



House of Representatives

General Assembly

File No. 617

January Session, 2011

House Bill No. 6599

House of Representatives, April 21, 2011

The Committee on Judiciary reported through REP. FOX of the 146th 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 Section 46a-51 of the general statutes is repealed and the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, 2011*):

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;

- 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, 4a-60g, 46a-58, as amended by this act,
20 46a-59, as amended by this act, 46a-60, as amended by this act, 46a-64,
21 as amended by this act, 46a-64c, as amended by this act, 46a-66, as
22 amended by this act, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-70 to
23 46a-78, inclusive, as amended by this act, subsection (a) of section 46a-
24 80 or 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;
- 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 physiology or assigned sex at
78 birth.

79 Sec. 2. (NEW) (*Effective October 1, 2011*) As used in sections 4a-60, 8-
80 169s, 8-265c, 8-294, 8-315, 10-15c, 10-153, 10a-6, 11-24b, 16-245r, 16-247r,
81 28-15, 31-22p, 31-57e, 32-204, 32-277, 38a-358, 42-125a, 42-125b, 52-571d
82 and 53-37a of the general statutes, as amended by this act, and section
83 37 of this act, "gender identity or expression" means a person's gender-
84 related identity, appearance or behavior, whether or not that gender-
85 related identity, appearance or behavior is different from that
86 traditionally associated with the person's physiology or assigned sex at
87 birth.

88 Sec. 3. Subsection (a) of section 4a-60 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2011*):

91 (a) Every contract to which the state or any political subdivision of
92 the state other than a municipality is a party shall contain the
93 following provisions:

94 (1) The contractor agrees and warrants that in the performance of
95 the contract such contractor will not discriminate or permit
96 discrimination against any person or group of persons on the grounds
97 of race, color, religious creed, age, marital status, national origin,
98 ancestry, sex, gender identity or expression, mental retardation, mental
99 disability or physical disability, including, but not limited to,
100 blindness, unless it is shown by such contractor that such disability
101 prevents performance of the work involved, in any manner prohibited
102 by the laws of the United States or of the state of Connecticut; and the
103 contractor further agrees to take affirmative action to insure that
104 applicants with job-related qualifications are employed and that

105 employees are treated when employed without regard to their race,
106 color, religious creed, age, marital status, national origin, ancestry, sex,
107 gender identity or expression, mental retardation, mental disability or
108 physical disability, including, but not limited to, blindness, unless it is
109 shown by such contractor that such disability prevents performance of
110 the work involved;

111 (2) The contractor agrees, in all solicitations or advertisements for
112 employees placed by or on behalf of the contractor, to state that it is an
113 "affirmative action-equal opportunity employer" in accordance with
114 regulations adopted by the commission;

115 (3) The contractor agrees to provide each labor union or
116 representative of workers with which such contractor has a collective
117 bargaining agreement or other contract or understanding and each
118 vendor with which such contractor has a contract or understanding, a
119 notice to be provided by the commission advising the labor union or
120 workers' representative of the contractor's commitments under this
121 section, and to post copies of the notice in conspicuous places available
122 to employees and applicants for employment;

123 (4) The contractor agrees to comply with each provision of this
124 section and sections 46a-68e and 46a-68f and with each regulation or
125 relevant order issued by said commission pursuant to sections 46a-56,
126 46a-68e and 46a-68f; and

127 (5) The contractor agrees to provide the Commission on Human
128 Rights and Opportunities with such information requested by the
129 commission, and permit access to pertinent books, records and
130 accounts, concerning the employment practices and procedures of the
131 contractor as relate to the provisions of this section and section 46a-56.

132 Sec. 4. Subsection (c) of section 8-169s of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2011*):

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

136 urban homesteading property with or without compensation to the
137 applicant selected pursuant to subsection (b) of this section. Such
138 transfer shall be made pursuant to a contract of sale and rehabilitation
139 or construction which shall provide among other things that (1) the
140 property transferred be rehabilitated or constructed predominantly for
141 residential use and be brought into and maintained in conformity with
142 applicable health, housing and building code standard; (2) the
143 rehabilitation or construction shall commence and be completed
144 within a period of time as determined by the urban homesteading
145 agency; (3) prior to the issuance of a certificate of occupancy by the
146 building official no transfer of the property or any interest therein,
147 except a transfer to a bona fide mortgagee or similar lien holder, may
148 be made by the homesteader without the approval of the urban
149 homesteading agency, provided any such transfer may only be made
150 for a consideration not in excess of the cost of the property to the
151 homesteader together with the costs of any improvements made or
152 construction thereon by the homesteader; (4) in the sale or rental of the
153 property, or any portion of such property, no person shall be
154 discriminated against because of such person's race, color, religion,
155 sex, gender identity or expression, or national origin; and (5)
156 representatives of the urban homesteading agency, the municipality,
157 and where state or federal assistance is involved, representatives of the
158 federal and state governments, shall have access to the property
159 during normal business hours for the purpose of inspecting
160 compliance with the provisions of this subsection.

161 Sec. 5. Section 8-265c of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

170 origin or ancestry, [or] sex or gender identity or expression.

171 Sec. 6. Subsection (c) of section 8-294 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective*
173 *October 1, 2011*):

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

199 Sec. 7. Section 8-315 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective October 1, 2011*):

201 The municipality shall take all necessary steps to insure that
202 occupancy of all housing financed or otherwise assisted pursuant to

203 this chapter be open to all persons regardless of race, creed, color,
204 national origin or ancestry, sex, gender identity or expression, age or
205 physical disability.

206 Sec. 8. Subsection (a) of section 10-15c of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective*
208 *October 1, 2011*):

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

220 Sec. 9. Section 10-153 of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

226 Sec. 10. Subsection (b) of section 10a-6 of the general statutes is
227 repealed and the following is substituted in lieu thereof (*Effective*
228 *October 1, 2011*):

229 (b) Within the limits of authorized expenditures, the policies of the
230 state system of higher education shall be consistent with the following
231 goals: (1) To ensure that no qualified person be denied the opportunity
232 for higher education on the basis of age, sex, gender identity or
233 expression, ethnic background or social, physical or economic

234 condition, (2) to protect academic freedom, (3) to provide
235 opportunities for education and training related to the economic,
236 cultural and educational development of the state, (4) to assure the
237 fullest possible use of available resources in public and private
238 institutions of higher education, (5) to maintain standards of quality
239 ensuring a position of national leadership for state institutions of
240 higher education, (6) to apply the resources of higher education to the
241 problems of society, and (7) to foster flexibility in the policies and
242 institutions of higher education to enable the system to respond to
243 changes in the economy, society, technology and student interests.
244 Said board shall review recent studies of the need for higher education
245 services, with special attention to those completed pursuant to
246 legislative action, and to meet such needs shall initiate additional
247 programs or services through one or more of the constituent units.

