

Department of Administrative Services 2021 Legislative Report

This report summarizes the legislation passed during the 2021 Legislative Session, including the June and July Special Sessions, that relates to DAS and its Divisions. Acts that affect multiple business units are summarized in Sections 1 through 3. Acts that apply to specific DAS business units are summarized in their respective sections.

Every attempt has been made to include the summaries in the most appropriate division sections, however there are many acts that have broad implications for many divisions, and directors should review all new legislation to determine its impact on their divisions and make any plans necessary to implement and ensure compliance with new statutory mandates. Please be sure to pay special attention to effective dates.

Navigating this document:

Please note that:

- Headings in the Table of Contents are “clickable” and will take you to the relevant section within the report; and
- Each Public Act number listed herein contains a hyperlink to the full text of the Public Act on the Connecticut General Assembly website.

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Section 1 – Budget and Bond Bills

[Special Act 21-15](#), AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE THIRTIETH, 2023, AND MAKING APPROPRIATIONS THEREFOR, AND MAKING DEFICIENCY AND ADDITIONAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, 2021 (“Budget Bill”)

The Budget Bill contains several provisions that relate to multiple DAS business units, which are summarized below. Sections of the budget bill that are of particular interest to a specific unit are summarized under the headings for that business unit.

DAS – GENERAL FUND	FY 2022	FY2023
Personal Services	63,731,725	60,226,372
Other Expenses	29,034,392	28,708,951
Loss Control Risk Management	88,003	88,003
Employees' Review Board	17,611	17,611
Surety Bonds for State Officials and Employees	113,975	71,225
Refunds Of Collections	20,381	20,381
Rents and Moving	4,610,985	4,610,985
Worker’s Compensation Administrator	5,000,000	5,000,000
State Insurance and Risk Management Operations	14,922,588	14,922,588
IT Services	24,274,194	24,940,353
Firefighters Fund	400,000	400,000
AGENCY TOTAL	142,213,854	139,006,469
DAS – SPECIAL TRANSPORTATION FUND	FY 2022	FY 2023
Personal Services	2,593,264	2,693,005
State Insurance and Risk Management Operations	11,011,449	11,011,449
IT Services	912,959	912,959
Worker’s Compensation Claims	8,259,800	8,259,800
AGENCY TOTAL	22,777,472	22,877,213
DAS – INSURANCE FUND	FY 2022	FY2023
Personal Services	110,507	114,758
Fringe Benefits	98,020	101,790
AGENCY TOTAL	208,527	216,548
DAS – CONSUMER COUNSEL & P.U.C. FUND	FY 2022	FY2023
Personal Services	72,643	75,437
Fringe Benefits	64,246	66,717
AGENCY TOTAL	136,889	142,154
DAS – WORKER’S COMPENSATION FUND	FY 2022	FY 2023
Personal Services	118,921	123,495
Fringe Benefits	106,434	110,528
AGENCY TOTAL	225,355	234,023

These appropriations do not include OPM holdbacks. Other sections of the budget require OPM to find additional savings. Specifically:

- **Section 10** allows OPM to reduce allotments to executive branch state agencies in order to achieve budget savings in the General Fund of \$44,315,570 in fiscal year 2022 and \$48,715,570 in fiscal year 2023.
- **Section 11** authorizes OPM to reduce allotments to executive branch state agencies to achieve retirement, restructuring or efficiency savings in the General Fund of \$4,607,283 during fiscal year 2022 and \$73,487,242 during fiscal year 2023.
- **Section 12** authorizes reductions in the allotments to executive branch state agencies to achieve budget savings in the Special Transportation Fund of \$12,000,000 in both FY 2022 and FY 2023.
- **Section 13**, among other things, prohibits OPM from reducing allotment requisitions or allotments in force in order to achieve any unallocated lapse in the General Fund for Fiscal Years 2022 and 2023 for fire training schools.
- **Section 15** prohibits OPM from allotting funds appropriated under this Act for Nonfunctional – Change to Accruals.
- **Section 16** authorizes OPM to: (a) transfer amounts appropriated for Personal Services under this act from agencies to the Reserve for Salary Adjustments account to reflect a more accurate impact of collective bargaining and related costs, and (b) to transfer funds appropriated under this act, for Reserve for Salary Adjustments, to any agency in any appropriated fund for salary increases, other employee benefits, agency costs related to staff reductions including accrual payments, achievement of agency personal services reductions, or other personal services adjustments authorized by this act and statute.

Other provisions of interest to DAS include the following sections.

Section 29 transfers unexpended appropriated balances as follows: (a) up to \$4,000,000 to CHRO to conduct a disparity study and equity study, and (b) up to \$34,000,000 to Worker’s Compensation Claims – Administrative Services, for claims for FY 2022.

Section 39 appropriates \$1.1 million to DAS from the Special Transportation Fund for the fiscal year that ended on June 30, 2021, to resolve a deficiency in the State Insurance Risk Management account.

[Public Act 21-111](#) -- AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, ESTABLISHING THE COMMUNITY INVESTMENT FUND 2030 BOARD, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND MAKING REVISIONS TO THE SCHOOL BUILDING PROJECT STATUTES. (Bonding Bill)

The Bonding Bill contains several provisions that relate to multiple DAS business units, which are summarized below.

Section 2 authorizes bond funds to DAS for the following purposes: Effective July 1, 2021.

- Removal or encapsulation of asbestos and hazardous materials in state-owned buildings, not exceeding \$10,000,000;
- Alterations, renovations and improvements to the Connecticut Building at the Eastern States Exposition in Springfield, Massachusetts, not exceeding \$1,000,000.

Section 21 authorizes bond funds to DAS for the following purposes: Effective July 1, 2022.

- Infrastructure repairs and improvements, including fire, safety and compliance with the Americans with Disabilities Act improvements, improvements to state-owned buildings and grounds, including energy conservation and off-site improvements, and preservation of unoccupied buildings and grounds, including office development, acquisition, renovations for additional parking and security improvements at state-occupied buildings, not exceeding \$5,000,000;
- Removal or encapsulation of asbestos and hazardous materials in state-owned buildings, not exceeding \$10,000,000;
- Capital construction, improvements, repairs, renovations and land acquisition at Fire Training Schools, not exceeding \$5,000,000.

Section 57 authorizes bond funds to DAS for school construction as follows:

- For FY 2022 -- \$550 million.
- For FY 2023 -- \$450 million.

Section 112 establishes a five-year bonding program, from FYs 23-27, to fund qualifying projects and grants in eligible municipalities that are designated as public investment communities (PIC) or alliance districts. It establishes a 21-member Community Investment Fund 2030 Board within the Department of Economic of Community Development (DECD), to accept applications for funding under the program from municipalities, community development corporations, and nonprofits undertaking eligible projects. The Commissioner of DAS, or his designee, is an ex-officio member of the Board. Details are included in Section 423 of [OLR's bill analysis](#). Effective upon passage.

Section 113 authorizes bond funds to DAS for School Construction Grant Commitments as follows:

(1) Estimated Grant Commitments.

School District	Project Number	Estimated Cost	Estimated Grant
NORTH BRANFORD	21DASY099053N0621 North Branford High School	\$66,242,390	\$29,100,282
NORWALK	21DASY103252N0621 Cranberry Elementary School	\$45,000,000	\$10,125,000
SOUTH WINDSOR	21DASY132093N0621 Pleasant Valley Elementary School	\$58,500,000	\$22,148,100
TORRINGTON	21DASY143076N0621 Torrington Middle & High School	\$159,575,000	\$100,308,845
WEST HAVEN	21DASY156142N0621	\$38,803,926	\$26,052,956

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	Washington Elementary School		
DANBURY	21DASY034150EA0621 Ellsworth Avenue School Annex	\$9,600,000	\$6,137,280
HARTFORD	21DASY064316RNV0621 Betances Learning Lab Magnet School	\$43,709,774	\$41,524,285
HARTFORD	21DASY064317RNV0621 E. B. Kennelly School	\$51,416,225	\$48,845,414
HARTFORD	21DASY064318RNV0621 Fred D. Wish Museum School	\$49,320,000	\$46,854,000
KILLINGLY	21DASY069069RNV0621 Killingly Memorial School	\$34,000,000	\$24,981,400
NEWINGTON	21DASY094109RNV0621 Anna Reynolds Elementary School	\$35,500,000	\$20,792,350
NORWALK	21DASY103253EA0621 Naramake Elementary School	\$3,500,000	\$1,137,500
WESTPORT	21DASY158099RNV0621 Coleytown Middle School	\$32,372,235	\$6,820,830
REGIONAL DISTRICT 1	21DASY201049VE0621 Housatonic Valley Regional High School	\$319,533	\$255,626
LEARN	21DASY245089SP0621 LEARN Ocean Avenue Academy	\$9,851,000	\$7,880,800

(2) Previously Authorized Projects That Have Changed Substantially in Scope or Cost which are Seeking Reauthorization.

School District	Project Number	Estimated Project Cost Authorized	Estimated Project Cost Requested	Total Grant Authorized	Total Grant Requested
WINDHAM	Windham High School 163-0079 RNV	\$71,670,200	\$112,329,500	\$57,078,147	\$89,459,214

(3) Previously Authorized Projects For the Technical Education and Career System That Have Changed Substantially in Scope or Cost which are Seeking Reauthorization.

