

**RULES AND REGULATIONS ADOPTED
BY THE SECRETARY OF STATE
PURSUANT TO TITLE 37, CHAPTER 6, SECTION 30
OF THE RHODE ISLAND GENERAL LAWS ENTITLED
“ACQUISITION OF LAND-REGISTRY OF LEASES”**

Rule 1. Purpose

These rules and regulations are drafted to assist and ensure that the state and all its departments boards, bureaus, commissions, officers, or agencies are in compliance with the recent amendments to Rhode Island General Laws 37-6-30 requiring electronic filing of the current registry of all land leases and all subsequent leases entered into by the State and all its departments boards, bureaus, commissions, officers, or agencies with the Office of the Secretary of State. This amendment change was made to promote transparency and to provide more accessibility to the public of the documents referenced in Rhode Island General Laws Section 37-6-30.

Rule 2. Authority

The **Secretary of State** has promulgated the within rules and regulations relating to the electronic filing of the registry of leases, certificates of compliance and all subsequent land leases pursuant to and in accordance with the provisions of the Rhode Island General Laws 37-6-30(b) & (c) Said rules and regulations are established pursuant to the Rhode Island General Laws 37-6-30(b) & (c) and are available for public inspection online at www.sec.state.ri.us/pubinfo or at the Office of the Secretary of State, Public Information Division, State House, Room 38, Providence, Rhode Island, 02903.

Rule 3. Application

The terms and provisions of these rules and regulations shall be liberally construed to permit the **Secretary of State** to effectuate the purposes of state law, goals, and policies.

Rule 4. Definitions

For the purpose of these rules and regulations the following terms will be defined as:

1. **“Agency”** as listed in RIGL §37-6-30, “The state and any department, board, bureau, commission, officer or agency” and any quasi-public corporation or public corporation as defined in RIGL §30-20-5(4).

2. **“Chief Purchasing Officer”** as defined in RIGL §37-2-7(3) “(i) for a state agency, the director of the department of administration, and (ii) for a public agency, the executive director or the chief operational officer of the agency.”
3. **“Filer”** means the individual or individuals designated by an **Agency** to be the person or persons responsible for filing the registry of leases, certificates of compliance and all subsequent land leases with the **Secretary of State**.
4. **“Secretary of State”** means the Office of the Secretary of State.

Rule 5. Current registry transfer requirements

1. All **Agencies** shall file its current registry of all land leases and certificates of compliance with the **Secretary of State** pursuant to RIGL §37-6-30, Acquisition of Land.
 - a. Initial registry must be in electronic .CSV format, indexed in the following order by:
 - i. Property location
 - ii. Name of lessor
 - iii. Address of lessor
 - iv. Name of lessee
 - v. Address of lessee
 - vi. Date of execution
 - vii. Date of expiration
 - viii. File name of each electronic copy
 - b. An electronic copy of each lease must be included with the initial registry.

Rule 6. Lease transfer requirements

1. Within (3) three business days after execution of a lease the Public Corporation or quasi-public agency shall file the lease with the **Secretary of State** electronically through the Lease Registry website. Within Three (3) business days after receipt, the Chief Purchasing Officer shall electronically transmit each lease entered into by the State or its agencies to the Secretary of State's Office for posting on line.
2. For the purposes of these rules and regulations the following information is required to be entered with each filing in addition to the requirements of Rhode Island General Laws 34-6-30
 - i. Property location
 - ii. Name of lessor
 - iii. Address of lessor
 - iv. Name of lessee
 - v. Address of lessee

- vi. Date of execution
- vii. Date of expiration

Rule 7. Certificate of Completion transmittal

1. Within (3) three business days after receipt of the certificate of Compliance **The Chief Purchasing Officer** must file the certificate of completion with the **Secretary of State** electronically through the Lease Registry website.
2. Each certificate of compliance will be electronically associated with the corresponding filed lease.

Rule 8. Designation of lease filer

1. The head of each **Agency** is responsible for designating a person to be the **Filer** for that **Agency**,
2. The designation of the official **Filer** must be submitted in writing on the “*Lease Registry Filer*” form issued by the **Secretary of State**. This form must be resubmitted within thirty (30) days of a change in the designation of the **Filer**. This form will be available online at the **Secretary of State’s** website (www.sec.state.ri.us). The designation must include the full name, mailing address, phone number and email address for the **Filer**. The designation will be complete upon the confirmation of a valid email address by the **Secretary of State**. This information will need to be updated within ten (10) days of a change in email address.
3. An original of the “*Lease Registry Filer*” form, printed on official letterhead, must be sent to the Office of the Secretary of State, Public Information Division, State House, Room 38, Providence, Rhode Island 02903.

Rule 9. Web account setup for Filing Coordinator

1. Upon receipt of the original “*Lease Registry Filer*” form, the **Secretary of State** will issue to the newly designated **Filer** an electronic message containing the username and initial password to enter the system. This initial message will also include detailed instructions on how to file each lease with the **Secretary of State**.

Rule 10. Filing format

All leases must be filed in Portable Document Format (PDF) through the **Secretary of State** Lease Registry Website submitted as provided for in the **Secretary of State** Lease Registry Website. Only file formats and mechanisms of electronic submission specified by these Rules and Regulations and the **Secretary of State** Lease Registry Website will be accepted.

Rule 11. Technical requirements

1. Designated **Filers** must have access to email and be able to access the **Secretary of State** Lease Registry Website through a web browser. In order to comply with the filing format, the **Filer** must have the ability to submit leases in the specified filing format through the **Secretary of State** Lease Registry Website.
2. The **Filer** must fill out all electronic fields as provided in the **Secretary of State** Lease Registry Website in order to submit leases to the **Secretary of State** electronically.

Rule 12. Accepting filings

The **Secretary of State** will start accepting the electronic filing of leases, pursuant to the Rules and Regulations set forth herein, beginning on XX-XX-XXXX. All filings must comply with procedures established by the **Secretary of State** Lease Registry Website.

Rule 12. Proof of filing

Upon the successful electronic submission of a lease, the **Filer** will receive acknowledgement in the form of an electronic confirmation message from the **Secretary of State** indicating that the filing was successfully transmitted through the **Secretary of State** Lease Registry Website. In the absence of such electronic confirmation message, it is the responsibility of the **Filer** to verify that the **Secretary of State** has successfully received the lease. The electronic confirmation message is the **Filer's** record that the lease was filed with the **Secretary of State**.

Rule 14. Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of these Rules and Regulations shall not be affected thereby.

Rule 15. Effective Date

These Rules and Regulations shall take effect twenty (20) days after filing with the **Secretary of State**.

The foregoing Rules and Regulations - "Acquisition of Land-Registry of Leases", after due notice, are hereby adopted and filed with the **Secretary of State** on this XX^h day of XXXX, 2009 to become effective twenty (20) days thereafter, in accordance with the **Rhode Island General Laws Sections 37-6-30, 42-35-3 & 42-35-3.1**.

A. Ralph Mollis
Secretary of State

Notice Given on: May 8, 2009
Public Hearing held: June 10, 2009 10:00 am
Filing Date: July 7, 2009
Effective Date: July 27, 2009