

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
amendment of ARM 44.14.301,)	PROPOSED AMENDMENT AND
44.14.302, and 44.14.304 through)	REPEAL
44.14.312, and the proposed repeal)	
of ARM 44.14.303 pertaining to)	
records and information management)	
fees)	

TO: All Concerned Persons

1. On September 12, 2007, a public hearing will be held at 10:00 a.m. in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment 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 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 September 5, 2007, to advise us of the nature of the accommodation that you need. Please contact Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-5375; FAX (406) 444-3976; e-mail jdoggett@mt.gov.

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

44.14.301 FEES FOR 16MM MICROFILM SERVICES (1) The following fees will be charged for 16mm microfilm images: ~~per 1000 pages or any portion thereof:~~

(a) MRD-2 5" x 8" paperwork		\$ 34.12
(b)(a) MRD-2 8 1/2" x 11" and legal (manual)	67.57	\$.165
(c)(b) B & H Auto Exposure	38.58	.103
(d)(c) 8" x 11" or 8" x 14" paperwork (rotary)	30.00	.079
(e)(d) 8" x 11" or 8" x 14" computer printout (rotary)	30.00	.079
(f)(e) extreme size and weight variance (rotary)	34.50	.079
(g)(f) cards - fixed weight and color (rotary)	15.75	.015
(h)(g) cards - mixed weight and color (rotary)	26.25	.026

AUTH: 2-6-103, MCA
IMP: 2-6-110, MCA

44.14.302 FEES FOR 35MM MICROFILM SERVICES (1) The following fees will be charged for 35mm microfilm images: ~~per 1000 pages or any portion thereof:~~

(a) 12" x 12" aerial photos		\$ 68.25
(b)(a) 16" x 20" bound books	63.00	<u>\$.2855</u>
(c)(b) 24" x 34" newspapers	115.50	<u>.27160</u>
(d)(c) 24" x 34" bound newspapers	136.50	<u>.27160</u>
(e)(d) 48" x 48" blueprints/maps	288.75	<u>1.09</u>

AUTH: 2-6-103, MCA
IMP: 2-6-110, MCA

44.14.304 FEES FOR FILM PROCESSING (1) The following fees will be charged for film processing:

(a) 16mm, each 100 foot roll	\$3.62	<u>\$ 7.24</u>
(b) 16mm, each 215 foot roll	7.10	<u>14.20</u>
(c) 35mm, each 100 foot roll	6.35	<u>7.70</u>
(d) 16mm, each 3M cartridge		4.73

AUTH: 2-6-103, MCA
IMP: 2-6-110, MCA

44.14.305 FEES FOR FILM INSPECTING (1) The following fees will be charged for film inspection:

(a) each 100 foot roll inspection	\$ 3.65	<u>\$ 10.64</u>
(b) each 215 foot roll inspection	5.23	<u>21.29</u>
(c) each film splice		0.79
(d) each 3M cartridge Load		2.25

AUTH: 2-6-103, MCA
IMP: 2-6-110, MCA

44.14.306 FEES FOR FILM DUPLICATION (1) The following fees will be charged for film duplicating:

(a) 16mm, each 100 foot roll	\$ 6.81	<u>\$ 11.76</u>
(b) 16mm, each 215 foot roll		13.03
(c) 35mm, each 100 foot roll	9.24	<u>11.80</u>
(d) 105mm, each microfiche or jacket	0.16	<u>0.379</u>
(e) each reader or /printer copy		0.50
(f) 16mm, 100 foot roll (silver)	9.92	<u>20.65</u>
(g) 35mm, 100 foot roll (silver)	14.54	<u>24.50</u>
(h) photocopies/own labor (each copy)		0.10
(i) photocopies/our labor (each copy)		0.50

AUTH: 2-6-103, MCA
IMP: 2-6-110, MCA

44.14.307 FEES FOR JACKET LOADING/TITLING (1) The following fees will be charged for jacket loading and titling:

(a) 16mm, each 5 channel jacket	\$0.3150	<u>\$ 0.8590</u>
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(b) agency's own jacket (each)		0.2887
(c) 35mm, 1 and 2 channel jacket (each)	0.3150	<u>0.8590</u>
(d) loading 16mm aperture card (each)	0.2625	<u>0.8590</u>
(e) jacket title (each)	0.2625	<u>0.7980</u>
(f) jacket notching (each)		<u>0.0525</u>
(g)(f) jacket updating (per hour)	18.00	<u>24.00</u>

