



General Assembly

January Session, 2015

Raised Bill No. 1111

LCO No. 5380



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE DUTIES OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES AND THE REMOVAL OF THE TERMS "CRIPPLED" AND "DEFECTIVE EYESIGHT" FROM THE GENERAL STATUTES.

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

1 Section 1. Subsection (c) of section 46a-56 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (c) If the commission determines through its monitoring and
5 compliance procedures that a contractor or subcontractor is not
6 complying with antidiscrimination statutes or contract provisions
7 required under section 4a-60 or 4a-60a or [the provisions of] sections
8 46a-68c to 46a-68f, inclusive, the commission may issue a complaint
9 pursuant to subsection (c) of section 46a-82. Such complaint shall be
10 scheduled for a hearing before a [hearing officer or] human rights
11 referee appointed by the chief referee to act as a presiding officer. Such
12 hearing shall be held in accordance with chapter 54 and section 46a-84,
13 as amended by this act. If, after such hearing, the presiding officer

14 makes a finding of noncompliance with antidiscrimination statutes or
15 contract provisions required under section 4a-60 or 4a-60a or [the
16 provisions of] sections 46a-68c to 46a-68f, inclusive, the presiding
17 officer shall order such relief as is necessary to achieve full compliance
18 with any antidiscrimination statute and required contract provisions.
19 The presiding officer may: (1) Order the state to retain two per cent of
20 the total contract price per month on any existing contract with such
21 contractor that the state withheld pursuant to section 46a-68d and
22 transfer the funds to the State Treasurer for deposit in the special fund
23 described in subsection (e) of this section; (2) prohibit the contractor
24 from participation in any further contracts with state agencies until:
25 (A) The expiration of a period of two years from the date of the finding
26 of noncompliance, or (B) the presiding officer determines that the
27 contractor has adopted policies consistent with such statutes, provided
28 the presiding officer shall make such determination within forty-five
29 days of such finding of noncompliance; (3) publish, or cause to be
30 published, the names of contractors or unions that the presiding officer
31 has found to be in noncompliance with such provisions; (4) notify the
32 Attorney General that, in cases in which there is substantial [or
33 material] violation or the threat of substantial [or material] violation of
34 [the contractual provisions set forth in] section 4a-60 or 4a-60a,
35 appropriate proceedings should be brought to enforce such provisions,
36 including the enjoining [, within the limitations of applicable law,] of
37 organizations, individuals or groups [who] that prevent, [directly or
38 indirectly,] or seek to prevent, [directly or indirectly,] compliance with
39 [the provisions of] section 4a-60 or 4a-60a; (5) recommend to the Equal
40 Employment Opportunity Commission or the Department of Justice
41 that appropriate proceedings be instituted under Title VII of the Civil
42 Rights Act of 1964 [,] or related laws when necessary; (6) recommend
43 to the appropriate prosecuting authority that criminal proceedings be
44 brought for the furnishing of false information to any contracting
45 agency or to the commission; [as the case may be;] (7) order the
46 contractor to bring itself into compliance with antidiscrimination
47 statutes or contract provisions required under section 4a-60 or 4a-60a

48 or sections 46a-68c to 46a-68f, inclusive, within a period of thirty days
49 or, for good cause shown, within an additional period of thirty days,
50 and, if such contractor fails to bring itself into such compliance within
51 such time period and such noncompliance is substantial [or material]
52 or there is a pattern of noncompliance, recommend to the contracting
53 agency that such agency declare the contractor to be in breach of the
54 contract and that such agency pursue all available remedies; [or] (8)
55 order the contracting agency to refrain from entering into further
56 contracts, or extensions or other modifications of existing contracts,
57 with any noncomplying contractor, until such contractor has satisfied
58 the commission that such contractor has established and will carry out
59 personnel and employment policies in compliance with
60 antidiscrimination statutes and [the provisions of] section 4a-60 or 4a-
61 60a and sections 46a-68c to 46a-68f, inclusive; or (9) order two or more
62 remedies or other relief designed to achieve full compliance with
63 antidiscrimination statutes and required contract provisions. The
64 commission shall adopt regulations, in accordance with chapter 54, to
65 implement the provisions of this section.

66 Sec. 2. Subsection (d) of section 46a-56 of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective*
68 *October 1, 2015*):

69 (d) If the commission determines, through its monitoring and
70 compliance procedures, [and after a complaint is filed and a hearing is
71 held pursuant to subsection (c) of this section,] that, with respect to a
72 state contract, a contractor, subcontractor, service provider or supplier
73 of materials has (1) fraudulently qualified as a minority business
74 enterprise, or (2) performed services or supplied materials on behalf of
75 another contractor, subcontractor, service provider or supplier of
76 materials knowing (A) that such other contractor, subcontractor or
77 supplier has fraudulently qualified as a minority business enterprise in
78 order to appear to comply with antidiscrimination statutes or contract
79 provisions required under section 4a-60 or 4a-60a, and (B) that such
80 services or materials are to be used in connection with a contract

81 entered into pursuant to subsection (b) of section 4a-60g, [the hearing
82 officer or human rights referee before whom such hearing was held]
83 the commission may issue a complaint pursuant to subsection (c) of
84 section 46a-82. Such complaint shall be scheduled for a hearing before
85 a referee assigned by the chief referee to act as a presiding officer. Such
86 hearing shall be held in accordance with chapter 54 and section 46a-84,
87 as amended by this act. If, after such hearing, the presiding officer
88 makes a finding that a contractor, subcontractor, service provider or
89 supplier of materials has violated this subsection, the presiding officer
90 shall assess a civil penalty of not more than ten thousand dollars upon
91 such contractor, subcontractor, service provider or supplier of
92 materials.

93 (e) The Attorney General, upon complaint of the commission, shall
94 institute a civil action in the superior court for the judicial district of
95 Hartford to recover [such] penalty assessed pursuant to subsection (d)
96 of this section. Any penalties recovered pursuant to this subsection
97 shall be deposited in a special fund and shall be held by the State
98 Treasurer separate and apart from all other moneys, funds and
99 accounts. The resources in such fund shall, pursuant to regulations
100 adopted by the commission in accordance with the provisions of
101 chapter 54, be used to assist minority business enterprises. As used in
102 this section, "minority business enterprise" means any contractor,
103 subcontractor or supplier of materials fifty-one per cent or more of the
104 capital stock, if any, or assets of which is owned by a person or
105 persons: (i) Who are active in the daily affairs of the enterprise; (ii) who
106 have the power to direct the management and policies of the
107 enterprise; and (iii) who are members of a minority, as defined in
108 subsection (a) of section 32-9n.

109 Sec. 3. Subsection (d) of section 46a-57 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *October 1, 2015*):

112 (d) When serving as a presiding officer as provided in section 46a-

113 84, as amended by this act, each human rights referee [or hearing
114 officer] shall have the same subpoena powers as are granted to
115 commissioners by subdivision (9) of section 46a-54. Each presiding
116 officer shall also have the power to determine a reasonable fee to be
117 paid to an expert witness [, including, but not limited to, any
118 practitioner of the healing arts, as defined in section 20-1, dentist,
119 registered nurse or licensed practical nurse, as defined in section 20-
120 87a, and real estate appraiser when any such expert witness is
121 summoned by the commission to give expert testimony, in person or
122 by deposition, in any contested case proceeding, pursuant to section
123 46a-84. Such fee shall be paid to the expert witness in lieu of all other
124 witness fees] called by the commission to give expert testimony in
125 person or by deposition pursuant to section 46a-84, as amended by this
126 act. Such fee shall be paid to the expert witness in lieu of all other
127 witness fees.

