



General Assembly

Substitute Bill No. 999

January Session, 2021



**AN ACT CONCERNING A JUST TRANSITION TO CLIMATE-
PROTECTIVE ENERGY PRODUCTION AND COMMUNITY
INVESTMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 unless the context otherwise requires:

3 (1) "Covered project" means a construction project that concerns the
4 development of a renewable energy project or is related thereto, and the
5 facility or facilities created in such construction project, with a total
6 construction cost of two million five hundred thousand dollars or more;

7 (2) "Renewable energy project" means a project that is intended to or
8 will have the effect of enhancing energy efficiency, upgrading building
9 electrification, developing renewable energies or enhancing climate
10 change resiliency, including projects that create useable energy from
11 solar power, wind power, a fuel cell, geothermal sources, landfill
12 methane gas, anaerobic digestion or other biogas derived from
13 biological sources, thermal electric direct energy conversion from a
14 certified Class I renewable energy source, ocean thermal power, wave
15 or tidal power, low emission advanced renewable energy conversion
16 technologies and zero emission low grade heat power generation
17 systems based on organic oil free rankine, kalina or similar nonstream

18 cycles that use waste heat from an industrial or commercial process that
19 does not generate electricity, a run-of-the-river hydropower facility or a
20 biomass facility that uses sustainable biomass fuel;

21 (3) "Community benefits agreement" means an agreement between
22 (A) the developer of a covered project, and (B) community-based
23 organizations or a coalition of such organizations, that details the
24 project's contributions to the community in which it is or will be sited
25 and the aspects of the project that will mitigate adverse conditions of
26 such community and create opportunities for local businesses,
27 communities and workers;

28 (4) "Labor organization" means any organization that exists and is
29 constituted for the purpose, in whole or in part, of collective bargaining
30 or of dealing with employers concerning grievances, terms or conditions
31 of employment, or of other mutual aid or protection and that is not a
32 company union, including, but not limited to, bona fide labor
33 organizations that are certified or recognized as the organization of
34 jurisdiction representing the workers involved or bona fide building
35 and construction trades councils or district councils and state and local
36 labor federations comprised of local unions certified or recognized as
37 the representative of the workers; and

38 (5) "Workforce development program" means a program pursuant to
39 which newly hired employees and existing employees are given the
40 opportunity to develop skills that will enable such employees to qualify
41 for higher paying jobs on a covered project. A workforce development
42 program includes: (A) Apprenticeship training through an
43 apprenticeship program registered with the Labor Department or a
44 federally recognized state apprenticeship agency that complies with the
45 requirements under 29 CFR 29 and 29 CFR 30, as each may be amended
46 from time to time, and (B) preapprenticeship training that will enable
47 students to qualify for registered apprenticeship training.

48 (b) The developer of a covered project shall take all necessary actions
49 to ensure that (1) a community benefits agreement is entered into with

50 appropriate community organizations representing residents of the
51 community in which the project is or will be located, and (2) a workforce
52 development program is established.

53 (c) The developer of a covered project shall take all necessary actions
54 to ensure that each contractor and subcontractor involved in the
55 construction of the project completes a sworn certification that the
56 contractor or subcontractor: (1) Has the necessary resources to perform
57 the portion of the covered project to which the contractor or
58 subcontractor are assigned, including the necessary technical, financial
59 and personnel resources; (2) has all required contractor, specialty
60 contractor or trade licenses, certifications or certificates required of any
61 business entity or individual by applicable state or local law; (3)
62 participates in apprenticeship training through an apprenticeship
63 program registered with the Labor Department or a federally
64 recognized state apprenticeship agency that complies with the
65 requirements under 29 CFR 29 and 29 CFR 30, as each may be amended
66 from time to time; (4) during the previous three years (A) has not been
67 debarred by any government agency; (B) has not defaulted on any
68 project; (C) has not had any license, certification or other credential
69 relating to the business revoked or suspended; and (D) has not been
70 found in violation of any law applicable to the contractor's or
71 subcontractor's business that resulted in the payment of a fine, back pay
72 damages or any other type of penalty in the amount of ten thousand
73 dollars or more; (5) will pay personnel employed on the project not less
74 than the applicable wage and fringe benefit rates for the classification in
75 which such personnel is employed and required for the project; and (6)
76 has not misclassified and will not misclassify labor employees as
77 independent contractors.

