

2017 RULEMAKING ACTIONS - IMPORTANT DATES AND DEADLINES

SESSION DATES

The 2017 legislative session will convene Monday, February 6. The Legislature will adjourn sine die no later than Friday, May 26.

PUBLISHING NRI'S FOR 2017 RULEMAKING

For 2017 permanent rules, a Notice of Rulemaking Intent (NRI) could be published in the *Register* as late as March 1 (submission deadline February 8) and still provide time to complete the required 30-day comment period, 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, the 30-day comment period would need to run until Friday, March 31, and the agency would have to be prepared to hold the public hearing (if scheduled), adopt the rules, complete the required paperwork, and file the adopted rules online by the next day, Saturday, 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 25), or even earlier if board/commission meetings are a factor in scheduling a hearing and/or adoption (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 15 issue may be too late for publishing the NRI --- e.g., 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 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 34 at <https://www.sos.ok.gov/oar/info.aspx>.]

EXECUTIVE ORDER 2013-34 REMINDER

Pursuant to Executive Order 2013-34, every agency must, contemporaneously with filing an NRI with the OAR, email the proposed permanent rule(s) to the agency's Cabinet Secretary and the Governor's office.

APRIL FOOL'S DEADLINE/REVIEW PERIODS

April 1 is a critical date in the permanent rulemaking process:

- **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 review the rules.
- **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 review the rules.

LEGISLATIVE APPROVAL/DISAPPROVAL

Proposed permanent rules can be approved or disapproved, in whole or in part, by joint or omnibus resolution of the Legislature² at any time during the review period (to determine "review period," see APRIL FOOL'S DEADLINE above).

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 approved/disapproved - or, if a resolution is vetoed by the Governor, the Legislature must override the gubernatorial veto. So, the mere passage of a joint or omnibus resolution approving/disapproving your rules by both the House and the Senate does not constitute legislative approval/disapproval of your rules.

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. However, 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 proposed permanent rules submitted by April 1 to be approved and finally adopted as of the date the Declaration is signed by the Governor. And, because a Governor's Declaration must be published in the *Register* no later than July 17, the Governor would need to issue and submit the Declaration to the OAR by June 23 (the submission deadline for the July 17 issue of the *Register*).