128 Sec. 4. Subsection (a) of section 46a-58 of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective*
130 *October 1, 2015*):

131 (a) It shall be a discriminatory practice in violation of this section for
132 any person to subject, or cause to be subjected, any other person to the
133 deprivation of any rights, privileges or immunities, secured or
134 protected by the Constitution or laws of this state or of the United
135 States, on account of religion, national origin, alienage, color, race, sex,
136 gender identity or expression, sexual orientation, blindness, mental
137 disability or physical disability.

138 Sec. 5. Subsection (a) of section 46a-82 of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective*
140 *October 1, 2015*):

141 (a) Any person claiming to be aggrieved by an alleged
142 discriminatory practice, except for an alleged violation of section 4a-
143 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive,

144 may, by himself or herself or by such person's attorney, [make, sign
145 and] file with the commission a complaint in writing under oath,
146 [which] except that a complaint that alleges a violation of section 46a-
147 64c, need not be notarized. The complaint shall state the name and
148 address of the person alleged to have committed the discriminatory
149 practice, [and which shall set forth the particulars thereof] provide a
150 short and plain statement of the allegations upon which the claim is
151 based and contain such other information as may be required by the
152 commission. After the filing of a complaint, [pursuant to this
153 subsection,] the commission shall [serve upon the person claiming to
154 be aggrieved] provide the complainant with a notice that: (1)
155 Acknowledges receipt of the complaint; and (2) advises of the time
156 frames and choice of forums available under this chapter.

157 Sec. 6. Section 46a-82e of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2015*):

159 (a) Notwithstanding the failure of the [Commission on Human
160 Rights and Opportunities] commission to comply with the time
161 requirements of sections 46a-83, as amended by this act, [and] or 46a-
162 84, as amended by this act, [with respect to a complaint before the
163 commission,] the jurisdiction of the commission or the superior court
164 over any such complaint shall be retained.

165 (b) The commission shall report annually to the judiciary committee
166 of the General Assembly and the Governor: (1) The number of cases in
167 the previous fiscal year that exceeded the time frame, including
168 authorized extensions, set forth in subsection [(e)] (g) of section 46a-83,
169 as amended by this act; (2) the reasons for the failure to comply with
170 the time frame; (3) the number of actions brought pursuant to
171 subsection (d) of this section and the results thereof; and (4) the
172 commission's recommendations for legislative action, if any, necessary
173 for the commission to meet the statutory time frame.

174 (c) If a complaint has been pending for more than twenty-one

175 months from the date of filing and the commission has not issued a
176 finding of reasonable cause or no reasonable cause, the executive
177 director shall notify the complainant [by first class mail, facsimile
178 machine, electronic mail or a file transfer protocol site] as provided in
179 section 46a-86a, that the complainant has the right to request a release
180 of jurisdiction in accordance with section 46a-101, as amended by this
181 act. The executive director or the executive director's designee shall
182 investigate the cause for the delay in issuing a finding. After such
183 investigation, the executive director may, given the facts and
184 circumstances of the case, [schedule] set a date [certain] for issuance of
185 a finding. [of reasonable cause or no reasonable cause.]

186 (d) (1) If a complaint has been pending for more than two years after
187 the date of filing pursuant to section 46a-82, as amended by this act,
188 and if the investigator fails to issue a finding of reasonable cause or no
189 reasonable cause by the date ordered by the executive director [of the
190 commission] pursuant to subsection (c) of this section, the complainant
191 or respondent may petition the superior court for the judicial district of
192 Hartford for an order requiring the commission to issue a finding [of
193 reasonable cause or no reasonable cause by a date certain] by a
194 specified date. The petitioner shall submit the petition on forms
195 prescribed by the Office of the Chief Court Administrator.

196 (2) The clerk, upon receipt of the petition and if the clerk finds it to
197 be in the proper form, shall fix a date for the hearing and sign the
198 notice of hearing. The hearing date shall be no more than thirty days
199 after the clerk signs the notice. Service shall be made on the
200 commission and all persons named in the discriminatory practice
201 complaint at least twenty days prior to the date of hearing by United
202 States mail, certified or registered, postage prepaid, return receipt
203 requested, without the use of a state marshal or other officer. Service
204 on the commission shall be made on the executive director, [of the
205 commission or a commission legal counsel.] Within Not later than five
206 days after the date of service, the petitioner shall file with the court an
207 affidavit stating the date and manner in which a copy of the petition

208 was served and attach to the affidavit the return receipts indicating
209 delivery of the petition.

210 (3) [Within] Not later than ten days after the date of receipt of the
211 petition, any party, including the commission, may file an answer. The
212 commission and all persons named in the discriminatory practice
213 complaint shall have the right to appear and be heard at the hearing.

214 (4) If the commission and parties agree on a date, [certain,] the court
215 shall order the commission to issue a finding by [said] such date. If the
216 allegations of the petition are contested, the court shall hold a hearing
217 [on the petition] and issue an appropriate order. [Hearing of oral
218 argument on the petition] Hearings held pursuant to this subdivision
219 shall take precedence over other matters in the court, as provided in
220 section 46a-96. The court shall award court costs and attorney's fees to
221 the petitioner, provided [such party] the petitioner is a "person", as
222 defined in section 4-184a, unless the commission shows good cause for
223 not issuing the finding of reasonable cause or no reasonable cause
224 [within two years of the date of filing or] by the date ordered by the
225 executive director for the investigator to issue such finding. [,
226 whichever is later.] An award of court costs and attorney's fees shall be
227 subject to the court's discretion, but shall not exceed a total of five
228 hundred dollars.

229 (5) This subsection shall not apply to complaints initiated by the
230 commission or to pattern or practice or systemic cases.

231 Sec. 7. Section 46a-83 of the general statutes is repealed and the
232 following is substituted in lieu thereof (*Effective October 1, 2015*):

233 (a) [Within twenty] Not later than fifteen days after the date of filing
234 of any discriminatory practice complaint pursuant to subsection (a) or
235 (b) of section 46a-82, as amended by this act, or an amendment to such
236 complaint adding an additional respondent, the commission shall
237 [provide] serve the respondent [by first class mail, facsimile machine,
238 electronic mail or a file transfer protocol site] as provided in section

239 46a-86a with the complaint and a notice advising of the procedural
240 rights and obligations of a respondent under this chapter. [The
241 respondent shall file a written answer to the complaint under oath
242 with the commission within thirty days of receipt of the complaint,
243 provided a respondent may request, and the commission may grant,
244 for good cause shown, one extension of time of fifteen days within
245 which to file an answer to a complaint. The answer to any complaint
246 alleging a violation of section 46a-64c or 46a-81e shall be filed within
247 ten days of receipt.] The respondent shall either (1) file a written
248 answer to the complaint as provided in subsection (b) of this section,
249 or (2) not later than ten days after the date of receipt of the complaint,
250 provide written notice to the complainant and the commission that the
251 respondent has elected to participate in no-fault conciliation. A
252 complaint sent by first class mail shall be considered to be received not
253 later than two days after the date of mailing, unless the respondent
254 proves otherwise. A complaint sent by facsimile machine, electronic
255 mail or file transfer protocol site shall be considered to be received on
256 the date on which it was sent. The commission shall conduct a no-fault
257 conciliation conference not later than thirty days after the date of
258 receiving the respondent's request for no fault conciliation.

