



Senate

General Assembly

January Session, 2003

File No. 587

Senate Bill No. 366

Senate, April 30, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ALTERNATIVE DISPUTE RESOLUTION PROCEDURES AND COMPLAINANT REPRESENTATION BEFORE THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

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

1 Section 1. Subsection (f) of section 46a-83b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (f) The commission [shall] may adopt regulations, in accordance
5 with chapter 54, to implement this section and to establish procedures
6 and standards for alternate dispute resolution.

7 Sec. 2. Subsection (d) of section 46a-84 of the general statutes is
8 repealed and the following is substituted in lieu thereof (*Effective*
9 *October 1, 2003*):

10 (d) The case in support of the complaint shall be presented at the
11 hearing by the Attorney General, who shall be counsel for the

12 commission, or by the commission counsel as provided in section 46a-
13 55, as the case may be. If the Attorney General or the commission
14 counsel determines that a material mistake of law or fact has been
15 made in the finding of reasonable cause, he may withdraw the
16 certification of the complaint and remand the file to the investigator for
17 further action. The complainant may be represented by an attorney of
18 his own choice. If the Attorney General or the commission counsel, as
19 the case may be, determines that the interests of the state will not be
20 adversely affected, [he may allow] the attorney for the complainant
21 [to] shall present all or part of the case in support of the complaint. No
22 commissioner may participate in the deliberations of the presiding
23 officer in the case.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

JUD *Joint Favorable*

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Human Rights & Opportunities, Com.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Inasmuch as this bill requires the attorney for the complainant to present all or part of a case at CHRO hearings, the legal staff will have more time to concentrate on those cases in which an attorney does not represent a complainant. Thus, this provision will result in administrative efficiencies for CHRO and will have no fiscal impact.

OLR Bill Analysis

SB 366

AN ACT CONCERNING ALTERNATIVE DISPUTE RESOLUTION PROCEDURES AND COMPLAINANT REPRESENTATION BEFORE THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**SUMMARY:**

The bill permits, instead of requires, the Commission on Human Rights and Opportunities (CHRO) to adopt regulations to establish procedures and standards for alternative dispute resolution in connection with discriminatory employment practice complaints.

The bill requires, instead of permits, the attorney for the complainant to present all, or part of, the case in support of the complaint at a CHRO hearing if the attorney general or commission counsel determines that the interests of the state will not be adversely affected.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Related Statute***

The CHRO counsel must represent the commission in any proceeding in which a state officer or state agency is an adversary party. He may represent CHRO in any other matter that the commission and the attorney general jointly agree upon (CGS § 46a-55).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 41 Nay 0