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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO EDUCATION -- UNIVERSITY OF RHODE ISLAND

Introduced By: Representatives Fogarty, Spears, McEntee, Tanzi, Shallcross Smith,
Carson, Caldwell, Cortvriend, Handy, and Hull

Date Introduced: February 26, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-32-2, 16-32-27 and 16-32-34 of the General Laws in Chapter 16-
2 32 entitled "University of Rhode Island [See Title 16 Chapter 97 — The Rhode Island Board of
3 Education Act]" are hereby amended to read as follows:

4 **16-32-2. Board of Trustees established.**

5 (a) There is hereby created a board of trustees for the university of Rhode Island, sometimes
6 referred to as the "board" or "board of trustees," which shall be and is constituted a public
7 corporation, empowered to sue and be sued in its own name; to borrow money; to compromise and
8 settle claims; to have a seal; and to make and execute contracts and other instruments necessary or
9 convenient to the exercise of its powers; and to exercise all the powers, in addition to those
10 specifically enumerated in this chapter, usually appertaining to public corporations entrusted with
11 control of postsecondary educational institutions and functions. Upon its organization, the board
12 shall be vested with the legal title to all property, real and personal, now owned by and/or under
13 the control or in the custody of the council on postsecondary education for the use of the university
14 of Rhode Island, including all its departments, divisions, and branches, sometimes referred to as
15 the property, and as such the provisions of chapter 6 of title 37 ("acquisition of land"), including
16 the rules, regulations, and procedures of the committee promulgated thereunder, and the provisions
17 of chapter 7 of title 37 ("management and disposal of property"), shall not apply to the board or the
18 property.

19 (b) The board is empowered to hold and operate the property in trust for the state; to

1 acquire, hold, and dispose of the property and other like property as deemed necessary for the
2 execution of its corporate purposes, and the board may, in its discretion, adopt or promulgate its
3 own rules and regulations with respect thereto. The board is made successor to all powers, rights,
4 duties, and privileges for the university of Rhode Island formerly belonging to the council on
5 postsecondary education pertaining to postsecondary education and the board of governors for
6 higher education.

7 (c) The board shall be the employer of record for the university. It shall retain all authority
8 formerly vested in the council on postsecondary education and the board of education regarding
9 the employment of faculty and staff at the university of Rhode Island. The board shall appoint the
10 president of the university and shall review their performance on an annual basis.

11 (1) The board is empowered to enter into contracts and agreements with the council on
12 postsecondary education and/or the department of administration related to employee benefits,
13 including but not limited to retirement benefits, health, dental, vision and life insurance, disability
14 insurance, workers' compensation, and tuition waivers to maximize the state's and university's
15 purchasing and investment portfolio and educational opportunities for the benefit of its employees.

16 (2) The board is empowered to enter into collective bargaining agreements as appropriate
17 with its employees and all existing collective bargaining agreements in effect when the board is
18 established pursuant to § 16-32-2.2 shall be transferred from the council on postsecondary
19 education to the board.

20 (d) The board shall make rules and regulations for the control and use of all public
21 properties and highways under its care, and for violations of those rules and regulations; penalties,
22 up to one hundred dollars (\$100) and costs for any one offense, may be imposed by any district
23 court or police court in the city or town where the violation occurs; and, in general, the board shall
24 take all actions necessary for the proper execution of the powers and duties granted to, and imposed
25 upon, the board by the terms of this chapter.

26 (e) The board shall make and maintain rules and regulations ~~pursuant to chapter 2 of title~~
27 ~~37 to implement its responsibilities as a public agency~~ for procurement purposes ~~as defined in §~~
28 ~~37-2-7(16).~~ The university's vice president of administration and finance is designated the chief
29 purchasing officer for the university.

