

Act Number: 09-223 Vetoed/Overtuned

Bill Number: 6684

Senate Pages: 6089, 6100-6102, 6602-6605 **8**

House Pages: 3475-3487, 10957-10963 **20**

Committee: Judiciary: 5639, 5658-5659, **16**
5743-5745, 5748-5751, 5766,
5767-5768, 6142, 6143-6144

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on the Consent Calendar. Seeing no objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving
to Calendar page 10, Calendar 639, House bill 6684,
move to place the item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 639
on the Consent Calendar. Seeing no objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
12, Calendar 667, House bill 6539, move to place the
item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar
number 667 on the Consent Calendar. Seeing no
objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
13, Calendar 678, House bill 6306, move to place the
item on the Consent Calendar.

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House bill 6539. Calendar page 13, Calendar 678, substitute for House bill 6306. Calendar 679, substitute for House bill 6279 and Calendar 682, substitute for House bill 6041. Calendar page 14, Calendar 692, House bill 6248. Calendar page 15, Calendar 700, substitute for House bill 6693. Calendar 701, substitute for House bill 6642. Calendar page 17, Calendar 714, substitute for House bill 6280. Calendar page 21, Calendar 735, House bill 6523. Calendar page 26, Calendar 337, Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, I move all items on Senate Agendas Numbers 6 and 7, dated July 20, 2009, to be acted upon as indicated and that the agendas be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

There is a motion on the floor to move all items on Senate Agenda Number 6 and 7. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, moving first to Senate Agenda Number 7, under business from the House, Mr. President, would ask the Clerk to call House Bill 6684.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, on Senate Agenda Number 7, for Monday, July 20th, Item Number 1, business from the House, Judiciary Committee, House Bill Number 6684, AN ACT ESTABLISHING A CORRECTIONAL STAFF HEALTH AND

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SAFETY SUBCOMMITTEE OF THE CRIMINAL JUSTICE POLICY
ADVISORY COMMISSION, Public Act 9-223.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President,
having been on the prevailing side on the vote when it
was passed in the Senate, I would move for
reconsideration of House Bill 6684, Public Act 9-223.

THE CHAIR:

There's a motion by the prevailing side to
reconsider House Bill 6684 on the floor. Seeing no
objection, so ordered, sir. So moved.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I would yield to Senator McDonald
for purposes of a motion to repass the bill.

THE CHAIR:

Senator McDonald, do you accept the yield, sir.

SENATOR McDONALD:

I do, Mr. President.

THE CHAIR:

Please proceed.

SENATOR McDONALD:

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Mr. President, thank you, Mr. President. Mr. President, I move for repassage of House Bill 6684.

THE CHAIR:

There's a motion on the floor for repassage of House Bill 6684. Seeing no objection, please proceed, sir.

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, this bill would require that the criminal justice policy advisory commission establish a subcommittee of its membership to examine issues relating to correctional staff health and safety.

In particular, Mr. President, this subcommittee would be charged with a responsibility of reviewing the Department of Correction's policies and procedures and compiling information about -- data information about inmate assaults, how it is collected and compiled, also information relating to inmate assaults and how they are investigated, classified and assigned points, and would, in essence, Mr. President, require that the subcommittee make recommendations to the overall commission for potential changes to the Department of Correction's policies and procedures.

THE CHAIR:

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Thank you, sir.

Will you remark further on motion to repass House Bill 6684? Seeing no further comment, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is to repass House Bill 6684.

Total Number Voting	36
Those voting Yea	33
Those voting Nay	3
Those absent and not voting	0

THE CHAIR:

The motion to repass the bill passes.

Senator Looney.

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Will the members please check the board to determine whether your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce that tally?

THE CLERK:

House Bill 6483 as amended by House A

Total number voting 143

Necessary for passage 72

Those voting yea 143

Those voting nay 0

Those absent and not voting 8

DEPUTY SPEAKER MCCLUSKEY:

Bill, as amended, is passed.

Will the Clerk please call Calendar 418?

THE CLERK:

On page 13, Calendar 418, House Bill Number 6684, an Act Establishing a Correctional Safe Health and Safety Subcommittee -- I'm sorry, Staff Health and safety Subcommittee of the Criminal Justice Policy Advisory Commission, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER MCCLUSKEY:

The distinguished representative from the 59th District, Representative Jarmoc.

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REP. JARMOC (59th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER MCCLUSKEY:

Question before the chamber is acceptance of the
Joint Committee's favorable report and passage of the
bill.

Will you remark?

REP. JARMOC (59th):

I will, thank you, Mr. Speaker.

This legislation represents the work of the task
force that was established by the former speaker Jim
Amann last summer in regards to an upswing in inmate
assaults upon correctional staff.