School District	Project Number	Estimated Project Cost Authorized	Estimated Project Cost Requested	Total Grant Authorized	Total Grant Requested
CTECS (Bridgeport)	Bullard-Havens 900-0015 VT/EA	\$60,383,000	\$139,447,195	\$60,383,000	\$139,447,195

Section 114 adds a requirement for water bottle filling stations to be included in all school building projects for new construction, extension, major alteration, renovation, or replacement on any project list DAS submits to the General Assembly beginning July 1, 2022 (next year’s school construction priority list). It does this by prohibiting DAS from approving any school building project plan that does not provide for the installation of at least one water bottle filling station:

- per 100 students of the projected school building enrollment,
- on each new floor or wing of the school building, and
- in any food service area of the school building.

Effective July 1, 2021

Section 115 requires DAS, starting by January 1, 2023, to biennially develop a status report on all current and pending school building projects for the Technical Education and Career System (TECS) (formerly known as the technical high school system). The status report must include: (1) the costs associated with each TECS school building project, (2) the anticipated date of the next project application for each TECS school, (3) the projected start date of pending projects, and (4) the date of completion of current school building projects. DAS must submit the report to the Education Committee. Effective July 1, 2021.

Sections 116-119 & 121-128, collectively, exempt 20 school construction projects from various statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) receive higher reimbursement percentages for these grants, or (3) receive a lower project withholding amount prior to completing an audit. Effective upon passage.

Bill Section	Town	School and Project	Exemption, Waiver or Other Change
116	Hamden	Spring Glen School, new construction	Waives any audit deficiencies provided the costs do not exceed \$1,792,894
116	Hamden	Wintergreen Interdistrict Magnet School facility	Waives any audit deficiencies provided the costs do not exceed \$1,315,012
116	Hamden	Hamden Middle School, new construction	Waives any audit deficiencies provided the costs do not exceed \$2,942,200
117	New Britain	Chamberlain Elementary School, renovation	Allows change of project scope to include preschool facilities provided the cost does not exceed \$75 million
118	New Britain	Holmes Elementary School, renovation	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$55 million, provided the town files an application by October 1, 2023 Increases the project reimbursement rate from 79.29% to 95% if (1) New Britain is an educational reform district on the bill's effective date and (2) the school building committee for the project meets the criteria set forth in section 120 of the Act*
119	New Britain	Jefferson Elementary School, renovation	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$55 million, provided the town files an application before October 1, 2025, and the project is otherwise eligible to under the program Increases the project reimbursement rate from 79.29% to 95%, if (1) New Britain is an educational reform district on the bill's effective date and (2) the school building

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			committee for the project meets the criteria set in section 120 of the Act*
121	Ansonia & Derby	Regional school district project, new construction or renovation	Increases the project reimbursement rate from 85% to the highest rate of the two towns plus an additional 20%, provided the towns file an application within 10 years of establishing the regional district and they are otherwise eligible to receive assistance through the program (actual reimbursement rate will depend upon the year and whether the project is new construction or renovation)**
122	Windham	Windham High School renovation project	Increases the project reimbursement rate from 79.64% to 95%, if (1) Windham is an educational reform district on the bill's effective date and (2) the beginning of construction is within one year of the bill's effective date*
123	Brookfield	Elementary school new construction	Waives requirement that all projects must be awarded after proper, publicly advertised invitation to bid, including notice on the state contracting portal, if the project is otherwise eligible under the program
124	West Haven	Washington Elementary School, new construction	Waives the standard building space requirements; reduces the project funds withholding percentage from 11% to 5% prior to completion of the required audit
125	West Haven	West Haven High School, renovation	Reduces the project funds withholding percentage from 11% to 5% prior to completion of the required audit; requires DAS to make a progress payment to the town equal to the difference between 11% and 5% of the reimbursement grant by September 1, 2021
126	New Britain (state project)	Goodwin Technical High School, project unspecified	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$40 million, if the application is filed by October 1, 2022, and the project is otherwise eligible under the program
127	Torrington	Torrington Middle and High School, new construction	Increases the project reimbursement rate from 62.86% to 85%, if the project is otherwise eligible under the program*
128	Hartford	Seven projects: University High School of Science and Engineering; Capitol Preparatory Magnet School; R. J. Kinsella Magnet School; Environmental Sciences	Waives any audit deficiencies (does not specify amounts)

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		Magnet School at Mary Hooker; Hartford Public High School; Fisher Magnet School; Webster School; and Sport and Medical Sciences Academy	
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*FY 2021 reimbursement rates are shown for reference; actual rates depend upon the year the application is submitted and the final determination of the project type (new or renovation).

**Of the two towns, Ansonia has the higher reimbursement rate for 2021: 77.5% for renovation and 67.5% for new construction

Section 2 – Budget Implementer Bill

[Public Act 21-2](#) (June Special Session) – AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023 (“Implementer Bill”).

The Implementer Bill contains several provisions that relate to multiple DAS business units, which are summarized below.

Sections 52-53 Inmate Phone Calls – amends [Public Act 21-54](#) – AN ACT CONCERNING COMMUNICATION SERVICES IN CORRECTIONAL AND JUVENILE DETENTION FACILITIES, to move up the implementation date, from October 1, 2022 to July 1, 2022, requiring the Department of Corrections to provide free telephone services to inmates, and to allow inmates to use telephone services for at least 90 minutes per day. Effective upon passage.

Section 81 (b) Equity Study – requires CHRO to oversee a study of equity in state government programs and actions. Not later than October 1, 2021, DAS, in consultation with CHRO and OPM, must issue an RFP to hire a national consultant with expertise in qualitative and quantitative research to (1) identify and assess any systemic barriers underserved communities face, (2) analyze potential barriers, and (3) evaluate existing inequities and barriers that were revealed or worsened by COVID-19 and whether new policies, regulations or guidance is required to advance equity in state agency actions or programs. The Act requires the consultant and Executive Branch agency heads to work with CHRO to consult with members of communities that are historically underrepresented and underserved by state government, or subject to discrimination in state policies and programs. The Act also requires Executive Branch agency heads to evaluate opportunities to increase coordination, communication and engagement with community-based and civil rights organizations. Finally, CHRO is required to submit the study to the GAE Committee by February 15, 2023. Details are included in Section 93 of [OLR’s bill analysis](#). Effective upon passage.

Section 154 Remote Meetings – requires the Advisory Committee on Intergovernmental Relations (ACIR), in consultation with FOIC, the Connecticut Association of Municipal Attorneys, and the state’s chief information officer or his designee, to study the (1) implementation of the bill’s remote meeting provisions and (2) feasibility of remote participation and voting during meetings, including through conference call, videoconference, or other technology.

The report must include (1) findings, including any challenges encountered; (2) best practice recommendations for implementing the bill’s remote participating and voting provisions; (3) a feasibility analysis for remote participation and voting during meetings; and (4) funding sources to implement remote participation and voting during meetings using electronic equipment. ACIR must report to the GAE and Planning and Development committees by February 1, 2022. Effective upon passage.

Section 189 Workforce and Retirement Task Force – establishes a legislative task force to study the state workforce and retiring employees. The study shall include, but need not be limited to, an examination of adequate succession planning by state agencies as a result of the retiring state employees in order to recruit and maintain the best talent in the state workforce, as well as a review of barriers to managerial recruitment. Effective upon passage.

Section 190 List of CT PPE Companies – requires DAS to (1) by October 1, 2021, compile, periodically update, and post on the Department’s website, a list of Connecticut companies that changed their business model to produce PPE in response to the COVID-19 pandemic, and (2) starting July 31, 2021, annually report the most recent list to the Appropriations and Commerce Committees. The Act also requires that beginning on August 1, 2021, state agencies, when purchasing PPE, shall make reasonable efforts to purchase at least 25% of such PPE from companies on the list. Effective upon passage. *NOTE: The July and August dates are inconsistent with the October 1 date for the first list, in that there will be no list by July 31, 2021 to deliver to the Committees, and no list available on August 1, 2021 from which state agencies must purchase. DAS has contacted both the Appropriations and Commerce committees regarding the discrepancy and our intention to propose language to resolve the issue in the 2022 session. We also have contacted the Auditors to inform them of the issue and our intention to address it legislatively.*

Section 194 Manager Raises and Benefits – requires the Commissioner of DAS to issue orders providing that executive or judicial department employees exempt from classified service or not included in any bargaining unit, be granted rights and benefits not less than those granted to employees in the classified service. Such order shall be subject to the approval of the Secretary of OPM. Effective July 1, 2021.

Section 307 CEN Broadband Funds – allocates \$10 million in ARPA funds to DAS for the Connecticut Education Network WiFi connectivity and broadband for public spaces. Effective from passage.

Section 454 Small Estate Collections – adds a notification requirement and filing deadline to DAS’s process of administering certain small estates in order to recover amounts provided to a deceased person who was supported or cared for by the State, and leaves an estate worth less than \$40,000. The Act now requires DAS to (1) complete a financial accounting of the estate’s assets and debts, and (2) make a reasonable effort to inform the next of kin in writing that the Commissioner intends to become the estate’s legal representative to recover only those amounts required to be recovered under federal law. Effective October 1, 2021. *NOTE: DAS is unable to complete either of these new mandates because (1) the probate procedures require the applicant of the estate to file the accounting, and (2) DAS does not have access to next of kin information, nor do we have the resources to determine next of kin. DAS has notified the Auditors of Public Accounts of this issue, and will seek to repeal these provisions in the 2022 legislative session.*

Sections 455-458 Collection Liens on Real Property – amend [Public Act 21-3](#) AN ACT MITIGATING ADVERSE TAX CONSEQUENCES RESULTING FROM EMPLOYEES WORKING REMOTELY DURING COVID-19, AND CONCERNING THE REMOVAL OF

LIENS ON THE PROPERTY OF PUBLIC ASSISTANCE BENEFICIARIES AND A THREE-TIERED GRANTS IN LIEU OF TAXES PROGRAM to prohibit DSS from placing liens on real property to recover cash assistance or medical assistance, unless such recovery is required by federal law. The Act further amends [Public Act 21-3](#) by prohibiting DSS from placing liens on real property to secure its claim on windfalls, lawsuit proceeds and inheritance beyond the amount required in each instance under federal law. Beginning July 1, 2021, the Act expands the prohibition of these types of recoveries to include claims filed against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, unless required by federal law or [C.G.S. 17b-93](#) as amended by this act, except that in the case of a liable parent whose proceeds are not subject to recovery under federal law, 50% of the proceeds received by the parent or the amount of assistance the parent owes after payment of all lawsuit-connected expenses (e.g., attorney fees), whichever is less. Additionally, any prohibited filed before July 1, 2021 are deemed to be released. Effective July 1, 2021.

