

Legislative History for Connecticut Act

SB 473

PA 82-342

House - 448, 5748-5755

Senate - 314, 1226-1227, 1315, 4014-4015, 4083

Education - 363, 366, 368-369, 396-398

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1982

VOL. 25
PART 2
268-554

klr

House of Representatives

Tuesday, March 16, 1982

ACTING SPEAKER KEMLER:

So ordered.

CLERK:

Change of Reference.

Favorable report of the Joint Standing Committee on Education on Substitute for Senate Bill No. 473. AN ACT CONCERNING THE RELEASING OF LAND TO PRIVATE DEVELOPERS BY THE STATE COLLEGES. The Committee feels the bill should pass but first be referred to the Committee on GAE.

ACTING SPEAKER KEMLER:

So ordered.

CLERK:

Change of Reference.

Favorable report of the Joint Standing Committee on Education on Senate Bill No. 474, AN ACT CONCERNING NEW ENGLAND HIGHER EDUCATION COMPACT. The Committee feels the bill should pass but first be referred to the Committee on Appropriations.

ACTING SPEAKER KEMLER:

So ordered.

CLERK

Favorable report.

Change of Reference of the Joint Standing Committee on Education on Substitute for Senate Bill No. 509, AN ACT

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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1982

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5711-6138

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House of Representatives Thursday, April 29, 1982

committee and reported a 12% limit on proposed debt service.

To put it in concrete terms, for the budget before us, the total amount of debt service proposed in this coming fiscal year is 9.65%, well within the 12% limitation that this bill would set.

I note that there are 2 amendments proposed to delete this section of the bill. There's another,
REP: MORGAN: (56th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Morgan.

REP. MORGAN: (56th)

Yes, Mr. Speaker. As I understand it, there is another amendment that's forthcoming on this bill that is not in the possession of the Chamber and I ask that this item be passed temporarily.

DEPUTY SPEAKER FRANKEL:

Is there objection of the motion to pass this item temporarily?

Hearing none, it is so ordered.

CLERK:

Page 2, Calendar 450, Substitute for Senate Bill 473, AN ACT CONCERNING THE LEASING OF LAND TO PRIVATE

kpt

House of Representatives

Thursday, April 29, 1982

DEVELOPERS BY THE STATE COLLEGES. Favorable Report of
the Commission on Government Administration and Elections.

REP. LOONEY: (96th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Martin Looney.

REP. LOONEY: (96th)

Thank you, Mr. Speaker. Mr. Speaker, I move for
acceptance of the Joint Committee's Favorable Report
and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage in
concurrence with the Senate.

Will you remark, sir.

REP. LOONEY: (96th)

Yes, Mr. Speaker, thank you. Mr. Speaker, this
bill would give the board of trustees of the state colleges
an authority currently enjoyed by the University of
Connecticut and would permit the board of trustees of
the state colleges to lease land or buildings under its
control to private developers for rental housing and
commercial establishment.

Such leases would require the approval of the
Governor, the Commissioner of Administrative Services,

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House of Representatives

Thursday, April 29, 1982

the State Properties Review Board and the Board of Higher Education, and also be subject to terms and conditions set by the Commission of Administrative Services.

The bill would allow the board of trustees to select the type of concessions and permittees or delegate these functions to the developer.

In addition, Mr. Speaker, it's anticipated the passage of this bill would result in a savings both in state grant programs and to the municipalities in the savings in the lieu of taxes grant program.

Language contained in the bill specifies that any land leased to a private developer for rental housing or commercial establishment shall be subject to local assessment and taxation in the name of the lessee, assignee, or sublessee. Such property would no longer be considered state owned property subject to tax exempt status, and it's also anticipated that passage of this bill would result in additional revenue to municipalities, since under current law, the board of trustees for the state colleges is permitted to lease land to private developers for the construction of dormitories only.

Where new language contains in this bill would permit the board of trustees of state colleges to lease

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House of Representatives Thursday, April 29, 1982

land or buildings under its control to private developers for rental housing and commercial establishments. So any leased land and buildings would then be subject to local taxation.

