

**CHAPTER 311a. DELIVERY OF REGULATIONS, COMMENTS,  
REPORTS AND ORDERS BEFORE AND AFTER THE END  
OF THE LEGISLATIVE SESSION**

Sec.

- 311a.1. Delivery of a proposed regulation after the end of the legislative session.
- 311a.2. Delivery of public comments after the end of the legislative session.
- 311a.3. Delivery of Commission comments after the end of the legislative session.
- 311a.4. Delivery of a final regulation within 20 days before the end of the legislative session.
- 311a.5. Delivery of a final regulation after the end of the legislative session.
- 311a.6. Delivery of notice of intent to toll the review period after the end of the legislative session.
- 311a.7. Delivery of the report for subsequent review of a disapproved regulation.
- 311a.8. Notification of Commission action on or deemed approval of a regulation or report after the end of the legislative session.

**Authority**

The provisions of this Chapter 311a issued and amended under section 11 of the Regulatory Review Act (71 P. S. § 745.11(a)), unless otherwise noted.

**Source**

The provisions of this Chapter 311a adopted November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886, unless otherwise noted.

**§ 311a.1. Delivery of a proposed regulation after the end of the legislative session.**

(a) An agency may deliver a proposed regulation and required material to the Commission and the LRB after the end of the legislative session. The public comment period will begin upon publication of the proposed regulation in the *Pennsylvania Bulletin*. The Commission may submit comments within the time frame in § 305.3 (relating to Commission comments).

(b) An agency may not deliver the proposed regulation and required material to the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver the proposed regulation and required material to the committees on the fourth Monday in January or by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, whichever is later, the regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit a new proposed regulation to the Commission, committees and the LRB in accordance with section 5(a) of the act (71 P.S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(d) The agency is not required to redeliver the regulation to the Commission when it delivers the regulation to the committees.

311a-1

(e) The agency shall deliver the transmittal sheet signed by the committees to the Commission on the same day that it delivers the regulation to the committees.

(f) The agency may not make any changes in the regulation after delivery to the Commission. If the agency wants to amend the proposed regulation prior to delivery to the committees, the agency shall withdraw the regulation from the Commission and submit a new proposed regulation to the Commission, committees and the LRB in accordance with section 5(a) of the act and § 305.1.

#### Source

The provisions of this § 311a.1 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial pages (330927) to (330928).

### § 311a.2. Delivery of public comments after the end of the legislative session.

(a) The agency shall deliver public comments to the Commission in accordance with § 305.2 (relating to delivery of comments and information by an agency; notification to commentators).

(b) The agency may not deliver public comments to the committees which are received after the end of the legislative session until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver public comments received after the end of the legislative session to the committees on the fourth Monday in January or by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, whichever is later, the agency may be in violation of the act and this part, under section 5.2(b)(6) of the act (71 P.S. § 745.5b(b)(6)).

#### Source

The provisions of this § 311a.2 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial page (330928).

### § 311a.3. Delivery of Commission comments after the end of the legislative session.

(a) The Commission will deliver comments to the agency issued after the end of the legislative session in accordance with section 5(g) of the act (71 P.S. § 745.5(g)).

(b) The Commission may not deliver Commission comments issued after the end of the legislative session to the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) The Commission will deliver Commission comments issued after the end of the legislative session to the committees on the fourth Monday in January or

by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, whichever is later.

**Source**

The provisions of this § 311a.3 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial page (330928).

**§ 311a.4. Delivery of a final regulation within 20 days before the end of the legislative session.**

(a) An agency may deliver a final regulation to the Commission and the committees up to the end of the legislative session.

(b) If the end of the legislative session occurs before the committees have had at least 20 days to review the regulation, the agency shall redeliver the final regulation and required material to the Commission and committees in the next legislative session.

(c) The agency may not redeliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(d) If the agency does not redeliver the final regulation on the fourth Monday in January or by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, whichever is later, the regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency may submit one of the following:

(1) A new proposed regulation to the Commission, committees and the LRB in accordance with section 5(a) of the act (71 P.S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(2) A new final-form regulation to the Commission and the committees in accordance with section 5.1(a) of the act (71 P.S. § 745.5a(a)) and § 307.2 (relating to delivery of a final-form regulation).

(3) A final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

**Source**

The provisions of this § 311a.4 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial pages (330928) to (330929).

**§ 311a.5. Delivery of a final regulation after the end of the legislative session.**

(a) An agency may not deliver a final regulation and required material to the Commission and the committees after the end of the legislative session.

(b) The agency may not deliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the 2-year period for promulgation of a final-form regulation under section 5.1(a) of the act (71 P.S. § 745.5(a)) and § 307.1 (relating to two-year period for promulgation) expires after the end of the legislative session, the agency shall deliver the final-form regulation and required material to the Commission and the committees on the fourth Monday in January or by the second Monday after publication of both committee designations in the *Pennsylvania Bulletin*, whichever is later. If the agency does not deliver the final-form regulation and required material by this date, the regulation will be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency may submit one of the following:

(1) A new proposed regulation to the Commission, committees and the LRB in accordance with section 5(a) of the act (71 P.S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(2) A final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

#### Source

The provisions of this § 311a.5 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial pages (330929) to (330930).

### § 311a.6. Delivery of notice of intent to toll the review period after the end of the legislative session.

After the end of the legislative session, an agency may not deliver notice of its intention to toll the review period until the committees resume their review in accordance with section 5.1(j.1) of the act (71 P. S. § 745.5a(j.1)).

### § 311a.7. Delivery of the report for subsequent review of a disapproved regulation.

(a) An agency may not deliver its report and required material under section 7(b) or (c) of the act (71 P.S. § 745.7(b) and (c)) and § 311.3 or § 311.4 (relating to report for a disapproved regulation submitted without revisions or modifications; and report for a disapproved regulation submitted with revisions) after the end of the legislative session.

(b) The agency may not deliver its report and required material until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver its report and required material on the fourth Monday in January or by the second Monday after both committee desig-

nations have been published in the *Pennsylvania Bulletin*, whichever is later, the disapproved final regulation will be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency shall submit either a new proposed regulation to the Commission, committees and the LRB in accordance with section 5(a) of the act (71 P.S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation), a new final-form regulation to the Commission and the committees in accordance with section 5.1(a) of the act (71 P.S. § 745.5a(a)) and § 307.2 (relating to delivery of a final-form regulation), or a final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

**Source**

The provisions of this § 311a.7 amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2126. Immediately preceding text appears at serial page (330930).

**§ 311a.8. Notification of Commission action on or deemed approval of a regulation or report after the end of the legislative session.**

(a) The Commission may not notify the committees of its approval, disapproval or deemed approval of a regulation or report after the end of the legislative session.

(b) The Commission may not notify the committees of its approval, disapproval or deemed approval of a regulation or report until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the Commission does not deliver its order disapproving the agency's report to the committees by the second Monday after both committee designations have been published in the *Pennsylvania Bulletin*, the Commission will be deemed to have approved the agency's report and final regulation.

[Next page is 313-1.]

311a-6

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