

**CHAPTER 305. PROCEDURES FOR DELIVERY  
AND REVIEW OF PROPOSED REGULATIONS**

- Sec.  
305.1. Delivery of a proposed regulation.  
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**Authority**

The provisions of this Chapter 305 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 305 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3349, unless otherwise noted.

**§ 305.1. Delivery of a proposed regulation.**

- (a) The agency shall deliver a proposed regulation to the LRB, the committees and the Commission on the same date.
- (b) The agency shall include the following material with the regulation:
- (1) A completed regulatory analysis form.
  - (2) A face sheet signed by the agency head, the Office of Attorney General and the Office of General Counsel or the chief counsel of an independent agency.
  - (3) A transmittal sheet signed by the committees and the LRB.
  - (4) The preamble, which must include the information in the definition of “preamble” in § 301.1 (relating to definitions).
  - (5) Instructions for submitting public comments to the agency.
  - (6) The text of the proposed regulation.

**Source**

The provisions of this § 305.1 amended March 26, 2004, effective March 27, 2004, 34 Pa.B. 1681; 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 (330911).

**Cross References**

This section cited in 1 Pa. Code § 301.7 (relating to withdrawal of a regulation); 1 Pa. Code § 311a.1 (relating to delivery of a proposed regulation after the end of the legislative session); 1 Pa. Code § 311a.4 (relating to delivery of a final regulation within 20 days before the end of the legislative session); 1 Pa. Code § 311a.5 (relating to delivery of a final regulation after the end of the legislative session); and 1 Pa. Code § 311a.7 (relating to delivery of the report for subsequent review of a disapproved regulation).

**§ 305.1a. Formatting the text of a proposed regulation.**

- (a) Proposed amendments to an existing regulation shall be illustrated as follows:

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- (1) Brackets to indicate language proposed to be deleted.
- (2) Underscoring or bolding to indicate new language proposed to be added.
- (b) The formatting described in subsection (a) is not required if the entire regulation is new and is not amending an existing regulation.

#### Source

The provisions of this § 305.1a adopted November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886.

#### Cross References

This section cited in 1 Pa. Code § 307.3a (relating to formatting the text of a final regulation).

### **§ 305.2. Delivery of comments and information by an agency; notification to commentators.**

(a) From the date of delivery of the proposed regulation until the date the Commission takes final action on the regulation, the agency shall deliver to the Commission and committees copies of the following material relating to the regulation:

- (1) If a comment indicates that a copy has been sent to the Commission and the agency verifies that the comment was delivered to the Commission, the agency is not required to deliver an additional copy of that comment.
- (2) Reports from advisory groups which the Commission or a committee has requested.
- (3) Public notices or announcements regarding solicitation of public comments and information regarding meetings the agency has held or will hold which the Commission or a committee has requested.
- (4) Transcripts of public hearings which the Commission or a committee has requested.

(b) The agency shall deliver copies of comments to the Commission and the committees within 5 business days of receipt.

(c) The agency may deliver one copy of form letters received, and indicate the number of copies of that form letter it has received as of the date of delivery.

(d) The agency shall inform each commentator of the following:

- (1) The name, e-mail address, address and phone number of the person in the agency from whom the commentator may request further information on the final-form regulation and the agency's website address.
- (2) That upon request, the agency will notify the commentator when the final-form regulation, is delivered to the Commission and published on the agency's website.
- (3) That upon request, the agency will provide the commentator with either a copy of the final-form regulation or a summary of the changes to the proposed regulation which are incorporated in the final-form regulation. If the

agency ascertains that the commentator has Internet access and has been notified when the regulation has been published on the agency's website, delivery may be made through publication of the regulation on the agency's website.

#### Source

The provisions of this § 305.2 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 (303104).

#### Cross References

This section cited in 1 Pa. Code § 311a.2 (relating to delivery of public comments after the end of the legislative session).

### § 305.3. Commission comments.

(a) Within 30 days after the close of the public comment period, the Commission may deliver Commission comments to the agency and the committees. The Commission will calculate its review period as beginning on the day after the expiration of the public comment period.

(b) An agency may extend or reopen the public comment period by delivering notice to the Commission and the committees, and publishing a notice in the *Pennsylvania Bulletin* that specifies the close of the extended or reopened public comment period.

(c) When an agency extends or reopens the public comment period, the following apply:

(1) If the agency extends or reopens the public comment period before the Commission review period expires, the Commission may have 30 days after the close of the extended or reopened public comment period to deliver Commission comments to the agency and the committees.

(2) If the agency reopens the public comment period after the Commission's review period expires, the Commission may have 30 days after the close of the reopened public comment period to deliver Commission comments to the agency and the committees. The Commission comments, at the Commission's discretion, will either supplement or replace the original Commission comments delivered to the agency and the committees within the time prescribed in subsection (a). If the Commission does not deliver comments within 30 days after the close of the reopened public comment period, the original Commission comments delivered to the agency and the committees in accordance with subsection (a) will remain the official Commission comments.

(3) The 2-year period for promulgation under § 307.1 (relating to two-year period for promulgation) will begin on the day after the extended or reopened public comment period ends.

(d) The agency shall verify receipt of Commission comments in the following manner:

- (1) If the Commission comments are hand delivered, by signing the Commission's receipt card.
- (2) If the Commission comments are delivered by facsimile, by signing and transmitting by facsimile the cover page to the Commission.
- (3) If the Commission comments are e-mailed, by sending a return e-mail to the Commission confirming receipt.
- (e) Commission comments will specify the regulatory review criteria that are the basis for the Commission's objections, recommendations, statements or questions.

**Source**

The provisions of this § 305.3 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 (303104).

**Cross References**

This section cited in 1 Pa. Code § 301.6 (relating to delivery of a regulation to a committee other than the committee designated to review the agency's regulation); 1 Pa. Code § 307.4 (relating to amending by withdrawing the regulation or tolling the review period); and 1 Pa. Code § 311a.1 (relating to delivery of a proposed regulation after the end of the legislative session).

**§ 305.4. [Reserved].**

**Source**

The provisions of this § 305.4 amended March 26, 2004, effective March 27, 2004, 34 Pa.B. 1681; reserved November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886. Immediately preceding text appears at serial page (303105).

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