

**TITLE 60. ARCHIVES AND RECORDS COMMISSION**  
**CHAPTER 10. ARCHIVES AND RECORDS**  
**Subchapter 11 Service Fees [AMENDED]**

**RULE IMPACT STATEMENT**

**60:10-11-4 [AMENDED]**

Before the Oklahoma Archives and Records Commission, February 22, 2010.

**A. A brief description of the purpose of the proposed rule.**

The Commission is proposing an amendment to Subchapter 11 to increase the fee for storage of state agency records at the State Records Center from \$0.25 per month per cubic foot to \$.30 per month per cubic foot. The proposed amendment also eliminates language regarding records storage boxes, which are no longer made available by the agency. The Commission has statutory authority to charge a reasonable filing fee for the storage of records as outlined in the Records Management Act, 67 O.S. Section 212 and OAC 60:1-1-5.

**B. A 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.**

State agencies that store records at the State Records Center will be affected by the proposed amendment to the rule and will bear the cost associated with the amendment to the rule. Currently 32 state agencies store 67,134.1 cubic feet of temporary and permanent records at the State Records Center. The monthly fees range from \$0.25 to \$5,711.78, based on the number of cubic feet stored by each agency. State agencies are not required to store records at the State Records Center and may obtain storage space from other sources, such as commercial records storage firms. There has been no information submitted on the cost impacts from any public or private entities.

**C. A description of the classes of persons who will benefit from the proposed rule.**

Oklahoma taxpayers will benefit from the proposed rule through continued convenient access to public records. State agencies will continue to have convenient access to necessary and essential temporary and permanent records, along with other services, such as file retrieval and destruction, at minimal expense. In Fiscal Year 2009, 4,515 files were retrieved by state agencies and members of the public. Records stored at the Center include Workers' Compensation Court files, Department of Education teacher certification files, and Corporation Commission docket files. The proposed rule supports the continued maintenance of this facility and the access to state records in a cost effective and convenient manner for state agencies and the public.

**D. 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 revenue generated from the increased storage fee established by the proposed amendment would, in part, offset the costs associated with providing the services associated with these essential records and allow this agency to continue to provide these services efficiently. The current fee of \$0.25 per month per cubic foot was established in 2000.

**E. The 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 revenue generated from the increased fee established by the proposed amendment would, in part, replace general appropriation cuts and shift a greater percentage of the cost of maintaining and providing access to the records from general taxpayers to the agencies that create and maintain the records.

**F. A 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.**

Political subdivisions will not be impacted economically.

**G. A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.**

This rule will not have an adverse economic effect on small business. In fact, some agencies may choose to move their records from the State Records Center to a commercial storage facility if they determine the overall fee structure to be more cost effective. Typically, commercial storage facilities require payment of additional fees, such as fees for accepting records, retrieving records, re-filing records, and destroying records. No businesses will lose sales or significant revenue due to changes in this rule.

**H. An 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.**

Since the current fee was established in 2000, the volume of state agency records stored at the State Records Center has grown to 67,134.1 cubic feet. Costs associated with the operation of the State Records Center have also increased. These expenses include building lease, maintenance and repair, utilities, security, and staff costs. The need for convenient, secure storage space for state agency records is evident in the Records Center's most recent statistics. New transfers to the State Records Center in Fiscal Year 2009 totaled 7,371.5 cubic feet. Destruction of state agency records stored at the State Records Center totaled 5,026.6 cubic feet, with no additional charges assessed to the agencies that created the record. The revenue generated by the increased storage fee is expected to allow the program to continue at its current staff and service levels.

**I. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.**

The proposed rules are not anticipated to have any effect on the public health, safety, or the environment.

**J. A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented.**

No effect on the public health, safety, or the environment will result if these rule amendments are not implemented.

**K. The date the rule impact statement was prepared and if modified, the date modified.**

This Rule Impact Statement was prepared on December 29, 2009.