



State of Connecticut
**COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES**

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

**Government Administration and Elections Committee Public Hearing
March 19, 2021**

CHRO Testimony Regarding:

SB 1052 – AAC a Disparity Study HB 6444 – AAC the Modernization of State Services; HB 6209 – AA Establishing Juneteenth Independence Day as a Legal Holiday; HB 5654 – AAC the Updating of State Forms, Applications and Methods of Identification to Include a Nonbinary Gender Option; SB 761 – AA Permitting the Use of Citizens’ Election Program Grant Funds to Offset a Participating Candidate’s Child Care Costs; SB 883 – AAC the Recommendations of the Governor’s Council of Women and Girls; HB 5651 – AAC Absentee Ballots for Certain Detained Individuals

Senator Flexer, Representative Fox, Senator Sampson, Representative Mastrofrancesco and members of the Government Administration and Elections Committee, the Commission on Human Rights and Opportunities appreciates the chance to testify in support of SB 1052, An Act Concerning a Disparity Study, and to submit testimony regarding various other bills on today’s agenda.

SB 1052 – An Act Concerning a Disparity Study

The Commission appreciates the GAE Committee raising this important bill. SB 1052 would require the Commission to work with the Department of Administrative Services to issue a request for proposals for the conducting of a much needed disparity study. The Commission continues to work with DAS on the language in subsection (a) to ensure that the procurement process envisioned by the subsection is structured in the best way possible.

The Commission, through its Contract Compliance Unit, enforces the state’s antidiscrimination contract compliance laws which include set aside plan compliance under Conn. Gen. Statute §§4a-60, 4a-60a and 4a-60g. The set aside program guarantees that competitive bidding and other contracting processes will give qualified but underutilized small businesses within the state the opportunity to get state contracts. These set asides (currently 25% for small businesses and 6.25% for businesses owned by women, ethnic minorities, and individuals with disabilities) are designed to create greater inclusion of historically disadvantaged persons in state funded public works contracts. The program, in turn, contributes to the state’s economic development by allowing dollars to be turned over within the state and keeping state dollars in local small businesses.

The laudable goals behind the state set aside program must stand on solid legal ground, however. Set asides must be grounded in specific strong evidence that shows past or present discrimination against each of the protected classes in the set aside program. The state last conducted a disparity

study in 1992. Certainly, the diversity and economy of Connecticut has changed substantially in almost 30 years. A disparity study would provide an accurate picture of the availability pool of small contractors owned by women, ethnic minorities and individuals with disabilities and ensure equity and equality in state contracting by affirmatively addressing underutilization.

Conducting a disparity study will give us a more complete picture of the economic realities facing small and minority owned businesses, and is an important step in addressing the inequities existing in the state.

HB 6444 – An Act Concerning the Modernization of State Services

The Commission on Human Rights and Opportunities agrees with many of the goals of HB 6444, which aims to modernize some of the functions of state services. The Commission appreciates the Department of Administrative Services’ willingness to work with the Commission on the language in Sections 1-7. These sections will accomplish the goal of DAS to streamline contracting processes while maintaining the Commission’s goal of ensuring that the requirement that contractors not discriminate in the performance of state finance contracts is preserved.

The Commission does have a few concerns that it has shared with DAS about changing the definition of “small contractor” to one that is certified as a small business with the United States Small Business Administration (“SBA”), which this bill does in Section 8. By adopting the SBA certified business standard, the eligibility standards for small contractors who will be able to participate in the Connecticut set aside program established by Conn. Gen. Stat. §4a-60g will be significantly raised. Doing so will open the program to middle-sized businesses in Connecticut and these larger, more established firms may squeeze out the smaller firms that currently participate in the program. Further, while the current state definition of “small contractor” is fairly simple, the SBA’s small business certification involves an expansive industry-specific definitions and standards, complicating the program. Finally, while the SBA could change its standards and definitions in the future without any input from Connecticut.

If the set aside program is intended as a program to support Connecticut small businesses, this change in the definition of “small contractor” adversely impacts the ability of the program to be successful. The Commission appreciates the opportunity to provide comments on HB 6444 and looks forward to continuing to work with DAS on these issues.

HB 6209 – An Act Establishing Juneteenth Independence Day as a Legal Holiday

The Commission enthusiastically supports HB 6209, making Juneteenth Independence Day a legal holiday. Like so many aspects of American history, the story of our nation’s independence erases the lived reality of millions of enslaved Black Americans. While White Americans gained independence with the ratification of the Declaration of Independence on July 4, 1776, over

500,000 Black Americans were still enslaved.¹ Enslaved people accounted for approximately 1/5th of the population in the colonies in 1776.

