

Legislative History for Connecticut Act

---

HB 5673 (PA 245) 1998  
House 1057-1058, 1410-411, 5073-5094 (26)  
Senate 2948, 2950-2952 (3)  
Judiciary 1848-1855, 1931-1932, 2081-2094(24)

Total-53 pgs

---

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

Connecticut State Library

Compiled 2013

H-783

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1998

VOL. 41  
PART 3  
678-1059

rlf

House of Representatives

April 14, 1998

Committee on Appropriations H.B. No. 5673, to the  
Committee on Human Services H.B. No. 5696, the  
Committee on Appropriations H.B. No. 5073, to the  
Committee on Government Administration and Elections  
H.B. No. 5369, to the Committee on Human Services H.B.  
No. 5317, to the Committee on Appropriations H.B. No.  
5745, to the Committee on Legislative Management H.B.  
No. 5543, to the Committee on Planning and Development  
H.B. No. 5297, to the Committee on Planning and  
Development H.B. No. 5502, to the Committee on Public  
Health H.B. No. 5583, to the Committee on Public Health  
H.B. No. 5546, to the Committee on Government  
Administration and Elections H.B. No. 5500, to the  
Committee on Public Health H.B. No. 5515, to the  
Committee on Appropriation H.B. No. 5503, to the  
Committee on Insurance and Real Estate H.B. No. 5581,  
to the Committee on Appropriations H.B. No. 5371, to  
the Committee on Appropriations H.B. No. 5739, to the  
Committee on Public Safety H.B. No. 5746, to the  
Committee on Planning and Development H.B. No. 5082, to  
the Committee on Judiciary H.B. No. 5307, to the  
Committee on Government Administration and Elections  
H.B. No. 5487, to the Committee on Appropriations H.B.  
No. 5418, to the Committee on Judiciary H.B. No. 5568.

SPEAKER DIAZ:

rlf

House of Representatives

April 14, 1998

Hearing no objection, so ordered.

THE CLERK:

Mr. Speaker, the Clerk has in her possession a communication from the Majority Leader concerning consent calendar designations pursuant to House Rule 43, dated April 13th. A written expression of agreement between the Majority Leader and the Minority leader is in possession of the Clerk.

SPEAKER DIAZ:

Representative Martinez of the 95th District.

REPRESENTATIVE MARTINEZ: (95th)

Thank you, Mr. Speaker. Mr. Speaker, at this time I would move that the following items be placed on consent calendar: Calendar No. 303 Substitute H.B. No. 5728, Calendar No. 334 Substitute H.B. No. 5584, Calendar No. 166 H.B. No. 5566.

SPEAKER DIAZ:

Hearing no objection, it is so ordered.

THE CLERK:

Mr. Speaker, there's no further business on the Clerk's desk.

SPEAKER DIAZ:

Representative Martinez of the 95th District.

REPRESENTATIVE MARTINEZ: (95th)

Thank you, Mr. Speaker. Mr. Speaker, there being

H-784

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1998

VOL. 41  
PART 4  
1060-1415

rlf

001410  
2

House of Representatives

April 18, 1998

Is there any business on the Clerk's desk?

THE CLERK:

Yes, Madam Speaker. The Clerk has a list of referrals in accordance with House Rule 20(e). A written expression of agreement between the Majority Leader and the Minority Leader is in the possession of the Clerk.

SPEAKER CURREY:

I recognize Representative Doyle of the 28th District.

REPRESENTATIVE DOYLE: (28th)

Thank you, Madam Speaker. I would move the following bills under House Rule 20(e): to the Committee on Public Health H.B. No. 5468, to the Committee on Judiciary H.B. No. 5712, to the Committee on Planning and Development H.B. No. 5073, to the Committee on Legislative Management H.B. No. 5418, to the Committee on Government Administration and Elections H.B. No. 5673, to the Committee on Human Services H.B. No. 5745, to the Committee on Legislative Management H.B. No. 5560, to the Committee on Legislative Management H.B. No. 5421, to the Committee on Environment H.B. No. 5589, to the Committee on Legislative Management H.B. No. 5599, to the Committee on Government Administration and Elections H.B. No.

rlf

House of Representatives

April 18, 1998

5335, to the Committee on Legislative Management H.B.No. 5701, to the Committee on Appropriations H.B. No.5323, to the Committee on General Law H.B. No. 5500.

SPEAKER CURREY:

Hearing no objection, so ordered.

THE CLERK:

Madam Speaker, there's no further business on the Clerk's desk.

SPEAKER CURREY:

The Chair recognizes Representative Doyle.

REPRESENTATIVE DOYLE: (28th)

Thank you, Madam Speaker. There being no further business on the Clerk's desk, I move that we adjourn subject to the Call of the Chair.

SPEAKER CURREY:

Hearing no objection, the House stands adjourned.

On motion of Representative Doyle of the 28th District, the House adjourned at 10:10 o'clock a.m., to meet again at the Call of the Chair.

H-795

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1998

VOL. 41  
PART 15  
4928-5327

kmr

2

House of Representatives

Wednesday, May 6, 1998

SPEAKER RITTER:

Okay, so we like each other, it's not a bad thing.  
Is there any business on the Clerk's desk?

CLERK:

Just today's calendar Mr. Speaker.

SPEAKER RITTER:

Just the Calendar obviously is the go list.  
Please call Calendar 317.

CLERK:

On page twenty-three, Calendar 317, and this is  
State of Connecticut House of Representatives Calendar  
for Wednesday, May 6, 1998. Substitute for HB5673, AN  
ACT CONCERNING THE DISCRIMINATORY PRACTICE COMPLAINT  
PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS AND  
OPPORTUNITIES. Favorable report of the Committee on  
Government Administration and Elections.

SPEAKER RITTER:

The honorable chair of the Judiciary Committee  
Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Good morning.

SPEAKER RITTER:

Good morning sir.

REP. LAWLOR: (99th)

I may be the first to thank you not just for the

kmr

3

House of Representatives

Wednesday, May 6, 1998

espresso this morning but for your six years of leadership. I'm sure I won't be the last but you've made what might otherwise have been a very difficult six years easy to take and we appreciate that.

SPEAKER RITTER:

That's very nice of you to say and I appreciate it, and I appreciate everything we've done together. You have the floor.

REP. LAWLOR: (99th)

I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER RITTER:

Motion on acceptance and passage, please proceed.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Mr. Speaker the Clerk has a strike everything amendment. The Clerk has LCO 5686 I'd ask that the Clerk call and I be allowed to summarize.

SPEAKER RITTER:

The Clerk has LCO 5686 if you may call and Representative Lawlor would like to summarize.

CLERK:

LCO 5686, House "A" offered by Representatives Lawlor and Farr.

SPEAKER RITTER:

kmr

4

House of Representatives

Wednesday, May 6, 1998

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. This amendment essentially retains the spirit of the underlying file copy but it makes several technical changes. In general Mr. Speaker, these are major changes being made to the Commission on Human Rights and Opportunities in order to deal with some concerns that have been raised in recent years.

For one thing Mr. Speaker, adequate staffing levels and for a second thing, clear direction to the Commission in the way it should retain stewardship over the agency. Mr. Speaker, the amendment establishes for the first time a position, a full-time position of human rights referee, which is a type of magistrate which will be a full-time position rather than the existing part-time positions.

