



General Assembly

Amendment

January Session, 2015

LCO No. 8222



Offered by:
SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 949

File No. 705

Cal. No. 401

"AN ACT IMPROVING DATA SECURITY AND AGENCY EFFECTIVENESS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (c) of section 46a-56 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

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

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

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

68 Sec. 502. Subsection (d) of section 46a-56 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2015*):

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

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

95 (e) The Attorney General, upon complaint of the commission, shall
96 institute a civil action in the superior court for the judicial district of
97 Hartford to recover [such] any penalty assessed pursuant to subsection
98 (d) of this section. Any penalties recovered pursuant to this subsection
99 shall be deposited in a special fund and shall be held by the State
100 Treasurer separate and apart from all other moneys, funds and
101 accounts. The resources in such fund shall, pursuant to regulations
102 adopted by the commission in accordance with the provisions of
103 chapter 54, be used to assist minority business enterprises. As used in
104 this section, "minority business enterprise" means any contractor,
105 subcontractor or supplier of materials fifty-one per cent or more of the
106 capital stock, if any, or assets of which is owned by a person or
107 persons: [(i)] (1) Who are active in the daily affairs of the enterprise;
108 [(ii)] (2) who have the power to direct the management and policies of
109 the enterprise; and [(iii)] (3) who are members of a minority, as defined
110 in subsection (a) of section 32-9n.

111 Sec. 503. Subsection (d) of section 46a-57 of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective*
113 *October 1, 2015*):

114 (d) When serving as a presiding officer as provided in section 46a-
115 84, as amended by this act, each human rights referee [or hearing

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

130 Sec. 504. Subsection (a) of section 46a-58 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective*
132 *October 1, 2015*):

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

140 Sec. 505. Subsection (a) of section 46a-82 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2015*):

143 (a) Any person claiming to be aggrieved by an alleged
144 discriminatory practice, except for an alleged violation of section 4a-
145 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive,
146 may, by himself or herself or by such person's attorney, [make, sign
147 and] file with the commission a complaint in writing under oath,

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

159 Sec. 506. Section 46a-82e of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

176 (c) If a complaint has been pending for more than twenty-one
177 months from the date of filing and the commission has not issued a
178 finding of reasonable cause or no reasonable cause, the executive
179 director shall notify the complainant [by first class mail, facsimile

180 machine, electronic mail or a file transfer protocol site] as provided in
181 section 46a-86a, that the complainant has the right to request a release
182 of jurisdiction in accordance with section 46a-101, as amended by this
183 act. The executive director or the executive director's designee shall
184 investigate the cause for the delay in issuing a finding. After such
185 investigation, the executive director may, given the facts and
186 circumstances of the case, [schedule] set a date [certain] for issuance of
187 a finding. [of reasonable cause or no reasonable cause.]

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

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

212 (3) [Within] Not later than ten days after the date of receipt of the

213 petition, any party, including the commission, may file an answer. The
214 commission and all persons named in the discriminatory practice
215 complaint shall have the right to appear and be heard at the hearing.

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

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

233 Sec. 507. Section 46a-83 of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective October 1, 2015*):

235 (a) [Within twenty] Not later than fifteen days after the date of filing
236 of any discriminatory practice complaint pursuant to subsection (a) or
237 (b) of section 46a-82, as amended by this act, or an amendment to such
238 complaint adding an additional respondent, the commission shall
239 [provide] serve the respondent [by first class mail, facsimile machine,
240 electronic mail or a file transfer protocol site] as provided in section
241 46a-86a with the complaint and a notice advising of the procedural
242 rights and obligations of a respondent under this chapter. [The
243 respondent shall file a written answer to the complaint under oath
244 with the commission within thirty days of receipt of the complaint,