Mr. Speaker, at this point, I would like to yield to Rep. Belden for an amendment.

DEPUTY SPEAKER FRANKEL:

Rep. Belden, do you accept the yield?

REP. BELDEN: (113th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO 3647. I would ask that it be called and I be given permission to summarize.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO No. 3647, which will be designated House Amendment Schedule "A". Would the Clerk please call the amendment.

CLERK:

LCO No. 3647 designated Schedule "A", offered by Rep. Belden, 113th District.

DEPUTY SPEAKER FRANKEL:

The gentleman has sought permission to summarize. Is there objection? Hearing none, you may proceed, Rep. Belden.

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House of Representatives Thursday, April 29, 1982

REP. BELDEN: (113th)

Thank you, Mr. Speaker. The amendment is very simple.

It defines the rental terms slightly more than they are in the final copy by indicating that they shall include adequate liability insurance coverage be maintained by the lessee for the benefit of the state. Now that would apply to the file copy, the other section applies to the existing law as it relates to UConn where they already have the ability to lease property and build buildings through private enterprise.

I think when the state is taking its property and leasing it to a private entrepreneur to put buildings on, that we should mandate that sufficient liability insurance is in the rental agreement so as to hold the state harmless for any potential liability claims.

Mr. Speaker, I move adoption of the amendment.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "A". Will you remark on its adoption?

REP. LOONEY: (96th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Looney.

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REP. LOONEY:

Thank you, Mr. Speaker. Mr. Speaker, I rise to support this amendment. I believe it is a very good amendment in that it provides protection for the state from unanticipated liability and exposure.

I urge acceptance.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "A".

If not, all those in its favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

The ayes have it. House "A" is adopted. It is ruled technical.

House Amendment Schedule "A".

In line 10, after the word "including" insert the following:

" , but not limited to, provision for adequate liability insurance to be maintained by the lessee for the benefit of the state and"

Add a new section 2 as follows and renumber the remaining section accordingly:

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(a) The board of trustees of The University of Connecticut, with the approval of the governor, the commissioner of administrative services and the state properties review board, may lease land or buildings under its care, custody or control to private developers for rental housing and commercial establishments. Such leases shall be for periods and upon such terms and conditions, including, BUT NOT LIMITED TO, PROVISION FOR ADEQUATE LIABILITY INSURANCE TO BE MAINTAINED BY THE LESSEE FOR THE BENEFIT OF THE STATE AND rental terms, as may be determined by the commissioner of administrative services and, in the case of a lease of land, may provide for the construction of buildings thereon to be used for rental housing and commercial establishments, the plans of which shall be subject to the approval of the board of trustees, the commissioner of administrative services and the state properties review board. Said board of trustees may provide for water, heat and waste disposal services to such leased premises. Said board may designate the kinds of concessions for supplying goods, commodities, services and facilities to be permitted on such land and may select the permittees, or said board may delegate such functions to the private developers with which it contracts pursuant to this section."

Will you remark further as amended by House Amendment Schedule "A".

If not, would the staff and guests please come to the well of the house. Will the members please take their seats.

The machine will be opened.

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

Would the members please check the roll call board to determine if their vote is properly cast.

kpt

House of Representatives Thursday, April 29, 1982

If so, the machine will be locked.

The Clerk will take a tally.

REP. MARKHAM: (34th)

Mr. Speaker, in the affirmative.

DEPUTY SPEAKER FRANKEL:

Rep. Dean Markham.

REP. MARKHAM: (34th)

In the affirmative, please.

DEPUTY SPEAKER FRANKEL:

Rep. Markham of the 34th has cast his vote in the affirmative.

Would the Clerk please announce the tally.

CLERK:

Senate Bill 473 as amended by House "A"

Total number voting 144

Necessary for passage 73

Those voting yea 144

Those voting nay 0

Those absent and not voting 7

DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

At this time the Chair will entertain announcements or points of personal privilege.

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GEN. ASSEMBLY
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Labor and Public Employees, Substitute Senate Bill 205,
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1982 GENERAL ASSEMBLY

SENATE

REGULAR SESSION
Wednesday, April 14, 1982

175.
roc

I move, if there is no objection, that it
be placed on the Consent Calendar.