I point out that an allocation in the budget has been provided for this purpose. There are several changes intended to expedite the process by which complaints are handled by the Commission on Human Rights and Opportunities and these will prove to be a benefit both to complainants and to respondents. In other words to employers and employees at the Commission.

kmr

House of Representatives

Wednesday, May 6, 1998

They are supported by representatives of both groups of persons. Also, Mr. Speaker, this amendment clarifies that the Commission has the right to discharge the executive director at any time effective July 1, 1998, even during the four year term to which the executive director has been appointed.

And finally Mr. Speaker, at the end of the budget contains language which was present in another bill considered by the Judiciary Committee and favorably reported out by our Committee but which got caught up in the process. I think we're all familiar with providing specific guidance to the judicial branch indicating that senior judges and referees may preside over certain types of juvenile cases and preside over jury selection in certain types of criminal cases. Mr. Speaker I urge adoption.

SPEAKER RITTER:

Questions on adoption, will you remark further? If not I'll try your minds, all in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no. House "A" is adopted. Will you remark on this bill as amended by House "A"?

kmr

House of Representatives

Wednesday, May 6, 1998

Representative Ferrari.

REP. FERRARI: (62nd)

Mr. Speaker, thank you very much. I wanted to have an opportunity to mention a few things that are going on here. There are at least five law suits filed by former employees and agents against the Commission and some of its management. There have been ethics complaints in the past, and investigations are continuing today.

There have been whistle blower investigations, and other auditor investigations against the management personnel. There have even been counter suits by managers against their employees. Does this sound like an agency that is capable of realistically dealing with the human rights issues? I've been given a great deal of documentation on a variety of complaints and have been for the last two years asked the Programs and Reviews and Investigations Committee to conduct an investigation of the Commission.

This agency is supposed to be able to deal with people who have civil and human rights complaints. How can they, when those that they're complaining about have any confidence in a commission's ability to fairly evaluate their complaints if they are unable to deal with their own?

kmr

7

House of Representatives

Wednesday, May 6, 1998

Mr. Speaker, these complaints have been ongoing for at least five years that I know of. Many people that I have spoken to are not even my constituents yet they call me or they come to see me to tell me their stories. People from all walks of life regardless of their gender or ethnic background.

Mr. Speaker, I am terribly frustrated regarding this issue. Will this bill offer any hope of establishing some stability of the commission? I'm not so sure that what we will do today is anything more than rearranging the deck chairs on the Titanic. Can the chairperson of the Judiciary Committee offer any hope that those who are personally involved with the CHRO, is it up to the legislature? It is up to us, legislative leaders to be leaders on this issue.

Certainly the public confidence in this commission is at an all time low. Not because it can't process the work it has, because it is an effective and inefficient at least, at best, or at worse, it has exhibited institutional intolerance. Mr. Speaker, I have, I've been involved with the people who have concerns about this agency, they still have concerns about this agency and I'm not convinced that this bill is going to do anything to help correct those deficiencies.

kmr

8

House of Representatives

Wednesday, May 6, 1998

So I think that while I'll vote for this bill, and the bill--it's a start I suppose--but I'm not convinced that we've actually attacked the real problem at the CHRO. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you sir, will you remark further?

Representative Ward.

REP. WARD: (86th)

Thank you Mr. Speaker. Through you.

SPEAKER RITTER:

Please proceed.

REP. WARD: (86th)

Thank you Mr. Speaker. Representative Lawlor, and you may have said it in your explanation as you brought out the amendment, but I couldn't hear clearly. There is a section of the bill that does not deal with the CHRO but deals with state trial referees and criminal trials. And I'm just asking if you could, I'm trying to read it and make sure I understand it.

What change in the law we're making with this bill now as amended with regards to criminal trials and state trial referees. Through you Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

kmr

House of Representatives

Wednesday, May 6, 1998

Thank you Mr. Speaker. Through you, this as I indicated as I explained the bill initially, this language was before the Judiciary Committee and was favorably voted out or very similar language was favorably voted out of our committee and got caught up in the referral process earlier on. Essentially there are two changes. First of all it specifies that referees may hear certain types of juvenile cases.

And secondly Mr. Speaker, it makes it clear that judge trial referees have, first of all Mr. Speaker it changes the reference from state referee to judge trial referee which is the title which the Judicial Branch uses. And it allows referees to preside over jury selection in criminal cases without the permission of both parties. Through you Mr. Speaker.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Thank you Mr. Speaker. Mr. Speaker, does it also allow and I think it does, but just to make it clear for the record, without the consent of the parties in a non-jury criminal case now for the first time without the consent of the parties a referee will be able to hear a criminal case and sentence the individual.

Through you Mr. Speaker.

kmr

10

House of Representatives

Wednesday, May 6, 1998

REP. LAWLOR: (99th)

Through you Mr. Speaker, I don't believe it says that. I just wondered if there was a particular portion of the language that has raised that question in the Minority Leader's mind.

REP. WARD: (86th)

Through you Mr. Speaker, yes in line 603 through 610. It appeared to me that it says without the consent of the parties or their attorneys refer any criminal case other than a jury trial to a jury trial referee assigned to a GA courthouse. And then if it's a jury trial refer it for a voir dire, but if it's a non-jury case that they'll actually now try criminal cases without the consent of the parties.

REP. LAWLOR: (99th)

Through you Mr. Speaker, I believe it does.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Through you Mr. Speaker, it's been a couple of years since I've been on the Judiciary Committee and because this doesn't in any way relate to CHRO was there objection to that when the similar bill was heard in the Judiciary Committee? Is that something that any particular group had a problem with at that time?

kmr

11

House of Representatives

Wednesday, May 6, 1998

Through you Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. I don't believe so, but I would point out that a defendant does have a choice between a jury and a court trial so I suppose that would be one way that you could remedy the problem if for whatever reason you felt uncomfortable with this particular option. Through you Mr. Speaker.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Thank you Mr. Speaker. I do agree that that's true. That you initially can select jury or non-jury. But now if you elect a court trial, you may have a retired judge, not a regular superior court judge hearing your criminal case, and I at least think it's important to bring that out on the record. Because I think a lot of members looking at this amendment may have thought that it dealt with CHRO and now with how we deal with criminal cases and the use of referees in criminal cases. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you sir. Will you remark further?

House of Representatives

Wednesday, May 6, 1998

Representative Prelli.

REP. PRELLI: (63rd)

Thank you Mr. Speaker. Mr. Speaker, through you a question to Representative Lawlor.

SPEAKER RITTER:

Please proceed.

REP. PRELLI: (63rd)

Representative Lawlor, the difference between this bill and the underlying bill, we've now changed the name of the human rights referees from human rights magistrates. Just to make sure I understand it, these aren't the same as referees that we would have in the superior court they would be more like what we consider magistrates now? Through you Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. They'd be, magistrates would be close, more like hearing officers, like, through you Mr. Speaker, I should just point out that currently there is such a function. However, it is filled by part-time practicing attorneys who on a per diem basis are employed by the Commission on Human Rights and Opportunities to hear these cases. The advantage of switching to the full-time position is it

kmr

House of Representatives

Wednesday, May 6, 1998

is believed that this will expedite the cases number one. And number two, because they'll be there full time and they won't have to be interrupted by their own trials elsewhere in other courts. And number two, they'll develop an expertise over time in human rights issues.

