

A PROCLAMATION FROM HIS EXCELLENCY

THE GOVERNOR

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, on August 4, 2020 Tropical Storm Isaias swept through the State of Connecticut and caused both one of the largest power outage events in Connecticut's recent history, impacting more than 750,000 homes and businesses, and extensive damage across the State of Connecticut, including downed utility lines, fallen trees, road blockages, and damaged homes, buildings, and critical infrastructure; and

WHEREAS, on August 5, 2020 at 11:30 AM, Governor Lamont declared a civil preparedness emergency in response to the impact of Tropical Storm Isaias; and

WHEREAS, the extensive power outages had a disparate impact on members of certain vulnerable communities, including the elderly, those with serious health conditions, low and moderate income residents who could not afford to replace lost food and medications, and those experiencing increased financial hardship due to the economic impact of COVID-19; and

WHEREAS, after the storms of 2011, and the review of the public utilities' response to those weather events, there are still unacceptable failings; and

WHEREAS, Connecticut has the highest electric energy rates of any state in the continental United States; and

WHEREAS, on June 1, 2020 Eversource enacted a rate adjustment that, in conjunction with increased home electricity use due to the COVID-19 pandemic, resulted in residential electric bills that were considerably greater than in past months; and

WHEREAS, in response to thousands of complaints from Eversource's customers the Public Utilities Regulatory Authority ordered the suspension of the rate adjustment pursuant to its investigation; and

WHEREAS, performance-based regulation is a powerful tool for ensuring that the objectives of the public utilities are aligned with the public interests and the State's public policy objectives; and

WHEREAS, utility rates have risen during recent recessions, stifling economic recovery and harming, in particular, the many low and moderate income families for whom utility rates matter as much or than tax rates or transfer spending, including the many families in the State of Connecticut who spend more than ten percent of their income on energy costs;

WHEREAS, Connecticut's Public Utilities Regulatory Authority has only 180 days to review a request for a utility rate change, which is the shortest amount of time for any utility regulatory authority in the United States; and

WHEREAS, a longer review time for utility rate adjustment cases and changes of control would afford the Public Utilities Regulatory Authority a better opportunity to ensure the quality, adequacy, and cost effectiveness of the products and services provided by the public utilities; and

WHEREAS, the Public Utilities Regulatory Authority does not currently possess the statutory authority required to provide financial restitution to utility customers, or allocate civil penalties to non-profit agencies engaged in energy assistance programs, both of which would provide immediate, measurable relief to ratepayers for financial losses; and

WHEREAS, in response to multiple episodes of severe weather, heightened by the effects of climate change, that caused widespread power outages for extended periods of time, Connecticut's General Assembly, through Public Act 12-148, authorized the development of a microgrid development program designed to ensure that critical buildings remain powered during electrical grid outages; and

WHEREAS, the Department of Energy and Environmental Protection has conducted four requests for microgrid applications and awarded thirteen grants across the State to build microgrids to support critical facilities to increase the resilience of these facilities in the face of an increasing number and intensity of storms; and

WHEREAS, eight of these microgrids are operational and are ready to respond should the critical facilities lose power as a result of an episode of severe weather; and

WHEREAS, in the aftermath of Tropical Storm Isaias, a lack of power caused partially-treated wastewater from the Plainfield Village wastewater treatment facility to flow into Packers Pond and the Mill Brook, a tributary of the Quinebaug River highlighting the need for broader resilience support for stand-alone critical facilities like wastewater treatment plants and infrastructure; and

WHEREAS, the historic placement of wastewater treatment facilities, transfer stations, and solid waste facilities near vulnerable communities has led to negative impacts on the health of these communities, and an increased investment in the resiliency of these facilities is necessary to prevent further negative health impacts during extreme weather events made more frequent by climate change; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, a statewide general election is scheduled for November 3, 2020, to select candidates for various state and Congressional offices and for the office of the President of the United States; and

WHEREAS, absentee voting offers a proven method of secure voting that reduces the risk of transmission of COVID-19 by allowing individuals to vote by mail and by reducing the density of in-person voting at polling places; and

WHEREAS, in order to limit the transmission of COVID-19 while providing every eligible voter the ability to safely cast a vote, the General Assembly has previously passed, and I have signed, legislation that expands the availability of voting by absentee ballot in the November 3, 2020 general election; and

WHEREAS, public confidence in elections depends in part on an orderly process for tabulating ballots and the timely announcement of election results; and

WHEREAS, pursuant to section 10-283 of the general statutes, the General Assembly shall annually authorize the Commissioner of Administrative Services to enter into grant commitments on behalf of the state in accordance with a categorized listing for school construction projects as the General Assembly shall determine; and

WHEREAS, the Commissioner of Administrative Services may not enter into any such grant commitments except pursuant to such legislative authorization; and

WHEREAS, the current public health emergency has delayed consideration of a set of priority projects for this year and further delay in making commitments for such projects will likely result in higher costs to municipalities and the state; and