259 (b) Except as provided in this subsection, not later than thirty days
260 after the date (1) of receipt of the complaint, or (2) on which the
261 commission determines that the no-fault conciliation conference was
262 unsuccessful, the respondent shall file a written answer to the
263 complaint, under oath, with the commission. The respondent may
264 request, and the commission may grant, one extension of time of not
265 more than fifteen days within which to file a written answer to the
266 complaint. An answer to any amendment to a complaint shall be filed
267 within twenty days of the date of receipt to such amendment. The
268 answer to any complaint alleging a violation of section 46a-64c or 46a-
269 81e shall be filed not later than ten days after the date of receipt of the
270 complaint.

271 [(b)] (c) [Within ninety] Not later than sixty days after the date of the

272 filing of the respondent's answer, [to the complaint,] the executive
273 director or the executive director's designee shall conduct a [merit]
274 case assessment review to determine whether the complaint should be
275 retained for further processing or dismissed because (1) it fails to state
276 a claim for relief or is frivolous on its face, (2) the respondent is exempt
277 from the provisions of this chapter, or (3) there is no reasonable
278 possibility that investigating the complaint will result in a finding of
279 reasonable cause. No complaint may be dismissed unless a
280 commission legal counsel approves the dismissal. The [merit] case
281 assessment review shall include the complaint, the respondent's
282 answer and the responses to the commission's requests for
283 information, [if any,] and the complainant's comments, if any, to the
284 respondent's answer and information responses. [If the executive
285 director or the executive director's designee determines that the
286 complaint fails to state a claim for relief or is frivolous on its face, that
287 the respondent is exempt from the provisions of this chapter or that
288 there is no reasonable possibility that investigating the complaint will
289 result in a finding of reasonable cause, the executive director or the
290 executive director's designee shall dismiss the complaint and send
291 notice of dismissal pursuant to section 46a-86a. Within fifteen days of
292 the sending of the notice of dismissal, the complainant may request a
293 release of jurisdiction allowing the complainant to bring a civil action
294 under section 46a-100. If the complainant does not request a release of
295 jurisdiction, commission legal counsel shall conduct a legal review of
296 any complaint dismissed pursuant to this subsection and shall
297 reinstate or deny reinstatement of the complaint within sixty days of
298 the sending of the notice of dismissal. The executive director or the
299 executive director's designee shall send notice of any action taken
300 pursuant to the merit assessment review and the legal review
301 conducted pursuant to this subsection in accordance with section 46a-
302 86a.] The executive director or the executive director's designee shall
303 send notice of any action taken pursuant to the case assessment review
304 in accordance with section 46a-86a. For any complaint dismissed
305 pursuant to this subsection, the executive director or the executive

306 director's designee shall issue a release of jurisdiction allowing the
307 complainant to bring a civil action under section 46a-100, as amended
308 by this act. This subsection and subsection (e) of this section shall not
309 apply to any complaint alleging a violation of section 46a-64c or 46a-
310 81e. The executive director shall report the results of the [merit] case
311 assessment reviews made pursuant to this subsection to the
312 commission quarterly during each year.

313 [(c) (1) If a complaint is not dismissed after the merit assessment
314 review pursuant to subsection (b) of this section or if a complaint is
315 reinstated after legal review pursuant to said subsection (b), the]

316 (d) Not later than sixty days after the date of sending notice that a
317 complaint has been retained after a case assessment review, the
318 executive director or the executive director's designee shall assign an
319 investigator or commission legal counsel to hold a mandatory
320 mediation conference, [within sixty days of sending notice of action
321 taken pursuant to the merit assessment review or legal review.] A
322 mediation conference may but need not be held if the commission has
323 held a no-fault conciliation conference. The investigator or commission
324 legal counsel assigned to conduct the mediation shall not be assigned
325 to investigate the complaint. The mandatory mediation conference
326 may not be scheduled for the same time as a fact-finding conference
327 held pursuant to subsection [(d)] (e) of this section. The mediator may
328 hold additional mediation conferences to accommodate settlement
329 discussions.

330 [(2)] (e) If the complaint is not resolved after the mandatory
331 mediation conference, the complainant, the respondent or the
332 commission may at any time after such conference request early legal
333 intervention. If a request for early legal intervention is made, [the
334 executive director or the executive director's designee] commission
335 legal counsel shall determine [within] not later than ninety days after
336 the date of the request whether [(A)] the complaint should be (1) heard
337 pursuant to section 46a-84, as amended by this act, [(B) the complaint

338 should be] (2) processed pursuant to subsection [(d)] (f) of this section,
339 or [(C) the complainant should be] (3) released from the jurisdiction of
340 the commission. In making such determination, [the executive director
341 or the executive director's designee] commission legal counsel may
342 hold additional proceedings and may utilize and direct commission
343 staff. If [the executive director or the executive director's designee]
344 commission legal counsel determines that the complaint should be
345 processed pursuant to subsection [(d)] (f) of this section, [the executive
346 director or the executive director's designee] commission legal counsel
347 may recommend that the investigator make a finding of no reasonable
348 cause. [If the executive director or the executive director's designee
349 recommends that the investigator make a finding of no reasonable
350 cause, the] The investigator shall make such a finding unless the
351 investigator believes [the executive director or the executive director's
352 designee] commission legal counsel made a mistake of fact. If the
353 investigator intends to make a finding of reasonable cause after [the
354 executive director or the executive director's designee] commission
355 legal counsel recommends otherwise, the investigator shall consult
356 with [the executive director or the executive director's designee]
357 commission legal counsel.

358 [(3) If the complaint is not resolved after the mandatory mediation
359 conference, the complainant or the respondent may request the
360 commission to hold additional mediation conferences.

361 (4) The commission may dismiss the complaint if (A) a complainant,
362 after notice and without good cause, fails to attend a mandatory
363 mediation conference; or (B) the respondent has eliminated the
364 discriminatory practice complained of, taken steps to prevent a like
365 occurrence in the future and offered full relief to the complainant, even
366 though the complainant has refused such relief.