30 (1) Notwithstanding any rule, regulation, or provision of the public laws or general laws to
31 the contrary, and except for procurements directly related to projects funded by the State of Rhode
32 Island general obligation bonds, the board and the university shall not be required to comply with
33 chapter 2 of title 37 ("state purchases"); and, in general, the board and the university shall contract
34 on their own behalf and pursuant to the rules and regulations promulgated by the board as described

1 in this subsection (e) of this section for all other purchases. ~~the provisions of § 37-2-22, small~~
2 ~~procurements made by the board and the university shall not exceed an aggregate amount of fifty~~
3 ~~thousand dollars (\$50,000) for construction and ten thousand dollars (\$10,000) for all other~~
4 ~~purchases, regardless of the source of funding, and shall be made in accordance with small purchase~~
5 ~~regulations promulgated by the board. These thresholds may be increased annually through an~~
6 ~~amendment to the small purchase regulations promulgated by the board of trustees, to reflect the~~
7 ~~annual increase in the federal Consumer Price Index published by the United States Department of~~
8 ~~Labor from the date of any prior adjustment.~~

9 (f) The board shall evaluate data on which to base performance of the university as
10 described in subsection (g) of this section which shall be defined by the president of the university.
11 These measures may include and incorporate outcomes or goals from multiple, previous years. The
12 lack of information from previous years, however, will not affect the use of performance-based
13 measures.

14 (g) The university of Rhode Island shall have unique measures consistent with its purpose,
15 role, scope, and mission. The board shall provide faculty and students an opportunity to provide
16 input on the development of performance measures.

17 (1) The performance-based measures shall include, but not be limited to, the following
18 metrics:

19 (i) The number and percentage, including growth in relation to enrollment and prior years
20 of bachelor's degrees awarded to first-time, full-time students within four (4) years and six (6)
21 years, including summer graduates;

22 (ii) The number of degrees awarded that are tied to Rhode Island's high demand, high-
23 wage employment opportunities consistent with the institution's mission;

24 (iii) One metric that applies only to the university, in consultation with the president, which
25 shall consider faculty, staff, and student input; and

26 (iv) Any other metrics that are deemed appropriate by the board.

27 (2) Weight may be assigned to any of the aforementioned metrics to reinforce the mission
28 of the university, the economic needs of the state, and the socio-economic status of the students.

29 (h) The board shall hold the university accountable for developing and implementing
30 transfer pathways for students from the community college of Rhode Island and Rhode Island
31 college.

32 (i) The board shall adopt a process requiring every academic program at the university to
33 accept for credit the advanced placement subject test scores of students who obtain a three (3) or
34 better in any advanced placement course.

1 (j) The board shall supervise, coordinate, and/or authorize audits, civil and administrative
2 investigations, and inspections or oversight reviews, when necessary, relating to expenditure of
3 state or federal funds, or to any and all university programs and operations, as well as the
4 procurement of any supplies, services, or construction, by the university. In the course of an audit
5 or investigation, the board authorized auditor(s) shall review statutes and regulations of the
6 university and shall determine if the university is in compliance and shall make recommendations
7 concerning the efficiency of operations, and the effect of such statutes or regulations on internal
8 controls and the prevention and detection of fraud, waste, and abuse. The board authorized
9 auditor(s) may recommend policies or procedures that may strengthen internal controls, or assist in
10 the prevention or detection of fraud, waste, and abuse or mismanagement. ~~Any audits conducted~~
11 ~~shall be transmitted to the office of internal audit established in chapter 7.1 of title 35.~~

12 **16-32-27. Establishment of landscaping fund.**

13 All money received pursuant to the provisions of § 16-52-2(b) shall be deemed to be trust
14 funds for the benefit of the University of Rhode Island, Rhode Island College, and the Community
15 College of Rhode Island to be held by the general treasurer in a separate rotary fund for each
16 institution which shall be made available to the presidents of the University of Rhode Island, Rhode
17 Island College, or the Community College of Rhode Island to be applied solely for the purpose of
18 improving landscaping, safety and security, and/or parking facilities at the respective colleges as
19 determined by the presidents of these colleges.