245 provided a respondent may request, and the commission may grant,
246 for good cause shown, one extension of time of fifteen days within
247 which to file an answer to a complaint. The answer to any complaint
248 alleging a violation of section 46a-64c or 46a-81e shall be filed within
249 ten days of receipt.] The respondent shall either (1) file a written
250 answer to the complaint as provided in subsection (b) of this section,
251 or (2) not later than ten days after the date of receipt of the complaint,
252 provide written notice to the complainant and the commission that the
253 respondent has elected to participate in pre-answer conciliation, except
254 that a discriminatory practice complaint alleging a violation of section
255 46a-64c or 46a-81e shall not be subject to pre-answer conciliation. A
256 complaint sent by first class mail shall be considered to be received not
257 later than two days after the date of mailing, unless the respondent
258 proves otherwise. A complaint sent by facsimile machine, electronic
259 mail or file transfer protocol site shall be considered to be received on
260 the date on which it was sent. The commission shall conduct a pre-
261 answer conciliation conference not later than thirty days after the date
262 of receiving the respondent's request for pre-answer conciliation.

263 (b) Except as provided in this subsection, not later than thirty days
264 after the date (1) of receipt of the complaint, or (2) on which the
265 commission determines that the pre-answer conciliation conference
266 was unsuccessful, the respondent shall file a written answer to the
267 complaint, under oath, with the commission. The respondent may
268 request, and the commission may grant, one extension of time of not
269 more than fifteen days within which to file a written answer to the
270 complaint. An answer to any amendment to a complaint shall be filed
271 within twenty days of the date of receipt to such amendment. The
272 answer to any complaint alleging a violation of section 46a-64c or 46a-
273 81e shall be filed not later than ten days after the date of receipt of the
274 complaint.

275 [(b)] (c) [Within ninety] Not later than sixty days after the date of the
276 filing of the respondent's answer, [to the complaint,] the executive
277 director or the executive director's designee shall conduct a [merit]

278 case assessment review to determine whether the complaint should be
279 retained for further processing or dismissed because (1) it fails to state
280 a claim for relief or is frivolous on its face, (2) the respondent is exempt
281 from the provisions of this chapter, or (3) there is no reasonable
282 possibility that investigating the complaint will result in a finding of
283 reasonable cause. No complaint may be dismissed unless a
284 commission legal counsel approves the dismissal. The [merit] case
285 assessment review shall include the complaint, the respondent's
286 answer and the responses to the commission's requests for
287 information, [if any,] and the complainant's comments, if any, to the
288 respondent's answer and information responses. [If the executive
289 director or the executive director's designee determines that the
290 complaint fails to state a claim for relief or is frivolous on its face, that
291 the respondent is exempt from the provisions of this chapter or that
292 there is no reasonable possibility that investigating the complaint will
293 result in a finding of reasonable cause, the executive director or the
294 executive director's designee shall dismiss the complaint and send
295 notice of dismissal pursuant to section 46a-86a. Within fifteen days of
296 the sending of the notice of dismissal, the complainant may request a
297 release of jurisdiction allowing the complainant to bring a civil action
298 under section 46a-100. If the complainant does not request a release of
299 jurisdiction, commission legal counsel shall conduct a legal review of
300 any complaint dismissed pursuant to this subsection and shall
301 reinstate or deny reinstatement of the complaint within sixty days of
302 the sending of the notice of dismissal. The executive director or the
303 executive director's designee shall send notice of any action taken
304 pursuant to the merit assessment review and the legal review
305 conducted pursuant to this subsection in accordance with section 46a-
306 86a.] The executive director or the executive director's designee shall
307 send notice of any action taken pursuant to the case assessment review
308 in accordance with section 46a-86a. For any complaint dismissed
309 pursuant to this subsection, the executive director or the executive
310 director's designee shall issue a release of jurisdiction allowing the
311 complainant to bring a civil action under section 46a-100, as amended
312 by this act. This subsection and subsection (e) of this section shall not

313 apply to any complaint alleging a violation of section 46a-64c or 46a-
314 81e. The executive director shall report the results of the [merit] case
315 assessment reviews made pursuant to this subsection to the
316 commission quarterly during each year.

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

320 (d) Not later than sixty days after the date of sending notice that a
321 complaint has been retained after a case assessment review, the
322 executive director or the executive director's designee shall assign an
323 investigator or commission legal counsel to hold a mandatory
324 mediation conference, [within sixty days of sending notice of action
325 taken pursuant to the merit assessment review or legal review.] A
326 mediation conference may but need not be held if the commission has
327 held a pre-answer conciliation conference. The investigator or
328 commission legal counsel assigned to conduct the mediation shall not
329 be assigned to investigate the complaint. The mandatory mediation
330 conference may not be scheduled for the same time as a fact-finding
331 conference held pursuant to subsection [(d)] (f) of this section. The
332 mediator may hold additional mediation conferences to accommodate
333 settlement discussions.