78 (d) The developer of a covered project shall submit to the Labor
79 Commissioner the certification of compliance specified in subsection (c)
80 of this section not later than thirty days prior to commencement of
81 construction of the project. Such certification shall be considered a
82 public document that shall be made available without redaction on the

83 Labor Department's Internet web site not later than seven days after
84 being submitted to the Labor Commissioner. If a certification contains
85 false, misleading or inaccurate information, the contractor or
86 subcontractor that executed such certification shall, after notice and
87 opportunity to be heard, be subject to a three-year debarment from
88 future public and publicly covered projects and be subject to other
89 applicable penalties and sanctions.

90 (e) The failure of the developer of a covered project to take reasonable
91 steps to ensure that the certification submitted to the Labor
92 Commissioner pursuant to subsection (d) of this section are accurate
93 and truthful shall constitute a violation of this section and shall be
94 subject to penalties and sanctions for conduct constituting
95 noncompliance. The commissioner shall adopt regulations, in
96 accordance with the provisions of chapter 54 of the general statutes,
97 establishing the penalties and sanctions applicable to a violation of this
98 subsection.

99 (f) (1) Each contractor and subcontractor on a covered project shall
100 (A) pay each construction employee on the project wages and benefits
101 that are not less than the prevailing wage and fringe benefit rates
102 prescribed in section 31-53 of the general statutes for the corresponding
103 classification in which the employee is employed, and (B) be subject to
104 all reporting and compliance requirements of section 31-53 of the
105 general statutes. Contractors and subcontractors that violate this
106 subsection shall be subject to penalties and sanctions in accordance with
107 section 31-53 of the general statutes.

108 (2) Each operations, maintenance and security employee employed
109 in a building or facility that is constructed in a covered project shall be
110 paid wages and benefits that are not less than the prevailing wage and
111 fringe benefit rates prescribed in section 31-53 of the general statutes or,
112 if applicable, the standard wage specified in section 31-53 of the general
113 statutes for the corresponding classification in which the employee is
114 employed.

115 (g) Prevailing wage requirements under subsection (f) of this section
 116 shall not apply to a construction project that is covered by a project labor
 117 agreement. For the purposes of this subsection, "project labor
 118 agreement" means an agreement that: (1) Binds all contractors and
 119 subcontractors on the covered project to the project labor agreement
 120 through the inclusion of specifications in all relevant solicitation
 121 provisions and contract documents; (2) allows all contractors and
 122 subcontractors to compete for contracts and subcontracts on the project
 123 without regard to whether they are otherwise parties to collective
 124 bargaining agreements; (3) establishes uniform terms and conditions of
 125 employment for all construction labor employed on the projects; (4)
 126 guarantees against strikes, lockouts and similar job disruptions; (5) sets
 127 forth effective, prompt and mutually binding procedures for resolving
 128 labor disputes arising during the project labor agreement; and (6)
 129 includes any other provisions as negotiated by the parties to promote
 130 successful delivery of the covered project.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Subsec. (a)(3), "such" was added before organizations for clarity and "it is sited" was changed to "it is or will be sited" for accuracy; in Subsec. (a)(5)(A), "as each may be amended from time to time" was added for accuracy and consistency with standard drafting conventions; in Subsec. (b), "affected community" was changed to "community in which the project is or will be located" for clarity and accuracy; Subsec. (c)(4) was rewritten for accuracy and consistency; Subsec. (c)(5) was rewritten for clarity and for consistency with standard drafting conventions; in Subsec. (d), "a publicly available web site" was changed to "the Labor Department's Internet web site" for clarity and accuracy; in Subsec. (e), "shall permit the state to impose appropriate" was changed to "shall be subject to" for consistency with standard drafting conventions and "described in this subdivision" was changed to "applicable to a violation of this subsection" for accuracy; in Subsec. (f)(1), "at a minimum" was

deleted for consistency with standard drafting conventions; in Subsec. (f)(2), "created" was changed to "constructed" for consistency with standard drafting conventions, "prevailing wage" was changed to "prevailing wage and fringe benefit rates" for consistency and "31-57" was changed to "31-53" for accuracy; and in Subsec. (g), "appropriate" was deleted for consistency with standard drafting conventions.

LAB *Joint Favorable Subst.*