WHEREAS, school districts have received supplemental funding from federal resources as part of the national response to the ongoing public health emergency and such extraordinary one-time funding for COVID-related expenses should not be included in calculations related to a municipality's minimum budget requirement for purpose of the education cost sharing provisions under state law; and

WHEREAS, the reuse and redevelopment of contaminated property is critical to the state's environment and its economic recovery, as well as promoting environmental justice; and

WHEREAS, currently, hundreds of sites to be reused or redeveloped in the state are covered by the Transfer Act, Conn. Gen. Stat. 22a-134 to 22a-134e, inclusive and 22a-134i and 22a-134j; and

WHEREAS, the Transfer Act has been found to have a number of deficiencies, including requiring unnecessary expenditures which serve as an impediment to economic development; and

WHEREAS, only two states in the nation use laws like the Transfer Act to address contamination making Connecticut a less attractive place to do business, especially when compared to our neighboring or competitive states; and

WHEREAS, given the impediment to economic investment in the state was widely known, a legislative working group was convened last year, pursuant to Public Act No. 19-141, to try and make improvements to the Transfer Act; and

WHEREAS, Connecticut should join the 48 other states in the nation and utilize an approach to investigating and remediating contamination that is based on reporting of and responding to releases or a “Release-Based” program in lieu of the Transfer Act; and

WHEREAS, transitioning to a release-based remediation program will serve to hasten the state’s economic recovery by, among other things, eliminating inefficiencies and increasing Connecticut’s competitiveness with our surrounding and competitive states.

WHEREAS, the State of Connecticut established a hemp pilot program in 2019 that has grown to more than 175 registered growers, processors and manufacturers of hemp and hemp products, and is licensed to be grown on over 500 acres outdoors and over 1.5 million square feet indoors; and

WHEREAS, revisions to the existing statute are needed to comply with the United States Department of Agriculture’s Interim Final Rules for hemp cultivation, issued October 31, 2019 in order for the hemp growing program to continue as a state-run program; and

WHEREAS, additional changes are important to improve the opportunities for growth of the hemp production and manufacturing industries in Connecticut; and

WHEREAS, no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits; and

WHEREAS, residents have a right to be informed of proposed development projects that may impact their health and quality of life, a right to voice concerns about such projects, and an expectation that their concerns will be meaningfully considered in state permitting processes; and

WHEREAS, Connecticut’s Environmental Justice Program can be strengthened by increasing community awareness and efficacy, including providing for agreements between developers and municipalities that mitigate health, quality of life, and environmental impacts; and

WHEREAS, Conn. Gen. Stat. § 31-53, the prevailing wage statute for the State of Connecticut, ensures that workers on state or municipal public works projects are paid at a rate equal to the rate customary for the same work in the same occupation in the town where such public works project is being constructed; and

WHEREAS, the Labor Commissioner is charged with predetermining the prevailing rate of wage in each town where such public works project is performed; and

WHEREAS, subsection (d) of Conn. Gen. Stat. § 31-53 provides alternative options for the Labor Commissioner to determine that workers are paid the appropriate prevailing wage; and

WHEREAS, the Labor Commissioner believes that there should be adequate protections in place if there were to be changes in determining federal Davis-Bacon rates;

WHEREAS, tens of thousands of homes in the State of Connecticut were built with concrete laced with pyrrhotite, a mineral that causes cracking when exposed to groundwater, and therefore may need extensive repair or replacement; and

WHEREAS, the Connecticut Foundations Solution Indemnity Company may only provide claim dollars for foundation repair or replacement, and those claims are capped at certain amounts, such that homeowners may need additional financial resources to complete repairs to their property; and

WHEREAS, one source of such additional financial resources is the Connecticut Housing Finance Authority's Supplemental Collapsing Foundation Loan Program, but current law prevents homeowners' associations from accessing that program and thus denies certain impacted condominium owners equal footing with other affected homeowners; and

WHEREAS, chapter 203 of the general statutes provides a variety of exemptions from the property tax and, from time to time, taxpayers may not file the requisite application to be approved for an exemption within the timeframe provided for under the law; and

WHEREAS, allowing the exemption from the property tax for such taxpayers may avoid an undue hardship or to otherwise promote economic activity in the town wherein the property is situated; and

WHEREAS, section 10-76g of the general statutes provides for deadlines for filing an application for a grant for the excess costs of special education; and

WHEREAS, some municipalities may, from time to time, fail to make timely application for such excess costs of special education; and

WHEREAS, Public Act 05-289 provided for a special taxing district to support development of the Steel Point project in the City of Bridgeport and such development is expected to provide significant benefits to the city and its people; and

WHEREAS, the taxing district was authorized for a limited time frame; and

WHEREAS, paragraph M of subdivision 2 of subsection 6 of section 14-10 of the Connecticut General Statutes permits the Commissioner of the Department of Motor Vehicles to disclose personal information from motor vehicle records to state marshals for use in the performance of duties under the provisions of section 6-38a; and