So the function is currently filled by part-time attorneys Mr. Speaker, we're just establishing a full-time alternative.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you Mr. Speaker. And through you another question to Representative Lawlor. It says that these human rights referees and the chief referee will be paid the same as set forth in section 46b-231. Is that the same pay scale as magistrates are now? Through you Mr. Speaker.

REP. LAWLOR: (99th)

Through you Mr. Speaker, yes it's the same as the family support magistrates.

REP. PRELLI: (63rd)

Thank you Mr. Speaker. And Representative Lawlor when we're looking at family support magistrates, who usually appoints the family support magistrates and the

kmr

House of Representatives

Wednesday, May 6, 1998

chief support magistrate? Through you Mr. Speaker.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Through you, the Governor makes that appointment as he does in this case as well.

REP. PRELLI: (63rd)

Then, just one more question after that answer. I thought the chief administrative referee was going to be appointed by the chairman of HRO, am I misreading that through you Mr. Speaker? I think that's in section C on page 2. I'm sorry that would be section D.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Yes, the chief would be selected from among the seven full-time human rights referees selected by the executive director. And the executive director in turn is appointed by the commission which in turn is appointed by the Governor. Through you Mr. Speaker.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you Mr. Speaker. Mr. Speaker, through you to Representative Lawlor, is the chief family

kmr

House of Representatives

Wednesday, May 6, 1998

magistrate appointed by somebody else other than the Governor? Through you Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor. The question about family court magistrate.

REP. LAWLOR: (99th)

Through you Mr. Speaker, I don't know who appoints the chief family court magistrate, I'm not even sure there is one. Through you Mr. Speaker.

SPEAKER RITTER:

If I can be helpful, are you talking about family support magistrates? The chief, that one's appointed by the chief justice. If I can interchange myself in the debate, I just happen to know the answer.

REP. PRELLI: (63rd)

Thank you Mr. Speaker, I appreciate your input.

SPEAKER RITTER:

After six years I resisted doing that. On my last day, to help facilitate things, I'm glad to be of help.

REP. PRELLI: (63rd)

Mr. Speaker, I always have enjoyed your input in the conversations, thank you.

SPEAKER RITTER:

Thank you Representative Prelli.

REP. PRELLI: (63rd)

kmr

House of Representatives

Wednesday, May 6, 1998

Mr. Speaker, that's, there's a couple problems I see here in this bill the way it is. I'm not sure I appreciate the appointment there. If it was the chief court administrator, I'd be a little happier with the appointment, or if it was the Governor making that appointment I'd be a little happier with who does it. Through you just one more question, and this will be the last time, the last question I think.

Through you to Representative Lawlor. How long are we projecting that we're still going to have to keep the part-time referees or hearing officers in the future? Through you Mr. Speaker?

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Through you, they will no longer be taking new cases as of July 1st if this bill should become law. It is our understanding that they will continue to work on the cases that have already been assigned to them. And beginning on October 1st, the newly appointed human rights hearing officers will begin to hear all of the cases before the commission.

And as I understand it there's about 25 names on the list currently for the part-time position. But actually only 6 or 7 of them actually are actively participating, that's part of the problem. Through you Mr. Speaker.

House of Representatives

Wednesday, May 6, 1998

REP. PRELLI: (63rd)

Thank you Mr. Speaker. Mr. Speaker, and Representative Lawlor, I appreciate your answers. As I said, I do have a couple problems with this bill but I think it does move it forward hopefully we can address some of the appointments and how we're working on it. Thank you Mr. Speaker.

SPEAKER RITTER:

Will you remark further? Representative Knopp. Representative Knopp has the floor then Representative Concannon, and then hopefully we'll, we've got a lot of work to do today.

REP. KNOPP: (137th)

Thank you Mr. Speaker. I just rise in support of this amendment. In 1986 as you may recall the General Assembly had to reinstate a number of cases before the CHRO because the CHRO had not acted by its statutory deadline. As part of that bill in 1986 we established a task force to re-examine all of the operating procedures of the CHRO. That task force included business leaders, labor lawyers, representatives of the Governor's office, representatives of the Permanent Commission on the Status of Women and others. And they recommended most of the provisions in this amendment. One of the key parts was to go from part-time hearing

kmr

House of Representatives

Wednesday, May 6, 1998

officers who also practiced before the commission to these full-time human rights referees. This will make sure that there's no mixing between an attorney's private business before CHRO and how that attorney acts as a hearing officer and I think this change will go a long way towards improving the operations, efficiency and fairness of all the proceedings before the CHRO. And it's a very good amendment and should pass. Thank you.

SPEAKER RITTER:

Thank you. Representative Concannon.

REP. CONCANNON: (34th)

Thank you Mr. Speaker. Through you Mr. Speaker, some questions for clarification purposes.

SPEAKER RITTER:

Representative Lawlor there's going to be some questions your way. Please proceed madam, he's listening, he may not be standing but he's listening.

REP. CONCANNON: (34th)

Okay, he's listening. The question I'd like to, do I understand that this body of human rights referees will total 14?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

kmr

House of Representatives

Wednesday, May 6, 1998

Thank you Mr. Speaker, through you. No a total of seven, three to be appointed on October 1st and four additional referees to be appointed on January 1st.

Through you Mr. Speaker.

REP. CONCANNON: (34th)

Through you Mr. Speaker, thank you Representative Lawlor. I was just looking at section 2 that said after October 1, 1999 the governor shall appoint seven human rights referees, and that's where I have some confusion. It says three on October 1998, four on January 1999 and seven on October 1999.

REP. LAWLOR: (99th)

Thank you Mr. Speaker, it's a total of seven. But the initial group of seven is only being appointed to a one year term. And then from that point forward, there's a process by which their terms would become staggered. So some would be appointed initially for a two year terms, others for a three year term and then from that point forward, three year terms would be the norm. Through you Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you Mr. Speaker, thank you Representative Lawlor. Have, could, I do not know, I am not familiar

kmr

House of Representatives

Wednesday, May 6, 1998

with the pay scale for magistrates under section 46b-231. I wonder through you Mr. Speaker, if Representative Lawlor could enlighten me.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Through you, the magistrates in the family support division are paid \$72,429.00 per year. The chief is paid \$77,224.00 per year, through you Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you Mr. Speaker, thank you Representative Lawlor. I'm just wondering if by any chance there is a fiscal note to this amendment?

REP. LAWLOR: (99th)

Through you Mr. Speaker, yes, there is a fiscal note.

SPEAKER RITTER:

Why don't you go into a little bit more detail and then we can maybe.

REP. LAWLOR: (99th)

Was there a specific question?

REP. CONCANNON: (34th)

House of Representatives

Wednesday, May 6, 1998

I think we have added it to the budget, I chaired that budget in the subcommittee on record agents and protection. And I just want to be assured that we have addressed this adequately in the budget for the coming year. Through you Mr. Speaker. May I ask what the total amount is Mr. Speaker?

SPEAKER RITTER:

The question is whether the money is in the budget.

