666 learning disability or physical disability, including, but not limited to,  
667 blindness;

668 (7) For an employer, by the employer or the employer's agent: (A)  
669 To terminate a woman's employment because of her pregnancy; (B) to  
670 refuse to grant to that employee a reasonable leave of absence for  
671 disability resulting from her pregnancy; (C) to deny to that employee,  
672 who is disabled as a result of pregnancy, any compensation to which  
673 she is entitled as a result of the accumulation of disability or leave  
674 benefits accrued pursuant to plans maintained by the employer; (D) to  
675 fail or refuse to reinstate the employee to her original job or to an  
676 equivalent position with equivalent pay and accumulated seniority,  
677 retirement, fringe benefits and other service credits upon her  
678 signifying her intent to return unless, in the case of a private employer,  
679 the employer's circumstances have so changed as to make it impossible  
680 or unreasonable to do so; (E) to fail or refuse to make a reasonable  
681 effort to transfer a pregnant employee to any suitable temporary  
682 position which may be available in any case in which an employee  
683 gives written notice of her pregnancy to her employer and the  
684 employer or pregnant employee reasonably believes that continued  
685 employment in the position held by the pregnant employee may cause  
686 injury to the employee or fetus; (F) to fail or refuse to inform the  
687 pregnant employee that a transfer pursuant to subparagraph (E) of this  
688 subdivision may be appealed under the provisions of this chapter; or  
689 (G) to fail or refuse to inform employees of the employer, by any  
690 reasonable means, that they must give written notice of their  
691 pregnancy in order to be eligible for transfer to a temporary position;

692 (8) For an employer, by the employer or the employer's agent, for an  
693 employment agency, by itself or its agent, or for any labor

694 organization, by itself or its agent, to harass any employee, person  
695 seeking employment or member on the basis of sex or gender identity  
696 or expression. "Sexual harassment" shall, for the purposes of this  
697 section, be defined as any unwelcome sexual advances or requests for  
698 sexual favors or any conduct of a sexual nature when (A) submission  
699 to such conduct is made either explicitly or implicitly a term or  
700 condition of an individual's employment, (B) submission to or rejection  
701 of such conduct by an individual is used as the basis for employment  
702 decisions affecting such individual, or (C) such conduct has the  
703 purpose or effect of substantially interfering with an individual's work  
704 performance or creating an intimidating, hostile or offensive working  
705 environment;

706 (9) For an employer, by the employer or the employer's agent, for an  
707 employment agency, by itself or its agent, or for any labor  
708 organization, by itself or its agent, to request or require information  
709 from an employee, person seeking employment or member relating to  
710 the individual's child-bearing age or plans, pregnancy, function of the  
711 individual's reproductive system, use of birth control methods, or the  
712 individual's familial responsibilities, unless such information is  
713 directly related to a bona fide occupational qualification or need,  
714 provided an employer, through a physician may request from an  
715 employee any such information which is directly related to workplace  
716 exposure to substances which may cause birth defects or constitute a  
717 hazard to an individual's reproductive system or to a fetus if the  
718 employer first informs the employee of the hazards involved in  
719 exposure to such substances;

720 (10) For an employer, by the employer or the employer's agent, after  
721 informing an employee, pursuant to subdivision (9) of this subsection,  
722 of a workplace exposure to substances which may cause birth defects  
723 or constitute a hazard to an employee's reproductive system or to a  
724 fetus, to fail or refuse, upon the employee's request, to take reasonable  
725 measures to protect the employee from the exposure or hazard  
726 identified, or to fail or refuse to inform the employee that the measures  
727 taken may be the subject of a complaint filed under the provisions of

728 this chapter. Nothing in this subdivision is intended to prohibit an  
729 employer from taking reasonable measures to protect an employee  
730 from exposure to such substances. For the purpose of this subdivision,  
731 "reasonable measures" shall be those measures which are consistent  
732 with business necessity and are least disruptive of the terms and  
733 conditions of the employee's employment;

734 (11) For an employer, by the employer or the employer's agent, for  
735 an employment agency, by itself or its agent, or for any labor  
736 organization, by itself or its agent: (A) To request or require genetic  
737 information from an employee, person seeking employment or  
738 member, or (B) to discharge, expel or otherwise discriminate against  
739 any person on the basis of genetic information. For the purpose of this  
740 subdivision, "genetic information" means the information about genes,  
741 gene products or inherited characteristics that may derive from an  
742 individual or a family member.

