

100-RICR-40-15-3

TITLE 100 - DEPARTMENT OF STATE

CHAPTER 40 - STATE ARCHIVES, LIBRARY, AND PUBLIC INFORMATION

SUBCHAPTER 15 - PUBLIC INFORMATION

PART 3 - ~~Rules and Regulations Adopted by the Secretary of State Pursuant to R.I. Gen. Laws § 37-6-30 Entitled "Acquisition of Land - Registry of Leases"~~

3.1 Purpose

~~These rules and regulations~~ The purpose of this Part is ~~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~~ R.I. Gen. 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~~ Department of State. ~~This amendment change was made to promote transparency and to provide more accessibility to the public of the documents referenced in R.I. Gen. Laws § 37-6-30.~~

3.2 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~~ This Part is promulgated pursuant to and in accordance with the provisions of the R.I. Gen. Laws § 37-6-30(b) & (c). ~~Said rules and regulations are established pursuant to the R.I. Gen. Laws § 37-6-30(b) & (c) and are available for public inspection online at <http://sos.ri.gov/leaseRegistry/index/search> or at the Office of the Secretary of State, Public Information Division, State House, Room 38, Providence, Rhode Island, 02903.~~

3.3 Application

The terms and provisions of ~~these rules and regulation~~ this Part shall be liberally construed to permit the ~~Secretary~~ Department of State to effectuate the purposes of state law, goals, and policies.

3.4 Definitions

A. For the purpose of ~~these rules and regulations~~this Part the following terms will be defined as:

1. "Agency" means any state or public agency, defined as follows:
 - a. "Public agency" means all public corporations and quasi-public agencies listed in R.I. Gen. Laws § <http://webserver.rilin.state.ri.us/Statutes/TITLE37/37-2/37-2-7.HTM>37-2-7(16).
 - b. "State agency" means any department, agency, commission, committee, board, council, bureau or authority or any subdivision thereof of state government, as listed in R.I. Gen. Laws § 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 R.I. Gen. Laws § 30-20-5(4).
2. "Department" means the Department of State.
3. "Chief purchasing officer" means:
 - a. for State agencies, the director of the Department of Administration; or
 - b. for public agencies, the director or chief operations officer, as defined in R.I. Gen. Laws § 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."
4. "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~~ Department of State.

"Secretary of State" means the Office of the Secretary of State.

3.5 ~~Current Initial rRegistry tTransfer requirements~~

~~A. All Agencies shall file its current registry of all land leases and certificates of compliance with the Secretary of State pursuant to R.I. Gen. Laws § 37-6-30, Acquisition of Land.~~

~~BA. Prior to January 1, 2009, the Chief Purchasing Officer shall transfer the tinitial registry to the Department electronically.~~

~~B. All leases filed electronically with the Department through the Lease Registry website will be must be in electronic .CSV format, indexed and searchable in the following order by:~~

1. Property location
2. Name of lessor
3. Address of lessor
4. Name of lessee
5. Address of lessee
6. Date of execution
7. Date of expiration
- ~~8. File name of each electronic copy~~

~~C. An electronic copy of each lease must be included with the initial registry.~~

3.6 ~~Lease tTransfer rRequirements~~

3.6.1 State Agencies

~~A. Within three (3) business days after execution of a lease, the state agency must submit a copy of the lease to the Chief Purchasing Officer.~~

~~B. The Chief Purchasing Officer must file a copy of the lease with the Department electronically through the Lease Registry website within three (3) business days of receipt from the state agency.~~

3.6.2 Public agencies

A. ~~Within (3) three~~ (3) business days after execution of a lease, the ~~Public Corporation or quasi-public agency shall~~must file a copy of the lease with the ~~Secretary Department of State~~ electronically through the Lease Registry website.

B. Within three (3) business days after filing a copy of the lease with the Department, a public agency must issue a certificate of compliance with R.I. Gen Laws § <http://webserver.rilin.state.ri.us/Statutes/TITLE37/37-6/37-6-30.HTM> 37-6-30(c) to the Chief Purchasing Officer.

C. The Chief Purchasing Officer will submit the certificate of compliance to the Department electronically through the Lease Registry website.

1. Each certificate of compliance will be electronically associated with the corresponding filed lease.

~~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 online.~~

3.6.3 Lease Information Required

~~BA. For the purposes of these rules and regulations t~~The following information is required to be entered with each filing in addition to the requirements of R.I. Gen. Laws § 34-6-30:

1. Filing entity

~~2.~~ Property location

~~3.~~ Name of lessor

~~4.~~ Address of lessor

~~5.~~ Name of lessee

~~6.~~ Address of lessee

~~7.~~ Date of execution

~~8.~~ Date of expiration

B. An electronic copy of the lease must be uploaded for each filing.

C. All leases must remain on the Lease Registry website for five (5) years after the lease's expiration.

3.7 ~~Certificate of Completion transmittal~~

A. ~~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.~~

B. ~~Each certificate of compliance will be electronically associated with the corresponding filed lease.~~

3.8 ~~Designation of lease filer~~

A. ~~The head of each Agency is responsible for designating a person to be the Filer for that Agency.~~

B. ~~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.~~

C. ~~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.~~

3.9 ~~Web account setup for Filing Coordinator~~

~~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.~~

3.710 Filing ~~f~~Format

Leases will only be accepted in file formats and mechanisms of electronic submission as specified by the Department or as allowed by the Department's Lease Registry website. ~~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.~~

3.811 Technical Requirements

- A. Designated Filers must have access to email and be able to access the ~~Department's~~ Secretary of State Lease Registry Website through a web browser. ~~In order to comply with the filing format, t~~The Filer must have the ability to submit leases in the ~~specified-accepted~~ filing format through the ~~Secretary of State Lease~~ Department's Lease Registry Website.
- B. The Filer must fill out all electronic fields as provided in the ~~Secretary of State~~ Department's Lease Registry Website in order to submit leases to the ~~Secretary of State~~ Department electronically.

3.12 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 7-7-2009. All filings must comply with procedures established by the Secretary of State Lease Registry Website.~~

3.913 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~~ Department indicating that the filing was successfully transmitted through the ~~Secretary of State~~ Department's 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~~ Department has successfully received the lease. The electronic confirmation message is the Filer's record that the lease was filed with the ~~Secretary of State~~ Department.

3.104 Severability

If any provision of ~~these this Rules and Regulations~~ Part, 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~~this Part shall not be affected thereby.

~~3.15 Effective Date~~

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

~~B. 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 7th day of July, 2009 to become effective twenty (20) days thereafter, in accordance with the R.I. Gen. Laws §§ 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~~