TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 1. GENERAL

RULE IMPACT STATEMENT

Subchapter 19. Access to Public Records
780:1-19-1. Availability; confidentiality; information requests [AMENDED]

A. Brief description of the purpose of the proposed rule.

The proposed amendments to Subchapter 19 provide updated fee schedules for substantial commercial record searches and photocopies produced to better align with modern costs. Public records of the Department may be inspected and copied during regular business hours in accordance with state and federal laws and the policies and procedures of 51 O.S. Supp. 2000, §24A.1 et seq., as amended.

B. Classification of the rule as major or nonmajor, with a justification for the classification, including an estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals and a determination of whether those costs will exceed One Million Dollars ($1,000,000.00) over the initial five-year period following the promulgation of the proposed rule. Provided, if the costs exceed One Million Dollars ($1,000,000.00), the agency shall classify the rule as a major rule.

The proposed rule changes are nonmajor. There are no foreseen economic impacts in the implementation and enforcement/compliance of the proposed rules.

C. Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

The proposed rule changes may affect individuals and entities requesting records from the Oklahoma Department of Career and Technology Education, particularly those requesting records for commercial purposes or requiring photocopies. Individuals and entities requesting records that require substantial search time for commercial purposes may incur an increased fee from $10 to $40 per hour. Additionally, photocopy fees will increase from $0.10 to $0.25 per page. The financial impact is expected to be minimal and limited to individuals or entities requesting these services. The agency has not received information from public or private entities identifying additional cost impacts associated with the proposed changes.

D. Description of the classes of persons who will benefit from the proposed rule.

There are no known benefits to any classes of persons from the proposed rule amendments

E. A description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

The proposed rule changes are expected to have minimal economic impact on affected individuals, businesses, and political subdivisions. The changes include an increase in the fee for substantial commercial records search time from $10 to $40 per hour and an increase in photocopy fees from $0.10 to $0.25 per page for personal, commercial, and public interest requests.

The increase in commercial search fees is intended to better reflect the administrative and personnel costs associated with fulfilling requests requiring substantial staff time. The increase in photocopy fees is intended to more accurately reflect the costs associated with reproducing records, including materials, equipment, and administrative expenses.

These fees will apply only when the associated services are requested, and the overall economic impact is anticipated to be minimal.

F. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The proposed rule changes are not anticipated to result in additional implementation or enforcement costs to the agency or other state agencies. Existing personnel and resources will be utilized to administer the updated fees. The increases are intended to better recover costs associated with records searches and reproduction. Any additional revenue generated is expected to be minimal and dependent upon the volume and nature of records requests received. No significant impact on overall state revenues is anticipated, and a projected net gain cannot be reliably determined at this time.

G. Determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule.

The proposed rule changes are not anticipated to have a significant economic impact on political subdivisions. Any costs incurred would be limited to applicable fees for records requests submitted to the agency. Implementation and enforcement of the proposed rule will be administered by the agency and will not require the cooperation or participation of political subdivisions.

H. Determination of whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

There is no known adverse economic impact on small business because of the proposed rule amendments as provided by the Oklahoma Small Business Regulatory Flexibility Act.

I. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

The agency has minimized costs by limiting the proposed changes to specific fees associated with records searches and reproduction. The adjustments are intended to better reflect actual administrative and reproduction costs without imposing additional compliance requirements. Existing procedures and resources will be utilized to implement the changes. No less costly or non-regulatory alternatives have been identified that would achieve the same level of cost recovery.

J. Determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designated to reduce significant risks to the public health, safety, and environment, and explanation of the nature of the risk and to what extent the proposed rule will reduce that risk.

The proposed rule amendments have no known effect on public health, safety, and environment.

K. Determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented.

The proposed amendments will not have a detrimental effect on public health, safety and environment if not implemented.

L. Date the rule impact statement was prepared and if modified, the date modified.

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Modified:

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