

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 44.14.301, 44.14.302, and ) PROPOSED AMENDMENT  
44.14.304 through 44.14.311 )  
pertaining to fees charged by the )  
Records and Information )  
Management Division )

TO: All Concerned Persons

1. On October 15, 2015, 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 October 1, 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 rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.14.301 FEES FOR 16MM MICROFILM SERVICES (1) The following fees will be charged for 16mm microfilm images:

(a) MRD-2 8 1/2" x 11" and legal (manual)	\$ .165
(b) <u>(a) B &amp; H Auto Exposure</u>	<u>\$ .103</u>
(c) 8" x 11" or 8" x 14" paperwork (rotary)	.079
(d) 8" x 11" or 8" x 14" computer printout (rotary)	.079
(e) extreme size and weight variance (rotary)	.079
(f) cards - fixed weight and color (rotary)	.015
(g) cards - mixed weight and color (rotary)	.026
<u>(b) Microfilm Services – Image to Film – AR</u>	<u>.06</u>

AUTH: ~~2-6-103~~ 2-15-405, MCA  
IMP: ~~2-6-110~~, 2-6-203, 2-6-211, MCA

44.14.302 FEES FOR 35MM MICROFILM SERVICES (1) The following fees will be charged for 35mm microfilm images:

(a) 16" x 20" bound books	\$ .2855
(b) 24" x 34" newspapers	.27160

(c) <del>24" x 34" bound newspapers</del>	<del>27160</del>
(d) (a) <u>48" x 48" MRG</u> blueprints/maps	\$ 1.09
(b) <u>MRD - all sizes</u>	.35

AUTH: ~~2-6-103~~ 2-15-405, MCA  
 IMP: ~~2-6-110~~, 2-6-203, 2-6-211, MCA

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

(a) 16mm, each 100 foot roll	\$ <del>7.70</del> <u>8.50</u>
(b) 16mm, each 215 foot roll	<del>14.66</del> <u>17.00</u>
(c) 35mm, each 100 foot roll	<del>8.16</del> <u>8.90</u>

AUTH: 2-15-405, MCA  
 IMP: ~~2-6-110~~, 2-6-203, 2-6-211, MCA

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

(a) each 100 foot roll inspection	\$ <del>10.64</del> <u>11.00</u>
(b) each 215 foot roll inspection	<del>21.29</del> <u>22.00</u>
(c) each film splice	<del>0.795</del> <u>0.80</u>

AUTH: 2-15-405, MCA  
 IMP: ~~2-6-110~~, 2-6-203, 2-6-211, MCA

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

(a) 16mm, each 100 foot roll	\$ <del>11.76</del> <u>12.25</u>
(b) 16mm, each 215 foot roll	<del>13.03</del> <u>15.00</u>
(c) <del>35mm, each 100 foot roll</del>	<del>11.80</del>
(d) (c) 105mm, each microfiche or jacket	<del>0.386</del> <u>0.43</u>
(e) (d) each reader/printer copy	<del>0.50</del> <u>0.75</u>
(f) (e) 16mm, 100 foot roll (silver)	<del>21.84</del> <u>23.00</u>
(g) (f) 35mm, 100 foot roll (silver)	<del>25.66</del> <u>29.00</u>

AUTH: 2-15-405, MCA  
 IMP: ~~2-6-110~~, 2-6-203, 2-6-211, 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	\$ <del>0.879</del> <u>0.88</u>
(b) <del>agency's own jacket (each)</del>	<del>0.2887</del>
(c) (b) 35mm, 1 and 2 channel jacket (each)	<del>0.879</del> <u>0.90</u>
(d) <del>loading 16mm aperture card (each)</del>	<del>0.8590</del>
(e) (c) jacket title (each)	<del>0.7980</del> <u>0.90</u>
(f) <del>jacket updating (per hour)</del>	<del>24.00</del>

AUTH: 2-15-405, MCA  
IMP: ~~2-6-110~~, 2-6-203, 2-6-211, MCA

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

(a) indexing and document preparation (per hour)	\$ <del>24.00</del> <u>25.00</u>
(b) and (c) remain the same.	
<del>(d) camera rental (per day)</del>	<del>95.00</del>
<u>(d) vendor shredding (recall)</u>	<u>As billed by the vendor</u>

AUTH: ~~2-6-103~~, 2-15-405, MCA  
IMP: ~~2-6-110~~, 2-6-211, MCA

44.14.309 MISCELLANEOUS SUPPLIES (1) The following fees will be charged for Fees for the following filming supplies based on actual cost by supplier and postage/freight will be as charged by the supplying vendor:

<del>(a) each NMI reader bulb</del>	<del>\$ 11.85</del>
<del>(b) (a) 16mm, each 100 foot roll film</del>	<del>7.10</del>
<del>(c) (b) 35mm, each 100 foot roll film</del>	<del>15.00</del>
<del>(d) each box of splicing tape</del>	<del>17.50</del>
<del>(e) jackets (1 box 16mm/1000)</del>	<del>74.91</del>
<del>(f) (c) fiche envelopes (1 box/1000)</del>	<del>37.50</del>
<u>(g) (d) postage/freight (cost based on actual fee)</u>	<u>Actual</u>

AUTH: 2-15-405, MCA  
IMP: ~~2-6-110~~, 2-6-203, 2-6-211, 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:

<del>(a) storage per square foot, per month</del>	<del>\$0.2565</del>
<del>(b) storage per cubic foot, per</del>	<del>0.31</del> <u>\$ 0.33</u>
<del>(c) (b) retrieval/re-file, each</del>	<del>1.00</del> <u>1.20</u>
<del>(d) (c) emergency retrieval, each</del>	<del>13.36</del> <u>25.00</u>
(e) through (h) remain the same, but are renumbered (d) through (g).	
<del>(h) permanent withdrawal (remove or dispose)</del>	<del>25.00 per hour</del>
<del>(i) database set-up</del>	<del>25.00 per hour</del>
<del>(j) unsuccessful search</del>	<del>1.20</del>
<del>(k) data research</del>	<del>25.00 per hour</del>

AUTH: ~~2-6-103~~, 2-15-405, MCA  
IMP: ~~2-6-201~~, ~~2-6-202~~, ~~2-6-203~~, ~~2-6-206~~, 2-6-211, 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"	\$ <u>1.47</u> <u>2.47</u>
<del>(b) standard size B 15" x 12" x 4 1/2"</del>	<del>1.47</del>

~~(c) drawing and map storage boxes size 24" x 12" x 10" 3.22~~

AUTH: ~~2-6-201~~ 2-15-405, MCA

IMP: ~~2-6-202, 2-6-203, 2-6-206, 2-6-211~~, MCA

REASON: These amendments are reasonably necessary to adjust the fees associated with the materials purchased and labor provided by the Records and Information Management Division so that the fees are commensurate with the overall costs of the office and reasonably reflect the prevailing rates charged in the public and private sectors for similar services. 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](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., October 23, 2015.

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. The cumulative amount for all persons of the proposed fee changes is approximately \$50,000 annually based on FY 2015 charges for Records and Information Management Division services and supplies. The number of persons affected is approximately 70 state and local government agencies that purchase

supplies or perform services with the Records and Information Management Division.

/s/ JORGE QUINTANA  
Jorge Quintana  
Rule Reviewer

/s/ LINDA MCCULLOCH  
Linda McCulloch  
Secretary of State

Dated this 14th day of September, 2015.