

1 HOUSE BILL NO. 9
 2 INTRODUCED BY [Signature]
 3 BY REQUEST OF THE OFFICE OF BUDGET
 4 AND PROGRAM PLANNING

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE
 7 GENERAL FUND A PORTION OF CERTAIN FEES COLLECTED BY THE
 8 SECRETARY OF STATE; AMENDING SECTIONS 2-4-313 AND 2-6-211,
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
 10 TERMINATION DATE."

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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 2-4-313, MCA, is amended to read:

14 "2-4-313. Distribution, costs, and maintenance. (1) The
 15 secretary of state shall distribute copies of ARM and
 16 supplements or revisions thereto to the following:

- 17 (a) attorney general, one copy;
- 18 (b) clerk of United States district court for the
 19 district of Montana, one copy;
- 20 (c) clerk of United States court of appeals for the
 21 ninth circuit, one copy;
- 22 (d) county commissioners or governing body of each
 23 county of this state, for use of county officials and the
 24 public, at least one but not more than two copies, which may
 25 be maintained in a public library in the county seat or in

- 1 the county offices as the county commissioners or governing
- 2 body of the county may determine;
- 3 (e) state law library, one copy;
- 4 (f) state historical society, one copy;
- 5 (g) each unit of the Montana university system, one
- 6 copy;
- 7 (h) law library of the university of Montana, one copy;
- 8 (i) legislative council, two copies;
- 9 (j) library of congress, one copy;
- 10 (k) state library, one copy.
- 11 (2) The secretary of state, each county in the state,
- 12 and the librarians for the state law library and the
- 13 university of Montana law library shall maintain a complete,
- 14 current set of ARM, including supplements or revisions
- 15 thereto. Such persons shall also maintain the register
- 16 issues published during the preceding 2 years. The secretary
- 17 of state shall also maintain a permanent set of the
- 18 registers.
- 19 (3) The secretary of state shall make copies of and
- 20 subscriptions to ARM and supplements or revisions thereto
- 21 and the register available to any person at prices fixed in
- 22 accordance with subsection (4).
- 23 (4) The secretary of state, in consultation with the
- 24 administrative code committee, shall determine the cost of
- 25 supplying copies of ARM and supplements or revisions thereto



1 and the register to persons not listed in subsection (1).
 2 The cost shall be the approximate cost of publication of
 3 such copies, including indexing, printing or duplicating,
 4 and mailing. However, a uniform price per page or group of
 5 pages may be established without regard to differences in
 6 cost of printing different parts of ARM and supplements or
 7 revisions thereto and the register.

8 (5) The secretary of state shall deposit ~~all~~ fees he
 9 collects in the amount of \$20,000 for fiscal year 1993 in
 10 the general fund on or before June 30, 1993, and shall
 11 deposit all other fees in an account within the state
 12 special revenue fund created for paying the expenses of
 13 publication of ARM and the register.

14 (6) The secretary of state may charge agencies a filing
 15 fee for all material to be published in ARM or the register.
 16 He shall fix, in consultation with the administrative code
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1 **Section 2.** Section 2-6-211, MCA, is amended to read:

2 *2-6-211. **Transfer of public records.** (1) All public
 3 records not required in the current operation of the office
 4 where they are made or kept and all records of each agency,
 5 commission, committee, or any other activity of the
 6 executive branch of state government which may be abolished
 7 or discontinued shall be, in accordance with approved
 8 records retention schedules, either transferred to the state
 9 records center or transferred to the custody of the state
 10 archives if such records are considered to have permanent
 11 administrative or historical value.

12 (2) When records are transferred to the state records
 13 center, the agency so doing loses none of its rights of
 14 control and access. The state records center is only a
 15 custodian of the agency records, and access will only be by
 16 agency approval. Agency records for which the state records
 17 center acts as custodian may not be subpoenaed from the
 18 state records center but must be subpoenaed from the agency
 19 to which the records belong. Fees may be charged to cover
 20 the cost of records storage and servicing. On or before June
 21 30, 1993, the secretary of state shall transfer \$20,000 to
 22 the general fund from the proprietary account funded by this
 23 section.

24 (3) If an agency does not wish to transfer records as
 25 provided in an approved retention schedule, the agency

1 shall, within 30 days, notify the secretary of state and
2 request a change in the schedule."

3 NEW SECTION. **Section 3.** Effective date -- termination.
4 [This act] is effective on passage and approval and
5 terminates July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

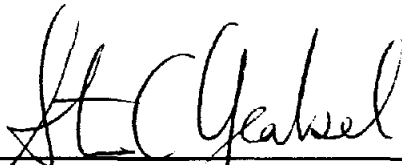
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0009, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act transferring to the general fund a portion of certain fees collected by the Secretary of State.

FISCAL IMPACT:

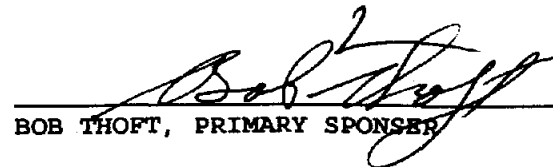
The proposal transfers \$20,000 from the state special revenue fund (administrative rules) and \$20,000 from the proprietary account (records management) to the general fund in FY93.



STEVE YRAKEL, BUDGET DIRECTOR
Office of Budget and Program Planning

1/7/92

DATE



BOB THOFT, PRIMARY SPONSOR

1/8/92

DATE

Fiscal Note for HB0009, as introduced

HB 9

APPROVED BY COMMITTEE
ON APPROPRIATIONS

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