REP. LAWLOR: (99th)

Mr. Speaker, the money is in the budget, I'm just, the fiscal note is somewhat confusing because the terms are staggered and there's other support personnel involved in this and there's also a net savings over time, because the money has not been deleted for the part-time hearing officers, I believe that's \$160,000. So to the best of our information, the staggering of the terms and the addition of several positions to the position count of CHRO will be enough to accommodate.

All of these changes within the existing budget which was recently by the legislature.

REP. CONCANNON: (34th)

Through you Mr. Speaker, thank you Representative Lawlor. Thank you Mr. Speaker.

SPEAKER RITTER:

House of Representatives

Wednesday, May 6, 1998

Thank you, will you remark further? If not I'll try your minds. I'm sorry, Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Thank you Mr. Speaker. I just wanted to say that I believe that I support the bill. And one of the reasons that I do is the acting director of the CHRO is a very dear friend of mine, Valerie Caldwell Gaines. She's one of the co-chairs. I've known her for over a dozen years, she's a women of great integrity. And many agencies after they've gone through several turbulent years, those who come on after insure the integrity of those agencies and do a lot to change them. And I wish that my colleagues will support this and give them an opportunity to put this agency back to where it needs to be. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you madam, are you ready to vote? All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no. House "A" is adopted, will you remark further on this bill as amended by House "A"? If not staff and guests come to the well of the House, the machine will be open.

kmr

House of Representatives

Wednesday, May 6, 1998

CLERK:

The House of Representatives is voting by roll call members to the Chamber. The House is voting by roll call, members to the Chamber please.

SPEAKER RITTER:

If all members have voted please check the roll call machine to make sure your vote is properly cast, if it has the machine will be locked, Clerk please take the tally. Clerk please announce the tally.

CLERK:

HB5673 as amended by House "A."

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

SPEAKER RITTER:

Bill passes. Representative Godfrey.

REP. GODFREY: (110th)

Mr. Speaker, I move for the immediate transmittal of that last item to the Senate.

SPEAKER RITTER:

Seeing no objection so ordered. Clerk please call Calendar 260.

CLERK:

S-427

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1998

VOL. 41  
PART 10  
VETO  
SESSION  
JUNE  
SPECIAL  
SESSION  
2825-3121

Senate

Wednesday, May 6, 1998

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. From Senate Agenda No. 1. Some of the items previously marked Go, I would move to the Consent Calendar. I would move Substitute for HB5673 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

I would move Substitute for HB5679 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

On Page 2, I would move SB592 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

I would move Substitute for SB352 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

kmg

126

Senate

Wednesday, May 6, 1998

An immediate roll call has been ordered in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber. An immediate roll call  
has been ordered in the Senate on the Consent Calendar.  
Will all Senators please return to the Chamber.

Madam President, calling from Senate Agendas  
first, and then from the Calendar.

Senate Agenda No. 1, or Senate Agenda Page 1.  
Emergency Certified Resolution, SR33.

SR34.

Substitute for HB5673.

Substitute for HB5679.

Agenda Page 2. SB592.

Substitute for SB352.

Senate Agenda No. 2. Substitute for HB5696.

Substitute for HB5548.

Substitute for HB5373.

Substitute for SB568.

Today's Calendar. Calendar Page 1. Calendar No.  
93, Substitute for SB444.

Calendar No. 144, SB509.

Calendar Page 2. Calendar No. 439, Substitute for  
HB5328.

Calendar Page 3. Correction, on Calendar Page 2,  
Calendar No. 434, Substitute for HB5118.

kmg

127

Senate

Wednesday, May 6, 1998

Calendar Page 3. Calendar No. 448, Substitute for  
HB5421.

Calendar No. 490, Substitute for HB5038.

Calendar No. 491, Substitute for HB5039.

Calendar Page 4. Calendar No. 493, Substitute for  
HB5657.

Calendar No. 497, Substitute for HB5681.

Calendar Page 6. Calendar No. 117, Substitute for  
SB497.

Calendar No. 277, SB235.

Madam President, I believe that that completes the first Consent Calendar.

THE CHAIR:

Mr. Clerk, would you once again announce a roll call vote on the Consent Calendar. The machine will be open. It's a Go.

THE CLERK:

Madam President, there is one item that I did not indicate as having been placed on Consent. It's on Calendar Page 7. Calendar No. 109, SB485, should also be placed on the Consent Calendar. Madam President, I believe that completes the first Consent Calendar.

THE CHAIR:

Thank you, sir. Would you once again announce a roll call vote on the Consent Calendar? The machine

kmg

128

Senate

Wednesday, May 6, 1998

will be open. Have all members voted? Senator Ciotto.  
Have all members voted. If they have, the machine will  
be locked. Clerk, please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I move immediate  
transmittal of all items just acted upon to the House  
of Representatives.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Madam President?

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

At this time, I would ask that we return to the  
item we just recently PT'd. Page 5, Calendar 332, bill  
SB532.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 6  
1687-1958

1998

001848

March 20, 1998  
1:00 P.M.

gmh JUDICIARY COMMITTEE

PRESIDING CHAIRMEN: Senator Williams  
Representative Lawlor

MEMBERS PRESENT:

SENATORS: Coleman, Upson, Fonfara,  
Looney

REPRESENTATIVES: Scalettar, Farr, Abrams, Amann,  
Bernhard, Cafero, Cappiello,  
Dandrow, Doyle, Feltman, Fox,  
Fritz, Garcia, Graziani,  
Jarjura, Michele, O'Neill,  
Roraback, Varese, Winkler

SENATOR WILLIAMS: Please have a seat now. Excuse me,  
if folks could please have a seat now we'd like to  
begin. We do have a lot of folks signed up. We  
would like to have the chance to provide everyone  
with an opportunity to speak.

First up is Phil Murphy and a panel. Just for the  
record, when a group of folks, because I notice  
that there may be a number of different groups of  
folks come up and testify, if you could each  
identify yourself for the record. Thank you.

JONATHAN TOBIN: I'm Jonathan Tobin, a member of the  
Commission of Human Rights and Opportunities.

RUSSELL WILLIAMS: Russell Williams, also a Commission  
at the Commission of Human Rights and  
Opportunities.

JONATHAN TOBIN: Mr. Chairman, we have come before you HB 5673  
to express our support for the bill, AN ACT  
CONCERNING DISCRIMINATORY PRACTICE COMPLAINT  
PROCEDURE OF THE COMMISSION OF HUMAN RIGHTS AND  
OPPORTUNITIES. It's been studied and as a result  
we brought before you of people who can speak to  
various aspects of the bill. We urge its support  
because we believe it can better effect our ability  
as a commission to serve the people of this state  
on this very important issue.

RUSSELL WILLIAM: I'd just like to echo my colleague's  
sentiments. I would also like to add that I think

that having these permanent hearing officers will not just make us more efficient as a commission, but would probably make the State of Connecticut a better (inaudible) for civil rights all together.

So, I urge you to support this bill. Commission Counsel will be giving a presentation.

Thank you.

SEN. WILLIAMS: Again, if you could identify yourself before you begin. Thank you.

PHILIP A. MURPHY: Senator Williams, Representative Lawlor, members of the Judiciary Committee, my name is Philip A. Murphy, Jr., and I'm Commission Counsel to the Commission on Human Rights and Opportunities.