248 Sec. 11. Subsection (a) of section 11-24b of the general statutes is
249 repealed and the following is substituted in lieu thereof (*Effective*
250 *October 1, 2011*):

251 (a) Each principal public library, as defined in section 11-24a, shall
252 be eligible to receive a state grant in accordance with the provisions of
253 subsections (b), (c) and (d) of this section provided the following
254 requirements are met:

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

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

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

268 (4) Except for the fiscal years ending June 30, 2010, and June 30,
269 2011, the principal public library shall not have had the amount of its
270 annual tax levy or appropriation reduced to an amount which is less
271 than the average amount levied or appropriated for the library for the
272 three fiscal years immediately preceding the year of the grant, except
273 that if the expenditures of the library in any one year in such three-
274 year period are unusually high as compared with expenditures in the
275 other two years, the library may request an exception to this
276 requirement and the board, upon review of the expenditures for that
277 year, may grant an exception;

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

282 (6) Principal public libraries shall not charge individuals residing in
283 the town in which the library is located or the town in which the
284 contract library is located for borrowing and lending library materials,
285 accessing information, advice and assistance and programs and
286 services which promote literacy; and

287 (7) Principal public libraries shall provide equal access to library
288 service for all individuals and shall not discriminate upon the basis of
289 age, race, sex, gender identity or expression, religion, national origin,
290 handicap or place of residency in the town in which the library is
291 located or the town in which the contract library is located.

292 Sec. 12. Section 16-245r of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2011*):

294 No electric supplier, as defined in section 16-1, shall refuse to
295 provide electric generation services to, or refuse to negotiate to provide
296 such services to any customer because of age, race, creed, color,

297 national origin, ancestry, sex, gender identity or expression, marital
298 status, sexual orientation, lawful source of income, disability or
299 familial status. No electric supplier shall decline to provide electric
300 generation services to a customer for the sole reason that the customer
301 is located in an economically distressed geographic area or the
302 customer qualifies for hardship status under section 16-262c. No
303 electric supplier shall terminate or refuse to reinstate electric
304 generation services except in accordance with the provisions of this
305 title.

306 Sec. 13. Section 16-247r of the general statutes is repealed and the
307 following is substituted in lieu thereof (*Effective October 1, 2011*):

308 No telephone company or certified telecommunications provider, as
309 defined in section 16-1, shall refuse to provide telecommunications
310 services to, or refuse to negotiate to provide such services to any
311 customer because of age, race, creed, color, national origin, ancestry,
312 sex, gender identity or expression, marital status, sexual orientation,
313 lawful source of income, disability or familial status. No telephone
314 company or certified telecommunications provider shall decline to
315 provide telecommunications services to a customer for the sole reason
316 that the customer is located in an economically distressed geographic
317 area or the customer qualifies for hardship status under section
318 16-262c. No telephone company or certified telecommunications
319 provider shall terminate or refuse to reinstate telecommunications
320 services except in accordance with the provisions of this title.

321 Sec. 14. Subsection (b) of section 28-15 of the general statutes is
322 repealed and the following is substituted in lieu thereof (*Effective*
323 *October 1, 2011*):

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

328 Sec. 15. Section 31-22p of the general statutes is repealed and the

329 following is substituted in lieu thereof (*Effective October 1, 2011*):

330 The Labor Commissioner, with the advice and guidance of the
331 council, shall formulate work training standards which will ensure
332 necessary safeguards for the welfare of apprentices and a full craft
333 experience in any skill, in order to provide equal opportunities to all,
334 without regard to their race, color, religion, sex, gender identity or
335 expression, age or national origin, and to provide training,
336 employment and upgrading opportunities for disadvantaged workers
337 to acquire a comprehensive skilled work experience and to extend the
338 application of such standards of skill training by inclusion thereof in
339 apprenticeship agreements, and shall bring together representatives of
340 management and labor for the development of training programs and
341 terms of apprenticeship incidental thereto and cooperate with state
342 and federal agencies similarly interested in furtherance of training
343 requirements in keeping with established and new processes of
344 Connecticut industries. The Labor Commissioner shall publish
345 information relating to existing and proposed work standards of
346 apprenticeship, hold area conferences throughout the state for the
347 purpose of promoting interest in skilled trades training and appoint
348 such advisory committees as may be deemed necessary to evaluate the
349 skilled manpower requirements of Connecticut in order to cope with
350 any new technological changes in industry.

351 Sec. 16. Subsection (e) of section 31-57e of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective*
353 *October 1, 2011*):

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

356 (1) A commercial enterprise subject to tribal jurisdiction shall not,
357 except in the case of a bona fide occupational qualification or need,
358 refuse to hire or employ or bar or discharge from employment any
359 individual or discriminate against him in compensation or in terms,
360 conditions or privileges of employment because of the individual's
361 race, color, religious creed, sex, gender identity or expression, marital

362 status, national origin, ancestry, age, present or past history of mental
363 disorder, mental retardation, sexual orientation, learning or physical
364 disability, political activity, union activity or the exercise of rights
365 protected by the United States Constitution. This subdivision shall not
366 be construed to restrict the right of a tribe to give preference in hiring
367 to members of the tribe.

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

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

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

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

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

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

409 Sec. 17. Section 32-204 of the general statutes is repealed and the
410 following is substituted in lieu thereof (*Effective October 1, 2011*):

411 The general purpose of the authority shall be to stimulate new
412 spending in Connecticut and to encourage the diversification of the
413 state economy through the construction, operation, maintenance and
414 marketing of a conference or exhibition facility that will create new
415 jobs, add to the benefits of the hospitality industry, broaden the base of
416 the tourism effort and stimulate substantial surrounding economic
417 development and corresponding increased tax revenues to the state.
418 The primary purpose of the authority shall be to attract and service
419 large conventions, tradeshow, exhibitions and conferences, preferably
420 those whose attendees are predominantly from out-of-state; the
421 secondary purpose of the authority, at times when its primary purpose
422 cannot be fulfilled, shall be to attract and service local consumer
423 shows, exhibitions and events which generate less new spending in
424 Connecticut. For these purposes, the authority shall have the following
425 powers: (1) To have perpetual succession as a body corporate and to
426 adopt procedures for the regulation of its affairs and the conduct of its
427 business as provided in subsection (f) of section 32-203; to adopt a

