



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 - TDD (401) 453-0410

Peter F. Kilmartin, Attorney General

April 19, 2012

Hon. Marc A. Cote
The State House
Providence, Rhode Island 02903

Re: Request for Advisory Opinion Regarding Student Residency Policy (S-5.0) of the Rhode Island Board of Governors for Higher Education

Dear Senator Cote:

I am in receipt of your letter of February 9, 2012 to Attorney General Kilmartin, in which you and a number of your colleagues in the Rhode Island State Senate seek an advisory opinion regarding the legality of a policy adopted by the Rhode Island Board of Governors for Higher Education. Attorney General Kilmartin has asked that I respond to your request.

The provision of legal advice is one of the roles of the Attorney General. In doing so, it is important to remember at all times that the "client" of this office is the State of Rhode Island, rather than any particular office, agency, officer, or employee.

Among the ways in which legal advice can be provided is the issuance of an advisory opinion. This office responds to requests for advisory opinions received from the head of a state agency. For the purposes of this policy, this office will issue an advisory opinion from the Senate if received from the President of the Senate, or to the House of Representatives if received from the Speaker.

Should you wish to pursue your request for an advisory opinion, I respectfully suggest that your request be directed to the President of the Senate.

Please note that by declining to provide an advisory opinion at this time, this office specifically takes no position with respect to the substance of your request. Rather, the basis for this determination is the process by which such requests are received by this office.

Very truly yours,

Gerald J. Coyne
Deputy Attorney General

cc: Hon. M. Teresa Paiva Weed – President of the Senate