

2012 -- S 2143

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - BOARD OF GOVERNORS FOR HIGHER EDUCATION

Introduced By: Senators Shibley, Kettle, Cote, Pinga, and Maher

Date Introduced: January 18, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-59-9 of the General Laws in Chapter 16-59 entitled "Board of  
2           Governors for Higher Education" is hereby amended to read as follows:

3           **16-59-9. Educational budget and appropriations.** -- (a) The general assembly shall  
4           annually appropriate any sums it deems necessary for support and maintenance of higher  
5           education in the state and the state controller is authorized and directed to draw his or her orders  
6           upon the general treasurer for the payment of the appropriations or so much of the sums that are  
7           necessary for the purposes appropriated, upon the receipt by him or her of proper vouchers as the  
8           board of governors for higher education may by rule provide. The board shall receive, review,  
9           and adjust the budgets of its several subordinate committees and agencies and for the office of  
10          higher education and present the budget as part of the budget for higher education under the  
11          requirements of section 35-3-4.

12          (b) The office of higher education and the institutions of public higher education shall  
13          establish working capital accounts.

14          (c) Any tuition or fee increase schedules in effect for the institutions of public higher  
15          education shall be received by the board of governors for allocation for the fiscal year for which  
16          state appropriations are made to the board of governors by the general assembly; provided that no  
17          further increases may be made by the board of governors for the year for which appropriations are  
18          made. Except that these provisions shall not apply to the revenues of housing, dining, and other  
19          auxiliary facilities at the University of Rhode Island, Rhode Island College, and the Community

1 Colleges including student fees as described in P.L. 1962, ch. 257 pledged to secure indebtedness  
2 issued at any time pursuant to P.L. 1962, ch. 257 as amended.

3 (1) Any person who purports to be a resident of this state but who is an undocumented  
4 alien resident shall not be eligible for in-state tuition and fees at Rhode Island state institutions of  
5 higher education, including the Community College of Rhode Island, Rhode Island College, and  
6 the University of Rhode Island. A student who: (i) Is not a United States citizen; (ii) Is not a  
7 permanent resident of the United States; or (iii) Is neither a student nor an unemancipated student  
8 whose parents have been granted authorization by the United States Department of Homeland  
9 Security to remain in the United States in a status that allows him or her to establish a domicile in  
10 the United States, shall not be eligible to receive such in-state tuition and fees.

11 (2) The fact that a student has attended an approved Rhode Island high school for three  
12 (3) or more years and continues to live in Rhode Island, and/or has graduated from an approved  
13 Rhode Island high school or received a high school equivalency diploma from the state of Rhode  
14 Island, and/or has filed an affidavit indicating an intent to file an application for lawful  
15 immigration status, shall not be sufficient by itself to establish residency for purposes of in-state  
16 tuition and fees.

17 (d) All housing, dining, and other auxiliary facilities at all public institutions of higher  
18 learning shall be self-supporting and no funds shall be appropriated by the general assembly to  
19 pay operating expenses, including principal and interest on debt services, and overhead expenses  
20 for the facilities. Any debt service costs on general obligation bonds presented to the voters in  
21 November 2000 and November 2004 or appropriated funds from the Rhode Island capital plan for  
22 the housing auxiliaries at the University of Rhode Island and Rhode Island College shall not be  
23 subject to this self-supporting requirement in order to provide funds for the building construction  
24 and rehabilitation program. The institutions of public higher education will establish policies and  
25 procedures which enhance the opportunity for auxiliary facilities to be self-supporting, including  
26 that all faculty provide timely and accurate copies of booklist for required textbooks to the public  
27 higher educational institution's bookstore.

28 (e) The additional costs to achieve self-supporting status shall be by the implementation  
29 of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,  
30 operating expenses, principal, and interest on debt services, and overhead expenses.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide that persons who cannot show that they are U.S. citizens, or U.S.  
2 permanent residents, or have not been granted certain status from the United States Department of  
3 Homeland Security, would not be able to obtain in-state tuition rates and fees at the state  
4 institutions of higher education.

5           This act would take effect upon passage.

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