

# 2012 RULEMAKING ACTIONS - IMPORTANT DATES AND DEADLINES

for

## ● TITLE 59 AGENCIES<sup>1</sup>

and

## ● RULES THAT ESTABLISH/INCREASE FEES

<sup>1</sup> 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 . . . .

Pursuant to HB 1044 (2011), as of 11-1-11, there is no longer a specific cutoff date for Title 59 agencies or for agencies proposing fees or fee increases to file their proposed (adopted) permanent rules with the Legislature for review.<sup>2</sup> Thus, there is no longer a need to identify the latest possible Register issue for publishing an NRI that would still provide agencies with enough time to complete all the steps required in order to be able to adopt the rules and file with the Legislature by April 1. However, since these rules must now be actively approved by joint resolution of the Legislature by the end of the legislative session, we strongly advise that you publish your Notice of Rulemaking Intent (NRI) as early as possible, to provide the Legislature with as much time as possible to review the rules and complete the joint resolution process prior to the end of session. *[To plan for the publication of your NRI's in the Register, see the schedule of "Register Publication Dates and Filing Deadlines Volume 29" at <https://www.sos.ok.gov/oar/info.aspx>.]*

<sup>2</sup>Note that, although there's no longer a cutoff date, these rules still need to be filed with both the Governor and Legislature within 10 days after adoption.#

### APRIL FOOL'S DEADLINE . . . .

As noted above, the April 1 cutoff date for filing proposed permanent rules for legislative review is no longer applicable for rules proposed by Title 59 agencies and rules that establish or increase fees.

### EASTER BREAK . . . .

Since counting legislative days is no longer necessary for these types of rules, and since proposed rules are now filed online instead of delivered to the Legislature, the impact of the Easter break on filing rules and counting legislative days is no longer a concern for these rules. However, as an fyi . . . both houses of the Legislature are typically closed for Good Friday - and the Senate does not typically meet on the Thursday before Easter. In 2012, Easter falls on April 8, so we can assume that the Senate will not meet on Thursday, April 5, and neither chamber will meet or be open on Friday, April 6.

### LEGISLATIVE APPROVAL. . . .

These types of proposed rules can be approved by joint resolution of the Legislature<sup>3</sup> at any time after the rules have been submitted for legislative review. However, if not approved by the end of the session, the rules are considered disapproved.

<sup>3</sup> Note, however, that joint resolutions must not only be passed by both houses of the Legislature, but must also be signed by the Governor - or, if vetoed by the Governor, the Legislature must override the gubernatorial veto. So, the mere passage of a joint resolution approving your rules by both the House and the Senate does not constitute approval of your rules. The rules are not considered approved until the Governor has signed the joint resolution - or until both the House and Senate have voted to override a gubernatorial veto of the resolution.

### FINAL ADOPTION. . . .

The rules are not only considered approved by the Legislature, but they are also considered finally adopted when the Governor signs the Legislature's joint resolution approving the rules - or when both houses of the Legislature have voted to override a veto of the resolution. In fact, at this point, the rules are considered finally adopted regardless of whether the Governor has already approved or disapproved the rules, or subsequently approves or disapproves the rules, during the 45 calendar days provided for the Governor's review of the rules.