State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
Central Office ~ 25 Sigourney Street, Hartford, CT 06106
Promoting Equality and Justice for all People

Commission on Human Rights and Opportunities

Testimony to the Judiciary Committee
Monday, April 15, 2013

RSB 1164, AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and member of the Judiciary Committee I am Bob Brothers executive director of CHRO. Thank you for raising this Commission requested bill, **RSB 1164** which we **SUPPORT**.

I would direct you to the attached CHRO summary of this bill for ease of understanding what we have proposed.

The Commission firmly believes state statutes need to be clear and comprehensible to the public, not just lawyers. This is especially true of the Human Rights and Opportunities. Many of the clients we serve, for a variety of reasons, have difficulty reading the laws intended to serve them. Over time many amendments have been made to our statutes and they have grown less and less comprehensible. Indeed some of the provisions of the CHRO laws are unclear to our own Commissioners and staff.

In that regard we have:

- clarified the different roles of the appointed part-time Commissioners and the full-time professional staff
- made consistent the string of protected classes
- alphabetized the definitions for ease of use

- clarified the meaning of certain terms that have evolved over time such as Individual with a disability
- made numerable grammatical corrections or changes into modern language usage
- transferred the appointing of the chief human rights referee from the CHRO executive director to the governor
- increased the terms of the referees from one to three years to avoid the need for annual appearances before Executive and Legislative Nominations
- eliminated conflicts around the authority of the chief human rights referee
- made conforming changes necessary for clarity and consistency
- made the statutes gender neutral
- as the result of PA 11-237, added Hartford Superior Court to the locations CHRO is allowed to file subpoenas and petitions
- repealed the stand-alone sexual orientation statutes while including sexual orientation in all the strings of protected classes

I will note one serious problem in the draft in Section 3 which amends Sec. 46a-52 the last subsection, subsection (e) is deleted. We were transferred to the Department of Labor for administrative purposes only. They provide us with business office functions from purchasing to human resources and much more. This deletion would orphan the Commission. In a bill as long and detailed as this one there are bound to be errors and this one is the most serious. Since there are others I would ask the bill be reported out of committee and amended in the Senate as there are other minor changes that need to be made to the bill.

Thank you and I will be happy to take any questions you may have.

Commission on Human Rights and Opportunities
Summary of Proposal - RSB 1164

Bill Section	Statute Section Effected-	Summary of Changes
1	1-1f	Makes section gender neutral; clarifies what physically disabled means; and makes the definitions consistent with the amended 46a-51.
2	46a-51	Statute section 46a-51 consolidates definitions scattered throughout the chapter and alphabetizes them for easier access.
3	46a-52	Clarifies the difference between appointed commissioners and commission staff. **ERROR NOTE:** Subsection (e) of this section is mistakenly deleted. This would leave CHRO with no business office. The subsection should remain with CHRO under the Department of Labor for APO.
4	46a-54	Recognizes the existing Legal Division within CHRO; eliminates reference to antiquated and repealed statutes; clarifies the difference between appointed commissioners and commission staff; and improves readability.
5	46a-56	Provides hearing and enforcement procedures for contract compliance.
6	46a-57	Deletion of obsolete date references; transfers appointment of Chief Referee from Executive Director to Governor; synchronizes expert witness testimony with other related statutes regarding expert witnesses.
7	46a-58	Makes consistent the order of protected classes.
8	Subsection (a) of section 46a-59	Makes consistent the order of protected classes.

9	(NEW)	This was intended to make Section 46a-60(a)(4) a stand-alone section for clarification and readability, but CHRO submitted the wrong language to LCO. The reason for the change is that at present the authority is under the employment section, but the protections apply to housing, public accommodation and credit as well as employment.
10	Subsection (a) of section 46a-60	Grammatical changes and order of protected classes. **NOTE:** The deleted subsection (4) should have been the language for Section 9 of this bill.
11	Subsection (a) of section 4a-60	Makes consistent the order and wording of references to protected classes.
12	Subsection (b) of section 4a-60	Gender neutrality.
13	Subdivision (7) of subsection (a) of section 4a-60g	Makes consistent the order and wording of references to protected classes; clarifies the definition of "individual with a disability"; and improves readability.
14	46a-64	Makes consistent the order and wording of references to protected classes; clarifies what disabled means; and expands the scope of the statute to include assistance dogs as well as guide dogs.
15	46a-64c	Makes consistent the order of protected classes; gender neutral; and eliminates reference to antiquated and repealed statutes.
16	Subsection (a) of section 46a-66	Makes consistent the order of protected classes.
17	46a-67	Eliminates reference to antiquated and repealed statutes.
18	46a-68a	Clarifies the difference between appointed commissioners and commission staff.