Juneteenth has long been celebrated by the Black community, commemorating the anniversary of when word of the Emancipation Proclamation finally reached the enslaved people of Galveston, Texas on June 19, 1865. Currently, 47 states and the District of Columbia recognize Juneteenth as an official state holiday or observance. A few have gone further in naming it a paid state holiday. It is time for Connecticut to recognize Juneteenth as a legal holiday and educate its citizens about the significance of this history.

Dr. Martin Luther King, Jr. famously said, “no one is free until we are all free.” Until the most marginalized people in our nation share the same rights, safety, and dignity, we are not free. Dr. King also said, “The time is always right to do what is right.” That time is now.

SB 761 – An Act Permitting the Use of Citizens’ Election Program Grant Funds to Offset a Participating Candidate’s Child Care Costs

SB 883 – An Act Concerning the Recommendations of the Governor’s Council on Women and Girls

The Commission on Human Rights and Opportunities supports SB 761 and SB 883 and the provisions adding childcare expenses to the list of qualifying expenses for which a candidate can use Citizens’ Elections Fund money. This opens the field of candidates who can run for election to individuals who might not otherwise do so because they have young children. While nationally the average male state legislator is 56 years old and the average female state legislator is 58 years old, legislators are generally less diverse than the populations that they represent.² This holds true in Connecticut, as can be seen below³:

	Population in CT	Representation in CT Legislature
Women	51%	33%
Black	12%	9%
Latinx	17%	6%
Millennials ³	28%	4%

More than 19% of CT heads of households are single women.⁴ Outdated prohibitions on utilizing Election Fund money for childcare expenses disproportionately foreclose opportunities for women, especially women of color. Opening opportunities increases the diversity of experience that people can bring to their governing. Our legislatures pass laws that affect all aspects of our lives. Those laws should reflect the diversity of experiences of our citizens.

¹ <https://www.crf-usa.org/black-history-month/the-constitution-and-slavery#:~:text=In%20the%20declaration%2C%20Jefferson%20expressed,500%2C000%20black%20Americans%20were%20slaves.>

² <https://www.ncsl.org/research/about-state-legislatures/who-we-elect.aspx>

³ <https://www.ncsl.org/research/about-state-legislatures/who-we-elect-an-interactive-graphic.aspx#>

⁴ <https://www.towncharts.com/Connecticut/Connecticut-state-Demographics-data.html>

SB 883 also addresses the need for diversity in various Executive Department Boards and Commissions that participate in state civic life. Section 5 requires the Department of Administrative Services to create and maintain an electronic system through which individuals can submit names to be considered for such Boards and Commissions. Section 6 requires appointing authorities to consider individuals recommended by organizations representing the interests of gender and racial diversity and make good faith efforts to seek out individuals representing such diversity for appointment. It is important that the viewpoints of all of Connecticut's residents be reflected in the boards and commissions that influence decision-making. For too long, the effect of laws and regulations on Black and Brown residents of our state have been overlooked. Requiring good faith efforts to include people from all communities will go a long way in providing a remedy for this exclusion.

HB 5654 – An Act Concerning the Updating of State Forms, Applications and Methods of Identification to Include a Nonbinary Gender Option

The Commission strongly supports HB 5654 and its requirement that all state forms and applications used by the public include a nonbinary sex or gender option. Connecticut made the right decision several years ago to extend antidiscrimination protections to people on the basis of their gender identity, and this bill is a logical step in protecting the dignity of the transgender and nonbinary communities.

HB 5651 – An Act Concerning Absentee Ballots for Certain Detained Individuals

As the state's civil rights agency, the Commission supports HB 5651 and its expansion of the right to vote even for people convicted of a disqualifying felony. We should not perpetuate a system where only certain people have a voice. Putting unnecessary barriers in place is an act of voter suppression. We should eliminate obstacles through any means possible. This bill is a first step.

The Commission encourages the legislature to consider additional steps, as people of color are more likely to be detained by the criminal justice system (and incarcerated). Any barrier to voting due to interaction with our criminal system has a disparate impact on people of color. The language should also be clear that the detained individual's absentee ballot is from the town they resided in *prior to the detention*. It is important for people to effect change, through their vote, in the community they choose to live in.