

CHAPTER 309. ACTION ON REGULATIONS

- Sec.
309.1. Commission and committee action on a final regulation.
309.2. Committee disapproval or notification of intent to review/Commission approval of a final regulation.

Authority

The provisions of this Chapter 309 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 309 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3349; amended March 26, 2004, effective March 27, 2004, 34 Pa.B. 1681; amended November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886, unless otherwise noted. Immediately preceding text appears at serial pages (303113) to (303114).

Cross References

This chapter cited in 1 Pa. Code § 313.2 (relating to review of an emergency certified final regulation).

§ 309.1. Commission and committee action on a final regulation.

- (a) The Commission may approve or disapprove a final regulation by majority vote of members participating.
- (b) If a committee does not take action on a regulation under section 5.1(j.2) or (j.3) of the act (71 P.S. § 745.5a(j.2) and (j.3)), the committee is deemed to have approved the regulation.
- (c) The Commission is deemed to have approved a final-form regulation under section 5(g) of the act (71 P.S. § 745.5(g)) and section 5.1(e) of the act if one of the following conditions applies:
- (1) All of the following events occur:
 - (i) The Commission has not issued comments relating to any portion of the regulation as proposed within the time provided for its review.
 - (ii) The agency has not made changes in the final-form regulation which were not included in the proposed regulation.
 - (iii) A committee has not conveyed to the Commission or agency any recommendations, comments or objections after the expiration of the Commission comment period under section 5(g) of the act but within the time frame for committee review under section 5.1(j.2) of the act.
 - (iv) The agency has complied with the act and this part.
 - (v) The Commission has a public meeting no less than 30 days after receipt of the final-form regulation.
 - (2) The Commission does not take action within the time period established under § 307.6 (relating to time period for Commission review of a final regulation).

- (3) The Commission's vote results in a tie and the time for the Commission's review expires.
- (d) The Commission will notify the LRB, the committees and the agency of its action on or deemed approval of a regulation.
- (e) When the committees and the Commission approve or are deemed to have approved a regulation, the agency may proceed with promulgation of the regulation.

Source

The provisions of this § 309.1 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial pages (330921) to (330922).

**§ 309.2. Committee disapproval or notification of intent to review/
Commission approval of a final regulation.**

- (a) A committee may notify the Commission and the agency that it has disapproved a regulation or that it intends to review the regulation, in accordance with section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)).
- (b) If a committee disapproves a regulation, or notifies the Commission and the agency that it intends to review the regulation, the agency may not promulgate the regulation until the time for reporting and adopting a concurrent resolution expires in accordance with section 5.1(j.2) and (j.3) and section 7(d) of the act (71 P. S. § 745.7(d)).

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