334 [(2)] (e) If the complaint is not resolved after the mandatory
335 mediation conference, the complainant, the respondent or the
336 commission may at any time after such conference request early legal
337 intervention. If a request for early legal intervention is made, [the
338 executive director or the executive director's designee] a commission
339 legal counsel shall determine [within] not later than ninety days after
340 the date of the request whether [(A)] the complaint should be (1) heard
341 pursuant to section 46a-84, as amended by this act, [(B) the complaint
342 should be] (2) processed pursuant to subsection [(d)] (f) of this section,
343 or [(C) the complainant should be] (3) released from the jurisdiction of
344 the commission. In making such determination, [the executive director
345 or the executive director's designee] commission legal counsel may

346 hold additional proceedings and may utilize and direct commission
347 staff. If [the executive director or the executive director's designee] a
348 commission legal counsel determines that the complaint should be
349 processed pursuant to subsection [(d)] (f) of this section, [the executive
350 director or the executive director's designee] the commission legal
351 counsel may recommend that the investigator make a finding of no
352 reasonable cause. [If the executive director or the executive director's
353 designee recommends that the investigator make a finding of no
354 reasonable cause, the] The investigator shall make such a finding
355 unless the investigator believes [the executive director or the executive
356 director's designee] the commission legal counsel made a mistake of
357 fact. If the investigator intends to make a finding of reasonable cause
358 after [the executive director or the executive director's designee] the
359 commission legal counsel recommends otherwise, the investigator
360 shall consult with [the executive director or the executive director's
361 designee] the commission legal counsel.

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

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

371 (d) If the complaint is not resolved after the mandatory mediation
372 conference held pursuant to subsection (c) of this section or the
373 executive director determines that the complaint should be processed
374 pursuant to this subsection in accordance with subdivision (2) of
375 subsection (c) of this section,]

376 (f) Not later than fifteen days after the date of a (1) a mandatory
377 mediation conference that fails to resolve a complaint, or (2) an early

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

398 [(e)] (g) (1) Before issuing a finding of reasonable cause or no
399 reasonable cause, the investigator shall afford each party and each
400 party's representative an opportunity to provide written or oral
401 comments on all evidence in the commission's file, except as otherwise
402 provided by federal law or the general statutes. The investigator shall
403 consider such comments before making a finding. The investigator
404 shall make a finding of reasonable cause or no reasonable cause in
405 writing and shall list the factual findings on which it is based not later
406 than one hundred ninety days from the date of the [merit] case
407 assessment review, except that for good cause shown, the executive
408 director or the executive director's designee may grant no more than
409 two extensions of the investigation of three months each.

410 (2) If the investigator makes a finding that there is reasonable cause

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

439 [(f)] (h) If the investigator issues a finding of no reasonable cause or
440 if the complaint is dismissed pursuant to subsection [(d)] (m) of this
441 section, the complainant may file a written request for reconsideration
442 with the executive director or the executive director's designee, not
443 later than fifteen days from the sending of such finding or dismissal. A
444 request for reconsideration shall state specifically the reasons why

445 reconsideration should be granted. [The executive director or the
446 executive director's designee] A commission legal counsel shall grant
447 or reject reconsideration [within] not later than ninety days after the
448 date of the sending of such finding or dismissal. [The executive
449 director or the executive director's designee] A commission legal
450 counsel shall conduct such additional proceedings as may be necessary
451 to render a decision on the request.

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

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

468 [(i)] (k) In the investigation of any complaint filed pursuant to this
469 chapter, [the] commission legal counsel may issue subpoenas requiring
470 the production of records and other documents or compelling the
471 attendance of witnesses. Commission legal counsel may recommend
472 that the commission reopen, in accordance with section 46a-94a, as
473 amended by this act, any matter previously closed pursuant to this
474 section.

