

2012 RULEMAKING ACTIONS - IMPORTANT DATES AND DEADLINES*

*** NOT APPLICABLE TO "TITLE 59 AGENCIES"¹ OR RULES THAT ESTABLISH/INCREASE FEES - See separate schedule**

¹ A "Title 59 agency" is an agency, board, or commission created by or that receives its authority from Title 59 of the Oklahoma Statutes [75:308(F); HB 1044 (2011)]

SESSION DATES

The 2012 legislative session will convene on Monday, February 6. The Legislature will adjourn sine die no later than Friday, May 25.

PUBLISHING NRI'S FOR 2012 RULEMAKING

For 2012 rules, the last possible date for publishing a Notice of Rulemaking Intent (NRI) in the Register is **February 15 (submission deadline January 26)**. This is earlier than usual, since NRI's can usually be published as late as March 1 and still provide agencies with enough time to complete a 30-day comment period, hold a public hearing, adopt the rules, and submit them for gubernatorial/legislative review by April 1. However, this year, the 30th calendar day following a March 1 publication date (i.e., March 31) falls on a Saturday, so the comment period, as well as the public hearing, could not be completed until the next working day (i.e., Monday, April 2). This would obviously make it impossible to file the rules with the Legislature by April 1. (See APRIL FOOLS DEADLINE below) Hence, the need to file your NRI's by January 26 this year, for publication in the February 15 Register. However, be aware that, in some cases, an even earlier publication date may be needed (see ² below).

² *If your agency's rules are adopted by a board or commission, rather than an individual officer (like the State Treasurer or Secretary of State), the meeting schedule of the board/commission must also be considered. In some cases, because of board/commission meeting dates, the February 15 issue may be too late for publishing the NRI --- e.g., if the board or commission is not scheduled to meet between March 16 (the last day of the 30-day comment period for an NRI published on February 15) and April 1, the NRI would need to be published in an earlier issue of the Register, to allow enough time for the 30-day comment period/public hearing to be completed and the board/commission to adopt the rules by April 1. [For earlier issue dates/deadlines, see schedule of Register Publication Dates/Filing Deadlines Volume 29 at <https://www.sos.ok.gov/oar/info.aspx>.]*

APRIL FOOL'S DEADLINE

Each year, April 1 is a critical date for agencies in the permanent rulemaking process. Statutes set out an April 1 cutoff date for filing proposed ("adopted") permanent rules which, if met, ensures review by the Legislature during that year's legislative session, even if the Legislature adjourns early.³ In other words, if the rules are filed with the Legislature by April 1 (or within 10 days after adoption, whichever is earlier) and the Legislature adjourns prior to completion of the 30-legislative-day review period for those rules, the rules will be considered approved by the Legislature upon sine die adjournment, unless the rules have been disapproved by joint or concurrent resolution.

This year, April 1 falls on a Sunday; however, with the introduction of the State Online Filing System, rules can now be submitted for review on weekends as well as on weekdays. As a result, it won't be necessary to submit rules by the Friday before April 1, as in previous years when April 1 fell on a weekend. So, if you choose, you can submit the rules on Saturday, March 31 or Sunday, April 1; otherwise, you'll need to submit them on or before Friday, March 30.

³ *Rules can still be submitted for legislative review after April 1; however, if the Legislature adjourns sine die prior to the completion of a 30-legislative-day review period, the rules will be held over for review during the first 30 legislative days of the next legislative session, unless the rules are specifically approved by a joint or concurrent resolution.*

EASTER BREAK

Both houses of the Legislature are typically closed for Good Friday - and the Senate is typically closed on the Thursday before Easter. In 2012, Easter falls on April 8, so be aware that, if the Senate does not meet on Thursday, April 5 and the Senate and House do not meet on Friday, April 6, **those days can't be counted as legislative days** when calculating the 30-legislative-day review period for rules. [Note: If you're using the OAR's schedule of "2012 Estimated Legislative Approval/Final Adoption Dates," an assumption was made when calculating the estimated dates that April 5 and 6 will NOT be legislative days.]

ESTIMATED LEGISLATIVE APPROVAL DATE FOR EARLY SUBMISSIONS

For permanent rules submitted for legislative review prior to the start of the legislative session on February 6, the estimated date of legislative approval (and final adoption if the Governor has also approved the rules) is March 28. This estimate is based on the assumption that the Legislature will meet each Monday through Thursday, including President's Day (February 20).