



General Assembly

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Amendment

LCO No. 3863

Offered by:

REP. STAPLES, 96th Dist.

REP. MALONE, 47th Dist.

To: Subst. House Bill No. 5317

File No. 351

Cal. No. 302

"An Act Concerning Revisions To The Education Statutes."

1 After line 897 insert the following and renumber the remaining
2 sections accordingly:

3 "Sec. 32. (NEW) The Board of Governors of Higher Education and
4 the Department of Economic and Community Development shall
5 jointly conduct an educational and economic impact analysis of the
6 planned relocation of any public institution of higher education. The
7 analysis shall include, but not be limited to, such economic
8 considerations as the effect of the relocation on the economy and
9 property taxes of the community the institution is leaving and the
10 community it is moving into and such educational considerations as
11 the resources available to students in each community and the
12 accessibility of each location for students attending the institution.
13 Based on the results of such analysis, the Board of Governors shall
14 make a recommendation on such relocation to the appropriate board
15 of trustees. If bonds of the state are authorized for the relocation, the

16 Board of Governors shall submit a report on the analysis conducted
17 pursuant to this section and its recommendation on the relocation to
18 the State Bond Commission.

19 Sec. 33. Subsection (g) of section 3-20 of the general statutes, as
20 amended by section 1 of public act 99-241, is repealed and the
21 following is substituted in lieu thereof:

22 (g) With the exception of refunding bonds, whenever a bond act
23 empowers the State Bond Commission to authorize bonds for any
24 project or purpose or projects or purposes, and whenever the State
25 Bond Commission finds that the authorization of such bonds will be in
26 the best interests of the state, it shall authorize such bonds by
27 resolution adopted by the approving vote of at least a majority of said
28 commission. No such resolution shall be so adopted by the State Bond
29 Commission unless it finds that there has been filed with it (1) any
30 human services facility colocation statement to be filed with the
31 Secretary of the Office of Policy and Management, if so requested by
32 the secretary, pursuant to section 4b-23, as amended; (2) a statement
33 from the Commissioner of Agriculture, pursuant to section 22-6, for
34 projects which would convert twenty-five or more acres of prime
35 farmland to a nonagricultural use; (3) prior to the meeting at which
36 such resolution is to be considered, any capital development impact
37 statement required to be filed with the Secretary of the Office of Policy
38 and Management; [and] (4) a recommendation from the Board of
39 Governors of Higher Education on any relocation of a public
40 institution of higher education and a report on the results of the
41 educational and economic impact analysis conducted pursuant to
42 section 32 of this act, and (5) such requests and such other documents
43 as it or said bond act require, provided no resolution with respect to
44 any school building project financed pursuant to section 10-287d, as
45 amended, or any interest subsidy financed pursuant to section 10-292k,
46 as amended, shall require the filing of any statements pursuant to
47 subdivision (1), (2) or (3) of this subsection and provided further any
48 resolution requiring a capital impact statement shall be deemed not
49 properly before the State Bond Commission until such capital

50 development impact statement is filed. Any such resolution so
51 adopted by the State Bond Commission shall recite the bond act under
52 which said commission is empowered to authorize such bonds and the
53 filing of all requests and other documents, if any, required by it or such
54 bond act, and shall state the principal amount of the bonds authorized
55 and a description of the purpose or project for which such bonds are
56 authorized. Such description shall be sufficient if made merely by
57 reference to a numbered subsection, subdivision or other applicable
58 section of such bond act. The agenda of each meeting, or any
59 supporting documents included with such agenda, shall include a
60 reference to the statute or public or special act which is the source of
61 any funds to be used for any project on such agenda, including any
62 contingency funds and any reuse or reallocation of funds previously
63 approved for any other use or project, and a notation of the outside
64 source from which any funds for any such project were received, if
65 any. Upon adoption of a resolution, the principal amount of the bonds
66 authorized therein for such purpose or project shall be deemed to be
67 an appropriation and allocation of such amount for such purpose or
68 project, respectively, and subject to approval by the Governor of
69 allotment thereof and to any authorization for such project or purpose
70 that may otherwise be required, contracts may be awarded and
71 obligations incurred with respect to any such project or purpose in
72 amounts not in the aggregate exceeding such authorized principal
73 amount, notwithstanding that such contracts and obligations may at a
74 particular time exceed the amount of the proceeds from the sale of
75 such bonds theretofore received by the state. In any such resolution so
76 adopted, the State Bond Commission may include provision for the
77 date or dates of such bonds, the maturity of such bonds and,
78 notwithstanding the provisions of any bond act taking effect prior to
79 July 1, 1973, provision for either serial or term, sinking fund or other
80 reserve fund requirements, if any, due dates of the interest thereon, the
81 form of such bonds, the denominations and designation of such bonds,
82 registration, conversion and transfer privileges and the terms of
83 redemption with or without premium and the date and manner of sale
84 of such bonds, provisions for the consolidation of such bonds with

