



General Assembly

February Session, 2002

Bill No. 5032

LCO No. 480

Referred to Committee on Appropriations

Introduced by:

REP. WARD, 86th Dist.

SEN. DELUCA, 32nd Dist.

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. Subdivision (3) of section 46a-51 of the general statutes, as
2 amended by section 1 of public act 01-28, is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2002*):

4 (3) "Commission counsel" means the counsel [employed by the
5 commission pursuant to section 46a-54] appointed by the executive
6 director of the commission pursuant to section 46a-52, as amended by
7 this act.

8 Sec. 2. Subsection (d) of section 46a-52 of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective July*
10 *1, 2002*):

11 (d) The executive director may appoint a commission counsel and
12 no more than two deputy directors with the approval of a majority of
13 the members of the commission. The commission counsel and the

14 deputy directors shall be supervised by the executive director and
15 shall assist the executive director in the administration of the
16 commission, the effectuation of its statutory responsibilities and such
17 other duties as may be assigned by the executive director. [Deputy]
18 The commission counsel and the deputy directors shall serve at the
19 pleasure of the executive director and without tenure. The executive
20 director may remove the commission counsel or a deputy director with
21 the approval of a majority of the members of the commission.

22 Sec. 3. Subdivision (3) of section 46a-54 of the general statutes, as
23 amended by section 3 of public act 01-53, is repealed and the following
24 is substituted in lieu thereof (*Effective July 1, 2002*):

25 (3) To [employ] retain a commission counsel who shall not be
26 subject to the provisions of chapter 67.

27 Sec. 4. Section 46a-55 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective July 1, 2002*):

29 The commission counsel shall represent the commission in any
30 proceeding wherein any state agency or state officer is an adversary
31 party and may represent the commission in such other matters as the
32 commission, [and] the executive director or the Attorney General may
33 [jointly] prescribe. The commission counsel shall be a member of the
34 bar of this state.

35 Sec. 5. Section 46a-57 of the general statutes, as amended by section
36 5 of public act 01-9 of the June special session, is repealed and the
37 following is substituted in lieu thereof (*Effective July 1, 2002*):

38 (a) (1) The Governor shall appoint three human rights referees for
39 terms commencing October 1, 1998, and four human rights referees for
40 terms commencing January 1, 1999. The human rights referees so
41 appointed shall serve for a term of one year.

42 (2) (A) On and after October 1, 1999, the Governor shall appoint
43 seven human rights referees with the advice and consent of both

44 houses of the General Assembly. The Governor shall appoint three
45 human rights referees to serve for a term of two years commencing
46 October 1, 1999. The Governor shall appoint four human rights
47 referees to serve for a term of three years commencing January 1, 2000.
48 Thereafter, human rights referees shall serve for a term of three years.
49 The Governor may remove any human rights referee for cause.

50 (B) On and after July 1, 2001, there shall be five human rights
51 referees. Each of the human rights referees serving on the effective
52 date of [this act] public act 01-9 of the June special session shall
53 complete the term to which such referee was appointed. Thereafter,
54 human rights referees shall serve for a term of three years.

55 (C) On and after January 1, 2003, there shall be three human rights
56 referees. Each of the human rights referees serving on the effective
57 date of this act shall complete the term to which such referee was
58 appointed. Thereafter, human rights referees shall serve for a term of
59 three years.

60 (3) When the General Assembly is not in session, any vacancy shall
61 be filled pursuant to the provisions of section 4-19.

62 (b) Human rights referees shall serve full-time and shall conduct the
63 mediations and hearings authorized by the provisions of this chapter.
64 A human rights referee shall have the powers granted to hearing
65 officers and presiding officers by chapter 54 and this chapter. A human
66 rights referee shall be an attorney admitted to the practice of law in
67 this state. Any commissioner of the Superior Court who is able and
68 willing to hear discriminatory practice complaints may submit his or
69 her name to the Governor for consideration for appointment as a
70 human rights referee. No human rights referee shall appear before the
71 commission or another hearing officer for one year after leaving office.

72 [(c) The Chief Human Rights Referee and each full-time human
73 rights referee shall receive an annual salary equivalent to that set forth
74 in subsection (h) of section 46b-231 and shall be entitled to the fringe

75 benefits available to other state employees. The cost of stenographic
76 and clerical assistance, equipment and supplies shall be paid by the
77 state upon the approval of the Commissioner of Administrative
78 Services. The budget for human rights referees shall be a separate line
79 item within the budget of the commission.

80 (d) On or after October 1, 1998, the executive director shall designate
81 one human rights referee to serve as Chief Human Rights Referee for a
82 term of one year. The Chief Human Rights Referee]

83 (c) The executive director shall supervise and assign the human
84 rights referees to conduct mediations and hearings on complaints,
85 including complaints for which a trial on the merits has not
86 commenced prior to October 1, 1998, on a rotating basis. The
87 commission, in consultation with the executive director and [Chief
88 Human Rights Referee] the human rights referees, shall develop
89 regulations and rules of practice in accordance with chapter 54 to
90 ensure consistent procedures governing contested case proceedings.

91 [(e)] (d) Part-time hearing officers serving on July 1, 1998, shall
92 continue to serve until all cases assigned to any such part-time hearing
93 officer are completed. If a part-time hearing officer believes that a case
94 should be transferred to a human rights referee, the part-time hearing
95 officer shall solicit the views of the parties and submit a
96 recommendation to the [Chief Human Rights Referee] executive
97 director. The [Chief Human Rights Referee] executive director shall
98 determine whether the case should be assigned to any human rights
99 referee or whether such case should remain with such part-time
100 hearing officer.

101 [(f)] (e) Each part-time hearing officer and each commissioner shall
102 receive one hundred twenty-five dollars per day for each day on which
103 he or she conducts hearings and, upon presentation of adequate
104 documentation, compensation in the amount of one hundred twenty-
105 five dollars per day prorated for the time during each day on which
106 the officer or commissioner is not conducting hearings but is engaged

107 in the preparation of findings, decisions, orders or rulings, and their
108 reasonable expenses, including necessary stenographic and clerical
109 help, shall be paid by the state upon approval of the Commissioner of
110 Administrative Services.

111 [(g)] (f) When serving as a presiding officer as provided in section
112 46a-84, each human rights referee or hearing officer shall have the
113 same subpoena powers as are granted to commissioners by
114 subdivision (9) of section 46a-54, as amended. Each presiding officer
115 shall also have the power to determine a reasonable fee to be paid to
116 an expert witness, including, but not limited to, any practitioner of the
117 healing arts, as defined in section 20-1, dentist, registered nurse or
118 licensed practical nurse, as defined in section 20-87a, and real estate
119 appraiser when any such expert witness is summoned by the
120 commission to give expert testimony, in person or by deposition, in
121 any contested case proceeding, pursuant to section 46a-84. [Said] Such
122 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
Sec. 3	July 1, 2002
Sec. 4	July 1, 2002
Sec. 5	July 1, 2002

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]