Other Sections of Note:

Sections 147-151 Remote Meetings – extends the authority of public agencies to hold public meetings accessible to the public through electronic equipment until April 30, 2022, and establishes requirements for such meetings. The Act also sets out requirements for noticing such meetings, as well as allowing electronic notice of appeals to the Freedom of Information Commission. The FOIC has produced a [Primer](#) regarding the new remote meeting requirements. Effective from passage.

Section 201 State Contracting Standards Board – eliminates the additional funding for the State Contracting Standards Board for the fiscal years 2022 and 2023 that was included in the Budget Bill. Effective July 1, 2021.

Section 271 Data Sharing Agreements – allows the following state instrumentalities to enter into a data sharing agreement with one or more individuals or organizations: any office, department, board, commission, public higher education institution, or other state instrumentality sharing data from (1) tax return information for research or CP20 WIN data requests, (2) employers' quarterly filings with DOL, or (3) student and trainee data from private occupational schools and certain postsecondary training providers. The agreement must be considered a public record, and any state instrumentality that enters into one must not release any information that may endanger data security or safety. Details are included in Section 305 of [OLR's bill analysis](#). Effective July 1, 2021.

Section 288 Essential Workers COVID Assistance Program – establishes the Connecticut Essential Workers COVID-19 Assistance Program to provide benefits for lost wages, out-of-pocket medical expenses, and burial expenses to certain essential employees who could not work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19. The program's benefits are available within available funds and on a first-come, first-served basis, and will only be paid through June 30, 2024. Details are included in Section 323 of [OLR's bill analysis](#). Effective October 1, 2021.

Section 290 Prohibition Against Employee Discipline and Misinformation for Worker’ Compensation Claims – expands on current law that prohibits employers from discharging or discriminating against an employee because the employee filed a workers’ compensation claim or exercised his or her rights under the workers’ compensation law. The Act expands this protection to also prohibit employers from (1) disciplining employees for filing a claim or exercising their rights and (2) deliberately misinforming or dissuading them from filing a claim for workers’ compensation benefits or, starting October 1, 2021, a claim for benefits from the Connecticut Essential Workers COVID-19 Assistance Program. As under current law, employees subjected to a violation may either bring a lawsuit in Superior Court or file a complaint with the Workers’ Compensation Commission. Effective upon passage.

Section 291 Workers’ Compensation Burial Expenses – increases the workers’ compensation benefit for burial expenses from \$4,000 to \$12,000 once the bill passes. Then, starting on January 1, 2022, the bill requires the benefit to be annually adjusted by the previous calendar year’s percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Northeast, with no seasonal adjustment, as calculated by the federal Bureau of Labor Statistics. Effective upon passage.

Section 387 Connecticut Remote Learning Commission – requires the State Department of Education to establish the Connecticut Remote Learning Commission to analyze and provide recommendations about remote learning for public school students in grades kindergarten to 12. Under the bill, “remote learning” means instruction using one or more Internet-based software platforms as part of a remote learning model. Details are included in Section 423 of [OLR’s bill analysis](#). Effective July 1, 2021.

Sections 487 & 49 Waivers for Certain School Construction Projects – repeal three waivers of certain statutory or regulatory requirements that were granted in Public Act 21-111 of the 2021 regular session, for Jefferson Elementary School in New Britain, West Haven High School and Goodwin Technical High School in New Britain. The Act also modifies the waiver for the Washington Elementary School in West Haven. Details are included in Sections 534 and 537 of [OLR’s bill analysis](#). Effective July 1, 2021.

Section 489 Construction Management Contracts – delays, from July 1, 2021, until July 1, 2022, the effective date for changes to the law addressing how school construction contracts are awarded for construction management services. It instead maintains the selection criteria required by current law until July 1, 2022. Effective July 1, 2021.

Section 496 repeals [Public Act 21-65 – AN ACT CONCERNING PAYMENT RECOVERIES AND INCENTIVES UNDER PUBLIC ASSISTANCE PROGRAMS](#). Effective from passage.

Section 3 – DAS Legislative Proposals

[Public Act 21-76](#) -- AN ACT CONCERNING THE MODERNIZATION OF STATE SERVICES AND THE MEMBERSHIP OF THE COMMISSION FOR EDUCATIONAL TECHNOLOGY. (DAS/OTG PROPOSAL)

Sections 1-7 eliminate the requirements that contractors submit affidavits and/or certifications regarding their compliance with certain contracting laws, and instead requires that the applicable requirements be incorporated into the contracts. The requirements to be included in the contract itself are as follows, and new forms required pursuant to this new law can be found on OPM’s website [here](#): Effective July 1, 2021.

Section	Affidavit, Representation or Certification
1	Representation that the chief executive officer or authorized signatory of a state contract valued at more than \$500,000 and all key employees have read and understood the summary and agreed to comply with all ethics laws, and requires large state construction or procurement contractors to include this representation in each of their contracts entered into on or after July 1, 2021, with subcontractors and consultants. Under the Act, failure to do so is cause for terminating the contract.
2	Any principal or key personnel of a person, firm, or corporation that submits bids or proposals for a state contract valued at more than \$500,000 in a calendar or fiscal year must certify that (1) no gifts were given in connection with the contract; (2) there were no attempts to circumvent the gift prohibition; and (3) the bids or proposals are being submitted without fraud or collusion.
3	Prohibits state and quasi-public agencies from entering into, renewing, or amending a large state contract unless the contract contains the entity’s certification that it has not made any prohibited investments in Iran. Agencies must include notice of these representation requirements in bid specifications or RFPs for these contracts.
4	Any principal or key personnel of a person, firm, or corporation that submits bids or proposals for a goods and services contract with a total value of \$50,000 or more in a calendar or fiscal year must attest to whether a consulting agreement has been entered into in connection with the contract.
5	Any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract must certify, under penalty of false statement, that in the previous four years neither the contractor or prospective state contractor, nor any of its principals, have made or solicited any prohibited political contributions unless there were mitigating circumstances found to exist concerning the violation.
6 & 7	All state contracts, regardless of their value, must contain a nondiscrimination affirmation provision to certify that the contractor (1) understands the law’s nondiscrimination and affirmative action obligations and (2) will maintain a nondiscrimination policy for the duration of the contract. Under the Act, the authorized signatory of the contract must demonstrate his or her understanding of this obligation by either (1) providing an affirmative response in the required online bid or RFP or (2) initialing the affirmation provision in the contract.

Sections 8-11 revise the state set-aside program’s eligibility requirements for small contractors and minority business enterprises (MBEs). With respect to for-profit entities, it defines a “small contractor” as one that is registered as a small business in the federal database maintained by the U.S. General Services Administration, as is required to do business with the federal government. MBEs are small contractors owned by women, minorities, or people with disabilities. Effective October 1, 2021 and applicable to certifications issued or renewed on or after that date.

- The Act allows awarding authorities to require documentation of a contractor’s or subcontractor’s (1) registration in the federal database if they are awarded a contract or contract portion under the set-aside program and (2) that their principal place of business is in the state.
- SBE certifications awarded before October 1, 2021, remain valid for their original term unless revoked for cause.
- The Act does not apply to nonprofit entities who still must have annual gross revenues of \$20 million or less and be independent, and must have a federal tax exemption in order to participate.

Section 12 clarifies that the DAS commissioner can waive competitive bidding or competitive negotiation at his discretion for minor nonrecurring or emergency purchases of \$10,000 or less. Effective July 1, 2021.

Section 13 expands the use of reverse auctions to include services, other than construction or construction-related services. Contracting agencies may use reverse auctions for services when they determine it is advantageous and will ensure a competitive contract award and (2) contract with a third party to prepare and manage the auction. Effective July 1, 2021.

Section 14 expands the types of technologies, products, and processes eligible for pre-market testing by state agencies under the Connecticut Innovations, Inc. (CI) test-bed program. It authorizes DAS to procure such technologies, products, and processes for use by all state agencies if the Office of Policy and Management (OPM) secretary, in consultation with DAS, Connecticut Innovations, Inc. (CI) chief executive officer, and testing agency head, determines that the test demonstrates that such technologies, products and processes would reduce administrative burdens or promote efficiency in state services, or otherwise improve them, or that they have a positive economic impact on the state, including prospective job growth and economic activity upon commercialization. Additionally, the Act makes minor changes concerning the process for participating in testing, the testing’s costs, and a related recognition program for participating agencies. Effective July 1, 2021.

Section 15 expands the authority of DAS to “piggyback” on contracts for the purchase of goods and services not only by a political subdivision of the state, nonprofit organization, public purchasing consortium, or other state government, but also on contracts for purchases by another branch, division, or department in state government. It also eliminates the requirement that these purchases be made through the DAS commissioner and instead allows any state agency to make them if approved by the DAS commissioner or his designee. Effective July 1, 2021.

