

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.14.301, 44.14.310, and) PROPOSED AMENDMENT
44.14.312 pertaining to fees charged)
by the Records and Information)
Management Division)

TO: All Concerned Persons

1. On May 18, 2017, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 9:30 a.m. on May 4, 2017, to advise us of the nature of the accommodation that you need. Please contact Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-6197; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail Jeffrey.Hindoien@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.14.301 FEES FOR 16MM MICROFILM SERVICES (1) The following fees will be charged for 16mm microfilm images:

- | | |
|--|----------------|
| (a) A auto E xposure or S canning | \$. <u>105</u> |
| (b) M icrofilm S ervices – C amera R otary (all sizes) | .15 |
| (c) M icrofilm S ervices – I mage to F ilm – AR | .06 |

AUTH: 2-15-405, MCA
IMP: 2-6-1101, 2-6-1114, MCA

REASON: The fee for auto exposure in (a) is adjusted to correct a mistake in a previous rule notice and scanning is removed and placed in ARM 44.14.312. This fee increase is the result of a year-long cost analysis performed by Records and Information Management (RIM) that resulted in the adjustment of fees so that the fees charged are commensurate with the overall costs of the office and reasonably reflect the prevailing rates charged in the public and private sectors for similar services. Other minor changes were made so the rule formatting is consistent with other RIM fee rules.

44.14.310 FEES FOR RECORDS CENTER SERVICES (1) The following

fees shall be charged for services provided for records housed in the state records center:

<u>(a) 1/2 cubic foot storage, per month</u>	<u>\$.17</u>
(a) <u>(b) storage per one cubic foot storage, per month</u>	\$.33
(b) through (f) remain the same, but are renumbered (c) through (g).	
(g) <u>(h) tape storage, per inch</u>	0.55
(h) through (k) remain the same, but are renumbered (i) through (l).	
<u>(m) record center, enter new box into database (each)</u>	<u>.40</u>

AUTH: 2-15-405, MCA

IMP: 2-6-1114, MCA

REASON: New section (a) is added to set forth the fee charged for storing 1/2 cubic foot of records to correct an omission from a previous rule notice and to increase the fee from \$.15 to \$.17. New section (m) adds a fee for entering a new storage box into the record center database. These fees are commensurate with the overall costs of the office and reasonably reflect the prevailing rates charged in the public and private sectors for similar services.

44.14.312 FEES FOR IMAGING SERVICES (1) The following fees shall be charged for imaging services:

<u>(a) indexing/document preparation, per hour</u>	<u>\$25.00</u>
<u>(b) scanning (per image)</u>	<u>.15</u>

AUTH: 2-15-405, MCA

IMP: 2-6-1101, MCA

REASON: New section (b) is added because it was previously incorrectly set forth in ARM 44.14.301 under 16MM Microfilm Services. The fee in (b) has been increased from \$.10 to \$.15. This fee is commensurate with the overall costs of the office and reasonably reflects the prevailing rate charged in the public and private sectors for similar service.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoién@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

5. Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

6. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person to receive notices and specifies

that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

10. The cumulative amount for all persons of the proposed fee changes is approximately \$7,500 annually based on FY 2017 charges for Records and Information Management Division services and supplies. The number of persons affected is approximately two state and local government agencies that purchase supplies or perform services with the Records and Information Management Division.

/s/ JEFFREY M. HINDOIEN
Jeffrey M. Hindoien
Rule Reviewer

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 17th day of April, 2017.