WHEREAS, section 14-50a of the Connecticut General Statutes authorizes the Commissioner to establish fees for such information furnished on a volume basis; and

WHEREAS, clarity regarding the state marshals' ability to pass through such fees to their clients is important for the efficient and orderly conduct of legal execution and service of process;

NOW THEREFORE, by the authority vested in me under Article III of the Amendments to the Constitution of Connecticut and Section 2-7 of the Connecticut General Statutes, I, in order to preserve orderly and decent government, do hereby:

Convene the General Assembly in Special Session in Hartford no earlier than September 29, 2020 at 9:00 a.m. to:

1. enact legislation to (a) establish performance-based regulation for electric distribution companies, gas and water companies and require the Authority to consider the implementation of performance based metrics with incentives and penalties; (b) extend the time for the Public Utilities Regulatory Authority to issue decisions in rate filings and proceedings related to changes of control and financial transactions; (c) require the Authority to consider whether to make certain public service company executive, officer and employee compensation contingent upon performance targets; (d) enable the Authority to consider implementation of an interim rate decrease, low income rate, and economic development rates for electric ratepayers pursuant to Sections 16-19, 16-19e and 16-19oo; (e) require the board of directors to include a certain percentage of Connecticut-based individuals during changes of control; (f) prevent electric utilities from recovering their costs associated with participation in rate hearings; (g) increase the penalty cap for violations related to emergency preparation and restoration of service and clarify that such penalties shall be assessed in the form of credits to accounts of ratepayers; (h) require the Authority to consider the implementation of residential customer credits for each day of a distribution service outage for such customers, and customer compensation for medication and food that spoils due to a distribution service outage; (i) require the electric distribution companies to submit a report to the General Assembly regarding past storm response and require the Authority to review such report and establish staffing and other standards related to emergency response and to enforce those standards; (j) provide the Authority with the ability to award restitution to customers or a combination of a fine and restitution for violations pursuant to Section

- 16-41 or to direct a portion of a fine levied to a nonprofit agency engaged in energy assistance programs; (k) require the Commissioner of the Department of Energy and Environmental Protection to submit a report to the General Assembly regarding Connecticut's participation in the wholesale energy markets administered by the regional independent system operator and alternative approaches to meet Connecticut's policy goals; (l) amend the microgrid grant and loan pilot program administered by the Department of Energy and Environmental Protection pursuant to Section 16-243y, to: (1) allow for the inclusion of resilience projects not connected to a microgrid, (2) include nonprofit and academic entities as potential developers, (3) allow the Department to hire a technical consultant using funds authorized for the program, (4) allow funding for community planning, project feasibility analysis, and nonfederal cost share for grant and loan applications, and (5) require the Department to prioritize proposals that benefit vulnerable communities; and (m) exempt out-of-state businesses and individuals performing work during a disaster response period from certain requirements; and
2. enact legislation to alter statutes governing the administration of elections to ensure local officials may administer the processing of absentee ballots in a secure and orderly manner during the November 2020 general election; and
 3. enact legislation to authorize school construction projects, to set the State's maximum grant amount for such projects, and to clarify that supplemental funding to a municipality from federal resources as part of the national response to the ongoing public health emergency shall not be included in any calculation related to a municipality's minimum budget requirement for purpose of the education cost sharing provisions under state law; and
 4. enact legislation to (a) make changes to the Transfer Act consistent with the recommendations of the legislative working group convened pursuant to Public Act No. 19-75; (b) authorize a release-based remediation program requiring the reporting as well as the investigation and remediation of releases that also authorizes the adoption of regulations to implement such release-based cleanup program; and (c) provide for the sunset of the Transfer Act upon the adoption of regulations necessary to implement a release-based remediation program; and
 5. enact legislation to align Connecticut's hemp program with federal law and provide opportunities for hemp growers and manufacturers in the state; and
 6. enact legislation updating the state's environmental justice law to require public notice and community benefit agreements in certain circumstances; and
 7. enact legislation to provide greater protection for employees in occupations engaged in construction on certain non-residential building, heavy, or highway works projects in Connecticut; and
 8. enact legislation to permit homeowners' associations to obtain loans through the Supplemental Collapsing Foundation Loan Program; and
 9. enact legislation to (a) allow applications or statements required for certain property tax exemptions be considered as timely filed; (b) allow certain applications for payment of

- excess costs of special education incurred by a certain local board of education which costs may have been omitted from a March, 2020, filing during the fiscal year ending June 30, 2020; and (c) extend the time period for a special taxing district in the City of Bridgeport to support a significant economic development project; and
10. enact legislation to clarify the state marshals' ability to receive the moneys actually paid for fees for the disclosure or search of records of the Department of Motor Vehicles.

Given under my hand and Seal of the State at the City of Hartford, this 25th Day of September in the year two thousand and twenty.



A handwritten signature in blue ink that reads "Ned Lamont".

Ned Lamont
Governor