

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF PUBLIC HEARING ON  
RULE I and the repeal of ARM ) PROPOSED ADOPTION AND  
44.14.106 pertaining to records and ) REPEAL  
information management. )

TO: All Concerned Persons

1. On December 13, 2024, at 10:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana, to consider the proposed adoption and repeal 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 5:00 p.m., December 6, 2024, to advise us of the nature of the accommodation needed. Please contact Andy Ritter, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-7911; fax (406) 444-3976; TDD/Montana Relay Service 711; or email Andrew.Ritter@mt.gov.

3. The Secretary of State proposes to adopt the following rule:

NEW RULE I EXECUTIVE BRANCH AGENCY AUTHORITY FOR DISPOSAL OF PUBLIC RECORDS (1) Executive branch agencies must submit information regarding their records management program every five years on a form prescribed by the Secretary of State and State Records Committee to ensure the proper management and safeguarding of public records.

(2) Executive branch agencies must annually review state records management requirements and submit an acknowledgement form prescribed by the Secretary of State and adopted by the State Records Committee.

(3) Executive branch agencies administering the records management function established in 2-6-1103, MCA, may independently dispose of their public records without written approval of the State Records Retention and Disposition Subcommittee if the public records have met their retention period and fall within the approved state general retention schedules or an agency-specific retention schedule(s) approved by the State Records Retention and Disposition Subcommittee.

(a) Executive branch agencies must submit requests for disposal of public records for approval by the State Records Retention and Disposition Subcommittee if the records are not listed on an approved records retention schedule.

(b) An agency public record that is more than twenty-five years old may not be destroyed unless it is first offered to the Montana Historical Society and approved by the State Records Retention and Disposition Subcommittee.

AUTH: 2-6-1101, 2-6-1109, MCA  
IMP: 2-6-1101, 2-6-1103, 2-6-1109, MCA

4. The Secretary of State proposes to repeal the following rule:

44.14.106 DELEGATION AUTHORITY FOR DISPOSAL OF PUBLIC RECORDS

AUTH: 2-6-1101, MCA  
IMP: 2-6-1101, 2-6-1103, MCA

REASONABLE NECESSITY: The proposed repeal of ARM 44.14.106 and adoption of NEW RULE I will streamline current records management processes and create additional efficiencies for state agency records management. These changes remove duplicative processes related to the disposal request process and streamline the request and approval process for agency authority for disposal, which will provide for more effective management of agency records. Additionally, these changes will create various consistencies across all Montana government (municipal, county, and state) based on the statutory changes to the local government records committee disposition processes that passed during the 2023 Legislative Session.

5. With regard to the requirements of 2-4-302(1)(c), MCA, it has been determined that the adoption of NEW RULE I and the repeal of ARM 44.14.106 will not have a fiscal impact.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing [angela.nunn@mt.gov](mailto:angela.nunn@mt.gov), and must be received no later than 5:00 p.m., December 20, 2024.

7. Austin James, Secretary of State's Office, has been designated to preside over and conduct the hearing.

8. 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 may submit their request online at <https://sosmt.gov/arm/secretary-of-state-administrative-rules/> or submit a written request which includes the name and contact information of the person who wishes to receive notices. Written requests may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1301 E. 6th Avenue, P.O. Box 202801, Helena, MT 59620-2801, or emailed to [sosarm@mt.gov](mailto:sosarm@mt.gov).

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

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

/s/ Austin Markus James  
Austin Markus James  
Rule Reviewer

/s/ Christi Jacobsen  
Christi Jacobsen  
Secretary of State

Dated this 12th day of November, 2024.