19	Subsection (a) of Section 46a-70	Makes consistent the order and wording of references to protected classes.
20	46a-70a	Deletes reference to repealed sections.
21	Subsection (a) of section 46a-71	Makes consistent the order and wording of references to protected classes.
22	Subsection (b) of section 46a-72	Makes consistent the order and wording of references to protected classes
23	Subsection (a) of section 46a-73	Makes consistent the order and wording of references to protected classes.
24	Subsection (a) of Section 46a-75	Makes consistent the order and wording of references to protected classes.
25	Subsection (a) of Section 46a-76	Makes consistent the order and wording of references to protected classes.
26	46a-77	Simplifies wording to make clear the need to comply with the ADA.
27	Statute section 46a-81p	Adds language that is needed because of the repeal of stand-alone sexual orientation statutes. Sexual orientation has been included in the string of protected classes.
28	Statute section 46a-81q	Adds language that is needed because of the repeal of stand-alone sexual orientation statutes. Sexual orientation has been included in the string of protected classes.
29	Statute section 46a-82	Rewritten to make more easily read; clarifies role of commission legal counsel; and gender neutral.

30	Statute section 46a-82e	Language conforms with UAPA; establishes manner in which certified mail receipts are to be filed with the court; gives the court flexibility to not award fees to a petitioner if the court deems it should not.
31	46a-83	Establishes a presumed mail receipt date for purposes of response time; conforming language; allows a respondent to seek relief from the executive director if they are found in default.
32	46a-84	Clarifies when conciliation is deemed to have failed; establishes the place of hearings as the Commission's main office; clarifies settlement conference.
33	46a-86	Makes statute consistent with court cases requiring action to make a complainant whole.
34	46a-87	Permits the Commission seek a subpoena in the Hartford Judicial District; gender neutral; and readability.
35	46a-88	Permits the Commission to file petitions in the Hartford Judicial District.
36	46a-89	Permits the Commission to file petitions in the Hartford Judicial District; grammatical changes; and clarifying language.
37	46a-89a	Grammatical changes; and clarifying language.
38	46a-90a	Corrects an error in procedure wherein the chief referee not the chairman of the Commission establishes hearing dates; and conforming language.
39	46a-94	Grammatical corrections.
40	46a-94a	Rewritten to make more easily understood; gender neutral; and clarifies the way to initiate an investigation reopening request.

41	Subsection (a) of section 46a-95	Corrects typo.
42	46a-97	Adds two existing subsections of statute that would now be subject to a civil penalty for failure to comply with statutory requirements regarding the posting of human rights notices.
43	46a-98	Clarifying language.
44	46a-98a	Rewritten to make more easily understood.
45	46a-99	Clarifying language; and grammatical changes.
46	46a-100	Grammatical changes; clarifying language; allows complainants to bring civil action in the judicial district in which they live.
47	46a-101	Clarifying language; deletes reference to attorneys to conform to Section 2 of this bill.
48	46a-102	Clarifying language; gender neutrality; gives the commission the authority to intervene in court action without permission of the court or parties, which is consistent with sections 46a-83(e)(2).
49	46a-103	Clarifies that permission of the court or parties is not required for the Commission or Attorney General to intervene in matters previously before the Commission; makes consistent with similar language in other sections.
50	46b-38oo	Deletes and antiquated word usage; and makes consistent the order and wording of references to protected classes.

51	32-235(b)	LCO drafting.
52	45a-726a	LCO drafting.
53	46a-68b	LCO drafting.
54	1-16	LCO drafting.
55	17-210(a)	LCO drafting.
56	47a-23c(a)(1)	LCO drafting.
57	5-248a(b)	LCO drafting.
58	19a-490s	LCO drafting.
59	46b-84(c)	LCO drafting.
60	53a-167c(c)	LCO drafting.
61	46a-68(d)	LCO drafting.

62	Multiple	Repealers.