Section 16 reduces the number of voting members of the State Insurance and Risk Management Board from 12 to 9. The board consists of gubernatorial appointees and the state comptroller (or his designee) as an ex-officio member. The Act makes conforming changes by reducing the number of (1) public members from four to three, (2) members qualified by training from eight to six, and (3) members who may be from the same political party from eight to five. It specifies that five members constitute a quorum. Effective July 1, 2021.

Section 17 authorizes state and quasi-public agencies to conduct the following business activities electronically:

- Accept fee payments by any means of electronic funds transfer they adopt;
- Receive, by electronic means with proof of delivery receipt, any communication or correspondence rather than by registered or certified mail, return receipt requested;
- Receive, by electronic means, any communication or correspondence rather than by U.S. mail or fax, provided the agency determines that electronic delivery is appropriate; and

It also requires state and quasi-public agencies to post, on their website or another electronic portal available to the general public, any legal notice rather than advertised in a newspaper.

Under the Act, each of these activities must comply with the Connecticut Uniform Electronic Transactions Act (CUETA) if conducted electronically. Effective July 1, 2021.

Section 18 requires the DAS commissioner to develop, publish, and annually update an information and telecommunication systems strategic plan which must include standards for digital identity verification under CUETA that are consistent with industry standards and best practices. Among other things, CUETA provides that if a signature or record must be notarized, acknowledged, verified, or made under oath, the requirement is satisfied by an electronic signature from the person authorized to perform these acts, as well as any other information required by the applicable law. Effective July 1, 2021.

Sections 19-24 eliminate several reporting requirements by DAS to the legislature, or from state agencies to DAS, as shown below. Effective July 1, 2021.

Section	Eliminated Reporting Requirement
19	Annual report by DAS to the Environment, Government Administration and Elections, and Transportation committees on the state vehicle fleet
20	Annual reports by state agencies to DAS on purchase orders made by the agency under purchasing authority delegated by DAS
21	Annual report by DAS to the Appropriations Committee listing personal property items leased by state agencies
22	Annual report by DAS and the Codes and Standards Committee to the Public Safety and Security Committee with recommendations for amending state agency regulations that conflict with the State Building Code or State Fire Codes

23	Triennial report by the state fire marshal to the Public Safety and Security Committee on the effectiveness of state law’s provisions on fire-safe cigarette testing
24	Annual filing by state agencies of ethics statements with DAS (the bill retains the requirement that they be filed with the Office of State Ethics)

Section 25 increases the size of the Commission for Education Technology from 19 members to 23 by adding the following four members:

- A representative of the Connecticut Association of Public School Superintendents,
- A representative of the Connecticut Educators Computer Association,
- A secondary school teacher designated by the Connecticut Education Association, and
- An elementary school teacher designated by American Federation of Teachers–Connecticut.

The bill also makes technical changes. Effective July 1, 2021.

[Public Act 21-165](#) -- AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT, THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, TEMPORARY FIRE MARSHALS, CERTAIN FIRE REPORTS AND SMALL WATER HEATERS. (DAS PROPOSAL)

Section 1 makes several changes to C.G.S 29-292 with respect to the Fire Safety Code: Effective July 1, 2021.

- Requires that the Fire Safety Code be based on nationally recognized model fire and life safety codes;
- Expands the scope of the Code to include not only buildings and areas adjacent thereto, but also structures and areas adjacent thereto;
- Prohibits the issuance of a certificate of occupancy for any residential building designed to be occupied by one or more families unless the local fire marshal or building official certifies that the building is equipped with smoke detection and warning equipment that complies with both the Fire Safety Code and State Building Code;
- Expands the smoke detector requirement for smoke detectors in all single-family homes built before October 2, 1978 when a smoke detection system is installed or replaced;
- Allows for new single-family homes built on or after July 1, 2021, and those installing or replacing smoke detector systems, to have equipment capable of operating using any power source allowed in the standards adopted in the code.
- Requires the local fire marshal or building official to additionally certify that the smoke and carbon monoxide equipment comply with the State Building Code.

Section 2 requires DAS to establish a minimum and uniform standard for home inspections. This standard must require the inspector to report on the presence of a smoke detector, including specifying (1) the equipment’s location and total number and (2) if he or she was able to test it and verify that it was less than 10 years old. Effective July 1, 2021.

Section 3 requires the Fire Prevention Code to include provisions for activities occurring on or within buildings and structures regulated by the Code and adjacent areas. Effective July 1, 2021.

Section 4 extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties that exist under the Fire Prevention Code. Effective July 1, 2021.

Section 5 allows a local fire marshal to forward to the State Fire Marshal any application for a variation or exemption the application by email, rather than only by first class mail. Effective July 1, 2021.

Section 6 requires local fire marshals to inspect or cause to be inspected all buildings and facilities of public service and occupancies regulated by the State Fire Prevention Code at least once per calendar year, or as often as the State Fire Marshal prescribes, as is presently required by the Fire Safety Code. Residential buildings designed to be occupied by one or two families are exempt from this requirement and instead require they be inspected upon the owner or occupant's complaint and only to determine whether smoke detector requirements have been met. Effective July 2, 2021.

Sections 7-10 & 15 make various minor, technical and conforming changes regarding the Fire Safety Code. Effective July 1, 2021.

Section 11 makes changes to the composition of the seven-member Code Training and Education Board of Control. Effective July 1, 2021.

Section 12 allows municipal officials or entities to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee to serve in the absence of a local fire marshal for a period not to exceed 180 days. Effective July 1, 2021.

Section 13 eliminates from reports related to fires, explosions, or other fire emergencies, the name of the firefighter exposed to the danger, and the duration of the exposure. Effective July 1, 2021.

Section 14 exempts small hot water heaters from the state Safety Code for Boilers and Hot Water Heaters that (1) are approved by a nationally recognized testing agency and equipped with adequate safety devices, including a temperature and pressure release valve; (2) have a nominal capacity of up to 10 gallons and a heat input of up to 20,000 BTUs per hour; and (3) are installed in any occupancy. Effective July 2, 2021.

[Public Act 21-198](#) -- AN ACT CONCERNING THE SUBMISSION OF UPDATE STATEMENTS, THE REMOVAL OF REFERENCES TO UPDATE BID STATEMENTS AND THE GRANTING OF EASEMENTS ON STATE LAND.

Sections 1-4 authorize public contracting agencies to allow bidders up to two business days after a bid opening to submit their prequalification certificate, if required, and an update statement (which the Act renames from “update bid statement”). The Act also replaces statutory references to the term “update bid statement” with “update statement.” Effective July 1, 2021.

Section 5 authorizes the DAS Commissioner to grant easements to, and acquire easements from, the federal government or a political subdivision of the state, such as municipalities, for public purposes provided he (1) determines that these purposes do not conflict with the public interest and (2) receives approval from the State Properties Review Board, OPM and the agency supervising the land’s care and control before granting an easement. Unchanged by the Act, DAS may also grant easements on state land to public service companies, owners of district heating and cooling systems, municipal water and sewer authorities, and telecommunications companies, also subject to approval by the controlling agency, OPM, and SPRB. Effective July 1, 2021.

Section 4 – Acts Affecting Real Estate & Construction

[Public Act 21-78](#) – AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.

Among the Act’s many provisions, **Section 11** requires all courthouses constructed on or after July 1, 2021 to contain a separate, secure room for family violence crime victims and advocates. By law, this room must be separate from any public or private court area and is intended to accommodate the respondent or defendant or their family, friends, attorneys, or witnesses. The room must be separate from the state’s attorney’s office. Effective July 1, 2021.

[Public Act 21-106](#) – AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES, REVISIONS TO THE MOTOR VEHICLE STATUTES AND PEER-TO-PEER CAR SHARING.

Sections 34-35 modify the statutory definitions of “emergency vehicle” and “authorized emergency vehicle” as used to establish those vehicles’ rights and motorists’ responsibilities with respect to them. Specifically, the bill expands the definition of “emergency vehicle” to include (1) any ambulance or vehicle operated by an emergency medical service organization member taking a patient to a hospital and (2) any DEEP vehicle operated by an authorized DEEP employee while in the course of his or her employment and while en route to a fire or responding to an emergency call, but not returning from a fire or an emergency call. The Act also removes a public service company or municipal department ambulance or emergency vehicle designated or authorized by the DMV commissioner from the definition of “authorized emergency vehicle” and instead simply specifies that an ambulance is an authorized emergency vehicle. Effective upon passage.

[Public Act 21-115](#) – AN ACT CONCERNING CLIMATE CHANGE ADAPTATION.

This is a Governor’s bill. This Act authorizes all municipalities to establish a municipal storm water authority, rather than just the three municipalities (New Haven, New London, and

Norwalk) that participated in DEEP’s municipal storm water authority pilot program as authorized under [Public Act 07-154](#).

The Act requires storm water authorities to recommend a fee to be imposed on all real property in the district except land classified as, or consisting of, farm, forest, open space, and any properties owned by the state or local governments, or their respective agencies. The fees assessed on these types of properties are limited to only those areas of such properties with impervious surfaces from which storm water discharges to a municipal separate storm sewer system. Effective July 1, 2021.

[Public Act 21-145](#) – AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS.

Section 1 explicitly prohibits state agencies from denying the auditors access to their records or accounts. Effective July 1, 2021.

Sections 2-3 require any contract between a state contracting agency and a contractor that is entered into, renewed or amended on or after October 1, 2021, must contain language authorizing the state contracting agency to access any data concerning such contract that is in the possession or control of the contractor upon demand in a format prescribed by the state contracting agency at no additional cost, and similarly allows the auditors access to this data when auditing the agency. Effective July 1, 2021.