428 corporate seal and alter the same at its pleasure; and to maintain an
429 office at such place or places within the state as it may designate; (2) to
430 sue and be sued; to contract and be contracted with, provided, if
431 management, operating, or promotional contracts or agreements or
432 other contracts or agreements are entered into with nongovernmental
433 parties with respect to property financed with the proceeds of
434 obligations the interest on which is excluded from gross income for
435 federal income taxation, the board of directors will ensure that such
436 contracts or agreements are in compliance with the covenants of the
437 authority upon which such tax exclusion is conditioned; (3) to acquire,
438 by gift, purchase, condemnation or transfer, lands or rights-in-land in
439 connection therewith and to sell, lease as lessee or as lessor, provided
440 such activity is consistent with all applicable federal tax covenants of
441 the authority, transfer or dispose of any property or interest therein
442 acquired by it, at any time; and to receive and accept aid or
443 contributions, from any source, of money, labor, property or other
444 things of value, to be held, used and applied to carry out the purposes
445 of sections 32-200 to 32-212, inclusive, subject to the conditions upon
446 which such grants and contributions are made, including, but not
447 limited to, gifts or grants from any department, agency or
448 instrumentality of the United States or this state for any purpose
449 consistent with said sections; (4) to formulate plans for, acquire,
450 finance and develop, lease, purchase, construct, reconstruct, repair,
451 improve, expand, extend, operate, maintain and market the project,
452 provided such activities are consistent with all applicable federal tax
453 covenants of the authority; (5) to fix and revise from time to time and
454 to charge and collect fees, rents and other charges for the use,
455 occupancy or operation of the project, and to establish and revise from
456 time to time, regulations in respect of the use, operation and
457 occupancy of any such project, provided such regulations are
458 consistent with all applicable federal tax covenants of the authority; (6)
459 to employ such assistants, agents and other employees as may be
460 necessary or desirable to carry out its purposes and to fix their
461 compensation; to establish and modify personnel procedures as may
462 be necessary from time to time and to negotiate and enter into

463 collective bargaining agreements with labor unions; (7) to engage
464 architects, engineers, attorneys, accountants, consultants and such
465 other independent professionals as may be necessary or desirable to
466 carry out its purposes; to contract for construction, development,
467 concessions and the procurement of goods and services and to
468 establish and modify procurement procedures from time to time to
469 implement the foregoing in accordance with the provisions of
470 subsection (b) of this section; (8) to adopt procedures with respect to
471 contractors and subcontractors engaged in the construction of the
472 project which require such contractors or subcontractors (A) to take
473 affirmative action to provide equal opportunity for employment
474 without discrimination as to race, creed, color, national origin,
475 ancestry, sex, gender identity or expression, marital status, age, lawful
476 source of income, mental retardation, mental disability or physical
477 disability, including, but not limited to, blindness or deafness and (B)
478 to ensure that the wages paid on an hourly basis to any mechanic,
479 laborer or workman employed by such contractor or subcontractor
480 with respect to the project shall be at a rate equal to the rate customary
481 or prevailing for the same work in the same trade or occupation in the
482 town and city of Stamford; (9) to engage in and contract for marketing
483 and promotional activities to attract national, regional and local
484 conventions, trade shows, exhibitions, banquets and other events in
485 order to maximize the use of the project and to carry out the purposes
486 of sections 32-200 to 32-212, inclusive; (10) to acquire, lease, hold and
487 dispose of personal property for the purposes set forth in sections 32-
488 200 to 32-212, inclusive; (11) to procure insurance against any liability
489 or loss in connection with its property and other assets, in such
490 amounts and from such insurers as it deems desirable and to procure
491 insurance for employees; (12) to borrow money and to issue bonds,
492 notes and other obligations of the authority to the extent permitted
493 under sections 32-200 to 32-212, inclusive, to fund and refund the same
494 and to provide for the rights of the holders thereof and to secure the
495 same by pledge of assets, revenues, notes and state contract assistance
496 as provided in said sections and such state taxes as the authority shall
497 be entitled to receive pursuant to the provisions of said sections; (13) to

498 invest any funds not needed for immediate use or disbursement in
499 obligations issued or guaranteed by the United States of America or
500 the state of Connecticut and in other obligations which are legal
501 investments for savings banks in this state and in time deposits or
502 certificates of deposit or other similar banking arrangements secured
503 in such manner as the authority determines; (14) to do anything
504 necessary and desirable, including executing reimbursement
505 agreements or similar agreements in connection with credit facilities,
506 including, but not limited to, letters of credit or policies of bond
507 insurance, remarketing agreements and agreements for the purpose of
508 moderating interest rate fluctuations, to render any bonds to be issued
509 pursuant to sections 32-200 to 32-212, inclusive, more marketable; (15)
510 to do all acts and things necessary or convenient to carry out the
511 purposes of sections 32-200 to 32-212, inclusive, and the powers
512 expressly granted by said sections.

513 Sec. 18. Section 32-277 of the general statutes is repealed and the
514 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

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

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

525 (3) The project is located in the region represented by the regional
526 corporation;

527 (4) The project will comply with any applicable environmental rules
528 or regulations;

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

533 (6) A staff member or a representative of the regional corporation
534 acting in an official capacity has personally visited the project site and
535 the applicant's place of business; and

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

538 Sec. 19. Section 38a-358 of the general statutes is repealed and the
539 following is substituted in lieu thereof (*Effective October 1, 2011*):

540 The declination, cancellation or nonrenewal of a policy for private
541 passenger nonfleet automobile insurance is prohibited if the
542 declination, cancellation or nonrenewal is based: (1) On the race,
543 religion, nationality or ethnicity of the applicant or named insured; (2)
544 solely on the lawful occupation or profession of the applicant or
545 named insured, except that this provision shall not apply to any
546 insurer which limits its market to one lawful occupation or profession
547 or to several related lawful occupations or professions; (3) on the
548 principal location of the insured motor vehicle unless such decision is
549 for a business purpose which is not a mere pretext for unfair
550 discrimination; (4) solely on the age, sex, gender identity or expression
551 or marital status of an applicant or an insured, except that this
552 subdivision shall not apply to an insurer in an insurer group if one or
553 more other insurers in the group would not decline an application for
554 essentially similar coverage based upon such reasons; (5) on the fact
555 that the applicant or named insured previously obtained insurance
556 coverage through a residual market; (6) on the fact that another insurer
557 previously declined to insure the applicant or terminated an existing
558 policy in which the applicant was the named insured; (7) the first or
559 second accident within the current experience period in relation to
560 which the applicant or insured was not convicted of a moving traffic
561 violation and was not at fault; or (8) solely on information contained in

562 an insured's or applicant's credit history or credit rating or solely on an
563 applicant's lack of credit history. For the purposes of subdivision (8) of
564 this section, an insurer shall not be deemed to have declined, cancelled
565 or nonrenewed a policy if coverage is available through an affiliated
566 insurer.