743 Sec. 25. Subsection (a) of section 46a-64 of the general statutes is  
744 repealed and the following is substituted in lieu thereof (*Effective*  
745 *October 1, 2006*):

746 (a) It shall be a discriminatory practice in violation of this section: (1)  
747 To deny any person within the jurisdiction of this state full and equal  
748 accommodations in any place of public accommodation, resort or  
749 amusement because of race, creed, color, national origin, ancestry, sex,  
750 gender identity or expression, marital status, age, lawful source of  
751 income, mental retardation, mental disability or physical disability,  
752 including, but not limited to, blindness or deafness of the applicant,  
753 subject only to the conditions and limitations established by law and  
754 applicable alike to all persons; (2) to discriminate, segregate or separate  
755 on account of race, creed, color, national origin, ancestry, sex, gender  
756 identity or expression, marital status, age, lawful source of income,  
757 mental retardation, mental disability, learning disability or physical  
758 disability, including, but not limited to, blindness or deafness; (3) for a  
759 place of public accommodation, resort or amusement to restrict or limit  
760 the right of a mother to breast-feed her child; (4) for a place of public

761 accommodation, resort or amusement to fail or refuse to post a notice,  
762 in a conspicuous place, that any blind, deaf or mobility impaired  
763 person, accompanied by his guide dog wearing a harness or an  
764 orange-colored leash and collar, may enter such premises or facilities;  
765 or (5) to deny any blind, deaf or mobility impaired person or any  
766 person training a dog as a guide dog for a blind person or a dog to  
767 assist a deaf or mobility impaired person, accompanied by his guide  
768 dog or assistance dog, full and equal access to any place of public  
769 accommodation, resort or amusement. Any blind, deaf or mobility  
770 impaired person or any person training a dog as a guide dog for a  
771 blind person or a dog to assist a deaf or mobility impaired person may  
772 keep his guide dog or assistance dog with him at all times in such  
773 place of public accommodation, resort or amusement at no extra  
774 charge, provided the dog wears a harness or an orange-colored leash  
775 and collar and is in the direct custody of such person. The blind, deaf  
776 or mobility impaired person or person training a dog as a guide dog  
777 for a blind person or a dog to assist a deaf or mobility impaired person  
778 shall be liable for any damage done to the premises or facilities by his  
779 dog. For purposes of this subdivision, "guide dog" or "assistance dog"  
780 includes a dog being trained as a guide dog or assistance dog and  
781 "person training a dog as a guide dog for a blind person or a dog to  
782 assist a deaf or mobility impaired person" means a person who is  
783 employed by and authorized to engage in designated training  
784 activities by a guide dog organization or assistance dog organization  
785 that complies with the criteria for membership in a professional  
786 association of guide dog or assistance dog schools and who carries  
787 photographic identification indicating such employment and  
788 authorization.

789 Sec. 26. Subsection (a) of section 46a-64c of the general statutes is  
790 repealed and the following is substituted in lieu thereof (*Effective*  
791 *October 1, 2006*):

792 (a) It shall be a discriminatory practice in violation of this section:

793 (1) To refuse to sell or rent after the making of a bona fide offer, or

794 to refuse to negotiate for the sale or rental of, or otherwise make  
795 unavailable or deny, a dwelling to any person because of race, creed,  
796 color, national origin, ancestry, sex, gender identity or expression,  
797 marital status, age, lawful source of income or familial status.