The legislative task force on Prison Population
and Correctional Staff Safety met throughout the fall
and into the early winter. There were two statutory
recommendations by this task force. One of those has
actually passed unanimously in both the House and the
Senate in regard to population density in our
correctional facilities.

The second is the bill that we have before us
today, an Act Establishing a Correctional Staff Health
and Safety Subcommittee of the Criminal Justice Policy

Advisory Commission.

I move for acceptance of the bill.

DEPUTY SPEAKER MCCLUSKEY:

Will you remark?

Madam.

REP. JARMOC (59th):

Mr. Speaker, I would ask that the Clerk please call an amendment -- I'm sorry.-- Mr. Speaker, the Clerk has an amendment, LCO number 6752. I would ask that it be called.

DEPUTY SPEAKER MCCLUSKEY:

Would the Clerk please call LCO 6752 to be designated House Amendment Scheduled A?

REP. JARMOC (59th):

I ask permission --

THE CLERK:

I call LCO number 6752 House A offered by Representatives Jarmoc and Lawlor.

DEPUTY SPEAKER MCCLUSKEY:

The Representative seeks leave of the chamber to summarize the amendment, is there an objection?

Is there objection? If not, ma'am, please summarize the amendment.

REP. JARMOC (59th):

Mr. Speaker, this amendment actually adds some

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additional members to the subcommittee at the request of the Commissioner from the Department of Corrections, along with members of unions who represent correctional staff workers, and I ask that it be accepted.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, madam.

Will you remark on House Amendment Schedule A? Will you remark on House Amendment Schedule A? If not, let me try your minds.

All those in favor --

Representative Bacchiochi, you have the floor, madam.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

Mr. Speaker, through you, a few questions to the proponent of the amendment, please?

DEPUTY SPEAKER MCCLUSKEY:

Please proceed, madam.

REP. BACCHIOCHI (52nd):

Thank you. Mr. Speaker, I had the distinct honor of serving on the task force with Representative Jarmoc, and I'd like to thank her for her leadership and the efforts that she has taken to move this issue forward.

Just for an explanation for the chamber, please if you could explain what prompted you and the Speaker to develop the task force that put forth these recommendations?

DEPUTY SPEAKER MCCLUSKEY:

Representative Jarmoc.

REP. JARMOC (59th):

Sure, thank you, Representative Bacchiochi, and thank you also for your work on the task force.

Back in -- a year ago, there was a trend where we had an increasing number of, not only assaults upon correctional staff -- actually, it turned out to be more assaults upon correctional staff in 2008 than in any of the three previous fiscal years, additionally concerning, was the fact that these assaults were of a very volatile nature.

At Corrigan-Radgowski, a correctional facility, there were, actually, two correctional officers who were severely stabbed. That inmate is being charged with attempted murder. There were also situations where correctional staff were being directly assaulted with urine and feces squirted at them, broken legs, broken eye sockets. And it seemed that in addition to the volatile nature, the increase warranted some study by the Legislature.

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Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Bacchiochi on House Amendment A.

REP. BACCHIOCHI (52nd):

Thank you. I'd also like to talk just a little bit about how the assaults that you just mentioned are classified because it became apparent through our task force that the classification was problematic. If you could address how we're going to -- how this new subcommittee -- committee is going to look at the classifications of the assaults?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Jarmoc.

REP. JARMOG (59th):

Thank you, Representative Bacchiochi.

One of the issues that we did discuss and address during our committee meetings was the fact that it was very difficult to determine the volatile nature of the assaults. And just to give you an example, between 1994 and 2000 -- and the year 2008, there were nearly 5,000 assaults by inmates upon correctional staff. Ninety-five -- seven percent of those assaults were categorized as a Level 2. The rest were categorized as a Level 1. And, clearly, it was the feeling of the

committee that these assaults could not really possibly have all been of such a low-risk nature and so part of the work of the committee was to look at how assaults are documented by the Department of Corrections.

Deputy Commissioner Brian Murphy actually just completed a review in working with correctional officers. They have revamped that system, revamped the data collection form and recording procedures, and -- so that we will be able to better determine, as a Legislature, what is actually happening in our correctional facilities.

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

Thank you, Representative Jarmoc, for that explanation. I do think it's critically important that all of us understand the importance of the prisoner -- the prison guard and the prison staff safety issues, while Representative Jarmoc and I both have substantial prison populations, it's not a districtwide concern. I know it's a statewide concern.

In addition to the reporting of inmate assaults on staff members, will this new committee also look at other concerns that -- safety concerns that were raised, such as basic hand sanitizer, staff vests, the locker issues at Northern. Will this new committee have come jurisdiction over that?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Bacchiochi, I think that's on the bill as if it is amended, but I'll let that question go through and let Representative Jarmoc --

But, further questions, I think might be on the bill as amended.

