

## 2011 RULES - IMPORTANT DATES AND DEADLINES

### SESSION DATES . . . .

The 2011 legislative session will convene on Tuesday, January 4, and recess until Monday, February 7. The Legislature will adjourn sine die no later than Friday, May 27.

### PUBLISHING AN NRI FOR 2011 RULEMAKING . . . .

For 2011 rules, a Notice of Rulemaking Intent (NRI) could be published in the *Register* as late as March 1 (submission deadline February 9) and still provide enough time to complete the required 30-day comment period, adopt the rules, and submit them for gubernatorial/legislative review by April 1. However, the 30-day comment period would need to run until March 31, and the agency would have to adopt the rules, complete the paperwork, and file the adopted rules with the Legislature by the next day, April 1. Because of this extremely short turnaround time, we strongly recommend that agencies plan to publish their NRI's in the *Register* by February 15 (submission deadline January 26), or even earlier if board/commission meetings are a factor in scheduling a hearing and/or adoption (see <sup>1</sup> below).

<sup>1</sup> **Important:** *If your agency's rules are adopted by a board, commission, etc., 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 --- if the board or commission is not scheduled to meet between March 17 (the last day of the 30-day comment period for an NRI published in the February 15 issue) and April 1, the NRI would need to be published in an earlier issue of the Register in order for the 30-day comment period to be completed prior to adoption by the board/commission. [For earlier issue dates and deadlines, see Schedule of Register Publication Dates and Filing Deadlines Volume 28.]*

### 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>2</sup> - i.e., if the rules are filed with the Legislature on or before April 1 or within 10 days after adoption, whichever is earlier, the rules will be considered approved (if not otherwise disapproved), even if the Legislature adjourns prior to the completion of the 30-legislative-day review period for those rules.

<sup>2</sup> *Rules can 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 the next legislative session, unless the rules are specifically approved by a joint or concurrent resolution.*

### EASTER BREAK . . . .

Both houses of the Legislature typically close for Good Friday - and the Senate does not typically meet on the Thursday before Easter. In 2011, Easter falls on April 24, so the Senate will probably not meet on Thursday, April 21, and neither chamber will meet or be open on Friday, April 22 (see also "APRIL FOOL'S DEADLINE" above). Be aware that, if the Senate does not meet on Thursday, April 21, **it can't be counted as a legislative day** when calculating the 30-legislative-day review period for rules. *[Note: If you're using the OAR's schedule of "2011 Estimated Legislative Approval/Final Adoption Dates," an assumption was made when calculating the estimated dates that April 21 and 22 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 4, the estimated date of legislative approval (and final adoption if the Governor has also approved the rules) is March 29. This estimate is based on the assumption that the Legislature, after convening on January 4 and recessing until February 7, will meet each Monday through Thursday, including President's Day (February 21).