I'm here to provide you with an overview of raised HB5673. As part of the panel today, we will also hear from Leslie Brett from the Permanent Commission on the Status of Women; Joseph Grabarz, from the Connecticut Civil Liberties Union; and Betsy Gara, from the Connecticut Business and Industry Association. Also with us today is Fernanda (inaudible) Jacobs from the Latino and Puerto Rican Commission. She will not be testifying.

Section 1 of the bill provides for five permanent hearing officers. These will gradually replace the present part-time hearing officers that we have. With the part-time hearing officers there are delays in the hearing because they are attorneys in practice in the State and cannot serve often for consecutive days. So the bill provides for five full time hearing officers appointed by the Governor and approved by the General Assembly and those hearing officers would -- those magistrates, administrative magistrates would not be able to practice before the Commission.

The second section of the bill changes the investigatory timeframes. This was one of the recommendations that arose out of the Advisory Committee and then the Law Revision Commission's

study of the Commission's complaint process in 1996 and this bill was before the Legislature in the form of substituted SB414 last session. It passed the Senate unanimously and died on the House calendar on the last day of the session.

So what these timeframe changes do is they make them run from each -- run from the timeframe before. Right now many of them run from the actual filing of the complaint. So if there's a delay at the early stage of the case, it compacts the rest of the timeframes.

The overall timeframe remains essentially the same which is about 18 months for the processing of an investigation.

Section 3 provides an option for complainants whose cases are dismissed either for failure to accept full relief or at the (inaudible) assessment review stage. It would have a choice of a reconsideration and appeal or they have the choice of receiving a release so that they can proceed in court on the matter.

Section 4 changes the timeframes related to hearing. Again, it makes them consecutive running from the previous one. Right now they all run from one event and they tend to overlap. So that overlap is eliminated and the timeframes are essentially the same, slightly longer, but they're more realistic in terms of what needs to be done at these stages.

Section 5 deals with appeals from the Commission's dismissals and it makes clear that the failure to - - that an appeal provides for any dismissal in the Commission's process, that the complainant has a right to appeal from any form of dismissal.

Section 6 modifies the release to sue provision which allows a release to sue for any complaint before the Commission. Right now, only certain employment discrimination matters can obtain a release.

Section 7 allows the complainant and the respondent

to both jointly request a release. If they are already in court on another related matter, they can seek a release from the Commission immediately after the case is filed and then they can join the cause of action before the Commission with their state or federal cause of action.

Section 8 provides an administrative and judicial remedies for the complainant and the respondent if we do not comply with the timeframe for completing the investigation. It also requires the Commission to report annually to the Governor and the Judiciary Committee on any case, on a number of cases that exceed this investigatory timeframe.

The last section indicates that the bill would become effective on July 1st. I will not turn the microphone over to Leslie Brett from the Permanent Commission on the Status of Women.

LESLIE BRETT: Thank you and good afternoon, Senator Williams and Representative Lawlor and members of the committee.

We are trying to be as efficient as possible, so I'm pleased to join my other colleagues in briefly discussing some of the elements of this bill.

I would like to begin by reiterating that this bill is the result of over a year's worth of discussion and negotiation among people representing the agency, CHRO, people representing complainants, and people representing respondents before the CHRO. And I think because it results from good faith negotiations, this bill solves some genuine problems in a fair and reasonable manner.

And I would like to emphasize that the problems it solves are serious and cannot be ignored. So, we hope that you will act on this bill this session.

One of the most serious problems solved by this bill was created by Connecticut's Supreme Court decision in a case known as Angel C Productions vs. CHRO and when I am finished, my colleague, Mr. Grabarz will comment on that section of the bill so I will move on.

I will just say that in that matter all the parties that addressed this problem recognized that need to balance the fundamental right of complainants to a fair decision on the merits with the equally important rights of respondents and, in fact, all parties to a reasonable speedy process and a reasonable end to the process and that's what this section attempts to do.

The bill solves a few other important problems. Section 6 fixes a problem that is long overdue to be fixed. It provides that all complainants before the CHRO have the same procedural rights and particularly have the same rights to a private right of action to bring their cases into state court after other procedural requirements have been met. At this time, cases brought on all bases except sexual orientation are granted these rights. And this glaring inequity for cases of discrimination on the basis of sexual orientation was created by the timing of the passage of the Gay Rights Law which occurred the same year as the passage of the amendments creating a private right of action and those two actions, those two reforms were never reconciled.

This inequity not only creates a second class status for those people who have been discriminated against because of sexual orientation, but also denies these plaintiffs access to remedies only available in state court such as compensatory damages.

I would like to point out that of all the issues debated at length in the Advisory Council a year or so ago, this issue was a slam dunk. There was nobody at the table who thought that this wasn't the right thing to do and I would also like to note for the record that the Coalition for Lesbian, Gay, Bi-Sexual, and Trans-Gender Civil Rights would like to support this measure and has agreed not to testify today in the interest of efficiency, but asked me to convey their support to this committee, which I am doing.

Section 1 discusses the establishment of full-time administrative law magistrates which has already

been mentioned by Commission Counsel Murphy.

So, in conclusion, I would just like to say that this bill reflects the collective efforts of many good folks trying to do the right thing and we urge your support this year.

Thank you.

JOSEPH GRABARZ: Thank you, Senator Williams and members of the Committee for allowing us this opportunity to comment on a piece of legislation which solves many problems that this Legislature, the Commission, the civil rights community, the legal community, and the business community have been concerned about.

GILDA SULLO: Excuse me. Can you identify yourself, please?

JOSEPH GRABARZ: Yes. My name is Joe Grabarz. I am the Executive Director of the Connecticut Civil Liberties Union.

Raised HB5673 addresses in a fashion that is acceptable to a wide range of interest involved in the Commission on Human Rights and Opportunities. The issues of time lines, dismissals, private right of action, hearing officers, and magistrates that as I've said have, in some ways, haunted all of these various interested parties and communities for a decade now.

It particularly addresses the results of the Angel C decision by the Connecticut Supreme Court which just continued practices that had been in effect in the Commission for over a decade and re-establishes those rights to be made whole.

We urge the Committee's full support of this legislation as happened last year and urge you to lobby your colleagues in the General Assembly and in the Senate for its passage this year.

Thank you.

ELIZABETH GARA: Good afternoon. My name is Elizabeth

Gara. I'm Associate Counsel with CBIA and I'm pleased to be here to join in support for HB5673, AN ACT CONCERNING THE DISCRIMINATORY PRACTICE COMPLAINT PROCEDURE AT CHRO.

We do feel that this bill will help expedite the processing of discrimination complaints. While employers do a very good track record of compliance with the State's discrimination laws, in the past they were very frustrated by delays in processing and different procedural issues that came up that made it very difficult for employers in the discrimination complaint processing system. We feel that these recommendations address a lot of those issues and that this will be a good thing for employers as well as for other people that take part in the discrimination area.

I think my colleagues have recognized all those other areas that the bill addresses, so I won't get into that, but I do want to extend our support for this bill.

Thank you.

SEN. WILLIAMS: An impressive coalition.

JOSEPH GRABARZ: We were going to hold hands and sing, "Getting to Know You", but in the interest of time.