Section 4 requires state agencies to notify the auditors at least 15 days before contracting for auditing services, and prohibits agencies from entering into these contracts until the auditors advise whether they can perform the work instead. Effective July 1, 2021.

Section 8 reduces the amount of time by which a municipality must notify DAS of its intention to acquire surplus state property from 120 days to 60 days, and reduces the maximum extension that DAS may grant on this deadline from 60 days to 30 days. Effective October 1, 2021.

[Public Act 21-154](#) – AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES.

Current law allows the Commissioner of Labor to set prevailing wage rates on his or her own, or by adopting applicable prevailing wage rates as determined by the federal Labor Secretary for the federal prevailing wage rates. In practice, the labor commissioner uses the federally-determined rates for the four types of prevailing wage projects: building, heavy, highway, and residential. Instead, the Act establishes one process for building, heavy, and highway projects and another for residential projects. Residential projects are those of either single- or multi-family housing or dormitories of no more than four stories.

[Public Act 21-179](#) – AN ACT CONCERNING OVERSIGHT AND TRANSPARENCY AT THE CONNECTICUT PORT AUTHORITY.

The Act requires the CPA to submit quarterly reports to the Transportation Committee beginning October 1, 2021, on the status of (1) pending and current contracts, (2) small harbor projects, and

(3) the construction project at the State Pier in New London. The Act also requires that CPA's annual report, which it must submit to the governor and Transportation Committee, to include (1) descriptions of CPA's finances and the projects it undertook in the prior year and (2) recommendations for legislation to promote its purpose. Lastly, the Act requires the DAS commissioner and OPM secretary to jointly review and comment on each quarterly report and annual report before it is submitted. Effective upon passage.

Section 5 – Acts Affecting Building and Fire Codes

[Special Act 21-12](#) – AN ACT REQUIRING A STUDY OF THE OBSTACLES TO MERGING OR CONSOLIDATING MUNICIPAL FIRE DISTRICTS AND FIRE DEPARTMENTS.

The Act requires OPM, in consultation with municipal officials selected by the secretary and a representative of the Uniformed Professional Firefighters Association of Connecticut, to conduct a study on the obstacles to merging or consolidating the fire districts or fire departments of two or more municipalities. Not later than January 1, 2022, OPM must submit a report on its findings to the Planning and Development Committee. Effective upon passage.

[Special Act 21-28](#) – AN ACT CONCERNING ECONOMIC DEVELOPMENT IN DISTRESSED MUNICIPALITIES AND THE RENOVATION OF HISTORIC MIXED-USE BUILDINGS.

Section 1 of the Act requires DECD to conduct a study relating to economic development issues affecting distressed municipalities and opportunity zones in the state, and report the results of its study to the Commerce Committee. Effective upon passage.

Section 2 establishes a task force to study any impediments to the renovation of historic mixed-use buildings located in municipalities, including, but not limited to, distressed municipalities in the state. The task force shall (1) examine any financing tools that may assist in the renovation of such buildings and building safety codes that may be impediments to the renovation of such buildings; and (2) consider whether the state should implement a small real estate developer training program or a capacity building program. Effective upon passage.

[Public Act 21-159](#) – AN ACT CONCERNING EQUITABLE ACCESS TO BROADBAND.

Among its other provisions, the Act requires the State Building Code to be revised to require that new construction or major alterations of a commercial or multifamily building include a minimum infrastructure requirement to support broadband services. Effective July 1, 2021.

[Public Act 21-191](#) – AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM.

The act prohibits any person, local government, or state agency from using class B firefighting foam with intentionally added PFAS in any amount for training purposes or testing purposes (i.e., calibration, conformance, and fixed system testing). Effective upon passage.

The act also prohibits anyone from using this foam for vapor suppression or firefighting purposes, unless the fire is flammable liquid-based and the Department of Energy and Environmental Protection (DEEP) commissioner does not identify an alternative to the foam by July 1, 2021. Effective October 1, 2021.

SEE ALSO: [Special Act 21-35](#) – AN ACT ESTABLISHING A TASK FORCE TO STUDY CANCER RELIEF BENEFITS FOR FIREFIGHTERS (Section 8 – Business Services).

Section 6 – Acts Affecting Human Resources and Equal Employment Opportunity

Public Act 21-2 – AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR.

This Act makes it an illegal practice to (1) discriminate based on a person’s hair texture and protective hairstyle in employment, public accommodations, housing, credit practices, union membership, and state agency practices or (2) deprive any person of any rights secured or protected by the Connecticut Constitution or the United States Constitution, by specifying that the term "race" includes ethnic traits historically associated with race, including hair texture and protective hairstyles. “Protective hairstyles” include wigs, head wraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs. The Act applies to the awarding of agency, municipal public works, and quasi-public agency project contracts. Effective upon passage.

Public Act 21-25 – AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC EMPLOYEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT.

The Act establishes a new process to ensure access to public employees by an exclusive representative of their public employer bargaining unit as follows:

- Requires public employers to provide an exclusive representative with a newly hired employee’s (1) name; (2) job title, department, and work location; (3) work phone number; and (4) home address. The Act defines an “exclusive representative” as a public employee organization certified as the exclusive bargaining representative of a public employer bargaining unit, and a “public employee organization” as a lawful association, labor organization, federation or council whose primary purpose is improving public employees’ wages, hours, and employment conditions. The bill requires the public employer to provide the information in an editable digital file format, and if possible, in a format agreed to by the exclusive representative. If possible, the employer must also provide the information with real-time electronic transmission of new hire data, but no later than 10 days after the employee was hired or the first pay period of the month after the employee was hired, whichever is earlier.
- Beginning on January 1, 2022, the Act requires public employers to provide exclusive representatives with each bargaining unit employee’s (1) name; (2) job title; (3) worksite location; (4) work phone number; (5) hire date; (6) work email address; and (7) home address. The employer must provide the information in an editable digital file format agreed to by the exclusive representative every 120 days, unless an agreement between the parties requires more frequent or more detailed lists, and in addition to any other employee information to which a public employee organization is entitled. If authorized by the employee in writing or electronic notice to the exclusive representative, the

information above must also include the employee’s home telephone number, personal cell phone number, and personal email address if on file with the public employer. The employee can revoke the authorization at any time with written or electronic notice to the exclusive representative.

- The Act requires public employers to provide exclusive representatives with access to their new employee orientations. The employer must give the exclusive representative written or electronic notice about an orientation at least 10 days in advance unless there is an urgent need critical to the employer’s operations, requiring shorter notice. By January 31 of each year, the exclusive representative must give the public employer the physical and electronic address where the notice must be sent. The bill requires the parties to determine the structure, time, and manner of the exclusive representative’s access to an orientation through mutual agreement. It requires the parties to negotiate these issues upon either party’s request. Failure to reach an agreement on the issues is subject to compulsory interest arbitration.

Effective October 1, 2021.

[Public Act 21-30](#) – AN ACT CONCERNING THE DISCLOSURE OF SALARY RANGE FOR A VACANT POSITION.

Section 1 of the Act prohibits employers from failing or refusing to provide a job applicant with the wage range of the position for which the applicant is applying. The employer must provide the wage range before or when offering the applicant the job, or when the applicant requests it during the application process, whichever is earlier. The Act also prohibits employers from failing or refusing to provide their employees with their wage ranges (1) when they are hired, (2) when their position with the employer changes, or (3) upon the employee’s first request for a wage range. The Act authorizes job applicants and employees to bring a lawsuit to redress violations within two years. Employers may be found liable for compensatory damages, attorney’s fees and costs, punitive damages, and legal and equitable relief as the court deems just and proper. Effective October 1, 2021.

Section 2 broadens the standard used to determine whether an employer is discriminating in the amount of compensation it pays to an employee based on sex (i.e., gender wage discrimination). Generally, it requires employers to provide equal pay for comparable (rather than equal) work. Effective October 1, 2021.

[Public Act 21-49](#) – AN ACT CONCERNING THE RECOMMENDATIONS OF THE GOVERNOR’S COUNCIL ON WOMEN AND GIRLS.

Among its other provisions, the Act requires the DAS commissioner to create, maintain, and make accessible on the state’s website a system through which an individual may electronically submit a name to be considered for appointment as a public member to a board or commission in the executive department. The system must include information about each board or commission and specify any membership requirements. Effective July 1, 2021.

SEE ALSO: [Public Act 21-56](#) – AN ACT CONCERNING ONLINE HARASSMENT (Section 10 – Legal)

[Public Act 21-69](#) – AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS.

This act makes it a discriminatory employment practice for an employer or the employer’s agent to request or require a prospective employee’s age, birth date, or school attendance or graduation dates on an initial employment application unless it is (1) for a bona fide occupational qualification or need or (2) required by state or federal law. The discriminatory employment practices law covers employers with at least three employees, including the state and its political subdivisions. By law, individuals aggrieved by a discriminatory practice may file a complaint alleging discrimination with the Commission on Human Rights and Opportunities. Effective October 1, 2021.

[Public Act 21-79](#) – AN ACT REDEFINING “VETERAN” AND ESTABLISHING A QUALIFYING REVIEW BOARD.

Section 1 of the Act redefines the term “veteran” to mean any person honorably discharged or released under honorable conditions from active duty in the armed forces or an “other than honorable” (OTH) discharge based on the following qualifying conditions: (1) a PTSD or traumatic brain injury diagnosis by a licensed health care professional at a U.S. Department of Veterans Affairs (VA) facility; (2) a military sexual trauma experience disclosed to such a health care professional; and (3) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge, as determined by a new Qualifying Review Board established within the Department of Veteran Affairs.

