

Memo

To: Judiciary Committee
From: Tanya A. Hughes, Executive Director
Date: February 24, 2014
Re: **SB 151, AN ACT CONCERNING CONTRACT COMPLIANCE REQUIREMENTS FOR THE METROPOLITAN DISTRICT OF HARTFORD**

The Commission on Human Rights and Opportunities **SUPPORTS** SB 151.

Purpose of S.B. Bill No. 151:

The proposed act is to further clarify the meaning and legislative intent of Section 24 of Public Act 13-247 which amended Conn. Gen. Stat. Section 46a-68(a) to add the following language:

The Metropolitan District of Hartford County shall be deemed to be a state agency for purposes of this section and sections 4a-60, 4a-60a and 4a-60g.

The Commission on Human Rights and Opportunities **supports** this bill as a clarification of the requirements imposed through the 2013 amendment to Conn. Gen. Stat. §46a-68(a). The language added will clarify that the METROPOLITAN DISTRICT OF HARTFORD is subject to nondiscrimination contract compliance requirements of Conn. Gen. Stat. Sections 4a-60, 4a-60a and 4a-60g. Further, these changes will help facilitate the Commission on Human Rights and Opportunities' (CHRO) efforts to monitor and enforce the contract compliance requirements in connection with the METROPOLITAN DISTRICT OF HARTFORD's contracting practices.

Reasoning:

Although Conn. Gen. Stat. Section 46a-68(a) already includes language which requires the METROPOLITAN DISTRICT OF HARTFORD to comply with the contract compliance requirements of the State's law prohibiting unlawful discrimination, the METROPOLITAN DISTRICT OF HARTFORD has not complied with the contract compliance requirements in connection with reporting on each contract to CHRO

consistent with the meaning of and its obligations under Conn. Gen. Stat. Section 46a-68(a).

Section 46a-68(a) was amended by P.A. 09-87 (2009) to establish that the Metropolitan District of Hartford was a state agency for the purposes of complying as a state agency with all requirements to prohibit discrimination pursuant to the law and to file periodic reports and documents as required by the CHRO to report on its compliance with all of the requirements of Section 46a-68(a). The METROPOLITAN DISTRICT OF HARTFORD did not view this law to require it to comply with the state agency contract compliance requirements in connection with each contract and in connection with the CHRO's contract compliance reporting requirements.

The legislature in 2013 specifically identified the procurement statutes in Conn. Gen. Stat. 46a-68(a) to require the Metropolitan District of Hartford to comply with the state's contract compliance requirements. Section 24 of Public Act 13-247 amended Conn. Gen. Stat. Section 46a-68(a) to add the underlined language: "[t]he Metropolitan District of Hartford County shall be deemed to be a state agency for purposes of this section and sections 4a-60, 4a-60a and 4a-60g." This change, effective July 1, 2013, directly required the METROPOLITAN DISTRICT OF HARTFORD to comply with all requirements of Conn. Gen. Stat. sections 4a-60, 4a-60a and 4a-60g and the CHRO's implementing statutes 46a-68b through 46a-68g and 46a-56 (also see Conn. Gen. Stat. Section 46a-51 et seq.). This includes the CHRO's monitoring of the METROPOLITAN DISTRICT OF HARTFORD's contract compliance.

Although, the CHRO has been informed that the METROPOLITAN DISTRICT OF HARTFORD has started to include the nondiscrimination language in its contracts, continues to question the legislature's intent to require METROPOLITAN DISTRICT OF HARTFORD to submit to the CHRO's contract compliance monitoring and enforcement requirements. It has been informed that the legislature not only amended the law to specifically identify METROPOLITAN DISTRICT OF HARTFORD as a state agency for purposes of complying with the contract compliance requirements in the CHRO's reporting and monitoring statutory authority and the legislature but it also provided two additional specifically earmarked contract compliance positions for the purpose of CHRO's monitoring and enforcement of the METROPOLITAN DISTRICT OF HARTFORD contract compliance.

The CHRO **supports** Senate Bill No. 151 as it will resolve any other questions that the METROPOLITAN DISTRICT OF HARTFORD may have as to its obligations to comply with all of the state agency's contract compliance reporting requirements. More importantly, the amendments to the law presented in this bill expressly clarifies for METROPOLITAN DISTRICT OF HARTFORD's contractors, subcontractors, for state agencies, the courts and any for other entities that the METROPOLITAN DISTRICT OF HARTFORD is to be treated as a state agency/covered political subdivision, and as such it is subject to all of the state agency contract compliance obligations and requirements of the law.