567 Sec. 20. Section 42-125a of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

589 Sec. 21. Subsection (c) of section 42-125b of the general statutes is
590 repealed and the following is substituted in lieu thereof (*Effective*
591 *October 1, 2011*):

592 (c) "Participating in a discriminatory boycott" means the entering
593 into or performing of any agreement, understanding or contractual
594 arrangement for economic benefit by any person with any foreign

595 government, foreign person or international organization, which is not
596 specifically authorized by the laws of the United States and which is
597 required or imposed, either directly or indirectly, overtly or covertly,
598 by the foreign government, foreign person or international
599 organization in order to restrict, condition, prohibit or interfere with
600 any business relationship in this state on the basis of a domestic
601 individual's race, color, creed, religion, sex, gender identity or
602 expression, nationality or national origin; provided, handling, altering
603 or shipping goods or complying with the commercial laws of a foreign
604 country, unless such laws require discrimination against a domestic
605 individual on the basis of race, color, creed, religion, sex, gender
606 identity or expression, nationality or national origin, shall not
607 constitute a discriminatory boycott.

608 Sec. 22. Subsection (a) of section 46a-58 of the general statutes is
609 repealed and the following is substituted in lieu thereof (*Effective*
610 *October 1, 2011*):

611 (a) It shall be a discriminatory practice in violation of this section for
612 any person to subject, or cause to be subjected, any other person to the
613 deprivation of any rights, privileges or immunities, secured or
614 protected by the Constitution or laws of this state or of the United
615 States, on account of religion, national origin, alienage, color, race, sex,
616 gender identity or expression, sexual orientation, blindness or physical
617 disability.

618 Sec. 23. Subsection (a) of section 46a-59 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *October 1, 2011*):

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

628 Sec. 24. Subsection (a) of section 46a-60 of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective*
630 *October 1, 2011*):

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

632 (1) For an employer, by the employer or the employer's agent,
633 except in the case of a bona fide occupational qualification or need, to
634 refuse to hire or employ or to bar or to discharge from employment
635 any individual or to discriminate against such individual in
636 compensation or in terms, conditions or privileges of employment
637 because of the individual's race, color, religious creed, age, sex, gender
638 identity or expression, marital status, national origin, ancestry, present
639 or past history of mental disability, mental retardation, learning
640 disability or physical disability, including, but not limited to,
641 blindness;

642 (2) For any employment agency, except in the case of a bona fide
643 occupational qualification or need, to fail or refuse to classify properly
644 or refer for employment or otherwise to discriminate against any
645 individual because of such individual's race, color, religious creed, age,
646 sex, gender identity or expression, marital status, national origin,
647 ancestry, present or past history of mental disability, mental
648 retardation, learning disability or physical disability, including, but not
649 limited to, blindness;

650 (3) For a labor organization, because of the race, color, religious
651 creed, age, sex, gender identity or expression, marital status, national
652 origin, ancestry, present or past history of mental disability, mental
653 retardation, learning disability or physical disability, including, but not
654 limited to, blindness of any individual to exclude from full
655 membership rights or to expel from its membership such individual or
656 to discriminate in any way against any of its members or against any
657 employer or any individual employed by an employer, unless such
658 action is based on a bona fide occupational qualification;

659 (4) For any person, employer, labor organization or employment

660 agency to discharge, expel or otherwise discriminate against any
661 person because such person has opposed any discriminatory
662 employment practice or because such person has filed a complaint or
663 testified or assisted in any proceeding under section 46a-82, 46a-83 or
664 46a-84;

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

668 (6) For any person, employer, employment agency or labor
669 organization, except in the case of a bona fide occupational
670 qualification or need, to advertise employment opportunities in such a
671 manner as to restrict such employment so as to discriminate against
672 individuals because of their race, color, religious creed, age, sex,
673 gender identity or expression, marital status, national origin, ancestry,
674 present or past history of mental disability, mental retardation,
675 learning disability or physical disability, including, but not limited to,
676 blindness;

677 (7) For an employer, by the employer or the employer's agent: (A)
678 To terminate a woman's employment because of her pregnancy; (B) to
679 refuse to grant to that employee a reasonable leave of absence for
680 disability resulting from her pregnancy; (C) to deny to that employee,
681 who is disabled as a result of pregnancy, any compensation to which
682 she is entitled as a result of the accumulation of disability or leave
683 benefits accrued pursuant to plans maintained by the employer; (D) to
684 fail or refuse to reinstate the employee to her original job or to an
685 equivalent position with equivalent pay and accumulated seniority,
686 retirement, fringe benefits and other service credits upon her
687 signifying her intent to return unless, in the case of a private employer,
688 the employer's circumstances have so changed as to make it impossible
689 or unreasonable to do so; (E) to fail or refuse to make a reasonable
690 effort to transfer a pregnant employee to any suitable temporary
691 position which may be available in any case in which an employee
692 gives written notice of her pregnancy to her employer and the

693 employer or pregnant employee reasonably believes that continued
694 employment in the position held by the pregnant employee may cause
695 injury to the employee or fetus; (F) to fail or refuse to inform the
696 pregnant employee that a transfer pursuant to subparagraph (E) of this
697 subdivision may be appealed under the provisions of this chapter; or
698 (G) to fail or refuse to inform employees of the employer, by any
699 reasonable means, that they must give written notice of their
700 pregnancy in order to be eligible for transfer to a temporary position;

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

715 (9) For an employer, by the employer or the employer's agent, for an
716 employment agency, by itself or its agent, or for any labor
717 organization, by itself or its agent, to request or require information
718 from an employee, person seeking employment or member relating to
719 the individual's child-bearing age or plans, pregnancy, function of the
720 individual's reproductive system, use of birth control methods, or the
721 individual's familial responsibilities, unless such information is
722 directly related to a bona fide occupational qualification or need,
723 provided an employer, through a physician may request from an
724 employee any such information which is directly related to workplace
725 exposure to substances which may cause birth defects or constitute a
726 hazard to an individual's reproductive system or to a fetus if the

727 employer first informs the employee of the hazards involved in
728 exposure to such substances;

729 (10) For an employer, by the employer or the employer's agent, after
730 informing an employee, pursuant to subdivision (9) of this subsection,
731 of a workplace exposure to substances which may cause birth defects
732 or constitute a hazard to an employee's reproductive system or to a
733 fetus, to fail or refuse, upon the employee's request, to take reasonable
734 measures to protect the employee from the exposure or hazard
735 identified, or to fail or refuse to inform the employee that the measures
736 taken may be the subject of a complaint filed under the provisions of
737 this chapter. Nothing in this subdivision is intended to prohibit an
738 employer from taking reasonable measures to protect an employee
739 from exposure to such substances. For the purpose of this subdivision,
740 "reasonable measures" shall be those measures which are consistent
741 with business necessity and are least disruptive of the terms and
742 conditions of the employee's employment;

743 (11) For an employer, by the employer or the employer's agent, for
744 an employment agency, by itself or its agent, or for any labor
745 organization, by itself or its agent: (A) To request or require genetic
746 information from an employee, person seeking employment or
747 member, or (B) to discharge, expel or otherwise discriminate against
748 any person on the basis of genetic information. For the purpose of this
749 subdivision, "genetic information" means the information about genes,
750 gene products or inherited characteristics that may derive from an
751 individual or a family member.