THE PRESIDENT:

Any objection to placing this item on Consent?

Hearing none, so ordered.

THE CLERK:

Cal. 234, File 387. Substitute for Senate
Bill 473. AN ACT CONCERNING THE LEASING OF LAND TO
PRIVATE DEVELOPERS BY THE STATE COLLEGES. Favorable
report of the Committee on Government Administration
and Elections.

THE PRESIDENT:

Senator Baker.

SENATOR BAKER: (24th)

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

THE PRESIDENT:

Will you remark, Senator?

SENATOR BAKER:

Mr. President, this bill would authorize the

1982 GENERAL ASSEMBLY

SENATE

REGULAR SESSION
Wednesday, April 14, 1982

176.
roc

board of trustees of the state colleges to lease land or buildings under its care, custody or control to private developers for rental housing and commercial establishments. It would require that the board of higher education approval be included with that of other administrative agencies in leasing considerations.

If there is no objection, I move this to the Consent Calendar.

THE PRESIDENT:

Any objection to placing the item on Consent?

Hearing none, it is so ordered.

THE CLERK:

Cal. 235, File 388. Senate Bill 631. AN ACT CONCERNING MOTOR VEHICLE ENGINE IDENTIFICATION NUMBERS. Favorable report of the Committee on Transportation.

THE PRESIDENT:

Senator Serrani.

SENATOR SERRANI: (27th)

Mr. President, may this bill be recommitted to the Committee on Transportation.

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REGULAR SESSION
Wednesday, April 14, 1982

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roc

THE PRESIDENT:

Are there any questions or any item listed that anyone cares to have removed? Hearing none, the machine is open.

THE CLERK:

A roll call is in progress in the Senate.
A roll call is in progress in the Senate.

THE PRESIDENT:

The machine will be closed and locked.
Total Voting is 34. Necessary for Passage is 18. HB 5491, HB 5516,
HB 5623, HB 5543,
HB 5480, HB 5394,
Voting Yea is 34. THE CONSENT CALENDAR IS ADOPTED.

Senator Schneller. SB 319, SB 287, SB 414, SB 229, SB 563,
SB 432, SB 315, SB 288, SB 149, SB 268
SENATOR SCHNELLER: SB 555, SB 586, SB 617, SB 619, SB 152,
SB 473, SB 28, SB 17, SB 64, SB 173, SB 270,
There being no further business to come before SB 517, SB 548,
SB 569, SB 145,
this chamber, I move we adjourn to the CALL of the Chair. SB 633, SB 651

THE PRESIDENT:

Any objection? Hearing none, so ordered.

(Adjournemtn at 6:35 p.m.)

Rena O. Castiglioni
Senate Transcriber

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SENATE

REGULAR SESSION
Monday, May 3, 1982

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THE PRESIDENT:

So that there be no question about the record, you are moving to place this on the Consent Calendar in concurrence with the House.

SENATOR REGINA SMITH:

Yes, sir.

THE PRESIDENT:

Hearing no objection, that matter is placed on the Consent Calendar.

THE CLERK:

Cal. 234, File 387. Substitute for Senate Bill 473. AN ACT CONCERNING THE LEASING OF LAND TO PRIVATE DEVELOPERS BY THE STATE COLLEGES, as amended by House Amendment Schedule A. Favorable report of the Committee on Government Administration and Elections. Senate passed the bill on April 14. House passed it with House A on April 29.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

SENATE

REGULAR SESSION
Monday, May 3, 1982

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roc

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment A.

THE PRESIDENT:

Will you remark?

SENATOR SCHNELLER:

Yes, Mr. President. House A stipulates that any private developer that uses or develops land owned by a university must supply liability insurance in order to indemnify the state university for any of its properties. I think it is a good idea.

If there is no objection, I would move the item to the Consent Calendar in concurrence with House A.

THE PRESIDENT:

Hearing no objection, the matter is placed on the Consent Calendar.