85 other bonds including refunding bonds for the purpose of sale as
86 provided in subsection (h) hereof, limitations with respect to the
87 interest rate or rates on such bonds, provisions for receipt and deposit
88 or investment of the good faith deposit pending delivery of such bonds
89 and such other terms and conditions of such bonds and of the issuance
90 and sale thereof as the State Bond Commission may determine to be in
91 the best interest of the state, provided the State Bond Commission may
92 delegate to the Treasurer all or any part of the foregoing powers in
93 which event the Treasurer shall exercise such powers until the State
94 Bond Commission, by adoption of a resolution prior to exercise of such
95 powers by the Treasurer shall elect to reassume the same. Such powers
96 shall be exercised from time to time in such manner as the Treasurer
97 shall determine to be in the best interests of the state and the Treasurer
98 shall file a certificate of determination setting forth the details thereof
99 with the secretary of the State Bond Commission on or before the date
100 of delivery of such bonds, the details of which were determined by the
101 Treasurer in accordance with such delegation. The State Bond
102 Commission may authorize the Commissioner of Economic and
103 Community Development to defer payments of interest or principal, or
104 a portion thereof, in the case of a troubled loan, as defined in
105 subdivision (1) of subsection (e) of section 8-37x, as amended, made by
106 the commissioner under any provision of the general statutes.

107 Sec. 34. Subsection (a) of section 10a-72 of the general statutes is
108 repealed and the following is substituted in lieu thereof:

109 (a) Subject to state-wide policy and guidelines established by the
110 Board of Governors of Higher Education, said board of trustees shall
111 administer the regional community-technical colleges and plan for the
112 expansion and development of the institutions within its jurisdiction
113 and submit such plans, including plans for the relocation of an
114 institution, to the Board of Governors of Higher Education for review
115 and recommendations. The Commissioner of Public Works on request
116 of the board of trustees shall, in accordance with section 4b-30, as
117 amended, negotiate and execute leases on such physical facilities as the
118 board of trustees may deem necessary for proper operation of such

119 institutions, and said board of trustees may expend capital funds
120 therefor, if such leasing is required during the planning and
121 construction phases of institutions within its jurisdiction for which
122 such capital funds were authorized. The board of trustees may appoint
123 and remove the chief executive officer of each institution within its
124 jurisdiction, and with respect to its own operation the board may
125 appoint and remove a chancellor and an executive staff. The board of
126 trustees may determine the size of the executive staff and the duties,
127 terms and conditions of employment of a chancellor and staff, subject
128 to personnel guidelines established by the Board of Governors of
129 Higher Education in consultation with said board of trustees, provided
130 said board of trustees may not appoint or reappoint members of the
131 executive staff for terms longer than one year. The board of trustees
132 may employ the faculty and other personnel needed to operate and
133 maintain the institutions within its jurisdiction. Within the limitation
134 of appropriations, the board of trustees shall fix the compensation of
135 such personnel, establish terms and conditions of employment and
136 prescribe their duties and qualifications. Said board of trustees shall
137 determine who constitutes its professional staff and establish
138 compensation and classification schedules for its professional staff.
139 Said board shall annually submit to the Commissioner of
140 Administrative Services a list of the positions which it has included
141 within the professional staff. The board shall establish a division of
142 technical and technological education. The board of trustees shall
143 confer such certificates and degrees as are appropriate to the curricula
144 of community-technical colleges subject to the approval of the Board of
145 Governors of Higher Education. The board of trustees shall with the
146 advice of, and subject to the approval of, the Board of Governors of
147 Higher Education, prepare plans for the development of a regional
148 community-technical college and submit the same to the
149 Commissioner of Public Works and request said commissioner to
150 select the site for such college. Within the limits of the bonding
151 authority therefor, the commissioner, subject to the provisions of
152 section 4b-23, as amended, may acquire such site and construct such
153 buildings as are consistent with the plan of development approved by

154 the Board of Governors of Higher Education.

