**Section 240.100 Basic Policy**

a) The fact that situations occur in which agencies are required by a federal law, federal rules and regulations, collective bargaining agreements, or a court orders to take a prompt action to adopt rules is recognized by the Joint Committee on Administrative Rules (Joint Committee) and the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]. In some of these instances, peremptory rules must be adopted under the process provided for this purpose by Section 5-50 of the Act. However, the Joint Committee believes that public notice and comment is an essential part of the rulemaking process, which should only be by-passed for very serious reasons. The peremptory process may be used only in situations in which the agency has no discretion as to the content of the rule and when the agency is precluded from complying with the general rulemaking requirements of the Act.

b) The Joint Committee is empowered by Section 5-120 of the Act to examine any rule. The Joint Committee will review each rule adopted through the use of peremptory rulemaking under this power. The purpose of this review is to ensure that use of the process is limited to only those situations that meet the requirements of Section 5-50 of the Act. The criteria used in this review are stated in Sections 240.500 and 240.650 of this Part.

c) *The use of the peremptory rulemaking process to implement consent decrees and other court orders* *adopting* *settlements negotiated by an agency is prohibited* pursuant to Section 5-50 of the Act.

(Source: Amended at 18 Ill. Reg. 4745, effective March 14, 1994)