THE CLERK:

Page sixteen, Cal. 237, File 421. Substitute for Senate Bill 589. AN ACT CONCERNING CERTIFICATION

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SENATE

REGULAR SESSION
Monday, May 3, 1982

277.
roc

the vote. Result of the Vote: 31 Yea. 0 Nay. THE

SECOND CONSENT CALENDAR IS ADOPTED.

HB 5803, HB 5240, HB 5858,
HB 5882, SB 345, SB 563,

SB 473, SB 589, SB 17, SB 651, SB 420, SB 67, SB 424,

SENATOR SCHNELLER: SB 438, SB 373, SB 66, SB 649, SB 578.

Mr. President, it is our intention to commence at one p.m. tomorrow. Caucus at noon. At the moment, we are going to recess at the Call of the Chair so that some disagreeing actions that will be coming up from the House can be read in.

THE PRESIDENT:

Oh, the matters have arrived.

SENATOR SCHNELLER:

Mr. President, while we are still in session, I would like to ask for suspension of the rules for immediate transmittal of all items that have been acted upon today and going to the House to be sent to the House.

THE PRESIDENT:

Without objection, so ordered.

The Clerk will now read in some Business from the House.

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REP. NEUMANN: (continued)

Washington. And I would point out that the statistics do look at this a little differently. That over 20% of our student loans were for high income people and it's that excessive program that has to be dried up. Families of \$40,000 getting interest free loans were a major problem and the program was a runaway. And so some of the changes in Washington have been brought about without getting into this question of some of the things here. And I have problems when I keep hearing disasters being stated.

MS. HARRIS: I think the Commissioner would agree with that statement 100%. There would be the change in that program, however, a lot of things are being eliminated that are for needy students, not for the students that you referring to.

The Commissioner also would like to endorse several other bills before you today, and for her. I support Committee Bill 430, which authorizes Paier College of Art to award degrees. Part of the Paier program is provided by Albertus Magnus College. The wording of the bill would require that any changes in such cooperative arrangements be approved by the Board of Higher Education.

I support Committee Bill 473, An Act Concerning the leasing of land to private developers by the state colleges. However, I request that the bill be amended to add approval by the Board of Higher Education in lines 20 and 27½. This is consistent with board statutes which require that the board review and approve plans received from the constituent units for the continuing development and maximum utilization of the state's higher education resources.

I support Committee Bill 474 which repeals Connecticut's withdrawal from the New England Higher Education Compact and its executive agency, the New England Board of Higher Education. I thank Rep. Janet Polinsky who made a case for that bill and if you have any other questions, I would be glad to answer them at another time.

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gsh

EDUCATION PUBLIC HEARING March 9, 1982

SEN. O'LEARY: Thank you very much. Are there any questions from Committee members. Rep. Helfgott.

REP. HELFGOTT: Thank you, Rep. Helfgott, 53rd. The bill on 473 concerning the leasing of land to private developers from the state colleges, in your testimony you suggested an amendment. I am curious about, maybe Art could speak about this later, did you contact the language that you are suggesting.

MS. HARRIS: No, we recognize the University of Connecticut does not in effect suggested it be included in that statute as well.

REP. HELFGOTT: Okay, thank you. On 5687, the -- I forget the bill's title. (speaker inaudible)

I'm just curious about the phraseology that you used. Maybe just I am interpreting it incorrectly. The part -- in the middle of your testimony you talk about changing the role and mission of one or more of the colleges. That really hit me, I guess.

MS. HARRIS: The original role of the state colleges was to educate educators, teachers. Since the early 60's it has diversified and they now have a very broad range of programs. The leaning of education programs from one institution will change the mission of those colleges. This may be very justifiable, however, it must be clear that we are preparing enough teachers and that we are meeting those needs and that's why we have to look at the issue as it -- direct it all state institutions. The University of Connecticut has education programs. Some private institutions, where it will have to really be a statewide decision. It may be in the best interests of the state.