155 Sec. 35. Subsection (a) of section 10a-89 of the general statutes is
156 repealed and the following is substituted in lieu thereof:

157 (a) Subject to state-wide policy and guidelines established by the
158 Board of Governors of Higher Education, the board of trustees shall
159 provide for the administration of the Connecticut State University
160 system, plan for the expansion and development of the institutions
161 within its jurisdiction, and submit such plans, including plans for the
162 relocation of an institution, to the Board of Governors of Higher
163 Education and to the Commissioner of Public Works for review and
164 recommendations. The Commissioner of Public Works upon request of
165 the board of trustees shall, in accordance with section 4b-30, as
166 amended, negotiate and execute leases on such physical facilities as the
167 board of trustees may deem necessary for proper operation of such
168 institutions, and the board of trustees may, with the permission of the
169 Commissioner of Public Works and the State Properties Review Board,
170 expend capital funds therefor if such leasing is required during the
171 planning and construction phases of institutions within its jurisdiction
172 for which such capital funds were authorized. Subject to such policies
173 as may be established by the board of trustees, the chief executive
174 officer of each institution within the jurisdiction of the board may
175 make buildings and other facilities under its control available to
176 nonprofit and other organizations or to individuals for temporary uses
177 not inconsistent with the educational purpose of the institution. The
178 board of trustees may appoint or remove the chief executive officer of
179 each institution within its jurisdiction, and with respect to its own
180 operation the board of trustees may appoint and remove an executive
181 secretary and executive staff. The board of trustees may determine the
182 size of the executive staff and the duties, terms and conditions of
183 employment of said secretary and staff, subject to personnel guidelines
184 established by the Board of Governors of Higher Education in
185 consultation with said board of trustees. The board of trustees may
186 employ faculty and other personnel needed to maintain and operate
187 the institutions within its jurisdiction. Within the limitation of

188 appropriations, the board of trustees shall fix the compensation of such
189 personnel, establish terms and conditions of employment and
190 prescribe their duties and qualifications. The board of trustees shall
191 determine who constitutes its professional staff and establish
192 compensation and classification schedules for its professional staff. The
193 board of trustees shall annually submit to the Commissioner of
194 Administrative Services a list of the positions which it has included
195 within the professional staff. The board of trustees may appoint one or
196 more physicians for the Connecticut State University system and shall
197 provide such physicians with suitable facilities for the performance of
198 such duties as it prescribes. Subject to state-wide policy and guidelines
199 established by the Board of Governors of Higher Education, the board
200 of trustees shall: (1) Make rules for the government of the Connecticut
201 State University system and shall determine the general policies of the
202 university system, including those concerning the admission of
203 students and the expenditure of the funds of institutions under its
204 jurisdiction within the amounts available; (2) develop the mission
205 statement for the university system which shall include, but not be
206 limited to the following elements: (A) The educational needs of and
207 constituencies served by the institutions within its jurisdiction; (B) the
208 degrees offered by such institutions; and (C) the role and scope of each
209 institution within the university system, which shall include each
210 institution's particular strengths and specialties. The board of trustees
211 shall submit the mission statement to the Board of Governors of
212 Higher Education for review and approval in accordance with the
213 provisions of section 10a-6, as amended; (3) establish policies for the
214 university system and for the individual institutions under its
215 jurisdiction; (4) submit to the Board of Governors of Higher Education,
216 for approval, recommendations for the establishment of new academic
217 programs; (5) make appropriate recommendations to the Board of
218 Governors of Higher Education regarding institutional mergers or
219 closures; (6) coordinate the programs and services of the institutions
220 under its jurisdiction; (7) be authorized to enter into agreements,
221 consistent with the provisions of section 5-141d, to save harmless and
222 indemnify sponsors of research grants to institutions under its

