

2012 -- H 7266

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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: Representatives Costa, Corvese, Reilly, Newberry, and Tomasso

Date Introduced: January 26, 2012

Referred To: House 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 for such in-state tuition and fees, notwithstanding any
11 order or directive of the governor, board of governors for higher education or other official to the
12 contrary.

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

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

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

1 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, notwithstanding any order or directive of the governor, the board
5 of governors for higher education or other official to the contrary.

6 This act would take effect upon passage.

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