752 Sec. 25. Subsection (a) of section 46a-64 of the general statutes is
753 repealed and the following is substituted in lieu thereof (*Effective*
754 *October 1, 2011*):

755 (a) It shall be a discriminatory practice in violation of this section: (1)
756 To deny any person within the jurisdiction of this state full and equal
757 accommodations in any place of public accommodation, resort or
758 amusement because of race, creed, color, national origin, ancestry, sex,
759 gender identity or expression, marital status, age, lawful source of

760 income, mental retardation, mental disability or physical disability,
761 including, but not limited to, blindness or deafness of the applicant,
762 subject only to the conditions and limitations established by law and
763 applicable alike to all persons; (2) to discriminate, segregate or separate
764 on account of race, creed, color, national origin, ancestry, sex, gender
765 identity or expression, marital status, age, lawful source of income,
766 mental retardation, mental disability, learning disability or physical
767 disability, including, but not limited to, blindness or deafness; (3) for a
768 place of public accommodation, resort or amusement to restrict or limit
769 the right of a mother to breast-feed her child; (4) for a place of public
770 accommodation, resort or amusement to fail or refuse to post a notice,
771 in a conspicuous place, that any blind, deaf or mobility impaired
772 person, accompanied by his guide dog wearing a harness or an
773 orange-colored leash and collar, may enter such premises or facilities;
774 or (5) to deny any blind, deaf or mobility impaired person or any
775 person training a dog as a guide dog for a blind person or a dog to
776 assist a deaf or mobility impaired person, accompanied by his guide
777 dog or assistance dog, full and equal access to any place of public
778 accommodation, resort or amusement. Any blind, deaf or mobility
779 impaired person or any person training a dog as a guide dog for a
780 blind person or a dog to assist a deaf or mobility impaired person may
781 keep his guide dog or assistance dog with him at all times in such
782 place of public accommodation, resort or amusement at no extra
783 charge, provided the dog wears a harness or an orange-colored leash
784 and collar and is in the direct custody of such person. The blind, deaf
785 or mobility impaired person or person training a dog as a guide dog
786 for a blind person or a dog to assist a deaf or mobility impaired person
787 shall be liable for any damage done to the premises or facilities by his
788 dog. For purposes of this subdivision, "guide dog" or "assistance dog"
789 includes a dog being trained as a guide dog or assistance dog and
790 "person training a dog as a guide dog for a blind person or a dog to
791 assist a deaf or mobility impaired person" means a person who is
792 employed by and authorized to engage in designated training
793 activities by a guide dog organization or assistance dog organization
794 that complies with the criteria for membership in a professional

795 association of guide dog or assistance dog schools and who carries
796 photographic identification indicating such employment and
797 authorization.

798 Sec. 26. Subsection (a) of section 46a-64c of the general statutes is
799 repealed and the following is substituted in lieu thereof (*Effective*
800 *October 1, 2011*):

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

802 (1) To refuse to sell or rent after the making of a bona fide offer, or
803 to refuse to negotiate for the sale or rental of, or otherwise make
804 unavailable or deny, a dwelling to any person because of race, creed,
805 color, national origin, ancestry, sex, gender identity or expression,
806 marital status, age, lawful source of income or familial status.

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

812 (3) To make, print or publish, or cause to be made, printed or
813 published any notice, statement, or advertisement, with respect to the
814 sale or rental of a dwelling that indicates any preference, limitation, or
815 discrimination based on race, creed, color, national origin, ancestry,
816 sex, gender identity or expression, marital status, age, lawful source of
817 income, familial status, learning disability or physical or mental
818 disability, or an intention to make any such preference, limitation or
819 discrimination.

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

825 (B) It shall be a violation of this subdivision for any person to

826 restrict or attempt to restrict the choices of any buyer or renter to
827 purchase or rent a dwelling (i) to an area which is substantially
828 populated, even if less than a majority, by persons of the same
829 protected class as the buyer or renter, (ii) while such person is
830 authorized to offer for sale or rent another dwelling which meets the
831 housing criteria as expressed by the buyer or renter to such person and
832 (iii) such other dwelling is in an area which is not substantially
833 populated by persons of the same protected class as the buyer or
834 renter. As used in this subdivision, "area" means municipality,
835 neighborhood or other geographic subdivision which may include an
836 apartment or condominium complex; and "protected class" means race,
837 creed, color, national origin, ancestry, sex, gender identity or
838 expression, marital status, age, lawful source of income, familial status,
839 learning disability or physical or mental disability.

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

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

852 (B) To discriminate against any person in the terms, conditions or
853 privileges of sale or rental of a dwelling, or in the provision of services
854 or facilities in connection with such dwelling, because of a learning
855 disability or physical or mental disability of: (i) Such person; or (ii) a
856 person residing in or intending to reside in such dwelling after it is so
857 sold, rented, or made available; or (iii) any person associated with such
858 person.

859 (C) For purposes of this subdivision, discrimination includes: (i) A
860 refusal to permit, at the expense of a person with a physical or mental
861 disability, reasonable modifications of existing premises occupied or to
862 be occupied by such person if such modifications may be necessary to
863 afford such person full enjoyment of the premises; except that, in the
864 case of a rental, the landlord may, where it is reasonable to do so,
865 condition permission for a modification on the renter agreeing to
866 restore the interior of the premises to the condition that existed before
867 the modification, reasonable wear and tear excepted; (ii) a refusal to
868 make reasonable accommodations in rules, policies, practices or
869 services, when such accommodations may be necessary to afford such
870 person equal opportunity to use and enjoy a dwelling; (iii) in
871 connection with the design and construction of covered multifamily
872 dwellings for the first occupancy after March 13, 1991, a failure to
873 design and construct those dwellings in such manner that they comply
874 with the requirements of Section 804(f) of the Fair Housing Act or the
875 provisions of the state building code as adopted pursuant to the
876 provisions of sections 29-269 and 29-273, whichever requires greater
877 accommodation. "Covered multifamily dwellings" means buildings
878 consisting of four or more units if such buildings have one or more
879 elevators, and ground floor units in other buildings consisting of four
880 or more units.