Thank you.

Representative Jarmoc.

REP. JARMOC (59th):

Thank you, Mr. Speaker. Yes, those are the types of things that this permanent committee -- and I think that's what's so important about this Legislation. It's -- for the first time, it creates a permanent committee to oversee correctional staff health and safety, and, from what I understand, it's also the first time that correctional officers have had a permanent seat on an executive branch committee.

And, in the legislation, it talks about the fact

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that the committee will be looking at inmate assaults and how they're investigated, classified, assigned -- assigned points, data on inmate assaults and other items that you just mentioned.

Thank you.

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

And I will save any further questions until after the amendment. Thank you, sir.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on House Amendment Schedule A?

Representative Chapin of the 67th, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Question or two through you, please.

DEPUTY SPEAKER MCCLUSKEY:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

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It would appear in lines 7, and on, that eight of these people are appointed by the chairpersons and ranking members of both the Judiciary and Public Safety Committees; is my understanding correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Jarmoc.

REP. JARMOC (59th):

Yes, that is correct.

Through you.

DEPUTY SPEAKER MCCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And could the good representative tell me if there are, -- if she's aware of other statutes where we provide -- the chairpersons and ranking members get to appoint people to committees, such as this?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Jarmoc.

REP. JARMOC (59th):

Thank you, Representative Chapin. I'm not aware of statutes in regard to the question you just asked, but I will say that originally in the bill, it called

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for chairs and ranking members to actually sit on this committee. And, through the screening process, we discovered that that is actually not permissible and that is why we gave appointment duties to members who are chairs and ranking members of Judiciary and Public Safety. And I think that it's important to note that this amendment is a cooperatively worked-out amendment between the Department of Corrections, the Legislature and the unions who represent correctional staff.

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And I thank the gentlewoman for her answers.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment
Schedule A?

Representative Clemons of the 124th, you have --
Okay. Let's try it again.

On House A, will you remark further on House
Amendment Schedule A? If not, I will try your minds.

All those in favor of the amendment please
signify by saying aye.

All those opposed nay.

They ayes have it. The amendment's adopted.

Will you remark further on bill as amended? Will you remark further on bill as amended? If not, will the staff and guests please come to the well of the House? Will the members please take your seats? The machine will be open.

THE 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.

DEPUTY SPEAKER MCCLUSKEY:

Have all the members voted? Have all the members voted?

Will the members please check the board to determine if your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce that tally?

THE CLERK:

House Bill 6684 is amended by House A

Total number voting 144

Necessary for passage 73

Those voting yea 144

Those voting nay 0

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Those absent and not voting 7

DEPUTY SPEAKER MCCLUSKEY:

The bill, as amended, is passed.

Will the Clerk please call Calendar 511?

THE CLERK:

On page 18, Calendar 511, House Bill Number 6028,
an Act Establishing a Wind Turbine Pilot Program at a
Correctional Facility, favorable report of the
Committee on judiciary.

THE CLERK:

Distinguished lady from Yalesville.

Representative Fritz, you have the floor, madam.

REP. FRITZ (90th):

Thank you, sir. I move acceptance of the Joint
Committee's favorable report and passage of the bill.

DEPUTY SPEAKER MCCLUSKEY:

The question before the chamber is the acceptance
of Joint Committee's favorable report and passage of
the bill. Will you remark?

REP. FRITZ (90th):

Thank you, sir. This is a very simple bill
which, in fact, instructs the Commissioner of
Corrections to establish a pilot program at one of the
correctional facilities using wind turbines. And the
intention is, of course, to think outside the box in

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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 DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6582.	
Total Number Voting	142
Necessary for Passage	101
Those voting Yea	105
Those voting Nay	37
Those absent and not voting	9

SPEAKER DONOVAN:

The bill is repassed.

Members of the gallery, please, come to order.
Thank you. Will the Clerk please call House Bill 6684.

THE CLERK:

House Bill Number 6684, AN ACT ESTABLISHING A

CORRECTIONAL STAFF HEALTH AND SAFETY SUBCOMMITTEE OF
THE CRIMINAL JUSTICE POLICY ADVISORY COMMISSION,
favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Merrill.

REP. MERRILL (54th):

Yes, Mr. Speaker, I would move that we reconsider
-- I make a motion to reconsider this item, and I
would note that the record will show that I was on the
prevailing side of the issue.

SPEAKER DONOVAN:

The question before the Chamber is on
reconsideration of House Bill 6684. For the benefit
of the Chamber, I will note that Representative
Merrill did indeed vote on the prevailing side of this
issue when the Chamber tested this measure on May 7,
2009, and is therefore an appropriate member to make
motion for reconsideration.