20 **16-32-34. Fiscal accounts — Receipts — Petty cash funds.**

21 (a) The treasurer of the university of Rhode Island, as appointed by the board of trustees,
22 shall:

23 (1) Keep an accurate account of his or her receipts and expenditures, which shall be audited
24 by the state controller; and

25 (2) Turn over to the general treasurer at monthly intervals all sums of money received by
26 him or her during the preceding month which shall be credited to the proper accounts and funds by
27 the general treasurer.

28 (b) The state controller shall establish an imprest fund or petty cash fund for the use of the
29 treasurer of the university for expenditures of any nature as may be approved by the state controller.

30 (c) Nothing contained in this section or chapter shall prohibit the university from
31 establishing its own internal audit functions and controls, including to conduct post audits, as
32 consistent with the provisions of §16-32-2(j).

33 (d) The requirements of § 35-7-13 and § 22-13-6 to obtain the approval of the director of
34 administration and the auditor general prior to the employment of private auditors shall not apply

1 to the board or the university, nor shall the university be required to solicit bid proposals for auditors
2 procurement; provided, however, should it elect to do so, the solicitation shall be in accordance
3 with the board's own rules and regulations for procurement and not subject to the guidelines for
4 audit procurement and bid specifications issued by the department of administration office of
5 accounts and control and the office of the auditor general.

6 SECTION 2. Chapter 16-32 of the General Laws entitled "University of Rhode Island [See
7 Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding
8 thereto the following sections:

9 **16-32-43. Tort claims against the board of trustees.**

10 (a) Definitions. For purposes of this section:

11 (1) "Board of trustees" means and includes the university of Rhode Island and, except as
12 otherwise provided herein, employees of the board of trustees acting within the scope of their
13 employment.

14 (2) "Employee" means and includes an officer, employee, or servant, whether or not
15 compensated or part-time, who is authorized to perform any act or service; provided, however, that
16 the term does not include an independent contractor.

17 (3) "Injury" means death, injury to a person, damage to or loss of property, or any other
18 injury that a person may suffer that would be actionable if inflicted by a private person.

19 (b) With regard to tort liability:

20 (1) The board of trustees shall only be liable for injury within the limitations of this chapter.

21 (2) The board of trustees is liable for injury proximately caused by an act or omission of
22 an employee within the scope of their employment, except for any act or omission constituting
23 actual fraud, actual malice, or willful misconduct.

24 (3) Any liability of the board of trustees established by this chapter is subject to any
25 immunity of the board of trustees and is subject to any defenses that would be available to the board
26 of trustees if it were a private person.

27 (c) With regard to conditions of public property:

28 (1) The board of trustees is liable for injury caused by a condition of its property if the
29 plaintiff establishes that the property was in dangerous condition at the time of the injury, that the
30 injury was proximately caused by the dangerous condition, that the dangerous condition created a
31 reasonably foreseeable risk of the kind of injury which was incurred, and that the board of trustees
32 willfully or maliciously failed to guard or warn against the dangerous condition.

33 (2) Nothing in this section shall be construed to impose liability upon the board of trustees
34 for a dangerous condition of its property if the action the board of trustees took to protect against

1 the condition or the failure to take such action was not palpably unreasonable.

2 (d) With regard to joint tortfeasors:

3 (1) Notwithstanding any other law, in any case where the board of trustees is determined
4 to be a joint tortfeasor, the board of trustees shall be required to contribute to a joint tortfeasor only
5 to the extent of the recovery provided for under this chapter.

6 (2) Notwithstanding any other law, in any case where the board of trustees is determined
7 to be a tortfeasor in any cause of action along with one or more other tortfeasors, the board of
8 trustees shall be liable for no more than that percentage share of the damages which is equal to the
9 percentage of the negligence attributable to the board of trustees.

10 (e) With regard to presentation of claims:

11 (1) No action shall be brought against the board of trustees unless the claim upon which it
12 is based shall have been presented in accordance with the procedures set forth in this section.

13 (2) The board of trustees shall designate the office(s) or individual(s) where a claim for
14 injury shall be filed and may by rule or regulation adopt forms specifying information to be
15 contained in claims filed against it under this chapter.

