

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF REPEAL AND
44.14.101 and 44.14.308 through) AMENDMENT
44.14.312 pertaining to records and)
information management fees and)
the amendment of ARM 44.14.106,)
44.14.201, 44.14.202, and 44.14.203)
pertaining to delegation authority for)
records disposal of public records)
and records storage systems and)
requirements)

TO: All Concerned Persons

1. On July 22, 2022, the Secretary of State published MAR Notice No. 44-2-261 pertaining to the public hearing on the proposed repeal and amendment of the above-stated rules at page 1308 of the 2022 Montana Administrative Register, Issue Number 14.

2. On August 12, 2022, a public hearing was held on the proposed repeal and amendment of the above-stated rules. There were no attendees at the public hearing. Written comments were received during the public comment period.

3. The Secretary of State has repealed ARM 44.14.101, 44.14.308, 44.14.309, 44.14.310, 44.14.311, and 44.14.312 as proposed.

4. The Secretary of State has amended the following rules as proposed, with the following changes from the original proposal, deleted matter interlined, new matter underlined:

44.14.106 DELEGATION AUTHORITY FOR DISPOSAL OF PUBLIC RECORDS (1) through (6) remain as proposed.

AUTH: ~~2-6-203~~ 2-6-1101, MCA
IMP: 2-6-1101, 2-6-1103, MCA

44.14.201 USE OF ELECTRONIC RECORDS STORAGE SYSTEMS FOR LOCAL GOVERNMENT DOCUMENTS (1) remains as proposed.

AUTH: ~~2-6-404~~ 2-6-1101, MCA
IMP: 2-6-1205, MCA

44.14.202 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION (LONG-TERM RECORDS) (1) and (2) remain as proposed.

AUTH: ~~2-6-404~~ 2-6-1101, MCA
IMP: 2-6-1205, MCA

44.14.203 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH LESS THAN TEN YEAR RECORD RETENTION SCHEDULE

(1) remains as proposed.

AUTH: ~~2-6-404~~ 2-6-1101, MCA
IMP: 2-6-1205, MCA

5. The Secretary of State has thoroughly considered the comments received. A summary of the comments and SOS's responses are as follows:

COMMENT #1: A commenter noted that the authority statutes for ARM 44.14.106 and 44.14.201 through 44.14.203 reference a repealed statute.

RESPONSE #1: The Secretary of State agrees with this comment and has adjusted the references accordingly.

/s/ AUSTIN JAMES
Austin James
Rule Reviewer

/s/ CHRISTI JACOBSEN
Christi Jacobsen
Secretary of State

Dated this 30th day of August, 2022.