798 (2) To discriminate against any person in the terms, conditions, or  
799 privileges of sale or rental of a dwelling, or in the provision of services  
800 or facilities in connection therewith, because of race, creed, color,  
801 national origin, ancestry, sex, gender identity or expression, marital  
802 status, age, lawful source of income or familial status.

803 (3) To make, print or publish, or cause to be made, printed or  
804 published any notice, statement, or advertisement, with respect to the  
805 sale or rental of a dwelling that indicates any preference, limitation, or  
806 discrimination based on race, creed, color, national origin, ancestry,  
807 sex, gender identity or expression, marital status, age, lawful source of  
808 income, familial status, learning disability or physical or mental  
809 disability, or an intention to make any such preference, limitation or  
810 discrimination.

811 (4) (A) To represent to any person because of race, creed, color,  
812 national origin, ancestry, sex, gender identity or expression, marital  
813 status, age, lawful source of income, familial status, learning disability  
814 or physical or mental disability that any dwelling is not available for  
815 inspection, sale or rental when such dwelling is in fact so available.

816 (B) It shall be a violation of this subdivision for any person to  
817 restrict or attempt to restrict the choices of any buyer or renter to  
818 purchase or rent a dwelling (i) to an area which is substantially  
819 populated, even if less than a majority, by persons of the same  
820 protected class as the buyer or renter, (ii) while such person is  
821 authorized to offer for sale or rent another dwelling which meets the  
822 housing criteria as expressed by the buyer or renter to such person and  
823 (iii) such other dwelling is in an area which is not substantially  
824 populated by persons of the same protected class as the buyer or  
825 renter. As used in this subdivision, "area" means municipality,  
826 neighborhood or other geographic subdivision which may include an

827 apartment or condominium complex; and "protected class" means race,  
828 creed, color, national origin, ancestry, sex, gender identity or  
829 expression, marital status, age, lawful source of income, familial status,  
830 learning disability or physical or mental disability.

831 (5) For profit, to induce or attempt to induce any person to sell or  
832 rent any dwelling by representations regarding the entry or  
833 prospective entry into the neighborhood of a person or persons of a  
834 particular race, creed, color, national origin, ancestry, sex, gender  
835 identity or expression, marital status, age, lawful source of income,  
836 familial status, learning disability or physical or mental disability.

837 (6) (A) To discriminate in the sale or rental, or to otherwise make  
838 unavailable or deny, a dwelling to any buyer or renter because of a  
839 learning disability or physical or mental disability of: (i) Such buyer or  
840 renter; (ii) a person residing in or intending to reside in such dwelling  
841 after it is so sold, rented, or made available; or (iii) any person  
842 associated with such buyer or renter.

843 (B) To discriminate against any person in the terms, conditions or  
844 privileges of sale or rental of a dwelling, or in the provision of services  
845 or facilities in connection with such dwelling, because of a learning  
846 disability or physical or mental disability of: (i) Such person; or (ii) a  
847 person residing in or intending to reside in such dwelling after it is so  
848 sold, rented, or made available; or (iii) any person associated with such  
849 person.

850 (C) For purposes of this subdivision, discrimination includes: (i) A  
851 refusal to permit, at the expense of a person with a physical or mental  
852 disability, reasonable modifications of existing premises occupied or to  
853 be occupied by such person if such modifications may be necessary to  
854 afford such person full enjoyment of the premises; except that, in the  
855 case of a rental, the landlord may, where it is reasonable to do so,  
856 condition permission for a modification on the renter agreeing to  
857 restore the interior of the premises to the condition that existed before  
858 the modification, reasonable wear and tear excepted; (ii) a refusal to  
859 make reasonable accommodations in rules, policies, practices or

860 services, when such accommodations may be necessary to afford such  
861 person equal opportunity to use and enjoy a dwelling; (iii) in  
862 connection with the design and construction of covered multifamily  
863 dwellings for the first occupancy after March 13, 1991, a failure to  
864 design and construct those dwellings in such manner that they comply  
865 with the requirements of Section 804(f) of the Fair Housing Act or the  
866 provisions of the state building code as adopted pursuant to the  
867 provisions of sections 29-269 and 29-273, whichever requires greater  
868 accommodation. "Covered multifamily dwellings" means buildings  
869 consisting of four or more units if such buildings have one or more  
870 elevators, and ground floor units in other buildings consisting of four  
871 or more units.