223 jurisdiction, provided such an agreement is required to receive the
224 grant and limits liability to damages or injury resulting from acts or
225 omissions related to such research by employees of such institutions;
226 (8) promote fund-raising by the institutions under its jurisdiction in
227 order to assist such institutions, provided the board shall not directly
228 engage in fund-raising except for purposes of providing funding for
229 (A) scholarships or other direct student financial aid and (B) programs,
230 services or activities at one or more of the institutions within its
231 jurisdiction and report to the Commissioner of Higher Education and
232 the joint standing committee of the General Assembly having
233 cognizance of matters relating to education by January 1, 1994, and
234 biennially thereafter, on all such fund-raising; and (9) charge the direct
235 costs for a building project under its jurisdiction to the bond fund
236 account for such project, provided (A) such costs are charged in
237 accordance with a procedure approved by the Treasurer and (B)
238 nothing in this subdivision shall permit the charging of working
239 capital, as defined in the applicable provisions of the Internal Revenue
240 Code of 1986, or any subsequent corresponding internal revenue code
241 of the United States, as from time to time amended, or costs originally
242 paid from sources other than the bond fund account.

243 Sec. 36. Subsection (a) of section 10a-104 of the general statutes is
244 repealed and the following is substituted in lieu thereof:

245 (a) Subject to state-wide policy and guidelines established by the
246 Board of Governors of Higher Education, the Board of Trustees of The
247 University of Connecticut shall: (1) Make rules for the government of
248 the university and shall determine the general policies of the
249 university, including those concerning the admission of students and
250 the establishment of schools, colleges, divisions and departments, and
251 shall direct the expenditure of the university's funds within the
252 amounts available; (2) develop the mission statement for The
253 University of Connecticut, and all branches thereof, which shall
254 include, but not be limited to, the following elements: (A) The
255 educational needs of and constituencies served by said university and
256 branches; (B) the degrees offered by said university; and (C) the role

257 and scope of each institution and branch within the university system,
258 which shall include each institution's and branch's particular strengths
259 and specialties. The board of trustees shall submit the mission
260 statement to the Board of Governors of Higher Education for review
261 and approval in accordance with the provisions of section 10a-6, as
262 amended; (3) establish policies for the university system and for the
263 individual institutions and branches under its jurisdiction; (4) submit
264 to the Board of Governors of Higher Education, for approval,
265 recommendations for the establishment of new academic programs; (5)
266 make recommendations to the Board of Governors of Higher
267 Education, when appropriate, regarding institutional or branch
268 mergers, [or] closures or relocations; (6) coordinate the programs and
269 services of the institutions and branches under its jurisdiction; (7) be
270 authorized to enter into agreements, consistent with the provisions of
271 section 5-141d, to save harmless and indemnify sponsors of research
272 grants to The University of Connecticut, provided such an agreement
273 is required to receive the grant and limits liability to damages or injury
274 resulting from acts or omissions related to such research by employees
275 of the university; (8) promote fund-raising to assist the university and
276 report to the Commissioner of Higher Education and the joint standing
277 committee of the General Assembly having cognizance of matters
278 relating to education by January 1, 1994, and biennially thereafter, on
279 such fund-raising; (9) charge the direct costs for a building project
280 under its jurisdiction to the bond fund account for such project,
281 provided (A) such costs are charged in accordance with a procedure
282 approved by the Treasurer and (B) nothing in this subdivision shall
283 permit the charging of working capital costs, as defined in the
284 applicable provisions of the Internal Revenue Code of 1986, or any
285 subsequent corresponding internal revenue code of the United States,
286 as from time to time amended, or costs originally paid from sources
287 other than the bond fund account; (10) exercise the powers delegated
288 to it pursuant to section 10a-109d; and (11) establish by October 1,
289 1997, policies governing the acceptance of gifts made by a foundation
290 established pursuant to sections 4-37e and 4-37f, as amended, to the
291 university or its employees for reimbursement of expenditures or

292 payment of expenditures on behalf of the university or its employees."

293 In line 901, strike "32" and substitute in lieu thereof "37"