SEN. WILLIAMS: Any questions for the panel?  
Representative Farr.

REP. FARR: Isn't there anybody opposed to this?

JOSEPH GRABARZ: No one that we're aware of who is in full possession of their mental capacity.

SEN. WILLIAMS: Anything further? Thank you very much.

Next, we have another distinguished panel, Judge Ment, DCF Commissioner Ragaglia, Child Advocate, Linda Prestley and Attorney General Richard Blumenthal. If they would come forward, please.

Then the next person after that will be Linda Dow to be followed by Judge Christine Keller.

ATTY. GEN. RICHARD BLUMENTHAL: Good afternoon, Mr. Chairman, Chairman Lawlor, Chairman Williams, and members of the committee.

First, let me add a word, only a word on behalf of the bill that was just the subject of testimony before you. The main thrust of why I'm here today concerns another bill, but I want to add my support to HB5673, AN ACT CONCERNING THE DISCRIMINATORY PRACTICE COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES for all the reasons that have been stated to you so well by the previous panel on behalf of my office. I want to join in supporting it. I think the establishment of full-time hearing officers and other measures are important to the enforcement responsibilities that my office has and I want to add my voice in support of it.

The main reason that I'm here, obviously, is in support of HB5745, AN ACT CONCERNING CHILD PROTECTION. And we also have an amendment that we want to suggest to the committee that is attached to my testimony. But let me just say at the outset as a matter of sort of personal privilege, we are here in support of a measure that has united our different agencies and offices in a very unique way. This proposal comes to you truly as a joint proposal, the result of a very unusual, if not unique, partnership involving those that are here today and our staffs and I want to thank the staffs and people who have done so much work to make this proposal a reality before you and we urge, as a matter of tremendous urgency on behalf of the State of Connecticut that you adopt it.

I want to say as a matter of my own personal experience that there is no area of the law or the work of my office that has been more difficult, frustrating, time consuming, but in the end, more important and sometimes more rewarding. None more important and rewarding than the work that my office does in this area of child abuse and neglect. And it has been frustrating primarily because of the defects in the law that we are here now to correct. Defects that unduly delay decisions in the system and by delaying those decisions,

Eckerson. Audrey Eckert is actually first in line.

AUDREY ECKERT: Good evening. I'm Audrey Eckert. I am a member of AFSCME Local 2663 and a delegate to the Waterbury Labor Council.

I'm also a mediator at the Commission on Human Rights and I've come to talk about HB5673. It's very difficult to talk about because some of it is so serious and really good and some of it is funny and this is a serious forum and I don't want to make light of it.

When you work with both civil rights and labor rights you're working with kissing cousins. Martin Luther King demonstrated that when he walked with AFSCME workers in the south on the day of his death.

We work during the day at CHRO for dignity in the work place. We work nights and weekends with the union for dignity in the work place. We read the bill which talks about magistrates and that sounds like a wonderful idea. Professional people who will hear the cases, who will be in our offices and get to know us and get to know our procedures and you'd like to have five of them. We have 6.6 litigators who present the cases denova. They have to prepare. They have to gather testimony. They have to gather evidence. How are 6.5 litigators going to prepare enough work for five full time magistrates?

And the other thing that we looked at is at the end of the bill you talk about if the case is not processed in a timely fashion the investigator will come up to the central office and sit with the executive director and the aggrieved parties. They are aggrieved. Justice has been delayed and thus denied. And someone owes them an apology.

When we looked at it we thought perhaps the Legislature who has a peculiar way of not acting on anything at CHRO might want to apologize to the citizens, but they don't. The executive staff might want to apologize to them for the convoluted paperwork and procedure that they have presented to

us, but they don't. Our regional managers who sometimes overload our case inventories might want to apologize to them, but they don't. Instead, they take a pheasant out of the fields and ask him to apologize to the citizens for royal decisions and we find that rather ludicrous.

We would like to see civil rights a strong thing in the State of Connecticut, very strong. At the present moment it is not. But we don't want it to be at the expense of labor rights and we hope you'll consider that.

Thank you.

SEN. WILLIAMS: Thank you. Any questions? Now Ms. Carone to be followed by Kathleen O'Brien, Mary Eckerson and Roseanne Riccio.

ADDIE CARONE: Good evening. My name is Addie Carone. I'm a registered voter in the Town of West Hartford and a member of the Survivors of Homicide since 1987.

I'm here to speak on HB5637, AN ACT CONCERNING POST CONVICTIONS (INAUDIBLE). This bill is very pertinent to me and my family because our son and brother was shot in the back by Adams Zak and died instantly eleven years ago on a Sunday evening, March 22, 1987 outside the Prospect Cafe in West Hartford.

The justice system served us well with a speedy trial, a conviction of murder, and a sentence of 60 years, although in minimum security.

An appeal was filed and on October 13, 1988 the following special conditions were set by the presiding judge on the appeal bond and as I read these, these are direct from the copy of that paper on the conditions of the bond.

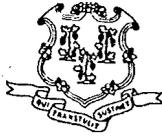
One. The defendant must live with his family.

Two. The defendant is not to possess a gun, rifle, and so forth.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 7  
1959-2340

1998



STATE OF CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
21 GRAND STREET HARTFORD, CONNECTICUT 06106

IN REPLY:

STATEMENT OF THE CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

On  
Raised House Bill No. 5673

AN ACT CONCERNING THE DISCRIMINATORY PRACTICE  
COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS  
AND OPPORTUNITIES

Judiciary Committee

March 20, 1998

Co-Chairpersons Lawlor and Williams and members of the Judiciary Committee, my name is Philip A. Murphy, Jr., Commission Counsel for the Commission on Human Rights and Opportunities (CCHRO).

I appreciate the opportunity to testify on behalf of the CCHRO on Raised House Bill 5673, An Act Concerning the Discriminatory Practice Complaint Procedure of the Commission on Human Rights and Opportunities. This bill is a compromise bill resulting from negotiations among many interested parties. In addition to the CHRO, they include the Connecticut Business and Industry Association (CBIA), the Permanent Commission on the Status of Women (PCSW), the Latino and Puerto Rican Affairs Commission, representatives of both the complainants' and respondents' bar, and a number of interested legislators. Representatives of several of these organizations comprise the panel before you today.

The CCHRO strongly supports the changes embodied in this bill. These changes improve the Commission's discriminatory complaint procedures in the following ways:

- Provides that an individual's complaint will not be dismissed if CHRO fails to meet a statutory timeframe
- Provides administrative and judicial procedures to ensure the timely completion of investigations
- Requires annual reporting by the Commission to the Governor and this Committee regarding any cases that exceed the statutory timeframes for making a reasonable cause determination.
- Gradually replaces part-time hearing officers with five full time administrative law magistrates
- Adjusts the timeframes for processing discriminatory practice complaints to more closely correspond to the time needed to complete various complaint processing phases
- Provides that complainants and respondents can jointly obtain an early release to sue in order to consolidate claims before CHRO with other pending court actions
- Provides complainants with the options of requesting reconsideration and/or appeal, or obtaining a release to proceed in court if their complaint is dismissed for failure to accept full relief or through the merit assessment review process

- Allows all complainants to obtain a release to sue if a complaint has been pending for 210 days. Present law provides for releases only in certain employment cases

The genesis of this bill is the Connecticut Supreme Court decision in Angelsea Production, Inc., v. CHRO 235 Conn. 618 (1996). The Court held in that case that certain statutory timeframes in Conn. Gen. Stat. §§ 46a-83 and 46a-84 were mandatory and, if not complied with, the complainant's CHRO case was subject to dismissal. The General Assembly reacted quickly, enacting Public Act 96-241, which restored CHRO jurisdiction over pending complaints and modified the statutory timeframes. Section 6 created an Advisory Committee under the auspices of the Law Revision Commission to review CHRO case processing procedures. The Advisory Committee met on numerous occasions and filed a report with the Law Revision Commission. The Law Revision Commission modified some of the Committee's recommendations and reported to the General Assembly. Many of the changes proposed in this bill, such as the revision of the statutory timeframes, have their origin in the recommendations of the Law Revision Commission.