872 (7) For any person or other entity engaging in residential real-estate-  
873 related transactions to discriminate against any person in making  
874 available such a transaction, or in the terms or conditions of such a  
875 transaction, because of race, creed, color, national origin, ancestry, sex,  
876 gender identity or expression, marital status, age, lawful source of  
877 income, familial status, learning disability or physical or mental  
878 disability.

879 (8) To deny any person access to or membership or participation in  
880 any multiple-listing service, real estate brokers' organization or other  
881 service, organization, or facility relating to the business of selling or  
882 renting dwellings, or to discriminate against him in the terms or  
883 conditions of such access, membership or participation, on account of  
884 race, creed, color, national origin, ancestry, sex, gender identity or  
885 expression, marital status, age, lawful source of income, familial status,  
886 learning disability or physical or mental disability.

887 (9) To coerce, intimidate, threaten, or interfere with any person in  
888 the exercise or enjoyment of, or on account of his having exercised or  
889 enjoyed, or on account of his having aided or encouraged any other  
890 person in the exercise or enjoyment of, any right granted or protected  
891 by this section.

892 Sec. 27. Subsection (e) of section 46a-64c of the general statutes is

893 repealed and the following is substituted in lieu thereof (*Effective*  
894 *October 1, 2006*):

895 (e) Nothing in this section prohibits a person engaged in the  
896 business of furnishing appraisals of real property to take into  
897 consideration factors other than race, creed, color, national origin,  
898 ancestry, sex, gender identity or expression, marital status, age, lawful  
899 source of income, familial status, learning disability or physical or  
900 mental disability.

901 Sec. 28. Subsection (a) of section 46a-66 of the general statutes is  
902 repealed and the following is substituted in lieu thereof (*Effective*  
903 *October 1, 2006*):

904 (a) It shall be a discriminatory practice in violation of this section for  
905 any creditor to discriminate on the basis of sex, gender identity or  
906 expression, age, race, color, religious creed, national origin, ancestry,  
907 marital status, mental retardation, learning disability, blindness or  
908 physical disability against any person eighteen years of age or over in  
909 any credit transaction.

910 Sec. 29. Subsection (a) of section 46a-70 of the general statutes is  
911 repealed and the following is substituted in lieu thereof (*Effective*  
912 *October 1, 2006*):

913 (a) State officials and supervisory personnel shall recruit, appoint,  
914 assign, train, evaluate and promote state personnel on the basis of  
915 merit and qualifications, without regard for race, color, religious creed,  
916 sex, gender identity or expression, marital status, age, national origin,  
917 ancestry, mental retardation, mental disability, learning disability or  
918 physical disability, including but not limited to, blindness, unless it is  
919 shown by such state officials or supervisory personnel that such  
920 disability prevents performance of the work involved.

921 Sec. 30. Subsection (a) of section 46a-71 of the general statutes is  
922 repealed and the following is substituted in lieu thereof (*Effective*  
923 *October 1, 2006*):

924 (a) All services of every state agency shall be performed without  
925 discrimination based upon race, color, religious creed, sex, gender  
926 identity or expression, marital status, age, national origin, ancestry,  
927 mental retardation, mental disability, learning disability or physical  
928 disability, including, but not limited to, blindness.

929 Sec. 31. Subsection (b) of section 46a-72 of the general statutes is  
930 repealed and the following is substituted in lieu thereof (*Effective*  
931 *October 1, 2006*):

932 (b) Any job request indicating an intention to exclude any person  
933 because of race, color, religious creed, sex, gender identity or  
934 expression, marital status, age, national origin, ancestry, mental  
935 retardation, mental disability, learning disability or physical disability,  
936 including, but not limited to, blindness shall be rejected, unless it is  
937 shown by such public or private employers that such disability  
938 prevents performance of the work involved.