881 (7) For any person or other entity engaging in residential real-estate-
882 related transactions to discriminate against any person in making
883 available such a transaction, or in the terms or conditions of such a
884 transaction, because of race, creed, color, national origin, ancestry, sex,
885 gender identity or expression, marital status, age, lawful source of
886 income, familial status, learning disability or physical or mental
887 disability.

888 (8) To deny any person access to or membership or participation in
889 any multiple-listing service, real estate brokers' organization or other
890 service, organization, or facility relating to the business of selling or
891 renting dwellings, or to discriminate against him in the terms or
892 conditions of such access, membership or participation, on account of

893 race, creed, color, national origin, ancestry, sex, gender identity or
894 expression, marital status, age, lawful source of income, familial status,
895 learning disability or physical or mental disability.

896 (9) To coerce, intimidate, threaten, or interfere with any person in
897 the exercise or enjoyment of, or on account of his having exercised or
898 enjoyed, or on account of his having aided or encouraged any other
899 person in the exercise or enjoyment of, any right granted or protected
900 by this section.

901 Sec. 27. Subsection (e) of section 46a-64c of the general statutes is
902 repealed and the following is substituted in lieu thereof (*Effective*
903 *October 1, 2011*):

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

910 Sec. 28. Subsection (a) of section 46a-66 of the general statutes is
911 repealed and the following is substituted in lieu thereof (*Effective*
912 *October 1, 2011*):

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

919 Sec. 29. Subsection (a) of section 46a-70 of the general statutes is
920 repealed and the following is substituted in lieu thereof (*Effective*
921 *October 1, 2011*):

922 (a) State officials and supervisory personnel shall recruit, appoint,
923 assign, train, evaluate and promote state personnel on the basis of

924 merit and qualifications, without regard for race, color, religious creed,
925 sex, gender identity or expression, marital status, age, national origin,
926 ancestry, mental retardation, mental disability, learning disability or
927 physical disability, including but not limited to, blindness, unless it is
928 shown by such state officials or supervisory personnel that such
929 disability prevents performance of the work involved.

930 Sec. 30. Subsection (a) of section 46a-71 of the general statutes is
931 repealed and the following is substituted in lieu thereof (*Effective*
932 *October 1, 2011*):

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

938 Sec. 31. Subsection (b) of section 46a-72 of the general statutes is
939 repealed and the following is substituted in lieu thereof (*Effective*
940 *October 1, 2011*):

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

948 Sec. 32. Subsection (a) of section 46a-73 of the general statutes is
949 repealed and the following is substituted in lieu thereof (*Effective*
950 *October 1, 2011*):

951 (a) No state department, board or agency may grant, deny or revoke
952 the license or charter of any person on the grounds of race, color,
953 religious creed, sex, gender identity or expression, marital status, age,
954 national origin, ancestry, mental retardation, mental disability,

955 learning disability or physical disability, including, but not limited to,
956 blindness, unless it is shown by such state department, board or
957 agency that such disability prevents performance of the work
958 involved.

959 Sec. 33. Subsection (a) of section 46a-75 of the general statutes is
960 repealed and the following is substituted in lieu thereof (*Effective*
961 *October 1, 2011*):

962 (a) All educational, counseling, and vocational guidance programs
963 and all apprenticeship and on-the-job training programs of state
964 agencies, or in which state agencies participate, shall be open to all
965 qualified persons, without regard to race, color, religious creed, sex,
966 gender identity or expression, marital status, age, national origin,
967 ancestry, mental retardation, mental disability, learning disability or
968 physical disability, including, but not limited to, blindness.

969 Sec. 34. Subsection (a) of section 46a-76 of the general statutes is
970 repealed and the following is substituted in lieu thereof (*Effective*
971 *October 1, 2011*):

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

978 Sec. 35. Subsections (b) and (c) of section 52-571d of the general
979 statutes are repealed and the following is substituted in lieu thereof
980 (*Effective October 1, 2011*):

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

984 (c) All classes of membership in a golf country club shall be
985 available without regard to race, religion, color, national origin,

986 ancestry, sex, gender identity or expression, marital status or sexual
987 orientation.

988 Sec. 36. Section 53-37a of the general statutes is repealed and the
989 following is substituted in lieu thereof (*Effective October 1, 2011*):

990 Any person who, with the intent to subject, or cause to be subjected,
991 any other person to the deprivation of any rights, privileges or
992 immunities, secured or protected by the Constitution or laws of this
993 state or of the United States, on account of religion, national origin,
994 alienage, color, race, sex, gender identity or expression, sexual
995 orientation, blindness or physical disability, violates the provisions of
996 section 46a-58, as amended by this act, while wearing a mask, hood or
997 other device designed to conceal the identity of such person shall be
998 guilty of a class D felony.

999 Sec. 37. (NEW) (*Effective October 1, 2011*) The provisions of
1000 subsection (a) of section 4a-60, subsection (c) of section 8-169s, section
1001 8-265c, subsection (c) of section 8-294, section 8-315, subsection (a) of
1002 section 10-15c, section 10-153, subsection (b) of section 10a-6,
1003 subsection (a) of section 11-24b, sections 16-245r and 16-247r,
1004 subsection (b) of section 28-15, section 31-22p, subsection (e) of section
1005 31-57e, sections 32-204, 32-277, 38a-358 and 42-125a, subsection (c) of
1006 section 42-125b, subsection (a) of section 46a-58, subsection (a) of
1007 section 46a-59, subsection (a) of section 46a-60, subsection (a) of section
1008 46a-64, subsections (a) and (e) of section 46a-64c, subsection (a) of
1009 section 46a-66, subsection (a) of section 46a-70, subsection (a) of section
1010 46a-71, subsection (b) of section 46a-72, subsection (a) of section 46a-73,
1011 subsection (a) of section 46a-75, subsection (a) of section 46a-76,
1012 subsections (b) and (c) of section 52-571d and section 53-37a of the
1013 general statutes, as amended by this act, that prohibit discrimination
1014 on the basis of gender identity or expression shall not apply to a
1015 religious corporation, entity, association, educational institution or
1016 society with respect to the employment of individuals to perform work
1017 connected with the carrying on by such corporation, entity,
1018 association, educational institution or society of its activities, or with