Is there objection for a motion to reconsider?

Is there any motion? Without objection, the bill will
be reconsidered.

Will you remark further on the bill?

Representative Lawlor.

REP. LAWLOR (99th):

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Thank you, Mr. Speaker.

I move repassage of the bill.

SPEAKER DONOVAN:

Question before the Chamber is on repassage of the bill.

Representative Lawlor, you have the floor, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

The bill, which was debated, obviously, in both chambers of the House during the regular session, and passed unanimously in each House during the regular session, is very simple and straightforward. It's intended to address what is a growing problem inside the Department of Corrections, and that is the safety of the actual staff, in particular, the corrections officers who work on our behalf in the Department of Corrections.

The bill added to the responsibilities of an existing state commission the obligation to create a subcommittee consisting of certain enumerated members to investigate, keep track of the number of assaults on staff, and to make recommendations how those can be prevented in the future. The Governor disapproved the bill.

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Respectfully, Mr. Speaker, I would suggest that the Governor's veto is well intentioned, but flawed in the following respect: The amendment sets out -- the amendment which was adopted in the House and the Senate which set out members of this subcommittee, stated specifically that it would be consisting of three commissioners appointed by the Governor and other members appointed by members of the Legislature and still others who would be members of the collective bargaining units that represent the staff and the Department of Corrections. The Governor's concerns seem to span not just this bill, but several similar initiatives where executive branch officers are specifically named to various boards and commissions. For example, here, the commissioner of corrections, and others who would be nominated by the General Assembly.

And I'd like to explain why that's happening. It's been brought to our attention recently, that members of the General Assembly cannot be appointed to what, in effect, are executive branch boards and commissions. This is a longstanding constitutional problem that, I think, was overlooked in past years. But I think now it's important for us to carefully

honor our obligations of the constitution, and not, ourselves, serve as members of boards and commissions.

So rather than naming individual Legislators, for example, the chairs or ranking members of a specific committee, this bill -- the amendment actually changed the process to allow those individuals to nominate individuals who are not actually members of the General Assembly, to get around the constitutional problem. The end result would be some gubernatorial appointees, in other words the enumerated commissioners, and some legislative branch appointees.

And so I think the balance is there. The Governor was saying that she has no appointments. In effect, she has three -- people who serve at her will. And those individuals, I might add, may designate others to serve in their stead, which is often the case on many of these boards and commissions.

The bill has no fiscal impact, Mr. Speaker. This is within the context of an existing process, which is almost entirely populated and staffed by existing state employees. This is -- should be part of their duties. I would point out in the Governor's own veto message, she asked the Commissioner of Correction to do this on his own. So whatever additional money it

would cost -- I don't think it would actually cost any more -- we'd probably save money in the long-run -- would be absorbed under the Governor's executive order under this bill.

This had overwhelming support. It is responding to a very real problem. It can be accomplished in a -- I think, very meaningful and effective way if we all work together to try and address the concerns that have been brought to our attention.

So for all those reasons, Mr. Speaker, I'd urge repassage of this bill.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further on the bill? Would you care to remark further?

If not, staff and guests please come to the well of the House. Members take their seats, the machine will be open.

THE 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 DONOVAN:

Have all the members voted? Have all the members voted?

Please check the roll call board and make sure votes were properly cast. If all the members have voted the machine -- will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6684.

Total Number Voting	141
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Necessary for Passage	101
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Those Voting Yea	131
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Those Voting Nay	10
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Absent/Not Voting	10
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SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call House Bill 6649.

THE CLERK:

On page 2, House Bill 6649, AN ACT CONCERNING THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION, favorable report of the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Merrill.

**JOINT
STANDING
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SENATOR MCDONALD: Thank you for your testimony.

Are there any questions?

If not, thanks very much.

Commissioner Lantz followed by Kieran Sobel. Kieran Sobel here? Okay. If -- then Traci Craig-Green. Traci Craig-Green, okay, you'll be next then.

You came with an entourage. Good to see you, Commissioner.

COMM. TERESA LANTZ: Good afternoon. Only because there's so many questions sometimes that are technical and I need a little help to -- to give you an appropriate response.

Again, good afternoon, Senator McDonald, Representative Lawlor, members of the Judiciary Committee. I am Teresa Lantz, commissioner for the Department of Correction. And I have submitted some written testimony on a number of bills. Today, I'd basically like to just speak to you about Raised Bill Number 6709, an act concerning the Department of Correction.

Raised Bill 6709 is the Department's legislative package and contains the following provisions. And I'm going to summarize as I go through and not read verbatim.