The CHRO acknowledges and thanks Senator Eric Coleman, who brought together many diverse groups to discuss the Law Revision Commission Report and other matters of concern regarding CHRO case processing. The result was Substitute Senate Bill 414 which passed the Senate last year but died on the House calendar. The CHRO also thanks both Senator Coleman and Representative Ellen Scalettar for their efforts to bring the coalition of interested parties together again this year to seek enactment of this compromise legislation.

002084

The CHRO urges the Judiciary Committee's favorable report of this important legislation. I will be happy to try to answer any questions that the members of the Committee may have.

Thank you.

## State of Connecticut



PERMANENT COMMISSION ON  
THE STATUS OF WOMEN  
18-20 Trinity Street  
Hartford, Connecticut 06106-1628  
(860)240-8300  
FAX (860)240-8314

Testimony of  
Leslie J. Brett, Ph.D.  
Executive Director  
Permanent Commission on the Status of Women  
before the  
Judiciary Committee  
Friday, March 20, 1998

**In Support of: R.B. 5673, AN ACT CONCERNING THE DISCRIMINATORY  
PRACTICE COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN  
RIGHTS AND OPPORTUNITIES**

Good afternoon Senator Williams, Representative Lawlor and members of the Committee. Thank you for this opportunity to testify together with my colleagues in favor of R.B. 5673, An Act Concerning the Discriminatory Practice Complaint Procedure of the Commission on Human Rights and Opportunities.

I would like to begin by reiterating that this bill is the result of more than one year of discussion and negotiation among people representing the CHRO, people representing complainants and people representing respondents before the CHRO. Because it results from good faith negotiations, this bill solves some genuine problems in a fair and reasonable manner. I would like to emphasize that the problems addressed by this bill are serious and cannot be ignored.

One of the most serious problems solved by this bill was created by a Connecticut Supreme Court decision in a case known as *Angelsea Productions, Inc. vs. CHRO*. The Court ruled that the CHRO would lose jurisdiction over any case for which the statutory deadlines for decision-making had not been met by the agency. This decision put cases at risk of being dismissed without any decision on the merits, and threatened the substantive rights of complainants who had followed the rules in filing complaints but were unlucky enough to be at the bottom of a backlog of cases or found, for some other reason, that CHRO had not been able to meet the deadline for completing its investigation and ruling.

PCSW Testimony: Judiciary Committee  
March 20, 1998, page two

All the parties that addressed this problem recognized the need to balance the fundamental rights of complainants to a fair decision on the merits of their complaints, with the important rights of respondents, and all parties, in fact, to a reasonably speedy process and a reasonable end to the process. The bill before you recognizes and balances both of those concerns. It states clearly that no complainant's case will be dismissed solely because CHRO has not met its deadlines. It also provides a variety of procedures intended to speed the process along, offer more outlets for parties who wish to pursue their cases outside the CHRO, and creates an expedited method by which CHRO can conclude a case after 21 months, or in rare cases, allows either party to petition the courts to compel the CHRO to render a decision.

The bill solves a few other important problems: Section 6 fixes a problem that is long-overdue to be fixed. It provides that all complainants before the CHRO have the same procedural rights, and particularly have the same rights to a private right of action to bring their cases into state court, after other procedural requirements have been met. At this time, cases brought on *all bases except sexual orientation* are granted these rights. This glaring inequity for cases of discrimination on the bases of sexual orientation was created by the timing of the passage of the gay rights law, which occurred the same year as the passage of the amendments creating a private right of action for cases based on all other forms of discrimination. While the two reforms passed during the same session, they were never properly reconciled with one another. This inequity not only creates a second class status for those people who have been discriminated against because of sexual orientation, but also denies these plaintiffs access to remedies only available in state court, such as compensatory damages. I would like to point out that of all the issues debated at length in the drafting of this bill, this issue was a "slam dunk" – no one raised a single objection. I would also like to note, for the record, that the Coalition for Lesbian, Gay, Bisexual and Transgender Civil Rights, and the Connecticut Lesbian and Gay Lawyers Association are strongly in favor of this bill, and have asked me to convey their support to you so as not to take up the Committee's time with additional testimony.

Section 1 establishes full time administrative law magistrates in place of the current system of part-time appointed hearing officers. This not only makes sense, but is now urgently needed because of a recent ethics ruling to the effect that attorneys who practice before the CHRO cannot also serve as hearing officers. As a result of this decision, as many as 10 of the 25 Hearing Officers resigned, and there is a greatly diminished pool of people qualified to serve in this capacity. The result is backlog and delay at the Public Hearing stage. Section 1 is an urgently needed remedy to this problem.

We have the obligation to protect the integrity of our civil rights laws, and ensure that basic procedures make sense and our administered fairly. While other reforms may be on the horizon, we cannot afford not to enact the reforms before you today which solve real problems facing complainants and respondents this year. This bill reflects the collective efforts of many good folks trying to do the right thing. I urge your support of R.B. 5673. Thank you.

TESTIMONY  
ELIZABETH E. GARA  
ASSOCIATE COUNSEL  
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION  
BEFORE THE  
JUDICIARY COMMITTEE  
LEGISLATIVE OFFICE BUILDING  
MARCH 20, 1998

Good afternoon. My name is Elizabeth (Betsy) Gara, associate counsel for the Connecticut Business & Industry Association (CBIA). CBIA represents over 10,000 companies across the state, the vast majority of which are small employers with fewer than 100 employees.

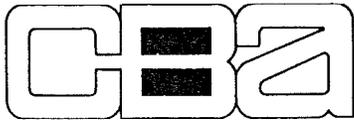
**CBIA supports HB-5673, An Act Concerning the Discriminatory Practice Complaint Procedure of the Commission on Human Rights and Opportunities (CHRO), which will help expedite the processing of discrimination complaints.**

Connecticut employers have a good track record of compliance with the state's discrimination laws. However, backlogs in complaint processing at the CHRO increased costs and frustration for both plaintiffs and respondents. The Law Revision Commission's Advisory Committee on CHRO which included a broad group of representatives, including complainants' attorneys, respondents' attorneys, employer representatives, hearing officers, CHRO and other public officials, was charged with developing recommendation to improve CHRO's complaint processing system. The committee achieved consensus on a number of recommendations which were incorporated into HB-5673, including:

- Phasing in the replacement of the 25 part-time hearing officers with five full-time administrative law magistrates;

- Extending the merit assessment review process to dismiss meritless complaints more quickly;
- Permitting parties by mutual agreement to proceed with an action in superior court, thereby requiring CHRO to dismiss the complaint;
- Providing that a complainant or respondent may petition the superior court for an order compelling the commission to make a reasonable cause determination if a case has been pending for a certain period of time;
- Extending from ten days to twenty days the amount of time CHRO has to serve the complaint upon the respondent in order to give CHRO more days to tailor requests for information to the complaint;
- Permitting a respondent to request and CHRO to grant, for good cause shown, one fifteen day extension of time within which to file an answer to a complaint.

