



House of Representatives

File No. 689

General Assembly

February Session, 2004

(Reprint of File No. 97)

House Bill No. 5405
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 30, 2004

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING CORRECTION OFFICER STAFFING AND
ESTABLISHING THE COMMISSION ON GOVERNMENT
ACCOUNTABILITY, CREATIVITY AND EFFICIENCY.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) Not later than thirty days
2 after the close of the first calendar quarter of the fiscal year ending
3 June 30, 2005, and not later than thirty days after the close of each
4 calendar quarter of each fiscal year thereafter, the Commissioner of
5 Correction shall submit, to the Governor and to the joint standing
6 committees of the General Assembly having cognizance of matters
7 relating to the judiciary and labor and public employees, a report
8 containing the number of: (1) Inmate disciplinary reports filed during
9 such calendar quarter; (2) inmate assaults on custodial staff reported
10 during such calendar quarter; (3) inmate assaults on other inmates
11 reported during such calendar quarter; and (4) workers' compensation
12 claims filed by custodial staff during such calendar quarter. Said
13 committees may hold a public hearing on any such report.

14 (b) If, during any calendar quarter, the number of disciplinary
15 reports, assaults or workers' compensation claims reported in
16 accordance with subsection (a) of this section has increased by more
17 than five per cent from the number of such disciplinary reports,
18 assaults or workers' compensation claims reported for the preceding
19 calendar quarter or for the same calendar quarter of the preceding
20 fiscal year, the commissioner shall include in the report submitted in
21 accordance with subsection (a) of this section an explanation for such
22 increase and a general description of the measures to be taken by the
23 Department of Correction to address such increase.

24 Sec. 2. (*Effective from passage*) The Department of Correction shall
25 conduct a study of the relationship between workers' compensation
26 claims filed by custodial staff and the use of overtime by the
27 department. Such study shall include, but not be limited to, a
28 determination of whether the specific incident giving rise to each claim
29 occurred (1) while the claimant was working overtime, or (2) within
30 seventy-two hours after the claimant was working overtime. The
31 Commissioner of Correction shall submit a report containing the
32 findings of such study to the Governor and the General Assembly not
33 later than January 1, 2005, in accordance with the provisions of section
34 11-4a of the general statutes.

35 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a
36 Commission on Government Accountability, Creativity and Efficiency
37 that shall consist of the following twenty-nine members: (1) The
38 chairpersons and ranking members of the Legislative Program Review
39 and Investigations Committee and the joint standing committee on
40 Appropriations; (2) three appointed by the speaker of the House of
41 Representatives; (3) three appointed by the president pro tempore of
42 the Senate; (4) three appointed by the majority leader of the House of
43 Representatives; (5) three appointed by the majority leader of the
44 Senate; (6) three appointed by the minority leader of the House of
45 Representatives; (7) three appointed by the minority leader of the
46 Senate; and (8) three appointed by the Governor. Any member of the
47 commission appointed pursuant to subdivisions (2) to (7), inclusive, of

48 this subsection may be a member of the General Assembly. All
49 appointments to the commission shall be made on or before June 11,
50 2004. The members of the commission shall elect a chairperson.

51 (b) The commission shall review the report of the Task Force on
52 Accountability, Creativity and Efficiency, and determine which areas
53 recommended for further study within such report need to be
54 reviewed and conduct such reviews.

55 (c) The commission shall begin its review not later than June 11,
56 2004, and, on or before January 5, 2005, shall submit a report on its
57 findings and recommendations to the Governor and the joint standing
58 committees of the General Assembly having cognizance of matters
59 relating to such findings and recommendations, in accordance with the
60 provisions of section 11-4a of the general statutes. The task force shall
61 terminate on the date that it submits such report or January 5, 2005,
62 whichever is earlier.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Correction, Dept.	GF - None	None	None
Policy & Mgmt., Off.	GF - Cost	Minimal	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Correction to (1) submit certain reports regarding inmate assaults and workers' compensation; and (2) study the relationship between workers' compensation claims and staff overtime. It is anticipated that the department would be able to handle these additional responsibilities within existing resources.