367 (d) If the complaint is not resolved after the mandatory mediation
368 conference held pursuant to subsection (c) of this section or the
369 executive director determines that the complaint should be processed

370 pursuant to this subsection in accordance with subdivision (2) of
371 subsection (c) of this section,]

372 (f) Not later than fifteen days after the date of a (1) a mandatory
373 mediation conference that fails to resolve a complaint, or (2) an early
374 legal intervention decision to investigate a complaint, the executive
375 director or the executive director's designee shall assign an investigator
376 to process the complaint. [within fifteen days after the mandatory
377 mediation conference.] The investigator may [conduct a fact-finding
378 conference, a complete investigation,] process the complaint by any
379 lawful means of finding facts, including, but not limited to, a fact-
380 finding conference, individual witness interviews, requests for
381 voluntary disclosure of information, subpoenas of witnesses or
382 documents, requests for admission of facts, interrogatories, site visits
383 or any [other lawful means of finding facts, or any combination
384 thereof] combination of these means for the purpose of determining
385 [if] whether there is reasonable cause for believing that a
386 discriminatory practice has been or is being committed as alleged in
387 the complaint. As used in this section and section 46a-84, as amended
388 by this act, "reasonable cause" means a bona fide belief that the
389 material issues of fact are such that a person of ordinary caution,
390 prudence and judgment could believe the facts alleged in the
391 complaint. [The executive director or the executive director's designee
392 may dismiss the complaint if the complainant, after notice, and
393 without good cause, fails to attend a fact-finding conference.]

394 [(e)] (g) (1) Before issuing a finding of reasonable cause or no
395 reasonable cause, the investigator shall afford each party and each
396 party's representative an opportunity to provide written or oral
397 comments on all evidence in the commission's file, except as otherwise
398 provided by federal law or the general statutes. The investigator shall
399 consider such comments before making a finding. The investigator
400 shall make a finding of reasonable cause or no reasonable cause in
401 writing and shall list the factual findings on which it is based not later
402 than one hundred ninety days from the date of the [merit] case

403 assessment review, except that for good cause shown, the executive
404 director or the executive director's designee may grant no more than
405 two extensions of the investigation of three months each.

406 (2) If the investigator makes a finding that there is reasonable cause
407 to believe that a violation of section 46a-64c has occurred, the
408 complainant and the respondent shall have twenty days from sending
409 of the reasonable cause finding to elect a civil action in lieu of an
410 administrative hearing pursuant to section 46a-84, as amended by this
411 act. If either the complainant or the respondent requests a civil action,
412 the commission, through the Attorney General or a commission legal
413 counsel, shall commence an action pursuant to subsection (b) of section
414 46a-89 [within] , as amended by this act, not later than ninety days
415 after the date of receipt of the notice of election. If the Attorney
416 General or a commission legal counsel believes that injunctive relief,
417 punitive damages or a civil penalty would be appropriate, such relief,
418 damages or penalty may also be sought. The jurisdiction of the
419 Superior Court in an action brought under this subdivision shall be
420 limited to such claims, counterclaims, defenses or the like that could be
421 presented at an administrative hearing before the commission, had the
422 complaint remained with the commission for disposition. A
423 complainant may intervene as a matter of right in a civil action without
424 permission of the court or the parties. If the Attorney General or
425 commission legal counsel, as the case may be, determines that the
426 interests of the state will not be adversely affected, the complainant or
427 attorney for the complainant shall present all or part of the case in
428 support of the complaint. If the Attorney General or a commission
429 legal counsel determines that a material mistake of law or fact has been
430 made in the finding of reasonable cause, the Attorney General or a
431 commission legal counsel may decline to bring a civil action and shall
432 remand the file to the investigator for further action. The investigator
433 shall complete any such action not later than ninety days after receipt
434 of such file.

435 [(f)] (h) If the investigator issues a finding of no reasonable cause or

436 if the complaint is dismissed pursuant to subsection [(d)] (m) of this
437 section, the complainant may file a written request for reconsideration
438 with the executive director or the executive director's designee, not
439 later than fifteen days from the sending of such finding or dismissal. A
440 request for reconsideration shall state specifically the reasons why
441 reconsideration should be granted. [The executive director or the
442 executive director's designee] Commission legal counsel shall grant or
443 reject reconsideration [within] not later than ninety days after the date
444 of the sending of such finding or dismissal. [The executive director or
445 the executive director's designee] Commission legal counsel shall
446 conduct such additional proceedings as may be necessary to render a
447 decision on the request.

448 [(g)] (i) After finding that there is reasonable cause to believe that a
449 discriminatory practice has been or is being committed as alleged in
450 the complaint, an investigator shall attempt to eliminate the practice
451 complained of by conference, conciliation and persuasion [within] not
452 later than fifty days after the date of the finding. The refusal to accept a
453 settlement shall not be grounds for dismissal of any complaint.

454 [(h)] (j) No commissioner or employee of the commission may
455 disclose, except to the parties or their representatives, what has
456 occurred in the course of [such endeavors] the commission's
457 processing of a complaint provided the commission may publish the
458 facts in the case and any complaint [which] that has been dismissed
459 and the terms of conciliation when a complaint has been adjusted.
460 Each party and his or her representative shall have the right to inspect
461 and copy documents, statements of witnesses and other evidence
462 pertaining to the complaint, except as otherwise provided by federal
463 law or the general statutes.

464 [(i)] (k) In the investigation of any complaint filed pursuant to this
465 chapter, [the] commission legal counsel may issue subpoenas requiring
466 the production of records and other documents or compelling the
467 attendance of witnesses. Commission legal counsel may recommend

468 that the commission reopen, in accordance with section 46a-94a, as
469 amended by this act, any matter previously closed pursuant to this
470 section.

471 [(j)] (l) The executive director or the executive director's designee
472 may enter an order of default against a respondent who (1) after
473 notice, fails to answer a complaint in accordance with subsection (a) of
474 this section or within such extension of time as may have been granted;
475 (2) fails to answer interrogatories issued pursuant to subdivision (11)
476 of section 46a-54 or fails to respond to a subpoena issued pursuant to
477 subsection [(i)] (k) of this section or subdivision (9) of section 46a-54,
478 provided the executive director or the executive director's designee
479 shall consider any timely filed objection; (3) after notice and without
480 good cause, fails to attend a fact-finding conference; or (4) after notice
481 and without good cause, fails to attend a mandatory mediation
482 conference. The respondent may make application to the executive
483 director to vacate the default. Upon entry of an order of default or
484 upon the decision of the executive director not to vacate the default,
485 the executive director or the executive director's designee shall appoint
486 a presiding officer to enter, after notice and hearing, an order
487 eliminating the discriminatory practice complained of and making the
488 complainant whole. The commission or the complainant may petition
489 the Superior Court for enforcement of any order for relief pursuant to
490 section 46a-95.

491 (m) The executive director or the executive director's designee may
492 enter an order of dismissal against a complainant who (1) after notice
493 and without good cause, fails to attend a fact-finding conference; (2)
494 after notice and without good cause, fails to attend a mandatory
495 mediation conference; or (3) refuses to accept an offer of settlement
496 where the respondent has eliminated the discriminatory practice
497 complained of, taken steps to prevent a like occurrence in the future
498 and offered full relief to the complainant.

