

CHAPTER 313. EMERGENCY CERTIFIED REGULATIONS

- Sec.
313.1. General.
313.2. Review of an emergency certified final regulation.

Authority

The provisions of this Chapter 313 issued under section 11(a) of the Regulatory Review Act (71 P. S. § 745.11(a)), unless otherwise noted.

Source

The provisions of this Chapter 313 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3349; amended November 2, 2007, effective November 3, 2007, 37 Pa.B. 5886, unless otherwise noted. Immediately preceding text appears at serial pages (257291) to (257292).

§ 313.1. General.

(a) An agency may deliver a final regulation as an emergency certified regulation, under section 6(d) of the act (71 P. S. § 745.6(d)), in either of the following situations:

(1) The Attorney General certifies that the regulation is required to satisfy the order of a State or Federal court, or to implement the provisions of a Federal statute or regulation.

(2) The Governor certifies that the regulation is required to avoid an emergency which may threaten the public health, safety or welfare, cause a budget deficit or create the need for supplemental or deficiency appropriations of greater than \$1 million.

(b) The agency shall deliver the emergency certified final-form regulation and the certification from the Attorney General or the Governor in accordance with § 307.2 (relating to delivery of a final-form regulation).

(c) The agency shall deliver the emergency certified final-omitted regulation and the certification from the Attorney General or the Governor in accordance with § 307.3 (relating to delivery of a final-omitted regulation).

§ 313.2. Review of an emergency certified final regulation.

(a) An emergency certified final regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*, or on the date specified in the agency's adoption order.

(b) Review of an emergency certified regulation shall be in accordance with the procedures of Chapters 307, 309, 311 and 311a. If the emergency certified regulation is disapproved, the regulation shall be rescinded after 120 days or upon final disapproval under section 7(d) of the act (71 P. S. § 745.7(d)), whichever occurs later.

(c) Except as provided in section 5.1(g) of the act (71 P. S. § 745.5a(g)) and §§ 307.4 and 307.5 (relating to tolling the review period; and procedures for tolling), an agency may not make changes to an emergency certified regulation after the agency delivers the regulation to the Commission and the committees.

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