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IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS
FOR THE NINETY-SIXTH GENERAL ASSEMBLY
SITTING AS AN IMPEACHMENT TRIBUNAL

7/17/11 PM 4:37
SECRETARY
OF THE
SENATE

In re)
Impeachment of)
Governor ROD R. BLAGOJEVICH)

**HOUSE PROSECUTOR'S
MOTION FOR ADDITIONAL DOCUMENTS OR MATERIALS**

House Prosecutor David W. Ellis, pursuant to Senate Impeachment Rule 15(b)(2), moves for the admission of additional documents into evidence and, in support thereof, states as follows:

1. The House Prosecutor seeks to admit a document included in Exhibit 51, namely the Joint Committee on Administrative Rules' Statement of Objection to and Filing Prohibition of Proposed Rulemaking, at the Impeachment Trial.
2. A copy of this document is attached to this Motion.
3. This document will be introduced during the live testimony of Vicki Thomas as a demonstrative exhibit.
4. This document is relevant and material because it addresses the Governor's refusal to recognize the authority of the Joint Committee on Administrative Rules to suspend or prohibit rules and violation of the Illinois Administrative Procedure Act by unilaterally expanding a state program as provided in paragraph 9 of the Article of Impeachment.
5. This document is not redundant because it is the only document that memorializes the Joint Committee on Administrative Rules' objection to the Department of Healthcare and Family Services' FamilyCare Rules under regular rulemaking and will be used for demonstrative purposes.

6. Moreover, although some evidence related to this issue is contained in the House impeachment record, under Senate Impeachment Rule 15(g), the evidence is not deemed redundant simply because it relates to material already in the record.

7. WHEREFORE, the House Prosecutor respectfully moves for the admission of a document included in Exhibit 51, namely the Joint Committee on Administrative Rules' Statement of Objection to and Filing Prohibition of Proposed Rulemaking, at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**



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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION, RECOMMENDATION AND SUSPENSION OF EMERGENCY RULES

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.32 120.33

At its meeting on 11/13/07, the Joint Committee on Administrative Rules voted to object to and suspend the Department of Healthcare and Family Services' emergency rule titled Medical Assistance Programs (89 Ill. Adm. Code 120), which became effective 11/7/07, because, contrary to Section 5-45 of the Illinois Administrative Procedure Act, no emergency situation existed that warranted adoption of this entire emergency rule. The agency is maintaining that the loss of the federal SCHIP waiver warrants the adoption of an emergency rule to continue coverage of adults served under that waiver. However, this emergency rule is not limited to that issue. It contains other provisions that this Committee does not recognize as an emergency situation. JCAR recommends that the Department adopt a rule that addresses the loss of the SCHIP waiver. The Committee finds that inclusion of policy within this emergency rule that does not address a valid emergency is not in the public interest.

Under Section 5-125(b) of the Illinois Administrative Procedure Act, the suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for at least 180 days following receipt of this certification and statement by the Secretary of State.