REP. HELFGOTT: Okay, thank you. I agree. I just wanted to make sure my understanding was correct that we were talking about programs that were suffering from a very low level of attendance and we weren't doing something (speaker inaudible)

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gsh

EDUCATION PUBLIC HEALTH

March 9, 1982

REP. ALLEN: Even though the fact -- the language here gives it to the trustees of the University, it doesn't mention the Board of Higher Education at all. And the new language specifically gives it to the university.

MS. HARRIS: I probably can address that better but the other institutions -- I'm certain the power is given back to the Board of Higher Education for the constituent units. I'd have to look at the University of Connecticut language specifically. They may be in a different set of circumstances. But for the other constituent units, definitely the bill would give the Board the power over the central office staff.

REP. ALLEN: Well, Mr. Chairman, I think we need to look into this because it is confusing. The new language gives it to the University of Connecticut without mentioning the Board of Higher Education. Yet the thrust seems to be to the Board of Higher Education because of mistakes made in not taking something out of past legislation. I don't fully understand that. I'd like to explain the rationale to the way in which that bill is written.

SEN. O'LEARY: Thank you. Rep. John Mannix has a question.

REP. MANNIX: Thank you. On Bill 473, the Commissioner is supportive of that bill and I'm sure but since you are representing -- why is it necessary to do this.

MS. HARRIS: Well, there are times where if we had extra capacity for example, on state college campuses, it may be advisable to lease a building to a private developer for another use. The reason the Board is requesting that it have some role in that decision is the Board is responsible for the planning for each of the campuses. Or approving the planning I should say for the campuses. And it feels it is important to know where those excess capacities exist and how they are being used. There may be a need to do this and I think the state colleges could tell you better what they had in mind.

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gsh

EDUCATION PUBLIC HEARING March 9, 1982

REP. MANNIX: All right, I can see that it's probably their bill.

MS. HARRIS: It is their bill.

REP. MANNIX: I can see that. All right, thank you.

SEN. O'LEARY: Thank you very much. Yes, Ros.

REP. BERMAN: As far as 5687 is concerned, to change the role and mission of colleges, if there are programs to be eliminated or phased out, would the students who are currently enrolled in those programs have the opportunity to finish at the institution in which they are enrolled.

MS. HARRIS: Most definitely. I would assume this would happen. When institutions phase out a program, they do not accept new people into a program but they most certainly allow those that are in it already to graduate.

REP. BERMAN: And the programs would function then at the full level to ensure that the students that were enrolled complete satisfaction.

SEN. O'LEARY: Thank you. We are going to go back to Dr. Arthur Gillis, who wasn't here when I reached his name. Followed by Sen. Mustone.

DR. ARTHUR GILLIS: Sen. O'Leary, Rep. Goodwin, members of the Committee. My name is Arthur Gillis, I am Vice President of the University of Connecticut. The University of Connecticut wishes to submit a statement on its comments relative to its position on Proposed Bill 94 and Proposed Bill 5850. Both these bills relate to student financial aid and I think that in the testimony earlier and the comments by other people and the Committee's own efforts, I think you are beginning to understand the scope and possible gravity of the problems in student financial aid.

The university endorses the principles of the two proposed bills but we wish to point out to you and supplement the language of those two bills that while the bills may allow for the public institutions in the State of Connecticut to participate, it is an empty promise

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EDUCATION PUBLIC HEARINGS March 9, 1982

- MR. DERIEMER: (Continued)
have had a misfit and we want to eliminate that.
- REP. GOODWIN: Well, be sure that we get that wording, that it is left with the clerks over there and we'll take a look at it.
- MR. DERIEMER: Thank you.
- REP. GOODWIN: Are there any other questions? Okay. I think we at this point will take Brendan Kennedy who is a sort of tag on to the agency head's list.
- BRENDAN KENNEDY: Chairman and members of the Education Committee, my name is Brendan Kennedy and I'm here today to represent the Connecticut State Colleges. I would like to first of all speak in favor of Committee Bill 473 which is Act Concerning the leasing of land to private developers by the Connecticut State Colleges. Also I would like to speak in favor of Rate Committee Bill 475 which is An Act authorizing the renovations and repairs at the state colleges and in addition to that, Rate Committee Bill 5687 which is An Act Concerning the offering of teacher preparation courses at the Connecticut State Colleges. I have discussed this Madam Chairman with the Representative Helfgott, I believe are self-explanatory, I would be glad to elaborate if the committee so desires on the individual merits of each bill.
- REP. GOODWIN: Thank you very much. I don't have any questions about those bills. Does anybody else? I was wondering, could I ask you a couple of questions about the student loan question.
- REP. NEUMANN: In earlier testimony on both 473 and 5687, the Commissioner, Commissioner Glasgow suggested that the Board of Higher Education review the part of the process of both of those and we your reaction to that.
- MR. KENNEDY: Representative Neuman, I think if the so desires, the committee and the Connecticut General Assembly would empower the Board of Higher Education to become a Board of Regents and I think it would be appropriately placed under their responsibilities. Right now the respective missions and/or the authority has been left with the respective board of trustees for the