475 [(j)] (l) The executive director or the executive director's designee
476 may enter an order of default against a respondent who (1) after

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

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

503 Sec. 508. Section 46a-83a of the general statutes is repealed and the
504 following is substituted in lieu thereof (*Effective October 1, 2015*):

505 [If (1) a complainant requests a release of jurisdiction pursuant to
506 subsection (b) of section 46a-83, (2) a commission legal counsel denies
507 reinstatement of a complaint pursuant to subsection (b) of said section,
508 or (3)] If a complaint is dismissed for failure to accept full relief
509 pursuant to subsection [(c) of said section] (m) of section 46a-83, as

510 amended by this act, and the complainant does not request
511 reconsideration of such dismissal as provided in subsection [(f) of said
512 section] (h) of section 46a-83, as amended by this act, the executive
513 director shall issue a release of jurisdiction and the complainant may,
514 within ninety days of receipt of the release from the commission, bring
515 an action in accordance with sections 46a-100, as amended by this act,
516 and 46a-102 to 46a-104, inclusive.

517 Sec. 509. Section 46a-84 of the general statutes is repealed and the
518 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

526 (b) Upon (1) certification of a complaint filed pursuant to subsection
527 (a) or (b) of section 46a-82, as amended by this act, [or upon] (2) the
528 filing of a complaint pursuant to subsection (c) of said section, [the
529 Chief Human Rights Referee shall appoint, for a complaint filed
530 pursuant to said subsection (a) or (b), a hearing officer, hearing
531 adjudicator or human rights referee, and for a complaint filed pursuant
532 to said subsection (c), a hearing officer] or (3) a decision to hear a
533 complaint, which is made pursuant to subsection (e) of section 46a-83,
534 as amended by this act, the Chief Human Rights Referee shall appoint
535 a human rights referee [,] to act as a presiding officer to hear the
536 complaint. [or] The chief referee shall also appoint an individual
537 authorized by subsection (e) of this section or a referee, other than the
538 referee appointed to hear the complaint, to conduct settlement
539 negotiations. [and shall cause to be issued and served] The chief
540 referee shall serve in the name of the commission [a written notice,
541 together with] a copy of the complaint, as the same may have been
542 amended, requiring the respondent to answer the charges of the

543 complaint, [at a hearing before the presiding officer or hearing
544 adjudicator at a time and place to be specified in the notice] together
545 with a written notice requiring the respondent to appear at a hearing
546 or settlement conference at a date and time specified in the notice. A
547 hearing on a complaint filed pursuant to subsection (a) or (b) of section
548 46a-82, as amended by this act, shall be commenced by convening a
549 hearing conference not later than forty-five days after the certification
550 of the complaint. Such hearing shall be a de novo hearing on the merits
551 of the complaint and not an appeal of the commission's processing of
552 the complaint prior to its certification. A hearing on a complaint filed
553 pursuant to subsection (c) of section 46a-82 shall be commenced by
554 convening a hearing conference not later than twenty days after the
555 date of notice of such complaint. Hearings shall proceed with
556 reasonable dispatch and be concluded in accordance with the
557 provisions of section 4-180.

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

563 (d) The case in support of the complaint shall be presented at the
564 hearing by the Attorney General, who shall be counsel for the
565 commission, or by a commission legal counsel as provided in section
566 46a-55, as amended by this act. [, as the case may be.] If the Attorney
567 General or the commission legal counsel determines that a material
568 mistake of law or fact has been made in the finding of reasonable cause
569 on a complaint filed pursuant to subsection (a) or (b) of section 46a-82,
570 as amended by this act, or the commission legal counsel determines
571 that a complaint to be heard pursuant to subsection (e) of section 46a-
572 83, as amended by this act, should be further investigated, the
573 Attorney General or the commission legal counsel may withdraw the
574 certification of the complaint or the decision to hear the complaint and
575 remand the file to the investigator for further action. The investigator

576 shall complete any required action not later than ninety days after
577 receipt of such file. The complainant may be represented by an
578 attorney of the complainant's own choice. If the Attorney General or
579 the commission legal counsel [, as the case may be,] determines that
580 the interests of the state will not be adversely affected, the complainant
581 or the attorney for the complainant shall present all or part of the case
582 in support of the complaint. No commissioner may participate in the
583 deliberations of the presiding officer in the case.