Section 3 of the Act redefines the term “veteran” in C.G.S. Section 4a-59(c) regarding a price preference veteran-owned micro-businesses, as defined in Section 1 of the Act.

Section 4 of the Act redefines the term “veteran” in the State Personnel Act, as defined in Section 1 of the Act for the purposes of:

- Bonus points on state civil service examinations for original appointments pursuant to C.G.S. Section 5-224;
- Special service credit for state employee retirement pursuant to C.G.S. Section 5-180; and
- Inclusion of time served in war in the length of state employment for veterans who were reinstated as state employees after returning from military service pursuant to C.G.S. Section 5-255.

Effective October 1, 2021.

[Public Act 21-109](#) – AN ACT CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

Existing law allows state entities' equal employment opportunity officers to not investigate discrimination complaints filed against the entity if a complaint was also filed with CHRO or the Equal Employment Opportunity Commission (EEOC); instead, the entity may rely on CHRO's or the EEOC's process. The Act provides that even if the entity relies upon the applicable commission's process, it still must mitigate discriminatory conduct and take immediate corrective action to prevent a similar occurrence. This provision applies to state agencies, departments, boards, and commissions. Effective October 1, 2021.

[Public Act 21-128](#) – AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL.

This act expands the attorney general's powers to include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related legal proceedings; and (3) seeking relief for the affected person. When conducting investigations, the attorney general may issue subpoenas and interrogatories, but the act prohibits information obtained from these investigations from being used in any criminal proceeding. The bill specifies that its provisions do not allow the attorney general to assert a claim against a state agency or a state officer or employee whose act or omission was done in his or her official capacity, unless he determines that the officer or employee is not entitled to indemnification under the law.

The act preserves the right of the person affected by the hate crime or civil rights to bring civil action in court and to file a CHRO complaint, but prohibits the attorney general from bringing an action concurrent with a case before CHRO that involves the same parties and alleged facts and circumstances. Effective July 1, 2021.

[Public Act 21-135](#) – AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES STATUTES.

Among its many provisions, the Act makes information in DDS's abuse and neglect registry available to DAS to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry. Effective upon passage.

[Public Act 21-152](#) – AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY.

Section 6 of the Act requires, by January 1, 2022, the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to OPM secretary on the following information related to background checks: (1) the number of employees who perform

background checks related to the department's or office's licensing functions, their job classifications, and the background checks' type or level of clearance; (2) the average number of hours these employees spend weekly performing background checks; and (3) for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training. The recommendations must also assess the feasibility of centralizing and standardizing background checks state agencies perform, address any related issues of these agencies delegating authority. Effective October 1, 2021.

Section 7 – Acts Affecting DAS-BEST

Public Act 21-59 – AN ACT CONCERNING DATA PRIVACY BREACHES.

This act expands the types of information that, when combined with a person’s first name or first initial and last name, are considered “personal information” and therefore subject to data breach notification requirements. Under existing law, these types of information are (1) Social Security number, (2) driver’s license or state identification card number, (3) credit or debit card number, or (4) financial account number, in combination with other information that would permit access. The act includes the following additional information subject to data breach notification:

- Taxpayer identification number;
- Identity protection personal identification number issued by the Internal Revenue Service;
- Passport number;
- Military identification number;
- Other identification number the government issues that is commonly used to verify identity;
- Information about the person’s medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;
- Health insurance policy number or subscriber identification number, or any unique identifier a health insurer uses to identify the person;
- Biometric data generated by electronic measurements of the person’s unique physical characteristics used to authenticate or ascertain identity (e.g., fingerprint, voice print, retina or iris image); or
- Username or e-mail address, combined with a password or security question and answer that would allow access to an online account.

Under current law, with some exceptions, data managers must notify consumers and the attorney general of any data breach within 90 days of discovering it and completing an investigation to determine the incident’s nature and scope, identify affected individuals, or restore the data system’s integrity. The act eliminates the investigation requirement and shortens the timeframe from 90 to 60 days after the security breach is discovered. Data managers must act in good faith to notify additional residents affected by the data breach as quickly as possible, if they are identified after the 60-day deadline, and requires data managers to send notice if the breach will harm individuals whose information has been acquired or just accessed.

Under current law, those who own or license computerized data that includes personal information must offer residents appropriate identity theft prevention or mitigation services when their personal information or nonpublic information was breached or believed to have been breached. By law, these services must be provided for free and last at least 24 months. The bill eliminates this requirement for breaches of nonpublic information and narrows the types of personal information breaches subject to the requirement to only breaches of Social Security numbers and taxpayer identification numbers. Effective October 1, 2021.

Section 8 – Acts Affecting Business Services

[Public Act 21-3](#) – AN ACT MITIGATING ADVERSE TAX CONSEQUENCES RESULTING FROM EMPLOYEES WORKING REMOTELY DURING COVID-19, AND CONCERNING THE REMOVAL OF LIENS ON THE PROPERTY OF PUBLIC ASSISTANCE BENEFICIARIES AND A THREE-TIERED GRANTS IN LIEU OF TAXES PROGRAM.

Among its provisions, the Act prohibits DAS from recovering certain assistance payments through any lien on real property. It does so as follows:

- Prohibits the recovery of cash and medical assistance from liens placed on real property, unless required to do so by federal law. Further, it requires the state to deem any certificate or lien previously filed on such properties released if the recoveries of such assistance are not required under federal law.
- It additionally prohibits the state from recovering payments from any tenant-landlord actions brought by current or former tenants or occupants against owners or lessors of residential premises or manufactured mobile home parks.
- Current law authorizes DAS to accept mortgage notes and deeds for payment of claims due for cash assistance or institutional care. The Act limits the claims DAS may accept to those due for institutional care or state medical assistance if required by federal law.
- Under current law, the DSS commissioner may place a lien against any property to secure the state's claim for public assistance it has paid or will pay under assistance under the SSP, Medicaid, TFA, SAGA, or SNAP programs. Beginning July 1, 2021, the Act prohibits DSS from placing these liens on real property to recover cash assistance or medical assistance, unless required by federal law. It also requires the state to deem any certificate or lien previously filed on such property released if the recovery of such assistance is not required under federal law.
- The law gives the state a claim that has priority over all other unsecured claims when a recipient of aid under the SSP, Medicaid, AFDC, TFA provided to anyone over age 18, or SAGA program acquires property of any kind or interest in such property. This includes windfalls such as lottery winnings, proceeds from a lawsuit, and inheritances. By law, the state's claim against the windfall from a lawsuit or inheritance generally equals the lesser of the amount of assistance paid or 50% of the windfall proceeds. For windfalls other than from a lawsuit or inheritance such as lottery winnings, the state's claim is for the lesser of 100% of the proceeds or the full amount of assistance provided. The Act prohibits the state from filing liens on real property to enforce its claim beyond the amount required to be recovered under federal law. Beginning July 1, 2021, the bill prohibits the state from recovering cash assistance or medical assistance from a lien filed on any real property, unless required by federal law. It requires the state to deem any lien on real property filed under [CGS § 17b-93](#) before July 1, 2021, on such property, estate,

or claim of any kind released, provided the assistance recovery is not required under federal law.

Special Act 21-35 – AN ACT ESTABLISHING A TASK FORCE TO STUDY CANCER RELIEF BENEFITS FOR FIREFIGHTERS.

The act establishes a task force to study cancer relief benefits for firefighters including an examination of (1) the adequacy of the firefighters cancer relief program established pursuant to C.G.S. section 7-313j, and (2) the feasibility and implications of providing workers' compensation and other benefits, including death benefits, to firefighters who are diagnosed with cancer acquired as a result of occupational exposure to noxious fumes or poisonous gases. Not later than January 1, 2022, the task force must submit a report on its findings and recommendations to the Labor and Public Employees Committee. The task force will terminate on the date that it submits its report or January 1, 2022, whichever is later. Effective upon passage.

Public Act 21-107 – AN ACT EXPANDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY HEALTH CARE PROVIDERS IN CONNECTION WITH COVID-19.

Under current law, police officers, parole officers, and firefighters are eligible for workers' compensation PTSD benefits if a mental health professional examines them and diagnoses PTSD as a direct result of a qualifying event in the line of duty. The Act changes the terminology used in the underlying law by replacing "post-traumatic stress disorder" (PTSD) with "post-traumatic stress injury" (PTSI). Under the Act, PTSI workers' compensation benefits are extended to EMS personnel, DOC employees, emergency dispatchers, and health care providers. PTSI benefits for these additional groups are subject to the same limitations and procedures that current law applies to the benefits for firefighters, police, and parole officers. Among other things, it (1) caps the benefits' duration at 52 weeks; (2) prohibits the benefits from being awarded beyond four years after the qualifying event; and (3) requires that employers contest a claim for PTSI benefits through a process that is generally similar to the one used for contesting other workers' compensation claims, although with different deadlines. Effective upon passage.

Section 9 – Acts Affecting Procurement

Public Act 21-2 – AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR.

This Act makes it an illegal practice to (1) discriminate based on a person’s hair texture and protective hairstyle in employment, public accommodations, housing, credit practices, union membership, and state agency practices or (2) deprive any person of any rights secured or protected by the Connecticut Constitution or the United States Constitution, by specifying that the term "race" includes ethnic traits historically associated with race, including hair texture and protective hairstyles. “Protective hairstyles” include wigs, head wraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs. The Act applies to the awarding of agency, municipal public works, and quasi-public agency project contracts. Effective upon passage.

Special Act 21-8 – AN ACT CONCERNING A DISPARITY STUDY.

