

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF PUBLIC HEARING ON
44.14.301, 44.14.302, and 44.14.304) PROPOSED REPEAL
through 44.14.307 pertaining to)
Records and Information)
Management fees)

TO: All Concerned Persons

1. On June 18, 2021, 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 Building, Helena, Montana, to consider the proposed 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 public hearing 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. on June 11, 2021, to advise us of the nature of the accommodation that you need. Please contact Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-2087; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail angela.nunn@mt.gov.

3. The rules proposed to be repealed are as follows:

44.14.301 FEES FOR 16MM MICROFILM SERVICES

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

44.14.302 FEES FOR 35MM MICROFILM SERVICES

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

44.14.304 FEES FOR FILM PROCESSING

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

44.14.305 FEES FOR FILM INSPECTING

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

44.14.306 FEES FOR FILM DUPLICATION

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

44.14.307 FEES FOR JACKET LOADING/TITLING

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

REASON: On April 8, 2021, the Governor of Montana signed into law Senate Bill (SB) 276. SB 276 removes language in 2-6-1101, MCA concerning microfilm project approvals and the operation of a central microfilming unit under the Secretary of State's Office. As such, all fees listed and received by the Secretary of State's Office related to microfilming services and supplies are no longer relevant or required.

4. With regard to the requirements of 2-4-302(1)(c), MCA, it has been determined that these changes will not have a fiscal impact and no persons will be affected. The Secretary of State's Office has not received payment from fees charged for microfilm services in over four years. The Secretary of State's microfilming and related practices were only available to state agencies and in the last several years were not utilized, as advances in digital storage have overtaken hard-copy records storage and rendered microfilming an obsolete practice.

5. 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 Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., June 25, 2021.

6. Austin Markus James, Chief Legal Counsel, Secretary of State's Office, has been designated to preside over and conduct the hearing.

7. 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 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 combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, P.O. Box 202801, Helena, MT 59620-2801, emailed 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.

8. With regard to the requirements of 2-4-302(2)(d), MCA, the primary bill sponsor, Senator Mike Cuffe, was contacted by mail and email on May 17, 2021 (and confirmed receipt).

9. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the 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 18th day of May, 2021.