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

594 (f) The respondent [may] shall file a written answer to the complaint
595 under oath and appear at the hearing in person or otherwise, with or
596 without counsel, and submit testimony and be fully heard. If the
597 respondent fails to file a written answer [prior to the hearing within
598 the time limits established by regulation adopted by the commission in
599 accordance with chapter 54] not later than fifteen days after the date of
600 service of the complaint, or fails to appear at the hearing, hearing
601 conference or settlement conference after notice in accordance with
602 section 4-177, the presiding officer or [hearing adjudicator] a referee or
603 an attorney who volunteers services pursuant to subsection (e) of this
604 section may enter an order of default and order such relief as is
605 necessary to eliminate the discriminatory practice and make the
606 complainant whole, except that if the default was entered by an
607 attorney who volunteers services pursuant to subsection (e) of this
608 section, the chief referee shall appoint a referee to act as a presiding

609 officer to award relief. The commission or the complainant may
610 petition the Superior Court for enforcement of any such order for relief
611 pursuant to [the provisions of] section 46a-95.

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

616 Sec. 510. Section 46a-86 of the general statutes is repealed and the
617 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

628 (b) In addition to any other action taken under this section, upon a
629 finding of a discriminatory employment practice, the presiding officer
630 may order the hiring or reinstatement of [employees] any individual,
631 with or without back pay, or restoration to membership in any
632 respondent labor organization. [, provided, liability] Liability for back
633 pay shall not accrue from a date more than two years prior to the filing
634 or issuance of the complaint. [and, provided further, interim] Interim
635 earnings, including unemployment compensation and welfare
636 assistance or amounts which could have been earned with reasonable
637 diligence on the part of the person to whom back pay is awarded shall
638 be deducted from the amount of back pay to which such person is
639 otherwise entitled. The amount of any [such] deduction for interim
640 unemployment compensation or welfare assistance shall be paid by

641 the respondent to the commission which shall transfer such amount to
642 the appropriate state or local agency.

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

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

660 (e) In addition to any other action taken under this section, upon a
661 finding of noncompliance with antidiscrimination statutes or contract
662 provisions required under section 4a-60 or 4a-60a or the provisions of
663 sections 46a-68c to 46a-68f, inclusive, the presiding officer shall [issue
664 and] file with the commission and [cause to be served] serve on the
665 respondent an order with respect to any remedial action imposed [by
666 the presiding officer] pursuant to subsection (c) or (d) of section 46a-56,
667 as amended by this act.

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

673 complainant and respondent an order dismissing the complaint.

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

688 Sec. 511. Section 46a-89 of the general statutes is repealed and the
689 following is substituted in lieu thereof (*Effective October 1, 2015*):

690 (a) (1) Whenever a complaint [is filed with or by the commission]
691 filed pursuant to section 46a-82, as amended by this act, [alleging]
692 alleges a violation of section 46a-60 or 46a-81c, and [a commissioner]
693 the executive director believes [, upon review and the recommendation
694 of the investigator assigned,] that equitable relief is required to prevent
695 irreparable harm to the complainant, the [commissioner] commission
696 may bring a petition [in equity] in the superior court for the judicial
697 district of Hartford, the judicial district in which the discriminatory
698 practice which is the subject of the complaint occurred or the judicial
699 district in which the respondent resides, provided this subdivision
700 shall not apply to complaints against employers with less than fifty
701 employees.

702 (2) The petition shall seek appropriate temporary injunctive relief
703 against the respondent pending final disposition of the complaint
704 pursuant to the procedures set forth in this chapter. The injunctive

705 relief may include an order temporarily restraining the respondent
706 from doing any act that would render ineffectual any order a presiding
707 officer may render with respect to the complaint.