939 Sec. 32. Subsection (a) of section 46a-73 of the general statutes is  
940 repealed and the following is substituted in lieu thereof (*Effective*  
941 *October 1, 2006*):

942 (a) No state department, board or agency may grant, deny or revoke  
943 the license or charter of any person on the grounds of race, color,  
944 religious creed, sex, gender identity or expression, marital status, age,  
945 national origin, ancestry, mental retardation, mental disability,  
946 learning disability or physical disability, including, but not limited to,  
947 blindness, unless it is shown by such state department, board or  
948 agency that such disability prevents performance of the work  
949 involved.

950 Sec. 33. Subsection (a) of section 46a-75 of the general statutes is  
951 repealed and the following is substituted in lieu thereof (*Effective*  
952 *October 1, 2006*):

953 (a) All educational, counseling, and vocational guidance programs  
954 and all apprenticeship and on-the-job training programs of state

955 agencies, or in which state agencies participate, shall be open to all  
956 qualified persons, without regard to race, color, religious creed, sex,  
957 gender identity or expression, marital status, age, national origin,  
958 ancestry, mental retardation, mental disability, learning disability or  
959 physical disability, including, but not limited to, blindness.

960 Sec. 34. Subsection (a) of section 46a-76 of the general statutes is  
961 repealed and the following is substituted in lieu thereof (*Effective*  
962 *October 1, 2006*):

963 (a) Race, color, religious creed, sex, gender identity or expression,  
964 marital status, age, national origin, ancestry, mental retardation,  
965 mental disability, learning disability or physical disability, including,  
966 but not limited to, blindness shall not be considered as limiting factors  
967 in state-administered programs involving the distribution of funds to  
968 qualify applicants for benefits authorized by law.

969 Sec. 35. Subsections (b) and (c) of section 52-571d of the general  
970 statutes are repealed and the following is substituted in lieu thereof  
971 (*Effective October 1, 2006*):

972 (b) No golf country club may deny membership in such club to any  
973 person on account of race, religion, color, national origin, ancestry, sex,  
974 gender identity or expression, marital status or sexual orientation.

975 (c) All classes of membership in a golf country club shall be  
976 available without regard to race, religion, color, national origin,  
977 ancestry, sex, gender identity or expression, marital status or sexual  
978 orientation.

979 Sec. 36. Section 53-37a of the general statutes is repealed and the  
980 following is substituted in lieu thereof (*Effective October 1, 2006*):

981 Any person who, with the intent to subject, or cause to be subjected,  
982 any other person to the deprivation of any rights, privileges or  
983 immunities, secured or protected by the Constitution or laws of this  
984 state or of the United States, on account of religion, national origin,  
985 alienage, color, race, sex, gender identity or expression, blindness or