499 Sec. 8. Section 46a-83a of the general statutes is repealed and the

500 following is substituted in lieu thereof (*Effective October 1, 2015*):

501 [If (1) a complainant requests a release of jurisdiction pursuant to
502 subsection (b) of section 46a-83, (2) a commission legal counsel denies
503 reinstatement of a complaint pursuant to subsection (b) of said section,
504 or (3)] If a complaint is dismissed for failure to accept full relief
505 pursuant to subsection [(c) of said section] (m) of section 46a-83, as
506 amended by this act, and the complainant does not request
507 reconsideration of such dismissal as provided in subsection [(f) of said
508 section] (h) of section 46a-83, as amended by this act, the executive
509 director shall issue a release and the complainant may, within ninety
510 days of receipt of the release from the commission, bring an action in
511 accordance with sections 46a-100, as amended by this act, and 46a-102
512 to 46a-104, inclusive, as amended by this act.

513 Sec. 9. Section 46a-84 of the general statutes is repealed and the
514 following is substituted in lieu thereof (*Effective October 1, 2015*):

515 (a) If the investigator fails to eliminate a discriminatory practice
516 complained of pursuant to subsection (a) or (b) of section 46a-82, as
517 amended by this act, within fifty days of a finding of reasonable cause,
518 the investigator shall, within ten days, certify the complaint and the
519 results of the investigation to the executive director of the commission
520 and to the Attorney General. The investigator's conclusion that
521 conciliation has failed shall be conclusive on the issue.

522 (b) Upon (1) certification of a complaint filed pursuant to subsection
523 (a) or (b) of section 46a-82, as amended by this act, [or upon] (2) the
524 filing of a complaint pursuant to subsection (c) of said section, [the
525 Chief Human Rights Referee shall appoint, for a complaint filed
526 pursuant to said subsection (a) or (b), a hearing officer, hearing
527 adjudicator or human rights referee, and for a complaint filed pursuant
528 to said subsection (c), a hearing officer] or (3) a decision to send a
529 complaint directly to public hearing made pursuant to subsection (e) of
530 section 46a-83, as amended by this act, the Chief Human Rights

531 Referee shall appoint a human rights referee [,] to act as a presiding
532 officer to hear the complaint. [or] The chief referee shall also appoint
533 an individual authorized by subsection (e) of this section or a referee,
534 other than the referee appointed to hear the complaint, to conduct
535 settlement negotiations. [and shall cause to be issued and served] The
536 chief referee shall serve in the name of the commission [a written
537 notice, together with] a copy of the complaint, as the same may have
538 been amended, requiring the respondent to answer the charges of the
539 complaint, [at a hearing before the presiding officer or hearing
540 adjudicator at a time and place to be specified in the notice] together
541 with a written notice requiring the respondent to appear at a hearing
542 or settlement conference at a date and time specified in the notice. A
543 hearing on a complaint filed pursuant to subsection (a) or (b) of section
544 46a-82, as amended by this act, shall be commenced by convening a
545 hearing conference not later than forty-five days after the certification
546 of the complaint. Such hearing shall be a de novo hearing on the merits
547 of the complaint and not an appeal of the commission's processing of
548 the complaint prior to its certification. A hearing on a complaint filed
549 pursuant to subsection (c) of section 46a-82 shall be commenced by
550 convening a hearing conference not later than twenty days after the
551 date of notice of such complaint. Hearings shall proceed with
552 reasonable dispatch and be concluded in accordance with the
553 provisions of section 4-180.

554 (c) [The place of any hearing may be the office of the commission or
555 another place designated by the commission.] The place of any
556 hearing, hearing conference or settlement conference shall be the
557 commission's administrative office in Hartford, unless all parties
558 mutually agree to an alternate location.

559 (d) The case in support of the complaint shall be presented at the
560 hearing by the Attorney General, who shall be counsel for the
561 commission, or by a commission legal counsel as provided in section
562 46a-55. [, as the case may be.] If the Attorney General or the
563 commission legal counsel determines that a material mistake of law or

564 fact has been made in the finding of reasonable cause on a complaint
565 filed pursuant to subsection (a) or (b) of section 46a-82, as amended by
566 this act, or the commission legal counsel determines that a case sent to
567 public hearing pursuant to subsection (e) of section 46a-83, as
568 amended by this act, should be further investigated, the Attorney
569 General or the commission legal counsel may withdraw the
570 certification of the complaint or the decision to send the complaint to
571 public hearing and remand the file to the investigator for further
572 action. The investigator shall complete any required action not later
573 than ninety days after receipt of such file. The complainant may be
574 represented by an attorney of the complainant's own choice. If the
575 Attorney General or the commission legal counsel [, as the case may
576 be,] determines that the interests of the state will not be adversely
577 affected, the complainant or the attorney for the complainant shall
578 present all or part of the case in support of the complaint. No
579 commissioner may participate in the deliberations of the presiding
580 officer in the case.

581 (e) A [hearing officer, hearing adjudicator,] human rights referee or
582 attorney who volunteers service pursuant to subdivision (18) of section
583 46a-54 may supervise settlement endeavors. [, or, in] In employment
584 discrimination cases only, the complainant and respondent, with the
585 permission of the [commission] chief referee, may engage in alternate
586 dispute resolution endeavors for not more than three months. The cost
587 of such alternate dispute resolution endeavors shall be borne by the
588 complainant or the respondent, or both, and not by the commission.
589 Any endeavors or negotiations for conciliation, settlement or alternate
590 dispute resolution shall not be received in evidence.

591 (f) The respondent [may] shall file a written answer to the complaint
592 under oath and appear at the hearing in person or otherwise, with or
593 without counsel, and submit testimony and be fully heard. If the
594 respondent fails to file a written answer [prior to the hearing within
595 the time limits established by regulation adopted by the commission in
596 accordance with chapter 54] not later than fifteen days after the date of

597 service of the complaint, or fails to appear at the hearing, hearing
598 conference or settlement conference after notice in accordance with
599 section 4-177, the presiding officer or [hearing adjudicator] a referee or
600 an attorney who volunteers services pursuant to subsection (e) of this
601 section may enter an order of default and order such relief as is
602 necessary to eliminate the discriminatory practice and make the
603 complainant whole, except that if the default was entered by an
604 attorney who volunteers services pursuant to subsection (e) of this
605 section, the chief referee shall appoint a referee to act as a presiding
606 officer to award relief. The commission or the complainant may
607 petition the Superior Court for enforcement of any such order for relief
608 pursuant to [the provisions of] section 46a-95.

609 (g) The presiding officer [or hearing adjudicator] conducting any
610 hearing shall permit reasonable amendment to any complaint or
611 answer and the testimony taken at the hearing shall be under oath and
612 be transcribed at the request of any party.

613 Sec. 10. Section 46a-86 of the general statutes is repealed and the
614 following is substituted in lieu thereof (*Effective October 1, 2015*):

615 (a) If, upon all the evidence presented at the hearing conducted
616 pursuant to section 46a-84, as amended by this act, the presiding
617 officer finds that a respondent has engaged in any discriminatory
618 practice, the presiding officer shall [state the presiding officer's] make
619 written findings of fact and [shall issue and] file with the commission
620 and [cause to be served] serve on the complainant and respondent an
621 order requiring the respondent to cease and desist from the
622 discriminatory practice and [further requiring the respondent] to take
623 such affirmative action as [in the judgment of the presiding officer will
624 effectuate] is necessary to achieve the purpose of this chapter.