1019 respect to matters of discipline, faith, internal organization or
 1020 ecclesiastical rule, custom or law which are established by such
 1021 corporation, entity, association, educational institution or society.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46a-51
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	4a-60(a)
Sec. 4	<i>October 1, 2011</i>	8-169s(c)
Sec. 5	<i>October 1, 2011</i>	8-265c
Sec. 6	<i>October 1, 2011</i>	8-294(c)
Sec. 7	<i>October 1, 2011</i>	8-315
Sec. 8	<i>October 1, 2011</i>	10-15c(a)
Sec. 9	<i>October 1, 2011</i>	10-153
Sec. 10	<i>October 1, 2011</i>	10a-6(b)
Sec. 11	<i>October 1, 2011</i>	11-24b(a)
Sec. 12	<i>October 1, 2011</i>	16-245r
Sec. 13	<i>October 1, 2011</i>	16-247r
Sec. 14	<i>October 1, 2011</i>	28-15(b)
Sec. 15	<i>October 1, 2011</i>	31-22p
Sec. 16	<i>October 1, 2011</i>	31-57e(e)
Sec. 17	<i>October 1, 2011</i>	32-204
Sec. 18	<i>October 1, 2011</i>	32-277
Sec. 19	<i>October 1, 2011</i>	38a-358
Sec. 20	<i>October 1, 2011</i>	42-125a
Sec. 21	<i>October 1, 2011</i>	42-125b(c)
Sec. 22	<i>October 1, 2011</i>	46a-58(a)
Sec. 23	<i>October 1, 2011</i>	46a-59(a)
Sec. 24	<i>October 1, 2011</i>	46a-60(a)
Sec. 25	<i>October 1, 2011</i>	46a-64(a)
Sec. 26	<i>October 1, 2011</i>	46a-64c(a)
Sec. 27	<i>October 1, 2011</i>	46a-64c(e)
Sec. 28	<i>October 1, 2011</i>	46a-66(a)
Sec. 29	<i>October 1, 2011</i>	46a-70(a)
Sec. 30	<i>October 1, 2011</i>	46a-71(a)
Sec. 31	<i>October 1, 2011</i>	46a-72(b)
Sec. 32	<i>October 1, 2011</i>	46a-73(a)
Sec. 33	<i>October 1, 2011</i>	46a-75(a)
Sec. 34	<i>October 1, 2011</i>	46a-76(a)

Sec. 35	<i>October 1, 2011</i>	52-571d(b) and (c)
Sec. 36	<i>October 1, 2011</i>	53-37a
Sec. 37	<i>October 1, 2011</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Potential Revenue Gain	5,000	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits discrimination on the basis of gender identity or expression. This conforms statute to current practice for the Commission on Human Rights and Opportunities and does not result in a fiscal impact to the agency.

Sections 22 and 36 of the bill expand the definition of certain crimes involving the deprivation of rights to include a victim's gender identity or expression, which will result in a revenue gain to the General Fund of less than \$5,000. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated less than 10 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

It is anticipated that the number of additional offenders placed on probation would be less than 10, and would not result in additional resources being required by the Judicial Department.

¹ Since 2003, there have been 15 offenses filed with the Superior Court for this offense.

OLR Bill Analysis**HB 6599*****AN ACT CONCERNING DISCRIMINATION.*****SUMMARY:**

This 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 (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 over which CHRO has jurisdiction 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 identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. This definition is similar to the one in the declaratory ruling.

The bill gives CHRO jurisdiction to investigate complaints of discrimination on the basis of gender identity or expression against students by public schools (see BACKGROUND - Related Cases). It also allows CHRO to investigate this type of discrimination at private golf country clubs.

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 specifies that its provisions that prohibit discrimination on the basis of gender identity or expression do not apply to religious corporations, entities, associations, educational institutions, or societies regarding (1) employment of people to perform work for them or (2) matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that they have established.

The bill makes it a class A misdemeanor to deprive someone of rights, privileges, or immunities secured or protected by the state or federal laws or constitutions because of the person's 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 or expression while wearing a mask, hood, or other device designed to conceal his or her identity. A class D felony is punishable by imprisonment for up to five years, a fine of up to \$ 5,000, or both.

EFFECTIVE DATE: October 1, 2011

DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, HOUSING, CREDIT, AND OTHER AREAS WITHIN SCOPE OF CHRO'S DECLARATORY RULING

CHRO's 2000 declaratory ruling concluded CHRO had jurisdiction to investigate claims 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 because they are covered under the prohibition against sex discrimination. The bill explicitly authorizes CHRO to investigate complaints of discrimination on the basis of gender identity or expression in these areas, including certain provisions beyond those specifically challenged in the petition leading to the declaratory ruling. The bill applies the same rules, 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.

§ 24 — Employment

The bill prohibits an employer or employer's agent, except in the case of a bona fide occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges based on the individual's gender identity or expression. This prohibition applies to any employer, public or private, that employs three or more people. It applies to all employees except those employed by their parents, spouse, or children, or employed in domestic service.

The bill also prohibits the following kinds of employment discrimination based on gender identity or expression:

1. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
2. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee, unless the action is due to a bona fide occupational qualification;
3. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint;
4. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so;
5. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates, except for a bona fide occupational qualification or need; and

6. employers, employment agencies, labor organizations, or any of their agents harassing an employee, person seeking employment, or member.

§ 25 — Public Accommodations

The bill prohibits anyone from denying someone, on the basis of gender identity or expression, full and equal accommodations in any public establishment (i.e., one that caters or offers its services, facilities or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to all people. It further prohibits discriminating, segregating, or separating people on the basis of gender identity or expression. Violators are subject to a fine of between \$25 and \$100, up to 30 days' imprisonment, or both.

§§ 26-27 – Housing

The bill prohibits the following kinds of housing discrimination based on gender identity or expression:

1. refusing to sell or rent after a person makes a bona fide offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;
2. discriminating in the terms, conditions, or privileges of a dwelling's sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, publishing, or causing this to be done, any notice, statement, or advertisement concerning the sale or rental of a dwelling that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;
4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental (this includes restricting or attempting to restrict someone's choices to buy or rent a

dwelling (a) to an area substantially populated, even if less than a majority, by other persons of the same gender identity or expression, (b) by a person authorized to offer for sale or rent another dwelling which meets the buyer's or renter's expressed housing criteria, and (c) that other dwelling is in an area not substantially populated by people of the same gender identity or expression as the buyer or renter);

5. for profit, inducing or attempting to induce someone to sell or rent a dwelling by representing that people of a particular gender identity or expression are moving, or may move, into the neighborhood;
6. any person or entity engaging in residential real estate transactions discriminating in making a transaction available, or in its terms or conditions;
7. denying someone access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminating in the terms or conditions of such access, membership, or participation; and
8. coercing, intimidating, threatening, or interfering with someone in the exercise or enjoyment of, or on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of, these rights.