986 physical disability, violates the provisions of section 46a-58, as  
 987 amended, while wearing a mask, hood or other device designed to  
 988 conceal the identity of such person shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	46a-51
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	4a-60(a)
Sec. 4	<i>October 1, 2006</i>	8-169s(c)
Sec. 5	<i>October 1, 2006</i>	8-265c
Sec. 6	<i>October 1, 2006</i>	8-294(c)
Sec. 7	<i>October 1, 2006</i>	8-315
Sec. 8	<i>October 1, 2006</i>	10-15c(a)
Sec. 9	<i>October 1, 2006</i>	10-153
Sec. 10	<i>October 1, 2006</i>	10a-6(b)
Sec. 11	<i>October 1, 2006</i>	11-24b(a)
Sec. 12	<i>October 1, 2006</i>	16-245r
Sec. 13	<i>October 1, 2006</i>	16-247r
Sec. 14	<i>October 1, 2006</i>	28-15(b)
Sec. 15	<i>October 1, 2006</i>	31-22p
Sec. 16	<i>October 1, 2006</i>	31-57e(e)
Sec. 17	<i>October 1, 2006</i>	32-204
Sec. 18	<i>October 1, 2006</i>	32-277
Sec. 19	<i>October 1, 2006</i>	38a-358
Sec. 20	<i>October 1, 2006</i>	42-125a
Sec. 21	<i>October 1, 2006</i>	42-125b(c)
Sec. 22	<i>October 1, 2006</i>	46a-58(a)
Sec. 23	<i>October 1, 2006</i>	46a-59(a)
Sec. 24	<i>October 1, 2006</i>	46a-60(a)
Sec. 25	<i>October 1, 2006</i>	46a-64(a)
Sec. 26	<i>October 1, 2006</i>	46a-64c(a)
Sec. 27	<i>October 1, 2006</i>	46a-64c(e)
Sec. 28	<i>October 1, 2006</i>	46a-66(a)
Sec. 29	<i>October 1, 2006</i>	46a-70(a)
Sec. 30	<i>October 1, 2006</i>	46a-71(a)
Sec. 31	<i>October 1, 2006</i>	46a-72(b)
Sec. 32	<i>October 1, 2006</i>	46a-73(a)
Sec. 33	<i>October 1, 2006</i>	46a-75(a)
Sec. 34	<i>October 1, 2006</i>	46a-76(a)

Sec. 35	<i>October 1, 2006</i>	52-571d(b) and (c)
Sec. 36	<i>October 1, 2006</i>	53-37a

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.; Human Rights & Opportunities, Com.	GF - Cost	Potential Minimal	Potential Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill prohibits discrimination on the basis of gender identity or expression in laws which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction over. In November of 2000, CHRO issued a declaratory ruling which held that discrimination on the basis of gender identity or expression would violate the state’s ban on sex discrimination. Therefore, as a substantive matter, the bill would not expand the protected class according to the laws of CHRO. However, to the extent that the bill increases the awareness of the right of transgendered persons to file such complaints with CHRO, this could result in a minimal cost to the state.

The bill expands and increases criminal penalties for certain acts based on someone’s gender identity or expression. To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note

that both figures include fringe benefits).

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****HB 5597*****AN ACT CONCERNING DISCRIMINATION.*****SUMMARY:**

The bill explicitly prohibits discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities Commission (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 that the prohibition against sex discrimination in the laws CHRO has jurisdiction over covers discrimination on the basis of gender identity or expression (see BACKGROUND - Declaratory Ruling).

The bill defines “gender identity or expression” as a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s assigned sex at birth. This definition is similar to the one in the declaratory ruling.

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO’s declaratory ruling, including urban homesteading, public schools, boards of education, public libraries, electric suppliers, telephone or telecommunication providers, employment codes tribes must adopt to receive state services or funds, and discriminatory boycotts.

The bill makes it a class A misdemeanor to subject someone to the deprivation of rights, privileges, and immunities secured or protected by the state or federal laws or constitutions because of his sexual orientation or his gender identity or expression. This crime is punishable by imprisonment for up to one year, a fine of up to \$2,000,

or both. The bill makes it a class D felony for anyone to do so based on gender identity and expression while wearing a mask, hood, or other device designed to conceal his identity. A class D felony is punishable by imprisonment for up to five years, a fine of up to \$5,000 or both.

Also, the bill gives CHRO jurisdiction to investigate complaints of discrimination on the basis of sexual orientation and gender identity or expression against students by public schools. It also gives CHRO jurisdiction to investigate this and certain other types of discrimination against private golf country clubs.

EFFECTIVE DATE: October 1, 2006

### **DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, HOUSING, AND CREDIT**

The bill explicitly gives CHRO the authority to investigate complaints of discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of property, and the extension of credit. It applies the same rules and procedures and remedies that apply to other types of discrimination complaints, including the right to file a lawsuit if the investigation is not completed within a certain time period.

