



General Assembly

Substitute Bill No. 1158

January Session, 2001

AN ACT CONCERNING THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

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

1 Section 1. Section 46a-57 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) (1) The Governor shall appoint three human rights referees for
4 terms commencing October 1, 1998, and four human rights referees for
5 terms commencing January 1, 1999. The human rights referees so
6 appointed shall serve for a term of one year.

7 (2) On and after October 1, 1999, the Governor shall appoint seven
8 human rights referees with the advice and consent of both houses of
9 the General Assembly. When the General Assembly is not in session,
10 any vacancy shall be filled pursuant to the provisions of section 4-19.
11 The Governor shall appoint three human rights referees to serve for a
12 term of two years commencing October 1, 1999. The Governor shall
13 appoint four human rights referees to serve for a term of three years
14 commencing January 1, 2000. Thereafter human rights referees shall
15 serve for a term of three years. The Governor may remove any human
16 rights referee for cause.

17 (3) Notwithstanding the provisions of subdivision (2) of this
18 subsection, the Governor shall not appoint human rights referees to
19 succeed the three human rights referees whose terms expire on

20 September 30, 2001, thereby reducing the total number of human
21 rights referees to four on and after October 1, 2001.

22 (b) Human rights referees shall serve full-time and shall conduct the
23 hearings authorized by the provisions of this chapter. A human rights
24 referee shall have the powers granted to hearing officers and presiding
25 officers by chapter 54 and this chapter. A human rights referee shall be
26 an attorney admitted to the practice of law in this state. Any
27 commissioner of the Superior Court who is able and willing to hear
28 discriminatory practice complaints may submit [his] the
29 commissioner's name to the Governor for consideration for
30 appointment as a human rights referee. No human rights referee shall
31 appear before the commission or another hearing officer for one year
32 after leaving office.

33 (c) The Chief Human Rights Referee and each full-time human
34 rights referee shall receive an annual salary equivalent to that set forth
35 in subsection (h) of section 46b-231 and shall be entitled to the fringe
36 benefits available to other state employees. The cost of stenographic
37 and clerical assistance, equipment and supplies shall be paid by the
38 state upon the approval of the Commissioner of Administrative
39 Services. The budget for human rights referees shall be a separate line
40 item within the budget of the commission.

41 (d) On or after October 1, 1998, the executive director shall designate
42 one human rights referee to serve as Chief Human Rights Referee for a
43 term of one year. The Chief Human Rights Referee shall supervise and
44 assign the human rights referees to conduct hearings on complaints,
45 including complaints for which a trial on the merits has not
46 commenced prior to October 1, 1998, on a rotating basis. The
47 commission, in consultation with the executive director and Chief
48 Human Rights Referee, shall develop regulations and rules of practice
49 in accordance with chapter 54 to ensure consistent procedures
50 governing contested case proceedings.

51 (e) Part-time hearing officers serving on July 1, 1998, shall continue

52 to serve until all cases assigned to any such part-time hearing officer
53 are completed. If a part-time hearing officer believes that a case should
54 be transferred to a human rights referee, the part-time hearing officer
55 shall solicit the views of the parties and submit a recommendation to
56 the Chief Human Rights Referee. The Chief Human Rights Referee
57 shall determine whether the case should be assigned to any human
58 rights referee or whether such case should remain with such part-time
59 hearing officer.

60 (f) Each part-time hearing officer and each commissioner shall
61 receive one hundred twenty-five dollars per day for each day on which
62 he or she conducts hearings and, upon presentation of adequate
63 documentation, compensation in the amount of one hundred twenty-
64 five dollars per day prorated for the time during each day on which
65 the officer or commissioner is not conducting hearings but is engaged
66 in the preparation of findings, decisions, orders or rulings, and their
67 reasonable expenses, including necessary stenographic and clerical
68 help, shall be paid by the state upon approval of the Commissioner of
69 Administrative Services.

70 (g) When serving as a presiding officer as provided in section 46a-
71 84, each human rights referee or hearing officer shall have the same
72 subpoena powers as are granted to commissioners by subdivision (9)
73 of section 46a-54. Each presiding officer shall also have the power to
74 determine a reasonable fee to be paid to an expert witness, including
75 but not limited to, any practitioner of the healing arts, as defined in
76 section 20-1, dentist, registered nurse or licensed practical nurse, as
77 defined in section 20-87a, and real estate appraiser when any such
78 expert witness is summoned by the commission to give expert
79 testimony, in person or by deposition, in any contested case
80 proceeding, pursuant to section 46a-84. Said fee shall be paid to the
81 expert witness in lieu of all other witness fees.

82 Sec. 2. This act shall take effect July 1, 2001.

GAE *Joint Favorable Subst. C/R*

JUD