625 (b) In addition to any other action taken under this section, upon a
626 finding of a discriminatory employment practice, the presiding officer
627 may order the hiring or reinstatement of [employees] any individual,

628 with or without back pay, or restoration to membership in any
629 respondent labor organization. [, provided, liability] Liability for back
630 pay shall not accrue from a date more than two years prior to the filing
631 or issuance of the complaint. [and, provided further, interim] Interim
632 earnings, including unemployment compensation and welfare
633 assistance or amounts which could have been earned with reasonable
634 diligence on the part of the person to whom back pay is awarded shall
635 be deducted from the amount of back pay to which such person is
636 otherwise entitled. The amount of any [such] deduction for interim
637 unemployment compensation or welfare assistance shall be paid by
638 the respondent to the commission which shall transfer such amount to
639 the appropriate state or local agency.

640 (c) In addition to any other action taken under this section, upon a
641 finding of a discriminatory practice prohibited by section 46a-58, as
642 amended by this act, 46a-59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-
643 81e, the presiding officer shall determine the damage suffered by the
644 complainant, which damage shall include, but not be limited to, the
645 expense incurred by the complainant for obtaining alternate housing
646 or space, storage of goods and effects, moving costs and other costs
647 actually incurred by the complainant as a result of such discriminatory
648 practice and shall allow reasonable attorney's fees and costs. The
649 amount of attorney's fees allowed shall not be contingent upon the
650 amount of damages requested by or awarded to the complainant.

651 (d) In addition to any other action taken under this section, upon a
652 finding of a discriminatory practice prohibited by section 46a-66 or
653 46a-81f, the presiding officer shall [issue and] file with the commission
654 and [cause to be served] serve on the respondent an order requiring
655 the respondent to pay the complainant the damages resulting from the
656 discriminatory practice.

657 (e) In addition to any other action taken under this section, upon a
658 finding of noncompliance with antidiscrimination statutes or contract
659 provisions required under section 4a-60 or 4a-60a or the provisions of

660 sections 46a-68c to 46a-68f, inclusive, the presiding officer shall [issue
661 and] file with the commission and [cause to be served] serve on the
662 respondent an order with respect to any remedial action imposed [by
663 the presiding officer] pursuant to subsection (c) or (d) of section 46a-56,
664 as amended by this act.

665 (f) If, upon all the evidence and after a complete hearing, the
666 presiding officer finds that the respondent has not engaged in any
667 alleged discriminatory practice, the presiding officer shall [state the
668 presiding officer's] make written findings of fact and shall [issue and]
669 file with the commission and [cause to be served] serve on the
670 complainant and respondent an order dismissing the complaint.

671 (g) Any payment received by a complainant under this chapter or
672 under any equivalent federal antidiscrimination law, either as a
673 settlement of a claim or as an award made in a judicial or
674 administrative proceeding, shall not be considered as income,
675 resources or assets for the purpose of determining the eligibility of or
676 amount of assistance to be received by such person in the month of
677 receipt or the three months following receipt under the state
678 supplement program, Medicaid or any other medical assistance
679 program, temporary family assistance program, state-administered
680 general assistance program, or the temporary assistance for needy
681 families program. After such time period, any remaining funds shall
682 be subject to state and federal laws governing such programs,
683 including, but not limited to, provisions concerning an individual
684 development [accounts] account, as defined in section 31-51ww.

685 Sec. 11. Section 46a-89 of the general statutes is repealed and the
686 following is substituted in lieu thereof (*Effective October 1, 2015*):

687 (a) (1) Whenever a complaint [is filed with or by the commission]
688 filed pursuant to section 46a-82, as amended by this act, [alleging]
689 alleges a violation of section 46a-60 or 46a-81c, and [a commissioner]
690 the executive director believes [, upon review and the recommendation

691 of the investigator assigned,] that equitable relief is required to prevent
692 irreparable harm to the complainant, the [commissioner] commission
693 may bring a petition [in equity] in the superior court for the judicial
694 district of Hartford, the judicial district in which the discriminatory
695 practice which is the subject of the complaint occurred or the judicial
696 district in which the respondent resides, provided this subdivision
697 shall not apply to complaints against employers with less than fifty
698 employees.

699 (2) The petition shall seek appropriate temporary injunctive relief
700 against the respondent pending final disposition of the complaint
701 pursuant to the procedures set forth in this chapter. The injunctive
702 relief may include an order temporarily restraining the respondent
703 from doing any act that would render ineffectual any order a presiding
704 officer may render with respect to the complaint.

705 (3) Upon service on the respondent of notice pursuant to section
706 46a-89a, the respondent shall be temporarily restrained from taking
707 any action that would render ineffectual the temporary injunctive
708 relief [prayed for] requested in the petition, provided nothing in this
709 section shall be construed to prevent the respondent from having any
710 employment duties [,] enjoined under this section and section 46a-89a,
711 from being carried out by another employee and the notice shall so
712 provide.

713 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as
714 amended by this act, alleges a violation of section 46a-64, 46a-64c, 46a-
715 81d or 46a-81e, and [a commissioner] the commission believes that
716 injunctive relief is required or that the imposition of punitive damages
717 or a civil penalty would be appropriate, the commission may bring a
718 petition in the superior court for the judicial district in which the
719 discriminatory practice which is the subject of the complaint occurred
720 or the judicial district in which the respondent resides.

721 (2) The petition shall seek: (A) Appropriate injunctive relief,

722 including temporary or permanent orders or decrees restraining and
723 enjoining the respondent from selling or renting to anyone other than
724 the complainant or otherwise making unavailable to the complainant
725 any dwelling or commercial property with respect to which the
726 complaint is made, pending the final determination of such complaint
727 by the commission or such petition by the court; (B) an award of
728 damages based on the remedies available under subsection (c) of
729 section 46a-86, as amended by this act; (C) an award of punitive
730 damages payable to the complainant, not to exceed fifty thousand
731 dollars; (D) a civil penalty payable to the state against the respondent
732 to vindicate the public interest: (i) In an amount not exceeding ten
733 thousand dollars if the respondent has not been adjudged to have
734 committed any prior discriminatory housing practice; (ii) in an amount
735 not exceeding twenty-five thousand dollars if the respondent has been
736 adjudged to have committed one other discriminatory housing
737 practice during the five-year period prior to the date of the filing of
738 this complaint; and (iii) in an amount not exceeding fifty thousand
739 dollars if the respondent has been adjudged to have committed two or
740 more discriminatory housing practices during the seven-year period
741 prior to the date of the filing of the complaint; except that if the acts
742 constituting the discriminatory housing practice that is the object of the
743 complaint are committed by the same natural person who has been
744 previously adjudged to have committed acts constituting a
745 discriminatory housing practice, then the civil penalties set forth in
746 clauses (ii) and (iii) of this subparagraph may be imposed without
747 regard to the period of time within which any subsequent
748 discriminatory housing practice occurred; or (E) two or more of such
749 remedies.

750 (3) Upon service on the respondent of notice pursuant to section
751 46a-89a, the respondent shall be temporarily restrained from selling or
752 renting the dwelling or commercial property which is the subject of the
753 complaint to anyone other than the complainant, or from otherwise
754 making such dwelling or commercial property unavailable to the

755 complainant, until the court or judge has decided the petition for
756 temporary injunctive relief and the notice shall so provide.

