



House of Representatives

General Assembly

File No. 398

February Session, 2002

Substitute House Bill No. 5032

House of Representatives, April 9, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 46a-55 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 The commission counsel shall represent the commission in any
4 proceeding wherein any state agency or state officer is an adversary
5 party and may represent the commission in such other matters as the
6 commission and the Attorney General may jointly prescribe. The
7 commission counsel shall be a member of the bar of this state and shall
8 report to the executive director on a day-to-day basis. The executive
9 director shall evaluate the performance of the commission counsel.

10 Sec. 2. Section 46a-57 of the general statutes, as amended by section
11 5 of public act 01-9 of the June special session, is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2002*):

13 (a) (1) The Governor shall appoint three human rights referees for
14 terms commencing October 1, 1998, and four human rights referees for
15 terms commencing January 1, 1999. The human rights referees so
16 appointed shall serve for a term of one year.

17 (2) (A) On and after October 1, 1999, the Governor shall appoint
18 seven human rights referees with the advice and consent of both
19 houses of the General Assembly. The Governor shall appoint three
20 human rights referees to serve for a term of two years commencing
21 October 1, 1999. The Governor shall appoint four human rights
22 referees to serve for a term of three years commencing January 1, 2000.
23 Thereafter, human rights referees shall serve for a term of three years.
24 [The Governor may remove any human rights referee for cause.]

25 (B) On and after July 1, 2001, there shall be not more than five
26 human rights referees. Each of the human rights referees serving on
27 July 1, 2001, shall complete the term to which such referee was
28 appointed. Thereafter, human rights referees shall be appointed by the
29 Governor, with the advice and consent of both houses of the General
30 Assembly, to serve for a term of three years.

31 (3) When the General Assembly is not in session, any vacancy shall
32 be filled pursuant to the provisions of section 4-19. The Governor may
33 remove any human rights referee for cause.

34 (b) Human rights referees shall serve full-time and shall conduct the
35 mediations and hearings authorized by the provisions of this chapter.
36 A human rights referee shall have the powers granted to hearing
37 officers and presiding officers by chapter 54 and this chapter. A human
38 rights referee shall be an attorney admitted to the practice of law in
39 this state. Any commissioner of the Superior Court who is able and
40 willing to hear discriminatory practice complaints may submit his or
41 her name to the Governor for consideration for appointment as a
42 human rights referee. No human rights referee shall appear before the
43 commission or another hearing officer for one year after leaving office.

44 [(c) The Chief Human Rights Referee and each full-time human

45 rights referee shall receive an annual salary equivalent to that set forth
46 in subsection (h) of section 46b-231 and shall be entitled to the fringe
47 benefits available to other state employees. The cost of stenographic
48 and clerical assistance, equipment and supplies shall be paid by the
49 state upon the approval of the Commissioner of Administrative
50 Services. The budget for human rights referees shall be a separate line
51 item within the budget of the commission.]

52 [(d)] (c) On or after October 1, 1998, the executive director shall
53 designate one human rights referee to serve as Chief Human Rights
54 Referee for a term of one year. The Chief Human Rights Referee shall
55 supervise and assign the human rights referees to conduct mediations
56 and hearings on complaints, including complaints for which a trial on
57 the merits has not commenced prior to October 1, 1998, on a rotating
58 basis. The commission, in consultation with the executive director and
59 Chief Human Rights Referee, shall [develop] adopt regulations and
60 rules of practice, in accordance with chapter 54, to ensure consistent
61 procedures governing contested case proceedings.

62 [(e)] (d) Part-time hearing officers serving on July 1, 1998, shall
63 continue to serve until all cases assigned to any such part-time hearing
64 officer are completed. If a part-time hearing officer believes that a case
65 should be transferred to a human rights referee, the part-time hearing
66 officer shall solicit the views of the parties and submit a
67 recommendation to the Chief Human Rights Referee. The Chief
68 Human Rights Referee shall determine whether the case should be
69 assigned to any human rights referee or whether such case should
70 remain with such part-time hearing officer.

71 [(f)] (e) Each part-time hearing officer and each commissioner shall
72 receive one hundred twenty-five dollars per day for each day on which
73 he or she conducts hearings and, upon presentation of adequate
74 documentation, compensation in the amount of one hundred twenty-
75 five dollars per day prorated for the time during each day on which
76 the officer or commissioner is not conducting hearings but is engaged
77 in the preparation of findings, decisions, orders or rulings, and their

78 reasonable expenses, including necessary stenographic and clerical
79 help, shall be paid by the state upon approval of the Commissioner of
80 Administrative Services.

81 [(g)] (f) When serving as a presiding officer as provided in section
82 46a-84, each human rights referee or hearing officer shall have the
83 same subpoena powers as are granted to commissioners by
84 subdivision (9) of section 46a-54, as amended. Each presiding officer
85 shall also have the power to determine a reasonable fee to be paid to
86 an expert witness, including, but not limited to, any practitioner of the
87 healing arts, as defined in section 20-1, dentist, registered nurse or
88 licensed practical nurse, as defined in section 20-87a, and real estate
89 appraiser when any such expert witness is summoned by the
90 commission to give expert testimony, in person or by deposition, in
91 any contested case proceeding, pursuant to section 46a-84. [Said] Such
92 fee shall be paid to the expert witness in lieu of all other witness fees.

This act shall take effect as follows:	
Section 1	July 1, 2002
Sec. 2	July 1, 2002

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note
State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF	Human Rights & Opportunities, Com.	-	Uncertain (but not significant)	Uncertain (but not significant)

Note: GF=General Fund

Municipal Impact: None

Explanation

The fiscal impact of the bill is uncertain but would not be significant. The bill eliminates the requirement that salaries of the human rights referees be the same as those of family support magistrates. It is uncertain if this would result in higher or lower salary increases for human rights referees.¹ The salaries of family support magistrates are set by statute (CGS 46b-231). Future salaries of the magistrates are not known at this time. Increases for the magistrates over the past two years are shown below:

Date	Salary	% increase
4/1/00	\$ 94,587	-
4/1/01	\$ 98,600	4.20%
4/2/02	\$ 103,569	5.00%

¹ There are five human rights referees in the commission at the present time.

OLR Bill Analysis

sHB 5032

AN ACT CONCERNING THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

SUMMARY:

This bill eliminates the requirement for five human rights referees and instead sets five as the maximum number. It expands their duties by authorizing them to conduct mediations. Currently, the law authorizes them to preside over and decide adversary hearings relating to discrimination complaints on employment, housing, public accommodations, credit, and other related matters.

The bill requires the chief human rights referee to supervise and assign the other referees to conduct mediation. He already must assign them to hearings.

The bill eliminates the requirement that the chief human rights referee and each full-time referee receive the same salary as family support magistrates. (Currently the chief receives \$108,821. Each referee receives \$103,569.)

The bill eliminates the requirement that (1) the budget for human rights referees be a separate line item within the Commission on Human Rights and Opportunities' budget and (2) the cost of stenographic and clerical assistance, equipment, and supplies be paid by the state upon the commissioner of administrative services' approval.

The bill requires the commission counsel to report to the agency's executive director on a day-to-day basis and requires her to evaluate the counsel's performance.

EFFECTIVE DATE: July 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 0