CBIA urges the committee to support HB-5673.



**Connecticut Bar Association**

**Written Remarks of the Human Rights and Responsibilities Section  
of the Connecticut Bar Association Submitted in Support of  
HB 5673, AN ACT CONCERNING THE DISCRIMINATORY PRACTICE  
COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN  
RIGHTS AND OPPORTUNITIES  
Judiciary Committee Public Hearing  
Friday, March 20, 1998**

Senator Donald E. Williams, Jr., Co-Chair  
Representative Michael P. Lawlor, Co-Chair  
Members of the Judiciary Committee

The Human Rights and Responsibilities Section of the Connecticut Bar Association writes to the Judiciary committee in support of House Bill 5673, AN ACT CONCERNING THE DISCRIMINATORY PRACTICE COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES. The Section respectfully requests that the committee act favorably on HB 5673.

The Human Rights and Responsibilities Section consists of about 100 attorneys who are concerned about issues of equality and individual liberties. The bill reflects the recommendations of the Law Revision Commission. The bill was drafted by the Law Revision Commission after studying a revision of the complaint process of the CHRO pursuant to section 6 of public act 96-241. **The Human Rights Section of the CBA supports the recommended changes to the statutes concerning the CHRO complaint procedures.** The bill, if enacted into law, would improve the processing of discrimination complaints by the CHRO.

The bill makes a number of changes to the processing of complaints by the CHRO. The bill changes the adjudicators of CHRO complaints at Public Hearing. The bill replaces the list of twenty-five or more part-time hearing officers with five full-time magistrates. Cases are now assigned to the part-time hearing officers on a rotating basis. The part-time hearing officers are first responsible to their own full-time law practices. The hearing officers have limited contact with other CHRO case proceedings, and they have limited control over the growing CHRO docket. Hearing officers receive a limited stipend for their CHRO work. They cannot commit all of their time to CHRO cases. They lack the availability to continuously oversee the Public Hearing docket. The bill allows full-time magistrates to commit their full time to oversee and control the progress of cases to trial in the CHRO's Public Hearing process and to otherwise control the CHRO Public Hearing docket.

The bill preserves the CHRO's jurisdiction over cases when the CHRO has not met the time frames set for case investigation in section 46a-83 of the general statutes. In cases where CHRO investigations exceed two years, the bill provides a convenient procedure to allow parties to file an expedited court action to seek the court's order of a date certain by which the CHRO must issue its cause or no cause determination in the case.

The bill allows a person who has filed a complaint with the Commission pursuant to section 46a-82 of the general statutes to seek a Release of Jurisdiction to bring his or her case to Superior Court under section 46a-100. The bill also requires the CHRO to issue a Release of Jurisdiction to Complainants, who have not requested a reconsideration, in cases which the CHRO has dismissed pursuant to the pre-investigation Merit Assessment Review. Under the statute, a Complainant may only seek relief only after the complaint has been at the CHRO for 210 days. This change will provide court access to Complainants whose complaints have been dismissed from the CHRO's processing prior to the 210th day following the filing of the complaint.

The Human Rights and Responsibilities Section supports the bill and the amendments to the statutes concerning procedure and scheduling of discriminatory practice complaints before the Commission on Human Rights and Opportunities. The changes are likely to improve the processing of cases by the CHRO. **The Human Rights and Responsibilities Section of the Connecticut Bar Association respectfully requests that you act favorably on House Bill 5673, AN ACT CONCERNING THE DISCRIMINATORY PRACTICE COMPLAINT PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

**State of Connecticut**  
JUDICIAL BRANCH  
OFFICE OF THE CHIEF COURT ADMINISTRATOR  
231 Capitol Avenue  
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION  
Fax: (860) 566-3308

Director of External Affairs, (860) 566-8210  
Manager of Communications, (860) 566-8219  
Staff Attorney, (860) 566-8210

**Judiciary Committee Public Hearing**  
**March 20, 1998**

**H.B. 5673, An Act Concerning the Discriminatory Practice Complaint  
Procedure of the Commission on Human Rights and Opportunities**

**Testimony of Melissa A. Farley**

Thank you for the opportunity to provide written testimony on H.B. 5673, An Act Concerning the Discriminatory Practice Complaint Procedure of the Commission on Human Rights and Opportunities.

Pertaining to Section 8, the Judicial Branch is currently discussing the possibility of incorporating a process similar to the one used for prejudgment remedies with the proponents of the bill. If an agreement is reached, we will provide the committee with suggested language.

Thank you for the opportunity to comment on this bill.

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

(860) 808-5318

Office of the Attorney General  
State of Connecticut

TESTIMONY OF  
ATTORNEY GENERAL RICHARD BLUMENTHAL  
BEFORE THE JUDICIARY COMMITTEE

MARCH 20, 1998

I appreciate the opportunity to speak in support of House Bill 5673, An Act Concerning the Discriminatory Practice Complaint Procedure of the Commission on Human Rights and Opportunities.

The Attorney General's Office represents the Commission on Human Rights and Opportunities in the prosecution of discrimination claims in housing, credit and public accommodations. Through agreement with CHRO, the Commission's attorneys prosecute discrimination in employment cases.

Discrimination based on race, religion, gender and similar characteristics, undermines the principle of equality in our nation and in our state. Victims of discrimination often are people of few resources, and need a state agency to assist them in seeking justice and restitution for damages suffered as a result of a discriminatory act. The CHRO reviews discrimination complaints and provides an informal administrative hearing to resolve contested matters. This resource is invaluable to victims of discriminatory practices.

In recent years, we have observed clearly that the administrative process in the CHRO could be improved to provide a more expeditious resolution of discrimination complaints. As head of the agency charged with prosecuting many of these cases, I share this concern and have worked with the Law Revision Commission in developing potential improvements.

House Bill 5673 incorporates many of the recommendations of the Law Revision Commission study. Importantly, the bill establishes full-time hearing officers to replace the part-time hearing officers currently used by the Commission. Having part-time hearing officers made it difficult to speedily schedule hearings and obtain resolution of complaints. Full-time hearing officers are critical to resolving the sizable number of complaints requiring hearings. The hearing officers will also bring critical experience in the civil rights area to the Commission hearings.

The legislation also adjusts the timeframes for processing a discriminatory complaint and for a respondent to file an answer. The bill also reduces the timeframes for commission resolution of these complaints and increases slightly the time requirements for the commission investigator to file his report. These timeframes are based on a review of the experience of the commission's handling of cases and reflect a more realistic approach to expediting the process.

I urge your favorable consideration of House Bill 5673. Thank you.

There is no added testimony for pages 2093 - 2094.