16 (i) A claim shall be presented by the claimant or by a person acting on their behalf and
17 shall include:

18 (A) The name and post office address of the claimant;

19 (B) The post-office address to which the person presenting the claim desires notices to be
20 sent;

21 (C) The date, place, and other circumstances of the occurrence or transaction which gave
22 rise to the claim asserted;

23 (D) A general description of the injury, damage, or loss incurred as far as it may be known
24 at the time of presentation of the claim; and

25 (E) The amount claimed as of the date of presentation of the claim, including the estimated
26 amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the
27 presentation of the claim, together with the basis of computation of the amount claimed.

28 (ii) A claim relating to a cause of action for injury shall be presented as provided in this
29 section not later than the ninetieth day after accrual of the cause of action. After the expiration of
30 six (6) months from the date the notice of claim is received, the claimant may file suit in an
31 appropriate court of law. The claimant shall be forever barred from recovering against the board of
32 trustees if:

33 (A) The claimant failed to file the claim with the board of trustees within ninety (90) days
34 of accrual of the claim;

1 (B) Two (2) years have elapsed since the accrual of the claim; or

2 (C) The claimant or the claimant's authorized representative entered into a settlement
3 agreement with respect to the claim.

4 (3) Nothing in this section shall prohibit a minor or a person who is mentally incapacitated
5 from commencing an action under this chapter within the time limitations contained herein, after
6 reaching majority or returning to mental capacity.

7 (f) With regard to interest and limitations of damages:

8 (1) Notwithstanding any other law, no interest shall accrue prior to the entry of judgment
9 against the board of trustees.

10 (2) No punitive or exemplary damages shall be awarded against the board of trustees.

11 (3) No damages shall be awarded against the board of trustees for pain and suffering
12 resulting from any injury; provided, however, that this limitation on the recovery of damages for
13 pain and suffering shall not apply in cases of permanent loss of a bodily function, permanent
14 disfigurement, or dismemberment.

15 (4) In any tort action against the board of trustees, any damages recovered therein shall not
16 exceed the sum of one hundred thousand dollars (\$100,000).

17 (g) With regard to the effect of assumption of liability, any waiver of immunity and
18 assumption of liability contained in this chapter shall not apply in circumstances where liability has
19 been or is hereafter assumed by another party, to the extent of such assumption of liability.

20 (h) With regard to the effect upon liability based on contract or right to relief other than
21 damages, nothing in this chapter shall affect liability based on contract or the right to obtain relief
22 other than damages against the public entity or one of its employees.

23 (i) With regard to workers' compensation laws, nothing in this chapter shall be construed
24 to affect, alter, or repeal any provision of the workers' compensation laws of this state.

25 **16-32-44. Inconsistent provisions.**

26 Insofar as the provisions of this chapter are inconsistent with the provisions of any other
27 law or ordinance, general, special or local, the provisions of this chapter shall be controlling.

28 **16-32-45. Liberal construction.**

29 Neither this chapter nor anything contained in this chapter is or shall be construed as a
30 restriction or limitation upon any powers, which the board might otherwise have under any laws of
31 this state, and this chapter is cumulative to any powers. This chapter does and shall be construed to
32 provide a complete, additional, and alternative method of doing things authorized by this chapter
33 and shall be regarded as supplemental and additional to powers conferred by other laws.

34 SECTION 3. Section 35-18-3 of the General Laws in Chapter 35-18 entitled "Public

1 Corporation Debt Management" is hereby amended to read as follows:

2 **35-18-3. Approval by the general assembly.**

3 (a) No elected or appointed state official may enter into any financing lease or into any
4 guarantee with any person without the prior approval of the general assembly unless:

5 (1) The governor certifies that federal funds will be available to make all of the payments
6 which the state is or could be obligated to make under the financing lease or guarantee; or

7 (2) The general assembly has adjourned for the year with the expectation that it will not
8 meet again until the following year and the governor certifies that action is necessary, because of
9 events occurring after the general assembly has adjourned, to protect the physical integrity of an
10 essential public facility, to ensure the continued delivery of essential public services, or to maintain
11 the credit worthiness of the state in the financial markets.