Section 1 of the bill gives explicit statutory authority to deny disclosing specific sensitive information regarding any current or former DOC employee to an inmate unless required by a court order. This language would provide essential statutory protection that would protect my staff from disclosure of personal information to inmates.

HB 6685
HB 6684
HB 6028
SB 1159
HB 6363
SB 639
HB 6704
SB 537
HB 6031
HB 6342
HB 6533

COMM. TERESA LANTZ: I -- I'm -- I'm not -- I'm not
opposed at all to Bill Number 6685.

SENATOR KISSEL: Okay. That's great.

COMM. TERESA LANTZ: Except for that little -- just
an amendment.

SENATOR KISSEL: Okay.

COMM. TERESA LANTZ: Yeah.

SENATOR KISSEL: Regarding Raised Bill number 6684,
an act establishing a correctional staff health
and safety subcommittee of the criminal justice
policy advisory commission, you're written
testimony is that we support it, but you want
to make sure that in line 58 they be amended to
read instead of correctional officer, hazardous
duty staff. And I'm just wondering what's the
nuance behind that recommendation.

COMM. TERESA LANTZ: Well, if the -- if you're
talking about establishing a correctional
staff, health and safety sign -- sub -- you
know, a committee, a subcommittee to CJ PAC, it
doesn't make sense in the bill that was
currently written to just include one
bargaining unit when we have several bargaining
units of hazardous duty staff. I thought that
they should also have representation.

SENATOR KISSEL: Okay, great. And have you
contacted, or has anybody in the Department
contacted Brian Austin over at the Office of
Policy and Management as to whether they had
any objections to the creation of the
subcommittee. Is that something that we're all
on the same page and something they can do with
an available funding?

COMM. TERESA LANTZ: My understanding is that he's fully aware of it. I had a conversation with him so I don't see any issues.

SENATOR KISSEL: Great. Thank you very much. Okay. There's some other ones. There's a few that I'll touch base on at the end briefly that the Department opposes but there's some other ones. And the first one that really jumped out at me -- and I know that Representative Fritz has an interest in it as well -- but, again, having six correctional facilities, and that's Bill Number 6028, an act establishing a wind turbine pilot program at a correctional facility.

Clearly, the leaders of the towns that I represent North Central Connecticut and specifically as pertaining to corrections, Suffield, Enfield and Somers are looking for ways to maximize --

COMM. TERESA LANTZ: Uh-huh.

SENATOR KISSEL: -- dollars. Is it contemplated right now -- first of all, is this something that I should notify the town leaders in Suffield, Enfield and Somers about that they -- they are being considered for a wind turbine pilot project, or that's too --

COMM. TERESA LANTZ: At -- at this point we're just in the -- the sort of the exploration stage. We've -- Representative Fritz had contacted me and said that she was interested in putting this bill in, and, therefore, I said, well, I --, send me anything and everything you've got so I can let my engineers take a look at it. And that's basically all were - where we're at right now. It's not that I'm opposed to it. I'm just -- I just don't know enough about it, and, basically, I'm just saying that let's -- let's have some discussions and see what we can

REP. FOX: Thank you.

Are there any other questions?

Thank you.

AMANDA STAUBLE: You're welcome.

REP. FOX: Next is Representative Karen Jarmoc.

REP. JARMOC: Good evening.

REP. FOX: Good evening. Thank you.

REP. JARMOC: I am here to testify on what I believe is a very -- two very noncontroversial bills, so I hope you can all (inaudible.)

HB 6685
HB 6709

I'm here -- Representative Karen Jarmoc from Enfield, and I'm -- I'm joined by Correctional Officer, Kevin Brace, who was a member of the Correctional Staff Health and Safety Task Force, who is slated to speak much later into this evening. So I received permission from Representative Lawlor to allow him to speak along with me, and I hope that's still okay. Okay?

So, good. I've had good afternoon, but I'll start to say good evening. I'm -- does that work for all of you? That's one less person. Right?

I'm here today -- today to speak in support of Raised Bill 6684, an act establishing a correctional staff health and safety subcommittee of the Criminal Justice Policy Advisory Commission.

Additionally, I'm here to support Raised House Bill 6685, an act concerning the reporting of inmate population density and

correctional facility-specific data. As many of you may or may not be aware, in the summer of 2008, former House Speaker, James Amann established this task force in response to a number of -- an increasing number of assaults that were happening on inmates on correctional staff. And, also, there had been an upswing in the prison population that was happening, and that was sort of all combustioning into what we believe the very troubling situation.

HB 6684

This bipartisan task force also included representation from the Department of Correction, as well as from correctional staff. And we were charged with evaluating health and safety standards for staff in the State's correctional facilities and making recommendations consistent with the findings.

