

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.14.202 pertaining to the) PROPOSED AMENDMENT
retention of local government)
electronic long-term records)

TO: All Concerned Persons

1. On August 6, 2015, at 9:30 a.m., the Secretary of State will hold a public hearing in Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 July 30, 2015, 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) 431-7718; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

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

44.14.202 STORAGE REQUIREMENTS FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION SCHEDULE (LONG-TERM RECORDS) (1) ~~Original long-term documents that are electronically stored must either be maintained in paper form or they may be destroyed or otherwise disposed of if copies are maintained on archival quality microfilm.~~ The Local Government Records Committee adopts and incorporates by reference the Association of Records Managers & Administrators (ARMA) International's Generally Accepted Recordkeeping Principles® for local governments using electronic systems to store long-term records, ©2014 ARMA International, www.arma.org. Local governments should use them as the framework to design, implement, operate, and decommission the systems and to manage the records and data within the systems.

(2) ARMA's Generally Accepted Recordkeeping Principles® can be accessed on the ARMA web site at the following link: http://www.arma.org/docs/sharepoint-roadshow/the-principles_executive-summaries_final.doc.

AUTH: 2-6-404, MCA
IMP: 2-6-403, 2-6-405, MCA

REASON: The Local Government Advisory Committee met on May 20, 2014, and agreed to amend ARM 44.14.202 to state that ARMA International's Generally

Accepted Recordkeeping Principles® be utilized to manage the storage requirements for electronically stored long-term documents regardless of format or media. The rule is amended to implement that recommendation. The Principles are being adopted by reference because the publication of the Principles would be unduly cumbersome and inexpedient as they are 10 pages in length. The Principles are the sole property of ARMA International and because they are a copyrighted trademark, ARMA International's web site is referenced in the rule to adopt the Principles by reference. The Principles will be posted to the Secretary of State's web site at <http://sos.mt.gov/ARM/notices> during the rulemaking process. The following boilerplate information regarding the Principles is required to be cited:

About ARMA International and the Generally Accepted Recordkeeping Principles®

ARMA International (www.arma.org) is a not-for-profit professional association and the authority on managing information as a strategic asset. It provides education, publications, and information on the efficient maintenance, retrieval, and preservation of vital information created in public and private organizations in all sectors of the economy. It also publishes Information Management magazine, and the Generally Accepted Recordkeeping Principles®. More information about the Principles can be found at www.arma.org/principles.

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, or by e-mailing jquintana@mt.gov, and must be received no later than 5:00 p.m., August 14, 2015.

5. Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the 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 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, 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.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/notices>. 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.

/s/ Jorge Quintana
JORGE QUINTANA
Rule Reviewer

/s/ Linda McCulloch
LINDA MCCULLOCH
Secretary of State

Dated this 6th day of July, 2015.