12 (b) No bonds may be issued or other obligation incurred by any public corporation to
13 finance, in whole or in part, the construction, acquisition, or improvement of any essential public
14 facility without the prior approval of the general assembly, unless:

15 (1) The governor certifies that federal funds will be available to make all of the payments
16 required to be made by the public corporation in connection with the bond or obligation. The
17 certification shall be transmitted to the speaker of the house and the president of the senate with
18 copies to the chairpersons of the respective finance committees and fiscal advisors; or

19 (2) The general assembly has adjourned for the year with the expectation that it will not
20 meet again until the following year and the governor certifies that action is necessary, because of
21 events occurring after the general assembly has adjourned, to protect the physical integrity of an
22 essential public facility, to ensure the continued delivery of essential public services, or to maintain
23 the credit worthiness of the state in the financial markets. The certification shall be transmitted to
24 the speaker of the house and the president of the senate, with copies to the chairpersons of the
25 respective finance committees and fiscal advisors.

26 (c) In addition to, and not by way of limitation on, the exemptions provided in subsections
27 (a) and (b), prior approval by the general assembly shall not be required under this chapter for
28 bonds or other obligations issued by, or financing leases or guarantee agreements entered into by:

29 (1) The Rhode Island Industrial Facilities Corporation; provided financing leases, bonds or
30 other obligations are being issued for an economic development project;

31 (2) The Rhode Island infrastructure bank;

32 (3) The Rhode Island housing and mortgage finance corporation;

33 (4) The Rhode Island student loan authority;

34 (5) Any public corporation to refund any bond or other obligation issued by the public

1 corporation to finance the acquisition, construction, or improvement of an essential public facility
2 provided that the governor certifies to the speaker of the house and the president of the senate, with
3 copies to the chairpersons of the respective finance committees and fiscal advisors that the
4 refunding shall provide a net benefit to the issuer; provided, however, obligations of the Rhode
5 Island resource recovery corporation outstanding on July 31, 1999, may be refunded by the issuance
6 of obligations on or before August 1, 1999;

7 (6) The Narragansett Bay commission;

8 (7) The Rhode Island health and educational building corporation, except bonds or other
9 obligations issued in connection with the acquisition, construction, or improvement of any facility
10 used by any state agency, department, board, or commission, including the council on
11 postsecondary education, to provide services to the public pursuant to the requirements of state or
12 federal law, and all fixtures for any of those facilities; ~~and~~

13 (8) The state to refund any financing leases entered into with the authorization of the
14 general assembly, provided that the governor certifies to the speaker of the house and the president
15 of the senate, with copies to the chairpersons of the respective finance committees and fiscal
16 advisors, that the refunding shall provide a net benefit to the state-; and

17 (9) The University of Rhode Island and its board of trustees.

18 (d) Nothing contained in this section applies to any loan authorized to be borrowed under
19 Article VI, § 16 or 17 of the Rhode Island Constitution.

20 (e) Nothing in this section is intended to expand in any way the borrowing authority of any
21 public corporation under its charter.

22 (f)(1) Any certification made by the governor under subsection (a), (b), or (c) of this section
23 may be relied upon by any person, including without limitation, bond counsel.

24 (2) The certifications shall be transmitted to the speaker of the house and the president of
25 the senate with copies to the chairpersons of the respective finance committees and fiscal advisors.

26 (g) Except as provided for in this chapter, the requirements of this chapter supersede any
27 other special or general provision of law, including any provision which purports to exempt sales
28 or leases between the state and a public corporation from the operation of any law.

29 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- UNIVERSITY OF RHODE ISLAND

1 This act would enhance and further define the role of the board of trustees of the University
2 of Rhode Island, and would provide the board of trustees with tort claim protections similar to other
3 state colleges and agencies. This act would also provide a more efficient procurement process for
4 the university.

5 This act would take effect upon passage.

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