Ultimately, the committee did find that inmate-on-staff assaults had increased -- increased over the past years -- past few years, to a level that was not at a historic high, but on, surely, at a significant -- far enough level that we should be paying attention. And, for example, from FY '07 to FY '08, there was a 16.5 percent increase in inmate assaults upon correctional staff. And then if you compare FY '06 to FY '08, there was actually a 26.5 percent increase.

Additionally, of interest, was the Department of Corrections current collection of data and documentation policies as they relate to inmate assaults on staff. More specifically, assaults of a very dangerous nature weren't -- are being documented by -- by the Department in such a way that was not necessarily accurately reflecting the volatility of the assaults. Just to give you some additional data, if you look back over a 14-year period, there were 4600 inmate-on-staff

assaults. Of that number, only 197, or 4.3 percent, were categorized as level 1 which is the most serious. And, obviously, a level -- and all the rest were categorized as level 2. And, clearly, we -- we felt there was a discrepancy there.

The subcommittee would be established within the already established Criminal Justice Policy Advisory Commission. It would provide for needed and continual oversight as it relates to the health and safety of correctional staff. As you see from the bill, the subcommittee shall review the policies and procedures of the DOC with respect to staff health and safety to include: How inmate assaults are investigated, classified and assigned points; how data on inmate assaults is collected and compiled; how data on inmate assault is reported to persons and agencies outside of the Department.

In regard to Raised Bill 6685, an act concerning the reporting of inmate population density and correctional facility-specific data, this initiative addresses the issue of how we measure prison overcrowding. Ultimately, this legislation is aimed at assisting policymakers to determine whether or not there's a relationship between population levels and inmate assaults upon staff.

And just, again, to give you some information in regard to population density, in March 2003, six of Connecticut's 19 facilities were over capacity as it relates to population and density. And, in March 2008, eight of the State's correctional facilities were over capacity.

And, finally, I would like to express support for House Bill 6709, an act concerning the

there's no reason for me to have to say it because you know it, but you did an excellent job as chairman of the task force. I was honored in serving on it for those several months in the fall. I think it's a great work product, and you definitely spearheaded the efforts regarding that. And I know in speaking to Representative Bacchiochi and Senator Guglielmo and the other legislators on the task force, I think we all viewed it as very worthwhile.

Regarding this specific proposal when Commissioner Lantz came forward, she had a couple suggestions. And let me just bounce those off of you now while -- while you're here. Regarding Bill 6685, one of the things Commissioner Lantz did suggest is rather than using -- well, actually her testimony is in Section 1-B2, it would be more realistic and meaningful, facility density threshold would be 10 percent rather than 5 percent. She just felt statistically it would be more helpful, and at the end of the day. Do you have an opinion regarding that?

REP. JARMOC: Yeah. I'm not adamantly opposed to rais -- you know, having it be 10 percent as opposed to 5. I do -- I do think it's just really important the legislature have an ability to evaluate and measure population and density and so I'm not -- I'm not -- I'm not opposed to it, but I think we should have some further discussions about it.

SENATOR KISSEL: Okay. So if -- if you want to just let us know, I mean, if you want to have discussions with the Department of Corrections and just inform us or if you want to include me in that that's always appreciated.

The other recommendation regarding Bill 6684,

the Department -- I was very pleased to -- to see that they came right out and supported that, that the Office of Policy and Management can do it within available funds. But, again, through her suggestion, she suggested, at line 58, that the language of correction officer be stricken and, inserted rather hazardous duty staff. And she felt that that would encompass all the pertinent bargaining units. And, Office Brace, I don't know if you felt that was a good suggestion. To my mind, every bargaining unit should have representation on this subcommittee in my view.

REP. JARMOC: In regard to that, I was in the room when -- when that was being discussed and -- and I actually had the opportunity to work with the LCO on the drafting of the language of the bill, and, specifically, I felt that it was important that all three correctional officer unions be represented and have an opportunity to sit at the table and be on the subcommittee. If the potentially, you know, the legislation were looking to add others that might be helpful, but I don't know that I would want to interfere with those -- with suggestion of those three correctional officer union groups.

SENATOR KISSEL: So, maybe at the same time the other issue regarding the 5 and the 10 percent as being discussed maybe with this proposed language --

REP. JARMOC: I'm sure we will.

SENATOR KISSEL: Okay, appreciate it.

REP. JARMOC: And I know you had mentioned also whether or not Brian Austin had been consulted from the Office of Policy and Management, and, certainly, he and I had a -- a number of discussions about this. And I would not have

moved forward with that as a suggestion without his input.

SENATOR KISSEL: Appreciate it. I wouldn't think anything less. Thank you.