AUTH: 2-6-103, MCA

IMP: 2-6-110, MCA

44.14.308 MISCELLANEOUS FEES (1) The following miscellaneous fees will be charged:

(a) fiche title (per title)		\$.2625
(b)(a) indexing and document preparation (per hour)	18.00	<u>\$ 24.00</u>
(b) photocopies/own labor (each copy)		<u>0.10</u>
(c) photocopies/our labor (each copy)		<u>0.50</u>
(e)(d) camera rental (per day)		<u>95.00</u>

AUTH: 2-6-103, MCA

IMP: 2-6-110, MCA

44.14.309 MISCELLANEOUS SUPPLIES (1) The following fees will be charged for filming supplies based on actual cost by supplier:

(a) each NMI reader bulb	\$10.75	<u>\$ 11.85</u>
(b) 16mm, each 100 foot roll film	6.68	<u>7.10</u>
(c) 16mm, each 215 foot roll film		<u>12.95</u>
(d)(c) 35mm, each 100 foot roll film	13.95	<u>15.00</u>
(e)(d) each box of splicing tape	15.00	<u>16.50</u>
(f)(e) jackets (1 box 16mm/1000)	65.00	<u>74.91</u>
(g)(f) fiche envelopes (1 box/1000)		<u>37.50</u>
(h) microfiche reader/printer (records management bureau copies)		<u>0.50</u>
(i) microfiche reader/printer (agency copies)		<u>0.25</u>
(j)(g) postage/freight (cost based on actual fee)		<u>Actual</u>

AUTH: 2-6-103, MCA

IMP: 2-6-110, MCA

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:

(a) storage per square foot, per month		<u>\$0.2565</u>
(b) storage per cubic foot, per month	0.2950	<u>0.31</u>
(c) each retrieval/re-file, each	1.50	<u>1.00</u>
(d) each emergency retrieval, each	6.25	<u>13.36</u>
(e) hourly charge for large retrievals, delivery, interfiling, per hour	22.50	<u>25.00</u>
(f) hourly charge for records disposal, per hour	22.50	<u>25.00</u>
(g) each disk pack storage		<u>2.00</u>

(h)(g) hourly charge for shredding confidential records, <u>per hour</u>	23.05	<u>25.00</u>
(i)(h) tape storage, in vault per inch		0.55

AUTH: 2-6-103, MCA

IMP: 2-6-201, 2-6-202, 2-6-203, 2-6-206, MCA

44.14.311 FEES FOR RECORDS CENTER BOXES (1) The following fees shall be charged for each storage box based upon the supplier costs:

(a) standard size A 15" x 12" x 10"	\$ 1.34	<u>\$ 1.47</u>
(b) standard size B 15" x 12" x 4 1/2"	1.34	<u>1.47</u>
(c) drawing and map storage boxes size 24" x 12" x 10"	1.34	<u>3.22</u>

AUTH: 2-6-201, MCA

IMP: 2-6-202, 2-6-203, 2-6-206, MCA

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

(a) each image	\$ 0.055	<u>\$ 0.106</u>
(b) hourly charge for indexing/document preparation, <u>per hour</u>	18.00	<u>24.00</u>

AUTH: 2-6-201, MCA

IMP: 2-6-202, 2-6-203, 2-6-206, MCA

4. The rule proposed to be repealed provides as follows:

44.14.303 FEES FOR 105MM MICROFILM SERVICES found at page 44-765 of the Administrative Rules of Montana.

AUTH: 2-6-103, MCA

IMP: 2-6-110, MCA

5. STATEMENT OF REASONABLE NECESSITY: The proposed cost increase will affect all state agencies, Montana counties, and the universities in the amount of \$22,079.59 in records center costs and \$128,702.24 in document conversion costs. These rates have been calculated after an 11-year static fee structure. As a cost-commensurate agency 2-15-402, MCA, it has become apparent that the division is not providing services rendered at rates that match the production of services. The services in ARM 44.14.303 are no longer offered.

6. Concerned persons may present their data, views, or arguments concerning the proposed actions, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Patti Borsberry, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing pborsberry@mt.gov, and must be received no later than 5:00 p.m., September 20, 2007.

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, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, e-mailed to jabranscum@mt.gov, faxed to the office at (406) 444-4263, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

8. Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

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

/s/ W. Ralph Peck for
BRAD JOHNSON
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 13th day of August 2007.