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IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS
FOR THE NINETY-SIXTH GENERAL ASSEMBLY 21 PM 4:38
SITTING AS AN IMPEACHMENT TRIBUNAL

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:

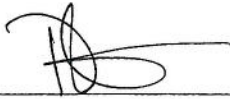
1. The House Prosecutor seeks to admit a document included in Exhibit 51, namely the Joint Committee on Administrative Rules' Objection, Recommendation, and Suspension of Emergency Rules, at the Impeachment Trial.
2. A copy of this document is attached to this Motion.
3. This document will be introduced 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 emergency 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' Objection, Recommendation, and Suspension of Emergency Rules, at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**



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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO AND FILING PROHIBITION
OF PROPOSED RULEMAKING

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

Date Originally Published in the Illinois Register: 11/26/07
31 Ill. Reg. 15424

At its meeting on February 26, 2008, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking would constitute a serious threat to the public interest. The reason for the Objection and Prohibition is as follows:

JCAR objected to and prohibited filing of the Department of Healthcare and Family Services' rulemaking titled Medical Assistance Programs (89 Ill. Adm. Code 120; 31 Ill. Reg. 15424) to the extent that it expands medical assistance to persons other than those formerly receiving medical coverage under a federal SCHIP waiver for caretaker relatives of children covered by SCHIP. The budgetary impact on the State is likely to be significant. An expansion of this magnitude should not be initiated without a specific legislative determination that adequate financial resources are, and will continue to be, available. The General Assembly did not include expanded FamilyCare during its formation of the FY08 budget. Further the General Assembly did not pass specific statutory authority for such expansion. To enter into this expansion without the assurance of available funding and specific statutory authority is not in the public interest.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Healthcare and Family Services for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.