REP. LAWLOR: Representative Fox,

REP. FOX: Thank you. Mr. Chairman and I also want to echo the comments of Chairman Lawlor and Senator Kissel and, thank you, Representative Jarmoc for her leadership in bringing this issue to our attention, being from Stamford. It's not necc --- well, corrections officer does not necessarily an issue that my constituents deal with on a day-to-day basis. But, you have certainly opened my eyes as to the importance of this issues, as a state, and you've done a great job of solidifying support for you bill so thank you, again, for your hard work.

REP. JARMOC: Thank you very much. You know, again, it's interesting. I've learned so much sharing this task force, and, obviously, having a good working relationship with correctional officers, but, you know, it's just the small things about, you know, I think Officer Brace had mentioned to me once that he's not -- he doesn't go at the -- during the holidays to the mall to take his kids to see Santa because the mall is some place that you might see someone who had previously been incarcerated. And so he would not want to have that kind of situation when he -- if he was alone that would be fine, but with his young children that would be an uncomfortable situation. And I know that Officer Sokolowski had mentioned to me once that he had been out with his young son at Home Depot and bumped into someone who was an inmate where he had been a correctional officer. It impacts their life, not just with in the

facility, but outside of the facility as well. And I just think that this bill -- it just provides some -- some oversights that's really required right now.

REP. FOX: Thank you again for your hard work.

REP. LAWLOR: Further questions? If not, thanks to both of you.

REP. JARMOC: Thank you very much.

REP. LAWLOR: Next is -- so, Ellen Jo Lancey and Jim Erha. Are you still here? And is Carla Kelly still here?

A VOICE: (Inaudible.)

REP. LAWLOR: Okay, then Ezekiel Edwards. Mr. Edwards is here? Okay, then Catherine Osten. Is Cathy still here? Yep, over there. All right. I'm just going to get a general sense of this first page here. Don Halas, still here? Okay. Katlin Tyrol? Lloyd Coleman? Mr. Coleman? Okay. Dave McGuire? Jim Zucalo? Is Jim here? Well, that's the first page and so we'll get to you if you're still here on that page. Right.

Please go ahead, I'm sorry.

ELLEN JO LANCEY: Mr. Chairman and members of the committee, thank you for listening to me. I'm in here to urge you to support Bill 349.

I have \$100 in my hand. Imagine all the people in the state who are willing -- some even happy -- to pay \$100 fine for the privileges to ingest a weed that grows wild and free all over this planet. Close your eyes and imagine those \$100 bills piling up, stacks of them, new Connecticut revenues. Now imagine the court's

Next is Catherine Osten.

CATHERINE OSTEN: Hi.

REP. FOX: If you could just sit right in front of the microphone that's great. Thank you.

CATHERINE OSTEN: Thank you. My name is Catherine Osten, and I am a correctional lieutenant with approximately 19 years, almost 19 and a half years of experience in corrections. I'm the president of CSEA/SEIU Local 2001 rec -- representing 22,000 people, and also the president of the Corrections Supervisor's Council, which is a part of that local.

HB6342
HB6684

I'm testifying in favor of 6709, an act which prohibits the release of personnel files to the currently incarcerated. It allows for protection of personal information to those who use this information in an inappropriate fashion. This action has caused a great deal of stress for my members, both those who are subject of this asked-for access and those processing the FOI requests. It does not provide a need for the requestor, except for means to harass the employee and place an employee in a position which allows them to be at jeopardy for undue familiarity.

In addition, I testify in favor of 6685, an act which concerns reporting of data. This data will allow for better decision making by this body regarding staffing, training and other resources necessary for maintaining correctional facilities in safe and humane fashion. I would suggest that you add in the data collection for informal dispositions. It allows for some additional baseline testing on what may be going on in correctional facilities.

I'm against the act with -- in regards to disease transmission, Act Number 6342, as it -- the enforcement of current rules, regulations, policies and directions meet this need. I recommend that you change this to a data collection method in order to create a means of assessing what is going in regards to communicable diseases in the Department of Corrections.

And I also testify in favor of Bill Number 6684, with the suggested amendment that the Committee include designee from medical staff, educational staff, and supervisory staff, all represented by the Service Employees International Union.

That is my testimony for you today.

REP. FOX: Thank you very much.

Are there any questions? Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

Regarding the subcommittee group that the task force, 6684 --

CATHERINE OSTEN: Yes.

SENATOR KISSEL: The way the bill was drafted it says that it would be labor organizations representing corrections officers, and Commissioner Lantz has suggested that correction officer be changed to hazardous duty staff. And you're an expert in the field, I -- and I'm just wondering what your read on that, if you have a feel one way or another?

