

**CHAPTER 303. MEETINGS OF THE COMMISSION**

- Sec.  
303.1. Notice of Commission public meetings; participation; minutes.  
303.2. Blackout period.  
303.3. Quorum.  
303.4. Proxy voting.

**Authority**

The provisions of this Chapter 303 issued and amended under section 11(a) of the Regulatory Review Act (71 P. S. § 745.11(a)), unless otherwise noted.

**Source**

The provisions of this Chapter 303 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3349, unless otherwise noted.

**§ 303.1. Notice of Commission public meetings; participation; minutes.**

- (a) The Commission will give notice of public meetings in accordance with the Sunshine Act.
- (b) The Commission will deliver notice of a public meeting to the committees and agencies whose regulations are on the agenda at least 10 calendar days prior to the meeting date.
- (c) Public meetings are conducted in compliance with the Sunshine Act.
- (d) The Commission will make minutes of public meetings available by doing one or more of the following:
- (1) Posting on the Commission's web site.
  - (2) Sending by means of e-mail or First Class Mail upon request.
  - (3) Allowing inspection in the Commission office during normal business hours upon request.
- (e) The Commission may charge reasonable fees for copying, certifying and mailing minutes. Fees are established in the Commission's Right to Know Law Policy, which is available in the Commission's office and posted on the web site.

**Source**

The provisions of this § 303.1 amended November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886; amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial page (330909).

**§ 303.2. Blackout period.**

- (a) During the blackout period, Commissioners and Commission staff may contact or request information from any person regarding the substance of a regulation on the Commission's public meeting agenda.
- (b) During the blackout period, the Commission will continue to accept comments submitted by agency staff, a member or staff person of the General Assembly, or a person submitting information at the request of the Commission. Comments submitted by other persons will be embargoed.

(c) Upon receipt, the Commission staff will deliver embargoed material and comments received during the blackout period to the agency and the committees.

(d) Upon the call to order of the public meeting, embargoed material will be distributed to the Commissioners.

**Source**

The provisions of this § 303.2 amended March 26, 2004, effective March 27, 2004, 34 Pa.B. 1681; amended November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886. Immediately preceding text appears at serial page (303101).

**§ 303.3. Quorum.**

(a) For purposes of conducting official business, three Commissioners shall be physically present to constitute a quorum.

(b) Once a quorum is established, Commissioners who subsequently leave the meeting may continue to participate in meetings and vote on regulations by teleconference or proxy.

**Source**

The provisions of this § 303.3 amended November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886. Immediately preceding text appears at serial page (303102).

**§ 303.4. Proxy voting.**

(a) A Commissioner may vote by proxy on any issue before the Commission, including the approval or disapproval of a regulation, if the following conditions are met:

(1) Except as set forth in subsection (b), the proxy shall be in writing, signed by the Commissioner and addressed to the Chairperson at the Commission's office address.

(2) The Commissioner will deliver the proxy to the Commission, prior to the vote.

(3) The Commissioner will deliver a separate proxy for each vote.

(b) A Commissioner who is participating in a public meeting by telephone may verbally give his proxy to the Chairperson if he is unable to remain for the duration of the meeting.

(c) The Chairperson, another Commissioner or the Executive Director will present the proxy at the public meeting at the time of the Commission vote.

(d) The proxy shall be recorded as the Commissioner's vote.

**Source**

The provisions of this § 303.4 amended March 26, 2004, effective March 27, 2004, 34 Pa.B. 1681. Immediately preceding text appears at serial page (257278).

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