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

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

724 (2) The petition shall seek: (A) Appropriate injunctive relief,
725 including temporary or permanent orders or decrees restraining and
726 enjoining the respondent from selling or renting to anyone other than
727 the complainant or otherwise making unavailable to the complainant
728 any dwelling or commercial property with respect to which the
729 complaint is made, pending the final determination of such complaint
730 by the commission or such petition by the court; (B) an award of
731 damages based on the remedies available under subsection (c) of
732 section 46a-86, as amended by this act; (C) an award of punitive
733 damages payable to the complainant, not to exceed fifty thousand
734 dollars; (D) a civil penalty payable to the state against the respondent
735 to vindicate the public interest: (i) In an amount not exceeding ten
736 thousand dollars if the respondent has not been adjudged to have
737 committed any prior discriminatory housing practice; (ii) in an amount

738 not exceeding twenty-five thousand dollars if the respondent has been
739 adjudged to have committed one other discriminatory housing
740 practice during the five-year period prior to the date of the filing of
741 this complaint; and (iii) in an amount not exceeding fifty thousand
742 dollars if the respondent has been adjudged to have committed two or
743 more discriminatory housing practices during the seven-year period
744 prior to the date of the filing of the complaint; except that if the acts
745 constituting the discriminatory housing practice that is the object of the
746 complaint are committed by the same natural person who has been
747 previously adjudged to have committed acts constituting a
748 discriminatory housing practice, then the civil penalties set forth in
749 clauses (ii) and (iii) of this subparagraph may be imposed without
750 regard to the period of time within which any subsequent
751 discriminatory housing practice occurred; or (E) two or more of such
752 remedies.

753 (3) Upon service on the respondent of notice pursuant to section
754 46a-89a, the respondent shall be temporarily restrained from selling or
755 renting the dwelling or commercial property which is the subject of the
756 complaint to anyone other than the complainant, or from otherwise
757 making such dwelling or commercial property unavailable to the
758 complainant, until the court or judge has decided the petition for
759 temporary injunctive relief and the notice shall so provide.

760 Sec. 512. Section 46a-90a of the general statutes is repealed and the
761 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

771 assume jurisdiction of all civil proceedings arising out of the complaint
772 and shall set the matter for hearing on the merits. The presiding officer
773 shall render [his] a decision within twenty days after the close of
774 evidence and the filing of briefs.

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

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

786 (d) Any temporary injunction issued under [the provisions of]
787 section 46a-89a shall remain in effect during any appeal under section
788 46a-94a, as amended by this act, or any enforcement procedure under
789 section 46a-95, unless removed by the court. [or a judge thereof.]

790 Sec. 513. Section 46a-94a of the general statutes is repealed and the
791 following is substituted in lieu thereof (*Effective October 1, 2015*):

792 (a) The [Commission on Human Rights and Opportunities]
793 commission, any respondent or any complainant, aggrieved by a final
794 order of a presiding officer, [or any complainant] may appeal to the
795 Superior Court in accordance with section 4-183. Any complainant
796 may appeal to the Superior Court in accordance with section 4-183 if
797 the complainant is aggrieved by (1) the dismissal of his or her
798 complaint by the commission for failure to attend a mandatory
799 mediation session as provided in subsection [(c)] (m) of section 46a-83,
800 as amended by this act, (2) a finding of no reasonable cause as
801 provided in subsection [(e) of said] (g) of section 46a-83, as amended

802 by this act, or (3) rejection of reconsideration [of any dismissal] as
803 provided in subsection [(f) of said] (h) of section 46a-83, as amended by
804 this act. [may appeal therefrom in accordance with section 4-183. The
805 court on appeal shall also have jurisdiction to grant to the commission,
806 respondent or complainant such temporary relief or restraining order
807 as it deems just and suitable, and in like manner to make and enter a
808 decree enforcing or modifying and enforcing as so modified or setting
809 aside, in whole or in part, the order sought to be reviewed.]

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

814 (c) The commission on its own motion may, whenever justice so
815 requires, reopen any matter previously closed, [by the commission in
816 accordance with the provisions of this subsection,] provided such
817 matter has not been appealed to the Superior Court pursuant to
818 [section 4-183] subsection (a) of this section. Notice of such reopening
819 shall be given to all parties. A complainant or respondent may, for
820 good cause shown, in the interest of justice, apply in writing for the
821 reopening of a previously closed proceeding, provided such
822 application is filed with the executive director of the commission
823 within two years of the commission's final decision and the
824 complainant has (1) not been issued a release of jurisdiction pursuant
825 to section 46a-83a, as amended by this act, and filed a civil action, or (2)
826 requested and received a release of jurisdiction from the commission
827 pursuant to section 46a-101, as amended by this act.