CATHERINE OSTEN: I'm not certain if I'm an expert in the field, but I have worked there for a

long time. So I would say that you would have to include all hazardous duty positions because they each have their own perspective and each deal with inmates in a different way. And I think that they each have some -- some interests in regarding correctional staff health and safety. If you were going to make it a correctional officer piece, which is very important, then make it a correctional officer piece, but if it is going to speak to correctional staff then you have to involve the approximately 2,000 other people that work in the Department of Correction in regards to medical, in regards to educational, in regards to supervisory, who all have direct inmate contact within the confines of a correctional facility.

SENATOR KISSEL: I -- I really appreciate that testimony. It's very helpful to me. There's some previous testimony, seemed to push us in another direction, and I think you'd be very hard pressed to find anybody in this building who is more committed to our correctional officers than myself. Happy to have other folks in the building pushing in the same direction, but when we are going to set up something that's going to help guide us regarding health and safety issues, as you indicated, there are 2,000 other folks working in corrections. And I think it's important to, at least, consider them when we're setting this up so thank you so much.

CATHERINE OSTEN: Thank you.

REP. FOX: Thank you.

Are there any questions?

Thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 19
5934 - 6284**

2009

Judiciary Committee
Public Hearing

March 24, 2009

Testimony of Theresa C. Lantz, Commissioner, Department of Correction

Good afternoon, Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. I am Theresa Lantz, Commissioner for the Department of Correction and submit this testimony on the following bill:

Raised Bill No. 6684 An Act Establishing a Correctional Staff Health and Safety Subcommittee of the Criminal Justice Policy Advisory Commission

The Department supports the establishment of a correctional staff health and safety subcommittee within the Criminal Justice Policy Advisory Commission with an amendment. If the intent is to establish a subcommittee that addresses health and safety issues for all correctional staff, the language must be amended to provide an opportunity for a representative from each bargaining unit/labor organization that represents hazardous duty staff to be a member of the subcommittee.

I would suggest that lines 58 be amended to read as follows: [three] labor organizations representing [correction officer] hazardous duty staff.

Thank you for your consideration of the Department's views on Raised Bill No. 6684.



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 HUMAN SERVICES COMMITTEE
 PUBLIC SAFETY AND SECURITY COMMITTEE

March 24, 2009

Testimony in Support of HB-6684, HB-6685, and HB-6709

Good afternoon Rep. Lawlor, Sen. MacDonald and other members of the Judiciary Committee. I am here today to speak in support of Raised Bill No. 6684 An Act Establishing A Correctional Staff Health and Safety Subcommittee of the Criminal Justice Policy Advisory Commission. Additionally, I am here to support Raised House Bill No. 6685 An Act Concerning The Reporting of Inmate Population Density and Correctional Facility Specific Data.

Both of these measures are recommendations of the legislature's Prison Population and Correctional Staff Safety Task Force. This task force was established in July 2008 by House Speaker James A. Amann in response to a heightened number of inmate assaults upon correctional staff which were occurring in the spring of 2008 as well as a sharp upswing in the prison population since the summer of 2007.

This bipartisan Task Force, which also had representation by the Department of Corrections and correctional staff, was charged with evaluating health and safety standards for staff in the State's correctional facilities and making recommendations consistent with its findings.

Ultimately, the committee found that inmate on staff assaults increased over the past two years to a level that is not at a historic high, but a significant enough increase to call for concern. Of additional interest was the Department of Corrections current collection of data and documentation policies as they relate to inmate assaults on staff. More specifically, assaults of a very dangerous and volatile nature are being documented by the department in such a way that it does not necessarily reflect the significant nature of the incident.

A subcommittee within the already established Criminal Justice Policy Advisory Commission would provide for needed and continual oversight as it relates to the health and safety of correctional staff. As you can see from the bill, the subcommittee shall review the policies and procedures of the DOC with respect to staff health and safety to include:

- How inmate assaults are investigated, classified, and assigned points,
- How data on inmate assaults is collected and compiled, and
- How data on inmate assaults is reported to persons and agencies outside the department.

In regard to Raised Bill No. 6685 An Act Concerning The Reporting of Inmate Population Density and Correctional Facility Specific Data, this initiative addresses the issue of how we measure prison overcrowding. Ultimately, this legislation is aimed at assisting policy makers to determine whether or not there is a relationship between population levels and inmate assaults upon staff.

And finally, I would like to express support for HB 6709 An Act Concerning the Department of Correction. I specifically support a measure in the bill which would prohibit the disclosure of employee files to inmates and also language that would require that the Department of Correction be notified when a request has been made to a public agency for disclosure of information about a facility.

Thank you very much. I would be happy to answer any questions.