CHRO's declaratory ruling concluded CHRO had jurisdiction to investigate claims of discrimination on the basis of gender identity or expression under these laws because they are covered under the prohibition against sex discrimination. The ruling also determined that CHRO also has jurisdiction to investigate such claims of discrimination under other laws that CHRO has jurisdiction over (see BACKGROUND).

The bill explicitly gives CHRO the authority to investigate complaints of discrimination on the basis of gender identity or expression under these other laws. It explicitly:

1. subjects any association, board, or other organization whose principal purpose is to further the professional or occupational

interests of its members, whose profession, trade, or occupation requires a state license, to a fine of between \$200 to \$500 for denying a person membership because of his gender identity or expression;

2. specifies that it is illegal to discriminate against anyone in the employment context because of his gender identity or expression;
3. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard for gender identity or expression;
4. requires that state agency services be performed without discrimination based on gender identity or expression;
5. specifies that any state agency that provides employment referrals or placement services to public or private employers, must reject any job request that indicates an intention to exclude anyone based on his gender identity or expression;
6. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of gender identity or expression;
7. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, to be open to all qualified persons, without regard to gender identity or expression; and
8. prohibits gender identity or expression from being considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law.

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**DISCRIMINATION AGAINST STUDENTS IN PUBLIC SCHOOLS**

Under current law, it is a discriminatory practice for anyone to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges, or immunities, secured or protected by Connecticut or federal laws or constitutions because of religion, national origin, alienage, color, race, sex, blindness, or physical disability. The bill also makes it a discriminatory practice to do so based on someone's gender identity or expression, or sexual orientation. By doing so, and by prohibiting such discrimination against students in public schools, the bill gives CHRO the authority to investigate claims of discrimination against students on the basis of gender identity or expression or sexual orientation by public schools (see BACKGROUND - Related Case).

### **DISCRIMINATION IN OTHER CONTEXTS**

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO's declaratory ruling. Specifically, it:

1. requires that every contract to which the state or any political subdivision of the state, other than a municipality, is a party must require the contractor to agree and warrant that in the performance of the contract he will not discriminate or permit discrimination on the grounds of gender identity or expression;
2. requires that contracts transferring urban homesteading property provide, among other things, that in the sale or rental of such property, no person can be discriminated against on the basis of gender identity or expression;
3. requires the Connecticut Finance Housing Authority(CFHA) to require that occupancy of all housing financed or otherwise assisted under CHFA Act be open to all persons regardless of gender identity or expression and that the contractors and subcontractors engaged in constructing or rehabilitating such housing must take affirmative action to provide equal opportunity for employment without discrimination as to

- gender identity or expression;
4. requires transfers of urban rehabilitation property by legislative bodies be made pursuant to a contract of sale and rehabilitation that provides, among other things, that in the sale or rental of such property people may not be discriminated against because of their gender identity or expression;
  5. requires municipalities to take all necessary steps to ensure that occupancy of all housing financed or otherwise assisted pursuant to the Municipal Housing Finance Act be open to all persons regardless of gender identity or expression;
  6. requires public schools to give all children an equal opportunity to participate in the activities, programs, and courses of study they offer without discrimination on account of gender identity or expression;
  7. prohibits local or regional boards of education from discriminating on the basis of gender identity or expression in the employment or compensation of teachers in public schools;
  8. requires, within the limits of authorized expenditures, the policies of the state system of higher education be consistent with the goal of ensuring that no qualified person is denied the opportunity for higher education because of gender identity or expression;
  9. prohibits public libraries from discriminating on the basis of gender identity or expression;
  10. prohibits electric suppliers from refusing to provide electric generation services to, or refusing to negotiate to provide such services to any customer because of gender identity or expression;
  11. prohibits telephone companies or certified telecommunications providers from refusing to provide telecommunications

services to, or refusing to negotiate to provide such services to any customer because of gender identity or expression;

