

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF STATE**

**Title of Rule:** Acquisition of Land - Registry of Leases

**Rule Identifier:** 100-RICR-40-15-3

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws § 37-6-30(b) & (c)

**Summary of Rulemaking Action:**

The purpose of this Part is to assist and ensure compliance with R.I. Gen. Laws § 37-6-30 requiring electronic filing of the 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 Department of State. While previous versions of this Part contained all of the information required by statute, the Department determined that it was not written in plain language and was difficult to understand. Therefore, the Department of State is proposing to amend this Part as follows:

- The title of the regulation is reduced to, "Acquisition of Land – Registry of Leases"
- § 3.1 – Removed non-regulatory language and clarified that the purpose of this regulation is to ensure compliance with R.I. Gen. Laws § 37-6-30.
- § 3.2 – This section was pared down to clearly state the statutory authority for this regulation. An outdated link was also removed.
- § 3.3 – Reference to the "Secretary of State" was replaced with "Department," which is defined in § 3.4.
- § 3.4 – The definition for "Secretary of State" was replaced with the definition for "Department." The definitions of "Agency" and "Chief Purchasing Officer," while based on definitions provided in statute, were reworded to improve clarity and avoid statutory reiteration.
- § 3.5 – The Department clarified that all agencies were required to submit their initial registry of leases as of January 1, 2009. The requirement that each submission be indexed by "File name of each electronic copy" was removed as this is not required by the statute or the Registry of Leases application.
- § 3.6 – This section is now clearly broken up to differentiate the responsibilities of state agencies and public agencies. In § 3.6.3, the

Department added language to ensure the regulation clearly laid out the fields required by the Registry of Leases application.

- "Certificate of Completion transmittal" was removed as the details about which agencies must issue certificates and the process for doing so are explained in § 3.6.2.
- "Designation of lease filer" was removed as the Department does not enforce the designation of an official agency lease filer. There is no form for an agency to complete or submit.
- "Web Account Setup for Filing Coordinator" was removed as this procedure is not currently pertinent to the Registry of Leases application.
- § 3.7 – The language in this section was amended to state that agencies may only file leases in the file formats accepted by the Registry of Leases application.
- § 3.8 – References to the "Secretary of State" were replaced with "Department."
- "Accepting filings" was removed as the start date for accepting electronic Registry filings was in 2009.
- § 3.9 – References to the "Secretary of State" were replaced with "Department."
- § 3.10 – Minor grammatical changes.
- "Effective Date" and the signature of former Secretary Mollis were removed as this language is non-regulatory in nature.

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until September 21, 2018 by contacting the appropriate party at the address listed below:

Kristen Cordeiro  
Department of State  
82 Smith Street  
Room 38  
Providence, RI 02903  
[rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov)

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**Regulatory Analysis Summary and Supporting Documentation:**

This amendment will have little to no economic impact and will not affect the small business climate in Rhode Island. The procedure for filing leases and certificates of compliance in the Registry of Leases application is not associated with any costs.

For full regulatory analysis or supporting documentation see agency contact person above.