

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.14.304 through 44.14.307) PROPOSED AMENDMENT
and 44.14.309 pertaining to fees)
charged by Records and Information)
Management)

TO: All Concerned Persons

1. On August 15, 2013, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's 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 5:00 p.m. on August 8, 2013, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

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

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

(a) 16mm, each 100 foot roll	\$ 7.24 <u>7.70</u>
(b) 16mm, each 215 foot roll	14.20 <u>14.66</u>
(c) 35mm, each 100 foot roll	7.70 <u>8.16</u>

AUTH: ~~2-6-103~~ 2-15-405, 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	\$ 10.64
(b) each 215 foot roll inspection	21.29
(c) each film splice	0.79 <u>5</u>

AUTH: ~~2-6-103~~ 2-15-405, 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	\$ 11.76
(b) 16mm, each 215 foot roll	13.03
(c) 35mm, each 100 foot roll	11.80
(d) 105mm, each microfiche or jacket	0.379 <u>0.386</u>
(e) each reader/printer copy	0.50
(f) 16mm, 100 foot roll (silver)	20.65 <u>21.81</u>
(g) 35mm, 100 foot roll (silver)	24.50 <u>25.66</u>

AUTH: ~~2-6-103~~ 2-15-405, 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	\$ 0.8590 <u>0.879</u>
(b) agency's own jacket (each)	0.2887
(c) 35mm, 1 and 2 channel jacket (each)	0.8590 <u>0.879</u>
(d) loading 16mm aperture card (each)	0.8590
(e) jacket title (each)	0.7980
(f) jacket updating (per hour)	24.00

AUTH: ~~2-6-103~~ 2-15-405, 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	\$ 11.85
(b) 16mm, each 100 foot roll film	7.10
(c) 35mm, each 100 foot roll film	15.00
(d) each box of splicing tape	46.50 <u>17.50</u>
(e) jackets (1 box 16mm/1000)	74.91
(f) fiche envelopes (1 box/1000)	37.50
(g) postage/freight (cost based on actual fee)	Actual

AUTH: ~~2-6-103~~ 2-15-405, MCA
IMP: 2-6-110, MCA

REASON: The increase in fees for these services is reasonably necessary because the charges reflect the fees established in the state term contract for microfilm equipment and supplies (SPB08-1529R) which the Secretary of State is passing on to the state and local agencies that use these services. The additional amount that will be collected through fees associated with document conversion (imaging/microfilming) services will be approximately \$446.00 and will affect approximately 18 customers. The authority and implementation statutes were reviewed and updated.

4. 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: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; or e-mail jquintana@mt.gov, and must be received no later than 5:00 p.m., August 23, 2013.

5. Jorge Quintana, Secretary of State's Office, has been designated to preside over and conduct this 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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. 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 contact person in 4 above or may be made by completing a request form at any rules hearing held by the Secretary of State.

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 Chapter 318, Section 1, Laws of 2013, the Secretary of State has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses because the fees charged by Records and Information Management only apply to state or local agencies.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 15th day of July, 2013.