



General Assembly

**Substitute Bill No. 5032**

*February Session, 2002*

**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 Section 46a-55 of the general statutes is repealed and the  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11 5 of public act 01-9 of the June special session, is repealed and the  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	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>

**JUD**      *Joint Favorable Subst.*