Requires CHRO, in consultation with DAS, to develop and issue an RFP for the conducting of a disparity study, and select the firm to conduct the study by January 1, 2022. CHRO is required to submit the findings of the study and any recommendations for legislative action to the GAE and Labor Committees. Effective upon passage.

Special Act 21-25 – AN ACT CONCERNING BLOCKCHAIN AND EMERGING TECHNOLOGIES.

The Act requires DAS to develop and issue a request for information for the incorporation of blockchain technology to make a state administrative function more efficient or cost effective. DAS must evaluate responses and submit a report identifying department functions that may be made more efficient by this technology to the Commerce and GAE Committees by January 1, 2022. Effective upon passage.

Public Act 21-54 – AN ACT CONCERNING COMMUNICATION SERVICES IN CORRECTIONAL AND JUVENILE DETENTION FACILITIES.

Among its other provisions, the Act requires, beginning October 1, 2022, the Department of Correction (DOC) and the judicial branch’s Court Support Services Division (CSSD) to, respectively, provide telephone services for inmates in correctional facilities and children detained in a juvenile detention facility free of charge. Effective upon passage.

Public Act 21-79 – AN ACT REDEFINING “VETERAN” AND ESTABLISHING A QUALIFYING REVIEW BOARD.

Section 1 of the Act redefines the term “veteran” to mean any person honorably discharged or released under honorable conditions from active duty in the armed forces or an “other than honorable” (OTH) discharge based on the following qualifying conditions: (1) a PTSD or traumatic brain injury diagnosis by a licensed health care professional at a U.S. Department of

Veterans Affairs (VA) facility; (2) a military sexual trauma experience disclosed to such a health care professional; and (3) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge, as determined by a new Qualifying Review Board established within the Department of Veteran Affairs.

Section 3 of the Act redefines the term “veteran” in C.G.S. Section 4a-59(c) regarding a price preference veteran-owned micro-businesses, as defined in Section 1 of the Act.

Section 4 of the Act redefines the term “veteran” in the State Personnel Act, as defined in Section 1 of the Act for the purposes of:

- Bonus points on state civil service examinations for original appointments pursuant to C.G.S. Section 5-224;
- Special service credit for state employee retirement pursuant to C.G.S. Section 5-180; and
- Inclusion of time served in war in the length of state employment for veterans who were reinstated as state employees after returning from military service pursuant to C.G.S. Section 5-255.

Effective October 1, 2021.

SEE ALSO: [Public Act 21-145](#) – AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS. (Section 4 – Real Estate & Construction).

Section 10 – Acts Affecting Legal & Legislative

Public Act 21-56 – AN ACT CONCERNING ONLINE HARASSMENT.

This act expands various crimes related to harassment to include conduct initiated through electronic methods, by expanding what constitutes 2nd degree stalking to include conduct (1) concerning, but not directed at, a specific person, (2) that causes fear of harm to an animal; and (3) involving the disclosure of personally identifiable information through electronic communications in a manner that causes fear or serious distress.

The act also (1) expands 2nd degree harassment to include electronic methods of communication and eliminates the intent to annoy someone as a prohibited action and adds intent to terrorize or intimidate as a basis, (2) limits 1st degree stalking of someone under age 16 to situations in which the actor is age 22 or older, and (3) expands 1st degree stalking to include situations in which the actor intentionally directs the conduct at the other person based on bias such as race, sex, or disability.

The act specifies that the crime of trafficking in personal identifying information includes selling, giving, or otherwise transferring personal identifying information, as defined by the act for purposes of 2nd degree stalking. Effective October 1, 2021.

Public Act 21-91 – AN ACT CONCERNING THE PROCEDURES OF THE OFFICE OF THE CLAIMS COMMISSIONER.

Among its other provisions, the Act requires the Governor to appoint six attorneys to serve as temporary deputies to hear claims seeking permission to sue that are pending for certain periods. The deputies may serve until September 30, 2023, at the latest. The Act requires them, within 90 days after a claim's referral, to either deny or dismiss the claim or grant authorization to sue. Among other things, it allows claimants to request that the legislature review a deputy's decision to deny or dismiss a claim. Effective upon passage.

Public Act 21-114 – AN ACT EXEMPTING CERTAIN RECORDS CONCERNING NATIVE AMERICAN CULTURAL KNOWLEDGE FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

This bill exempts certain records of traditional cultural knowledge submitted to a public agency by a member, representative, or lineal descendant of a tribal nation from being (1) deemed a public record and (2) subject to disclosure under the Freedom of Information Act (FOIA). The exemption applies to any of these records submitted as part of the consultation process to determine cultural affiliation under the federal Native American Graves Protection and Repatriation Act (NAGPRA). The act defines "tribal nation" as an Indian tribe or Native Hawaiian organization, as defined under NAGPRA, or a tribe recognized by one or more state governments, and "Records of traditional cultural knowledge" as records with information central to a community's cultural and social identity, such as religious rites and rituals, location

of sacred sites, kinship membership statistics, and oral histories and traditions. Effective October 1, 2021.

[Public Act 21-164](#) – AN ACT CONCERNING REVISIONS TO THE STATE CODES OF ETHICS.

Among the several changes to the Code of Ethics for Public Officials made by the Act are the following:

Section 2 adds the Paid Family and Medical Leave Authority to the list of quasi-public agencies subject to the ethics code for public officials. Effective July 1, 2021.

Section 3 defines the term “confidential information” to mean any information in the possession of the state, a state employee or a public official, whatever its form, which (A) is required not to be disclosed to the general public under any provision of the general statutes or federal law; or (B) falls within a category of permissibly non-disclosable information under FOIA, and which the appropriate agency, state employee or public official has decided not to disclose to the general public. Effective October 1, 2021.

Section 7 requires all public officials and state employees who must file statements of financial interests with OSE to file them electronically using software provided by OSE. Effective October 1, 2021.

Section 11 extends the prohibited activities that apply to state-hired consultants and independent contractors to include persons they employ, thereby prohibiting these individuals from (1) using their contractual authority, or any confidential information acquired in performing the contract, to obtain financial gain for themselves, immediate family members, or their employees and immediate family members; (2) accepting another state contract that impairs their judgment on the existing contract; or (3) accepting anything of value based on an understanding that it would influence their action on behalf of the state. Effective October 1, 2021.

Section 11 – Conveyance Acts

Special Act 21-34 – AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF SOUTH WINDSOR.

To convey a parcel of state land in the town of South Windsor to South Windsor for economic development purposes. Effective upon passage.

Special Act 21-36 – AN ACT AMENDING A CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF FAIRFIELD.

To amend a prior conveyance of a parcel of state land in the town of Fairfield to the town of Fairfield to change the purpose and permit the sale or lease of the parcel. Effective upon passage.

Public Act 21-147 – AN ACT AMENDING THE CONVEYANCE OF PARCELS OF STATE LAND TO THE CITY OF NEW HAVEN.

To amend the property description of parcels of state land conveyed to the city of New Haven for open space. Effective upon passage.

Special Act 21-30 – AN ACT RELINQUISHING THE STATE INTEREST IN A PARCEL OF LAND CONVEYED TO THE TOWN OF EAST WINDSOR.

To remove a restriction that a parcel of land conveyed by the state to the town of East Windsor be used for low and moderate income housing or related activities. Effective upon passage.

Special Act 21-32 – AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF WINDSOR TO THE TOWN OF WINDSOR.

To convey a parcel of state land to the town of Windsor for economic and transit-oriented development purposes. Effective upon passage.

Special Act 21-31 – AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF WOLCOTT.

To convey a parcel of state land in the town of Wolcott for six thousand dollars. Effective upon passage.

Special Act 21-29 – AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF WILTON.

To convey a parcel of state land in the town of Wilton. Effective upon passage.

Special Act 21-20 – AN ACT CONCERNING THE LEASE OF A PARCEL OF STATE LAND IN THE CITY OF MILFORD.

To lease a parcel of state land in the city of Milford to the Connecticut Audubon Society. Effective upon passage.

[Special Act 21-19](#) – AN ACT CONCERNING THE REPEAL OF THE CONVEYANCE OF A PARCEL OF STATE LAND TO THE TOWN OF FARMINGTON.

To repeal a prior authorization for a conveyance of a parcel of state land in the town of Farmington to the town of Farmington. Effective upon passage.

[Special Act 21-33](#) – AN ACT CONCERNING THE CONVEYANCE OF A PARCEL OF STATE LAND IN THE TOWN OF NORTH HAVEN.

To convey a parcel of state land in the town of North Haven to Area Cooperative Educational Services for the purposes of a magnet school or other educational purposes. Effective upon passage.

Section 12 – Acts Regarding COVID-19

Special Act 21-1 – AN ACT CONCERNING LEGISLATIVE OVERSIGHT AND APPROVAL OF COVID-19 RELIEF FUNDS.

The Act establishes a process for legislative oversight and approval of the allocation of COVID-19 funds received from the federal government under the American Rescue Plan Act of 2021, or a subsequent federal act. The bill requires the Governor to submit an allocation plan to the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than April 26, 2021. The Governor’s recommended allocations under the bill would then be referred to the Appropriations Committee, which would report its approval or modifications to the full Legislature for final approval.

The act also requires OPM to submit a report to the Appropriations Committee that includes an overview of all funds received under the federal CARES Act and the federal Coronavirus supplemental relief Act, including a full accounting of all funds disbursed and a plan for the disbursement of any remaining funds. Effective upon passage.

Special Act 21-2 – AN ACT CONCERNING PUBLIC HEALTH AND CIVIL PREPAREDNESS EMERGENCIES DECLARED AND RENEWED BY THE GOVERNOR.