12. prohibits anyone from discriminating on the basis of gender identity or expression, in carrying out any civil preparedness or major disaster or emergency assistance function;
13. requires the labor commissioner to formulate work training standards to ensure necessary safeguards for the welfare of apprentices and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to their gender identity or expression;
14. requires that the Employment Rights Code tribes must, in order to receive state services or funds, adopt a provision that a commercial enterprise subject to tribal jurisdiction may not, except in the case of a bona fide occupational qualification or need, refuse to hire or employ or bar or discharge from employment any individual or discriminate against him in compensation or in terms, conditions, or privileges of employment because of the individual's gender identity or expression;
15. requires the Lower Fairfield County Conference Exhibition Authority to adopt procedures for contractors and subcontractors engaged in the construction of the project that requires them to take affirmative action to provide equal opportunity for employment without discrimination based on gender identity or expression;
16. requires that applicants for financial assistance from a regional corporation certify that they will not discriminate against any employee or any applicant for employment because of gender identity or expression (a regional corporation provides financial assistance to businesses for projects that demonstrate a substantial likelihood of providing increases in net new permanent jobs or retaining jobs in businesses that need such

financial assistance to remain viable);

17. prohibits auto insurance companies from declining, canceling, or refusing to renew an auto insurance policy solely on the basis of gender identity or expression; and
18. prohibits golf country clubs from denying membership on the basis of gender identity or expression, and requires that all classes of membership be available without regard to gender identity or expression, and gives CHRO jurisdiction to take discrimination complaints on this basis of race, religion, color, national origin, ancestry, sex, marital status, or sexual orientation.

The bill declares that it is against the policy of the state of Connecticut to oppose restraints of trade and unfair trade practices in the form of discriminatory boycotts fostered or imposed by foreign persons, foreign governments, or international organizations against any domestic individual on the basis of gender identity or expression.

The bill defines “participating in a discriminatory boycott” to include entering into or performing any agreement, understanding, or contractual arrangement for economic benefit by any person with any foreign government, foreign person, or international organization, not specifically authorized by federal law, and required or imposed to restrict, condition, prohibit, or interfere with any business relationship in Connecticut on the basis of a domestic gender identity or expression.

## **BACKGROUND**

### ***CHRO Declaratory Ruling***

On January 31, 2000, CHRO received a petition seeking a ruling that the statutory prohibitions against discrimination on the basis of sex encompass discrimination based upon a person’s apparent gender, specifically discrimination against transsexual individuals. The request asked that CHRO find such prohibitions in CGS §§ 46a-60(a)(1) (employment discrimination), 46a-64(a)(1) (public accommodations),

46a-64c(a)(1) (housing discrimination) and 46a-66(a) (credit discrimination).

In response to the request, CHRO issued a declaratory ruling on November 9, 2000 that transsexuals, as defined in the ruling, are covered by these statutes. It also stated in footnote 13 of the ruling that the ruling should be understood to apply uniformly to all other sex discrimination laws over which CHRO has jurisdiction.

### **Related Cases**

In a case decided before CHRO issued its declaratory ruling, a Superior Court judge ruled that Connecticut's prohibition against harassment on the basis of sex did not extend to transsexuals (*Conway v. City of Hartford*, 1997 WL 78585 \*7, No. CV-95-0553003, J.D. of Hartford-New Britain at Hartford (February 4, 1997)(Hale, J.R.)). In its declaratory ruling, CHRO noted that although it normally looks to Superior Court decisions for guidance in interpreting the laws it enforces, especially in the absence of any other state precedent, it is not required to do so. In its ruling, CHRO also noted that *Conway* recognizes that transsexuals may properly pursue claims of discrimination based on mental disorder. But CHRO declined to issue a ruling on that issue in its declaratory ruling.

In another case, the state Supreme Court held that CHRO has jurisdiction to investigate claims of racial discrimination filed by students against a public school because CGS § 46a-58 prohibits racial discrimination, and CGS § 10-15c makes public schools open to all students without discrimination on the basis of race (*Commission on Human Rights and Opportunities v. Board of Education*, 270 Conn. 665 (2004)).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 28 Nay 8 (03/27/2006)