MR. KENNEDY: (continued)

individual constituent unit. I would hope in regards to 5687 that we would not have to add another layer to the bureaucracy. What this is trying to do is to plan for future declines which we are now anticipating in the education field. Which might allow us to shift those programs to one of the other campuses. Currently, two of our institutions were bordering on less than 15% in teacher education, which as you know ten years was close to 82%. The other one, regarding an act concerning the leasing of land to private developers, this is basically the same statutory authority which is already granted to the University of Connecticut. We have had a number of inquiries in particular in the western part of the state, located on the Campus of Weston, the new campus, by private developers that might be interested in working out some type of arrangement with the Board of Trustees, the Department of Administrative Services, which is Public Works, and also with the Property Review Board. All of the safeguards are there. I think it would be up to the Committee. I would prefer not to have another layer added to that process to delay it. But if the Committee so desires, then obviously that will be the law enacted by the General Assembly.

REP. GOODWIN: Any other questions. I'm glad the state colleges have sent a representative here, because I have been kind of puzzled as to why we had not heard from the state colleges, with respect to something to take the place of Federal loan cuts for students. Do you have any comments on any of the bills dealing with student loan foundations.

MR. KENNEDY: We are in the process now of analyzing those, Rep. Goodwin. We also will have an impact statement on what the proposed budget will need for the Connecticut state colleges. We have submitted a document to Sen. Weicker and I would be glad to make copies available for the Committee. It is our understanding that the impact state wide would be around \$57,000,000. I don't know if that figure has varied. Our impact probably now would be close to 3,000 students, would be affected. And we are trying to analyze the total dollar amount. But I will be glad to submit that and the testimony regarding the other bills

MR. KENNEDY: (continued)
before this Committee.

REP. GOODWIN: These bills if they are to go anywhere, have to go through four committees after they leave here and one of those committees has a deadline this Friday. So --

MR. KENNEDY: I will have those --

REP. GOODWIN: We're having some time problems.

MR. KENNEDY: I will have those to you tomorrow, Rep. Goodwin.

REP. GOODWIN: I don't want to leave the state colleges out, if it's reasonable to put them in. That's really the question. Any other comments. Thank you very much. Okay, we'll go back to the regular list then. And Robert Hirtle is the next.

ROBERT HIRTLE: Thank you, Rep. Goodwin, members of the Committee. I'm Attorney Hirtle, I represent, at this hearing, the Accredited Private Occupational Schools of Connecticut. I read with interest Senate Bill 94, concerning the use of state revenue bonds to finance loans to students in institutions of higher education in the state. And the bill was not in sufficient enough detail to really know whether or not it was a workable concept or not. As a matter of philosophy, the group I represent, is in favor of the bill and they would like to have institutions of higher education in the state defined consistently with Section 10-359 of the General Statutes, which is the operative definition section in the Connecticut Student Loan Foundation Act. I also read with interest House Bill 5850, and would like to share with you some thoughts about that bill. As a matter of philosophy, that is the use of revenue bond financing through a foundation of some sort to finance the short fall in the present funding to students, the Accredited Private Occupational Schools are in favor of that concept.

So far of the details of this bill are concerned, there are some deficiencies. First of all, the state does not loan money to students. Its loans money to institutions.