

2014 RULEMAKING ACTIONS - IMPORTANT DATES AND DEADLINES

SESSION DATES

The 2014 legislative session will convene on Monday, February 3. The Legislature will adjourn sine die no later than Friday, May 30.

PUBLISHING NRI'S FOR 2014 RULEMAKING

For 2014 permanent rules, agencies should be able to publish a Notice of Rulemaking Intent (NRI) in the Register as late as **February 18 (submission deadline January 24)** and still have enough time to complete a 30-day comment period, hold a public hearing, adopt the rules, and submit them to the Legislature and Governor via the State Online Filing System by April 1 (see April Fool's Deadline below). However, be aware that, in some cases, an even earlier publication date may be needed (see ¹ below).

¹ *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 18 issue may be too late for publishing the NRI --- e.g., if the board or commission is not scheduled to meet between March 20 (the last day of the 30-day comment period for an NRI published on February 18) 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 31 at <https://www.sos.ok.gov/oar/info.aspx>.]*

APRIL FOOL'S DEADLINE

April 1 is a critical date in the permanent rulemaking process for agencies. Beginning November 1, 2013 [see HB 2055 (2013)]:

- **REVIEW PERIOD if filed on or before April 1** - If proposed permanent rules are adopted and submitted for legislative review on or before April 1 (and within 10 days after adoption), the Legislature will have until the end of the current legislative session to approve or disapprove the rules by joint or omnibus joint resolution. If not approved or disapproved, the rules will be considered disapproved upon sine die adjournment of the session.
- **REVIEW PERIOD if filed after April 1** - If proposed permanent rules are adopted and submitted for legislative review after April 1 (and within 10 days after adoption), the Legislature will have until the end of the next legislative session to approve or disapprove the rules by joint or omnibus joint resolution. If not approved or disapproved, the rules will be considered disapproved upon sine die adjournment of that year's session.

EASTER BREAK

Since counting legislative days is no longer necessary, and proposed rules are now filed online instead of delivered to the Legislature, the impact of Easter break on filing rules and counting legislative days is no longer a concern.

LEGISLATIVE APPROVAL

Proposed permanent rules can be approved, in whole or in part, by joint or omnibus resolution of the Legislature² at any time during the review period (see April Fool's Deadline above). However, if not approved prior to the end of the review period, the rules are considered disapproved.

² *Note, however, that joint and omnibus resolutions must not only be passed by both houses of the Legislature, but must also be signed by the Governor before the rules can be considered finally adopted - or, if vetoed by the Governor, the Legislature must override the gubernatorial veto. So, the mere passage of a joint or omnibus resolution approving your rules by both the House and the Senate does not constitute final adoption of your rules. The rules are not considered finally adopted until the Governor has signed the joint or omnibus resolution - or until both the House and Senate have voted to override a gubernatorial veto of the resolution.*

FINAL ADOPTION

The rules are considered finally adopted when the Governor signs the Legislature's joint or omnibus resolution approving the rules - or when both houses of the Legislature have voted to override a veto of the resolution. If an agency believes that rules disapproved by an omnibus resolution should be approved, the agency may petition the Governor to issue a Governor's Declaration declaring those rules to be approved and finally adopted. If the Legislature fails to pass an omnibus resolution prior to the end of any legislative session, the Governor may issue a Governor's Declaration declaring all proposed permanent rules approved and finally adopted.