757 Sec. 12. Section 46a-90a of the general statutes is repealed and the
758 following is substituted in lieu thereof (*Effective October 1, 2015*):

759 (a) The [chairperson of the commission] chief referee shall schedule
760 a date for a hearing pursuant to section 46a-84, as amended by this act,
761 to be held within forty-five days of any temporary injunctive relief or
762 restraining order issued pursuant to section 46a-89a. Such temporary
763 injunctive relief or restraining order shall remain in effect until the
764 presiding officer renders [his] a decision on the complaint. If the
765 commission does not conduct its hearing procedure with reasonable
766 [dispatch] speed, the court, on the motion of the respondent and for
767 good cause shown, shall remove such temporary injunction and
768 assume jurisdiction of all civil proceedings arising out of the complaint
769 and shall set the matter for hearing on the merits. The presiding officer
770 shall render [his] a decision within twenty days after the close of
771 evidence and the filing of briefs.

772 (b) When the presiding officer finds that the respondent has
773 engaged in any discriminatory practice prohibited by section 46a-60,
774 46a-64, 46a-64c, 46a-81c, 46a-81d or 46a-81e and grants relief on the
775 complaint, [which relief requires that such] requiring that a temporary
776 injunction remain in effect, the [commission chairperson] executive
777 director may, through the procedure outlined in subsection (a) of
778 section 46a-95, petition the court which granted the original temporary
779 injunction to make the injunction permanent.

780 (c) Upon issuance of a permanent injunction, the case shall be
781 returned to the commission for such further action as is authorized by
782 this chapter.

783 (d) Any temporary injunction issued under [the provisions of]
784 section 46a-89a shall remain in effect during any appeal under section
785 46a-94a, as amended by this act, or any enforcement procedure under

786 section 46a-95, unless removed by the court, [or a judge thereof.]

787 Sec. 13. Section 46a-94a of the general statutes is repealed and the
788 following is substituted in lieu thereof (*Effective October 1, 2015*):

789 (a) The [Commission on Human Rights and Opportunities]
790 commission, any respondent or any complainant, aggrieved by a final
791 order of a presiding officer, [or any complainant] may appeal to the
792 Superior Court in accordance with section 4-183. Any complainant
793 may appeal to the Superior Court in accordance with section 4-183 if
794 the complainant is aggrieved by (1) the dismissal of his or her
795 complaint by the commission for failure to attend a mandatory
796 mediation session as provided in subsection [(c)] (m) of section 46a-83,
797 as amended by this act, (2) a finding of no reasonable cause as
798 provided in subsection [(e) of said] (g) of section 46a-83, as amended
799 by this act, or (3) rejection of reconsideration [of any dismissal] as
800 provided in subsection [(f) of said] (h) of section 46a-83, as amended by
801 this act. [may appeal therefrom in accordance with section 4-183. The
802 court on appeal shall also have jurisdiction to grant to the commission,
803 respondent or complainant such temporary relief or restraining order
804 as it deems just and suitable, and in like manner to make and enter a
805 decree enforcing or modifying and enforcing as so modified or setting
806 aside, in whole or in part, the order sought to be reviewed.]

807 (b) Notwithstanding the provisions of subsection (a) of this section,
808 a complainant may not appeal the dismissal of his or her complaint if
809 he or she has been granted a release pursuant to section 46a-101, as
810 amended by this act.

811 (c) The commission on its own motion may, whenever justice so
812 requires, reopen any matter previously closed [by the commission in
813 accordance with the provisions of this subsection,] provided such
814 matter has not been appealed to the Superior Court pursuant to
815 [section 4-183] subsection (a) of this section. Notice of such reopening
816 shall be given to all parties. A complainant or respondent may, for

817 good cause shown, in the interest of justice, apply in writing for the
818 reopening of a previously closed proceeding provided such
819 application is filed with the executive director of the commission
820 within two years of the commission's final decision and the
821 complainant has (1) not been issued a release of jurisdiction pursuant
822 to section 46a-83a, as amended by this act, and filed a civil action, or (2)
823 requested and received a release of jurisdiction from the commission
824 pursuant to section 46a-101, as amended by this act.

825 (d) The standards for reopening a matter may include, but are not
826 limited to: (1) A material mistake of fact or law has occurred; (2) the
827 finding is arbitrary or capricious; (3) the finding is clearly erroneous in
828 view of the reliable, probative and substantial evidence on the whole
829 record; and (4) new evidence has been discovered which materially
830 affects the merits of the case and which, for good reasons, was not
831 presented during the investigation.

832 Sec. 14. Subsection (a) of section 46a-98 of the general statutes is
833 repealed and the following is substituted in lieu thereof (*Effective*
834 *October 1, 2015*):

835 (a) In lieu of, but not in addition to, filing a complaint with the
836 [Commission on Human Rights and Opportunities] commission
837 pursuant to section 46a-82, as amended by this act, any person
838 claiming to be aggrieved by a violation of section 46a-66 or 46a-81f
839 may bring an action under this section against a creditor, as defined in
840 section 46a-65, in the superior court for the judicial district in which
841 such aggrieved person resides or in which the alleged violation took
842 place.

843 Sec. 15. Section 46a-98a of the general statutes is repealed and the
844 following is substituted in lieu thereof (*Effective October 1, 2015*):

845 Any person claiming to be aggrieved by a violation of section 46a-
846 64c or 46a-81e or by a breach of a conciliation agreement entered into
847 pursuant to this chapter, may bring an action in the Superior Court, or

848 the housing session of said court if appropriate within one year of the
849 date of the alleged discriminatory practice or of a breach of a
850 conciliation agreement entered into pursuant to this chapter. No action
851 pursuant to this section may be brought in the Superior Court
852 regarding the alleged discriminatory practice after the commission has
853 obtained a conciliation agreement pursuant to section 46a-83, as
854 amended by this act, or commenced a hearing pursuant to section 46a-
855 84, as amended by this act, except for an action to enforce the
856 conciliation agreement. The court shall have the power to grant relief,
857 by injunction or otherwise, as it deems just and suitable. [In addition to
858 the penalties provided for under subsection (g) of section 46a-64c or
859 subsection (f) of section 46a-81e, the] The court may grant any relief
860 which a presiding officer may grant in a proceeding under section 46a-
861 86, as amended by this act, or which the court may grant in a
862 proceeding under section 46a-89, as amended by this act. The
863 commission, through commission legal counsel or the Attorney
864 General, may intervene as a matter of right in any action brought
865 pursuant to this section without permission of the court or the parties.

866 Sec. 16. Section 46a-100 of the general statutes is repealed and the
867 following is substituted in lieu thereof (*Effective October 1, 2015*):

868 Any person who has [timely] filed a complaint with the
869 [Commission on Human Rights and Opportunities] the commission in
870 accordance with section 46a-82, as amended by this act, and who has
871 obtained a release [from the commission] of jurisdiction in accordance
872 with section 46a-83a, as amended by this act, or 46a-101, as amended
873 by this act, may [also] bring an action in the superior court for the
874 judicial district in which the discriminatory practice is alleged to have
875 occurred, [or] the judicial district in which the respondent transacts
876 business or the judicial district in which the complainant resides,
877 except any action involving a state agency or official may be brought in
878 the superior court for the judicial district of Hartford.

