

# 2013 RULEMAKING ACTIONS - IMPORTANT DATES AND DEADLINES\*

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

<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 2013 legislative session will convene on Tuesday, January 8, and recess until Monday, February 4. The Legislature will adjourn sine die no later than Friday, May 31.

## PUBLISHING NRI'S FOR 2013 RULEMAKING . . . .

For 2013 rules, agencies should be able to publish a Notice of Rulemaking Intent (NRI) in the Register as late as **February 15 (submission deadline January 25)** and still have 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.<sup>2</sup> However, be aware that, in some cases, an even earlier publication date may be needed (see <sup>3</sup> below).

<sup>2</sup> Although not recommended, it is theoretically possible to publish an NRI as late as March 1 this year (submission deadline February 8). HOWEVER, you would not only have to schedule your hearing and the close of your comment period for April 1, but you would have to be prepared to follow that up on the same day by adopting the rules and filing them with the Governor/Legislature for review.

<sup>3</sup> 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 30 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.<sup>4</sup> 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.

<sup>4</sup> 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 2013, Easter falls on March 31, so be aware that, if the Senate does not meet on Thursday, March 28 and the Senate and House do not meet on Friday, March 29, **those days can't be counted as legislative days** when calculating the 30-legislative-day review period for rules. [Note, however, that if you're using the OAR's schedule of "2013 Estimated Legislative Approval/Final Adoption Dates," an assumption was made when calculating the estimated dates that March 28 and 29 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 January 8, the estimated date of legislative approval (and final adoption if the Governor has also approved the rules) is March 26. This estimate is based on the assumption that the Legislature will meet each Monday through Thursday, including President's Day (February 18).