House Amendment "A" establishes the Commission on Government Accountability, Creativity and Efficiency and appoints 29 members to the commission. Among these members are the chairs and ranking members of the Legislative Program Review and Investigations Committee and the Appropriations Committee. Also, other appointees may be legislators. Legislative Management will incur minimal costs for legislator mileage reimbursement. The commission shall review the report of the relevant task force and determine which of those areas recommended for further study need to be reviewed. The Commission shall conduct reviews and submit a report by January 5, 2005.

OLR Bill Analysis

HB 5405 (as amended by House "A")*

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING CORRECTION OFFICER STAFFING**SUMMARY:**

This bill establishes a Commission on Government Accountability, Creativity and Efficiency (ACE) to review the ACE Task Force report (see BACKGROUND) and determine which of the areas that the task force identified need further study.

It requires the Department of Correction (DOC) commissioner to submit reports of quarterly data to the governor and Judiciary and Labor committees on the number of:

1. filed inmate disciplinary reports,
2. reported inmate assaults on custodial staff,
3. reported inmate assaults on other inmates, and
4. filed workers' compensation claims by custodial staff.

It also requires DOC to study the relationship between workers' compensation claims by custodial staff and overtime. The study must include a determination of whether the specific incident giving rise to each claim occurred (1) while the claimant was working overtime or (2) within 72 hours of his working overtime. The bill requires DOC to submit its findings to the governor and General Assembly by January 1, 2005.

*House Amendment "A" adds the provisions on the Commission on Government Accountability, Creativity and Efficiency.

EFFECTIVE DATE: Upon passage

COMMISSION ON GOVERNMENT ACCOUNTABILITY, CREATIVITY AND EFFICIENCY

The bill establishes a Commission on Government Accountability, Creativity and Efficiency (ACE) to review the ACE Task Force report and recommend areas for further study, with 29 members designated as follows:

1. the chairmen and ranking members of the Appropriations and Program Review and Investigations committees;
2. three members, who may be legislators, appointed by each of the six top leaders of the General Assembly; and
3. three members appointed by the governor.

Appointing authorities must name their appointments by June 11, 2004. The commission elects the chairperson.

The commission must conduct its reviews, beginning by June 11, 2004. It must submit its findings and recommendations to the governor and the relevant legislative committees. The commission terminates when it submits its report, which must occur by January 5, 2005.

DOC QUARTERLY DATA REPORTS

The bill requires the DOC commissioner to submit the first quarterly data report by October 30, 2004, which is 30 days after the end of the first calendar quarter of the fiscal year ending June 30, 2005. It appears that the next quarterly report is due by October 30, 2005, within 30 days of the end of the first quarter of the next fiscal year. Reports are then due within 30 days of the end of each quarter thereafter.

The bill authorizes the Judiciary and Labor committees to hold a public hearing on any report.

If the number of disciplinary reports, assaults, or workers' compensation claims in a calendar quarter increases by more than 5% above the previous quarter or the same quarter in the previous year, the bill requires the commissioner to explain the increase in the report and describe measures to address it.

BACKGROUND

Task Force on Government Accountability, Creativity and Efficiency

On May 7, 2003, the House speaker and House majority leader announced the creation of a bi-partisan, six-member task force and charged it with conducting a review of state government programs and agencies. On December 10, 2003, the commission approved 11 final recommendations that included the creation of a successor commission and 10 areas for further study, dealing with higher education, federal revenue maximization, prescription drug costs, and privatization and performance-based budgeting, among other things.

Legislative History

The House referred the bill to the Judiciary Committee on March 23, the Legislative Management Committee on April 6, and the Labor and Public Employees Committee on April 20. The committees reported the bill without change on April 2, 13, and 23 respectively.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Report
Yea 11 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 33 Nay 3

Legislative Management Committee

Joint Favorable Report
Yea 23 Nay 0

Labor and Public Employees Committee

Joint Favorable Report
Yea 7 Nay 4