Violators are subject to a fine of between \$25 and \$100, up to 30 days' imprisonment, or both.

The law's prohibitions on housing discrimination do not apply to either of the following, if the owner maintains his or her residence there: (1) renting a room or rooms in a single-family dwelling unit or (2) a unit in a two-family dwelling.

The bill also makes a conforming change by specifying that it does not prohibit a property appraiser from considering factors other than

gender identity or expression or other specified impermissible factors.

§ 28 — Credit

The bill prohibits a creditor from discriminating against any adult in a credit transaction on the basis of gender identity or expression.

Other Areas Subject to CHRO's Jurisdiction

CHRO's declaratory ruling also determined that CHRO has jurisdiction to investigate claims of discrimination based on gender identity or expression under other laws over which CHRO has jurisdiction. The bill gives CHRO the explicit authority to investigate such complaints under these other laws. Specifically, it:

1. subjects any professional or trade association, board, or other organization whose profession, trade, or occupation requires a state license, to a fine of between \$100 to \$500 for denying a person membership because of his or her gender identity or expression (§ 23);
2. 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 to gender identity or expression (§ 29);
3. requires state agency services to be performed without discrimination based on gender identity or expression (§ 30);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her gender identity or expression (§ 31);
5. 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 (§ 32);
6. 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 (§ 33); and

7. 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, and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations which discriminate on this basis (§ 34).

§§ 8, 9 & 22 — DISCRIMINATION AGAINST STUDENTS IN PUBLIC SCHOOLS

The bill requires public schools to be open to all children and to give them an equal opportunity to participate in the activities, programs, and courses of study the schools offer without discrimination on account of gender identity or expression. It also prohibits boards of education from discriminating on the basis of gender identity or expression in employing or paying teachers.

Under current law, it is a discriminatory practice for anyone to deprive another person of any rights, privileges, or immunities, secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability. The bill adds gender identity or expression to this list. By doing so, and by prohibiting discrimination against students on the basis of gender identity or expression in public schools with respect to activities, programs, and courses of study, the bill authorizes CHRO to investigate claims of discrimination against students on the basis of gender identity or expression by public schools (see BACKGROUND – Related Cases).

§§ 3-7, 10-19, & 35 — 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 every contract to which the state or any political subdivision of the state, other than a municipality, is a party to require the contractor to (a) agree that, in performing the contract, he or she will not unlawfully discriminate or permit discrimination on the grounds of gender identity or expression and (b) agree to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their gender identity or expression (§ 3);
2. requires that contracts transferring urban homesteading property provide, among other things, that in the sale or rental of such property, no person be discriminated against on the basis of gender identity or expression (§ 4);
3. requires the Connecticut Housing Finance Authority to require that occupancy of all housing it finances or otherwise assists be open to all people regardless of gender identity or expression and that the contractors and subcontractors engaged in building or rehabilitating such housing take affirmative action to provide equal opportunity for employment without discrimination as to gender identity or expression (§ 5);
4. requires transfers of urban rehabilitation property by legislative bodies to be made through a contract 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 (§ 6);
5. requires municipalities to take all necessary steps to ensure that occupancy of all housing financed or otherwise assisted under the Municipal Housing Finance Assistance Act be open to all people regardless of gender identity or expression (§ 7);
6. requires, within the limits of authorized expenditures, that 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 (§ 10);
7. conditions a public library's state grant eligibility on the library providing equal access to library services and not discriminating on the basis of gender identity or expression, among other requirements (§ 11);
 8. prohibits electric suppliers from refusing to provide electric generation services, or refusing to negotiate to provide such services, to any customer because of gender identity or expression (§ 12);
 9. prohibits telephone companies or certified telecommunications providers from refusing to provide telecommunications services, or refusing to negotiate to provide such services, to any customer because of gender identity or expression (§ 13);
 10. prohibits anyone from discriminating on the basis of gender identity or expression in carrying out any civil preparedness or federal major disaster or emergency assistance function (§ 14);
 11. requires the labor commissioner to formulate apprenticeship work training standards and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to gender identity or expression (§ 15);
 12. requires that the employment rights code tribes must adopt in order to receive certain state services or funds to include a provision that a commercial enterprise subject to tribal jurisdiction must not, except for a bona fide occupational qualification or need, refuse to hire or employ, or bar or discharge from employment, any individual or discriminate against him or her in compensation or in employment terms, conditions, or privileges because of the individual's gender identity or expression (§ 16);
 13. requires the Lower Fairfield County Conference or Exhibition

Authority to adopt procedures for contractors and subcontractors engaged in building the Stamford conference or exhibition facility project that require them to take affirmative action to provide equal opportunity for employment without discrimination based on gender identity or expression (§ 17);

14. requires applicants for financial assistance from a regional corporation to certify that they will not discriminate against any employee or job applicant 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) (§ 18);
15. prohibits auto insurance companies from declining, canceling, or refusing to renew auto insurance policies solely on the basis of gender identity or expression, unless the company is part of an insurer group and another member of the group would not decline a similar application on this basis (§ 19); and
16. 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 (§ 35).

§§ 20, 21 — Discriminatory Boycotts

The bill declares that it is state policy to oppose discriminatory boycotts, not specifically authorized by federal law, that are 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 an agreement, understanding, or contractual arrangement for economic benefit by a person with a foreign government, foreign person, or international organization, not

specifically authorized by federal law, in order to restrict, condition, prohibit, or interfere with any business relationship in Connecticut on the basis of a domestic individual's gender identity or expression.

For these purposes, domestic individuals include people and businesses whose residence, domicile, or principal place of business is in Connecticut or who do business in Connecticut.

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.) (unreported)). 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 a recent unreported Superior Court case, the complainant and the CHRO challenged the CHRO referee's ruling dismissing the claims of the complainant, a transgendered woman, against her employer, a police department. The court sent the matter back to the CHRO after determining that the CHRO referee erred in dismissing her claims. The court determined that among other issues, the CHRO referee incorrectly relied on *Conway* in concluding that the complainant could not pursue a claim of discrimination based on physical disability. The court cited the CHRO's declaratory ruling, among other factors (*Commission on Human Rights & Opportunities v. City of Hartford*, 2010 Conn. Super. LEXIS 2727, CV094019485S, J.D. of New Britain (Oct. 27, 2010) (unreported)).

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 27 Nay 14 (04/05/2011)