879 Sec. 17. Section 46a-101 of the general statutes is repealed and the

880 following is substituted in lieu thereof (*Effective October 1, 2015*):

881 (a) No action may be brought in accordance with section 46a-100, as
882 amended by this act, unless the complainant has received a release
883 from the commission in accordance with the provisions of this section.

884 (b) The complainant and the respondent, by themselves or their
885 attorneys, may jointly request that the complainant receive a release
886 from the commission at any time from the date of filing the complaint.
887 The complainant or the complainant's attorney may request a release
888 from the commission if the complaint is still pending after the
889 expiration of one hundred eighty days from the date of its filing or
890 after a [merit] case assessment review in accordance with subsection
891 [(b)] (c) of section 46a-83, as amended by this act, whichever is earlier.
892 The executive director or the executive director's designee shall
893 conduct an expedited [merit] case assessment review in accordance
894 with subsection (b) of section 46a-83, as amended by this act, if the
895 commission receives a request for a release of jurisdiction from the
896 complainant [or the complainant's attorney] prior to one hundred
897 eighty days from the date a complaint is filed.

898 (c) The executive director of the commission shall grant a release,
899 allowing the complainant to bring a civil action, [within] not later than
900 ten business days after the date of receipt of the request for the release,
901 except that if a case is scheduled for public hearing, the executive
902 director may decline to issue a release. The commission may defer
903 acting on a request for a release for thirty days if the executive director
904 of the commission, or [his] the executive director's designee, certifies
905 that [he has] there is reason to believe that the complaint may be
906 resolved within that period.

907 (d) Upon granting a release, the commission shall dismiss or
908 otherwise administratively dispose of the discriminatory practice
909 complaint pending with the commission without cost or penalty
910 assessed to any party.

911 (e) Any action brought by the complainant in accordance with
912 section 46a-100, as amended by this act, shall be brought [within] not
913 later than ninety days after the date of the receipt of the release from
914 the commission.

915 Sec. 18. Section 46a-102 of the general statutes is repealed and the
916 following is substituted in lieu thereof (*Effective October 1, 2015*):

917 Any action brought in accordance with section 46a-100, as amended
918 by this act, shall be brought [within] not later than two years [of] after
919 the date of filing [of] the complaint with the commission. [, except that
920 an action may be brought within six months of October 1, 1991, with
921 respect to an alleged violation provided a complaint concerning such
922 violation has been pending with the commission for more than one
923 year as of October 1, 1991, unless the complaint has been scheduled for
924 a hearing.]

925 Sec. 19. Section 7-126 of the general statutes is repealed and the
926 following is substituted in lieu thereof (*Effective October 1, 2015*):

927 Each city, town, borough or school district is authorized to transport
928 [crippled] children with physical disabilities and children having such
929 [defective eyesight] visual impairments as to require transportation,
930 from within their residences to places where medical, surgical or other
931 treatment is to be given them, and to retransport such children from
932 within such places to within their residences, and such transportation
933 is declared to be in the line of governmental duty.

934 Sec. 20. Section 19a-49 of the general statutes is repealed and the
935 following is substituted in lieu thereof (*Effective October 1, 2015*):

936 The Department of Public Health shall establish and administer a
937 program of services for children and adults suffering from cystic
938 fibrosis, and for such purpose shall have the same powers as are
939 conferred on it by section 19a-50, as amended by this act. [in the case of
940 crippled children.]

941 Sec. 21. Subsection (a) of section 19a-50 of the general statutes is
942 repealed and the following is substituted in lieu thereof (*Effective*
943 *October 1, 2015*):

944 (a) The Department of Public Health is designated as the state
945 agency to (1) administer a program of services for children [who are
946 crippled] with physical disabilities or who are suffering from
947 conditions which lead to [crippling] such disabilities or suffering from
948 cardiac defect or damage, and [to] (2) receive and administer federal
949 funds which may become available for such services. [; and the] The
950 Commissioner of Public Health is authorized to extend and improve,
951 as far as practicable, such services for locating such children and for
952 providing medical, surgical, corrective and other services and care,
953 and facilities for diagnosis, clinical services, hospitalization and
954 aftercare for such children. The Commissioner of Public Health shall
955 have final administrative responsibility for all activities on behalf of
956 such children as are provided for by this section and shall have charge
957 of the disbursement of all funds to be used for such purposes, whether
958 by state or federal grant or appropriation, and said commissioner is
959 authorized, in addition to the powers conferred herein, to cooperate
960 with the federal government or any authority thereunder respecting
961 the exercise of powers herein granted.

962 Sec. 22. Subdivision (2) of section 19a-175 of the general statutes is
963 repealed and the following is substituted in lieu thereof (*Effective*
964 *October 1, 2015*):

965 (2) "Patient" means an injured, ill [, crippled] or physically
966 handicapped person requiring assistance and transportation;

967 Sec. 23. Subsection (b) of section 46a-82c of the general statutes is
968 repealed and the following is substituted in lieu thereof (*Effective*
969 *October 1, 2015*):

970 (b) The time frame contained in subsection [(b)] (c) of section 46a-83,
971 as amended by this act, to conduct a [merit] case assessment review

972 shall be tolled if an answer is not timely received from the date the
 973 respondent's answer is due pursuant to subsection (a) of section 46a-
 974 83, as amended by this act, until the date the answer is actually
 975 received by the commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	46a-56(c)
Sec. 2	<i>October 1, 2015</i>	46a-56(d)
Sec. 3	<i>October 1, 2015</i>	46a-57(d)
Sec. 4	<i>October 1, 2015</i>	46a-58(a)
Sec. 5	<i>October 1, 2015</i>	46a-82(a)
Sec. 6	<i>October 1, 2015</i>	46a-82e
Sec. 7	<i>October 1, 2015</i>	46a-83
Sec. 8	<i>October 1, 2015</i>	46a-83a
Sec. 9	<i>October 1, 2015</i>	46a-84
Sec. 10	<i>October 1, 2015</i>	46a-86
Sec. 11	<i>October 1, 2015</i>	46a-89
Sec. 12	<i>October 1, 2015</i>	46a-90a
Sec. 13	<i>October 1, 2015</i>	46a-94a
Sec. 14	<i>October 1, 2015</i>	46a-98(a)
Sec. 15	<i>October 1, 2015</i>	46a-98a
Sec. 16	<i>October 1, 2015</i>	46a-100
Sec. 17	<i>October 1, 2015</i>	46a-101
Sec. 18	<i>October 1, 2015</i>	46a-102
Sec. 19	<i>October 1, 2015</i>	7-126
Sec. 20	<i>October 1, 2015</i>	19a-49
Sec. 21	<i>October 1, 2015</i>	19a-50(a)
Sec. 22	<i>October 1, 2015</i>	19a-175(2)
Sec. 23	<i>October 1, 2015</i>	46a-82c(b)

Statement of Purpose:

To (1) amend certain general statutes relating to the duties and responsibilities of the professional staff of the Commission on Human Rights and Opportunities, and (2) remove the terms "crippled" and "defective eyesight" from the general statutes.

[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.]