The act (a) ratifies the public health and civil preparedness emergencies declared by the Governor on March 10, 2020, and renewed on September 1, 2020, and January 26, 2021, and (b) authorizes the Governor to renew these declarations through May 20, 2021. Effective upon passage.

Special Act 21-4 – AN ACT CONCERNING THE DECLARATION AND RENEWAL OF CIVIL PREPAREDNESS AND PUBLIC HEALTH EMERGENCIES BY THE GOVERNOR.

The act authorizes the Governor to renew the public health and civil preparedness emergencies declared on March 10, 2020, and renewed on September 1, 2020, January 26, 2021, and May 20, 2021 through July 20, 2021. Effective upon passage.

Special Act 21-5 – AN ACT CONCERNING DECLARATIONS OF PUBLIC HEALTH AND CIVIL PREPAREDNESS EMERGENCIES AND THE CREATION OF A BIPARTISAN COMMISSION TO STUDY STATUTES GOVERNING THE ISSUANCE OF SUCH DECLARATIONS.

This act authorizes the Governor to renew: (1) The public health and civil preparedness emergencies declared in response to the COVID-19 pandemic, and (2) any orders issued pursuant to the declarations and the renewal of such declarations that remain in effect as of July 20, 2021, and any such renewal may cover the period of time from July 21, 2021, through March 1, 2022. The Governor must provide electronic notice of any renewal to majority and minority leadership of the Senate and the House.

The Governor may renew the public health and civil preparedness emergencies originally declared on March 10, 2020 provided:

- They last not more than 60 days from the date of the renewed declaration if made during a regular session of the General Assembly. or not more than 180 days from the date of the renewed declaration if made when the General Assembly is not in regular session, and
- Any renewal issued by the Governor shall no longer remain in effect unless approved by a majority vote of the Legislature.

From July 21, 2021, through March 1, 2022, the Governor, or any department head, state agency or municipality may exercise any authority granted under C.G.S. sections [19a-131a](#) and [28-9](#) (declaration of public health and civil preparedness emergencies, respectively) in response to the COVID-19 pandemic, provided:

- An executive order issued under such authority cannot exceed the duration of the emergency declaration under which it has been issued; and
- May be disapproved by a majority vote at a meeting of a joint legislative committee consisting of the majority and minority leaders of the Senate and House.

Finally, the act establishes a bipartisan commission to study C.G.S. sections 19a-131a and 28-9, and to make recommendations on how they should be amended to provide greater legislative oversight of declarations of public health and civil preparedness emergencies and the exercise of executive authority under these sections. The first meeting of the Commission must be held no later than which shall be held not later than December 1, 2021. Not later than January 1, 2022, the Commission must submit a report on its findings and recommendations to the GAE Committee. The Commission will end on the date that it submits its report or January 1, 2022, whichever is later. Effective July 1, 2021.

[Special Act 21- 37](#) – AN ACT ESTABLISHING A COMMISSION ON THE DISPARATE IMPACT OF COVID-19.

This act establishes a 22-member Commission on the Disparate Impact of COVID-19 within the legislative department. The Commission must, among other things, analyze and identify the cause of any disparate impact of COVID-19 and the federal and state responses to it on different racial, ethnic, gender, and socioeconomic groups. The act establishes qualifications for Commission members and requires the Commission to hold its first meeting by September 1, 2021. The Commission's powers and duties include, among other things, convening at least two working groups and holding any necessary public hearings. Staff of the Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO) shall serve as the Commission's administrative staff. Beginning January 1, 2022, the commission must annually report its findings and legislative and policy recommendations to the Commission's appointing authorities and the Governor. The Commission expires on June 20, 2023, or after a two-thirds vote by its membership, whichever is earlier. Effective July 1, 2021.

Section 13 – Other Acts of Note

[Public Act 21-1 \(June Special Session\)](#) – AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS.

This Act makes numerous changes related to criminal justice, licensing, employment, tax, traffic enforcement, and other laws to establish legal adult recreational use of cannabis (marijuana).

Regarding adult recreational use, the Act allows individuals age 21 or older (consumers) to possess, use, or otherwise consume cannabis and cannabis products. It generally limits possession to (1) 1.5 ounces of cannabis plant material and five ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk or (2) equivalent cannabis product amounts or combined amounts.

It erases certain cannabis-related criminal convictions, in some cases automatically and in others upon the person's petition.

Beginning July 1, 2023, the Act allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants in his or her primary residence, if the plants are kept secure from anyone else. The bill limits each household to growing 12 cannabis plants at a given time.

Beginning October 1, 2021, the Act similarly allows home cultivation by medical marijuana patients age 18 or older.

The Act establishes a Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition. It requires the council to establish criteria and review social equity applications. DCP must reserve 50% of the maximum number of applications for these applicants and they generally pay 50% of the fees for the first three years. If there are more than the maximum number of applications in total or to be reserved for social equity applicants, a third-party lottery operator must conduct a lottery to identify applications for DCP and the council to review.

The Act establishes various DCP licensing and registration requirements for individuals and entities to work in the cannabis industry. Application requirements include, among other things, that cannabis establishment licensees be at least age 21, their employees be at least age 18, and certain individuals submit to criminal history checks. The Act sets cannabis establishment licensure requirements for each license type. For example, it (1) generally limits purchases to one ounce for consumers and five ounces for qualifying patients or caregivers per day, (2) prohibits certain advertising practices by cannabis establishments such as targeting those under age 21 or claiming therapeutic effects, (3) limits how cannabis may be delivered to consumers, and (4) sets requirements for how undelivered products must be securely stored.

The Act establishes guidelines, rules, and protections for employers and employees regarding recreational cannabis use. It generally bans certain employer actions, such as penalizing an

employee for the employee's use of cannabis prior to employment. The Act specifically authorizes other actions, such as allowing employers to establish a workplace policy prohibiting cannabis possession or use by an employee, except for possession of medical marijuana. The Act (1) exempts some employers and types of positions from its requirements and (2) specifies that it does not limit an employer's ability to require employees to submit to drug testing. It also creates a civil action for employees aggrieved by a violation of the Act's employer limitations. Furthermore, the Act requires each cannabis establishment licensee, as a condition of its final license approval or other license changes, to enter into a labor peace agreement with a bona fide labor organization. The agreement must include binding arbitration as the exclusive remedy for any agreement violation. The Act permits civil action in Superior Court to enforce arbitration awards.

The Act also requires that the construction or renovation of any cannabis establishment facility of \$5 million or more have a project labor agreement (PLA) between the project contractors and the establishment. The Act defines PLAs and provides agreement enforcement through civil action in Superior Court.

Regarding taxes, the Act establishes a state tax on retail sales of cannabis (0.625 cents per milligram of total THC for cannabis plant material; 2.75 cents per milligram of total THC for cannabis edible products; and 0.9 cents per milligram of total THC for cannabis, other than cannabis plant material or cannabis edible products). It directs the revenue to a new General Fund account, the General Fund, and two new appropriated funds, the Social Equity and Innovation Fund and Prevention and Recovery Services Fund according to a specified schedule.

It imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state cannabis tax and the state's 6.35% sales tax. Cannabis for palliative use is exempt from all three taxes under the Act.

It also extends the angel investor tax credit program to eligible cannabis businesses for which social equity applicants have been granted a license or provisional license.

The Act establishes two new General Fund accounts, the cannabis regulatory and investment account and social equity and innovation account, and directs specified fee and tax revenue to the accounts for Fiscal Year 2022. It requires OPM to allocate the account funds to state agencies for specified purposes.

The Act also authorizes up to \$50 million in state general obligation bonds for the Department of Economic and Community Development and the Social Equity Council to use for specified financial assistance and workforce training programs.

Regarding traffic enforcement, the Act modifies the state's driving under the influence (DUI) and boating under the influence laws and the related administrative sanction processes to enhance enforcement against those who are drug impaired but do not have an elevated blood alcohol content (BAC). It includes increasing the number of police officers trained in impaired driving assessment techniques. It also makes it illegal to use cannabis while driving or as a passenger in a motor vehicle.

The Act establishes penalties for various actions, such as (1) consumers possessing cannabis in excess of the possession limit, (2) underage individuals possessing cannabis or attempting to buy it, (3) retailers selling cannabis to customers under age 21, and (4) property owners allowing persons under age 21 to possess cannabis at the property. The Act generally lowers existing penalties for illegally selling cannabis and related actions.

The Act makes certain other changes to the state's medical marijuana laws, such as allowing DCP to add to the list of qualifying medical conditions without adopting regulations. Among other things, it also allows licensed medical marijuana producers and dispensaries to participate in the adult recreational market by converting their licenses under certain conditions and paying associated fees.

The Act also has several student-related provisions including prohibiting, with some exceptions, a positive drug test that solely indicates a specified metabolite of THC from being the sole basis for a school to penalize a student. It also generally bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, solely for using or possessing small amounts of cannabis.

Among numerous other cannabis-related provisions, the Act also: (1) prohibits minors from being adjudicated delinquent for certain cannabis possession offenses; (2) limits when cannabis odor or possession can justify a search or motor vehicle stop; (3) limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation; (4) (a) allows municipalities to regulate certain aspects of cannabis businesses through zoning ordinances and (b) requires municipalities, upon petition of 10% of their voters, to hold a referendum on whether to allow recreational cannabis sales; (5) extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems, and expands the locations where the prohibition applies; (6) restricts when landlords and property managers can take certain cannabis-related actions regarding tenants; and (7) authorizes the governor, without further legislative approval, to enter into agreements with the Mashantucket Pequot and Mohegan tribes concerning cannabis regulation.