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

835 Sec. 514. Subsection (a) of section 46a-98 of the general statutes is
836 repealed and the following is substituted in lieu thereof (*Effective*
837 *October 1, 2015*):

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

846 Sec. 515. Section 46a-98a of the general statutes is repealed and the
847 following is substituted in lieu thereof (*Effective October 1, 2015*):

848 Any person claiming to be aggrieved by a violation of section 46a-
849 64c or 46a-81e or by a breach of a conciliation agreement entered into
850 pursuant to this chapter, may bring an action in the Superior Court, or
851 the housing session of said court if appropriate within one year of the
852 date of the alleged discriminatory practice or of a breach of a
853 conciliation agreement entered into pursuant to this chapter. No action
854 pursuant to this section may be brought in the Superior Court
855 regarding the alleged discriminatory practice after the commission has
856 obtained a conciliation agreement pursuant to section 46a-83, as
857 amended by this act, or commenced a hearing pursuant to section 46a-
858 84, as amended by this act, except for an action to enforce the
859 conciliation agreement. The court shall have the power to grant relief,
860 by injunction or otherwise, as it deems just and suitable. [In addition to
861 the penalties provided for under subsection (g) of section 46a-64c or
862 subsection (f) of section 46a-81e, the] The court may grant any relief
863 which a presiding officer may grant in a proceeding under section 46a-
864 86, as amended by this act, or which the court may grant in a
865 proceeding under section 46a-89, as amended by this act. The
866 commission, through commission legal counsel or the Attorney
867 General, may intervene as a matter of right in any action brought

868 pursuant to this section without permission of the court or the parties.

869 Sec. 516. Section 46a-100 of the general statutes is repealed and the
870 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

882 Sec. 517. Section 46a-101 of the general statutes is repealed and the
883 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

899 complainant [or the complainant's attorney] prior to one hundred
900 eighty days from the date a complaint is filed.

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

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

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

918 Sec. 518. Subsection (b) of section 46a-82c of the general statutes is
919 repealed and the following is substituted in lieu thereof (*Effective*
920 *October 1, 2015*):

921 (b) The time frame contained in subsection [(b)] (c) of section 46a-83,
922 as amended by this act, to conduct a [merit] case assessment review
923 shall be tolled if an answer is not timely received from the date the
924 respondent's answer is due pursuant to subsection (a) of section 46a-
925 83, as amended by this act, until the date the answer is actually
926 received by the commission.

927 Sec. 519. Subsection (b) of section 46a-55 of the general statutes is
928 repealed and the following is substituted in lieu thereof (*Effective*
929 *October 1, 2015*):

930 (b) The executive director, through the supervising attorney, may
 931 assign a commission legal counsel to represent the commission in any
 932 hearing or appeal under [subdivision (3) of subsection (b)]
 933 subparagraph (A) of subdivision (2) of subsection (e) of section 4-61dd.
 934 Commission legal counsel may intervene as a matter of right in any
 935 such hearing or appeal without permission of the parties, a hearing
 936 officer or the court."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2015	46a-56(c)
Sec. 502	October 1, 2015	46a-56(d)
Sec. 503	October 1, 2015	46a-57(d)
Sec. 504	October 1, 2015	46a-58(a)
Sec. 505	October 1, 2015	46a-82(a)
Sec. 506	October 1, 2015	46a-82e
Sec. 507	October 1, 2015	46a-83
Sec. 508	October 1, 2015	46a-83a
Sec. 509	October 1, 2015	46a-84
Sec. 510	October 1, 2015	46a-86
Sec. 511	October 1, 2015	46a-89
Sec. 512	October 1, 2015	46a-90a
Sec. 513	October 1, 2015	46a-94a
Sec. 514	October 1, 2015	46a-98(a)
Sec. 515	October 1, 2015	46a-98a
Sec. 516	October 1, 2015	46a-100
Sec. 517	October 1, 2015	46a-101
Sec. 518	October 1, 2015	46a-82c(b)
Sec. 519	October 1, 2015	46a-55(b)