



Rep. Sidney H. Mathias

Filed: 4/16/2008

09500HB4266ham002

LRB095 15005 NHT 49608 a

1 AMENDMENT TO HOUSE BILL 4266

2 AMENDMENT NO. _____. Amend House Bill 4266, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Section
6 2-3.148 as follows:

7 (105 ILCS 5/2-3.148 new)

8 Sec. 2-3.148. Public Act 95-707; payment for lost interest
9 due to delay in enactment.

10 (a) It is the intent of this Section to make whole, from
11 State general revenue funds, all school districts that were
12 negatively affected by delayed General State Aid payments under
13 Section 18-8.05 of this Code due to the delayed enactment of
14 Public Act 95-707.

15 (b) For the purpose of this Section, "school district" is
16 defined as any entity that is eligible to receive General State

1 Aid under Section 18-8.05 of this Code.

2 (c) The State Board of Education shall determine the total
3 amount paid to school districts for General State Aid under
4 Section 18-8.05 of this Code for Fiscal Year 2008 until the
5 implementation of Public Act 95-707 and the amount school
6 districts should have received if Public Act 95-707 had become
7 law before the beginning of Fiscal Year 2008 for the same
8 period of time. The State Board of Education shall then compute
9 the difference between what school districts should have
10 received compared to what they received and multiply positive
11 results by 2.102%. School districts that received more funds in
12 this period of time than they were entitled to receive under
13 Public Act 95-707 for the same period of time are not eligible
14 for any funds under this Section.

15 (d) Payments under this Section must be distributed to
16 school districts for interest lost due to delayed General State
17 Aid payments under Section 18-8.05 of this Code due to the
18 delayed enactment of Public Act 95-707 and are subject to the
19 appropriation of moneys for this purpose from the General
20 Revenue Fund. If the appropriation is insufficient to meet all
21 needs under this Section, then claims under this Section must
22 be paid on a proportional basis.

23 (e) Notwithstanding any other rulemaking authority that
24 may exist, neither the Governor nor any agency or agency head
25 under the jurisdiction of the Governor has any authority to
26 make or promulgate rules to implement or enforce the provisions

1 of this amendatory Act of the 95th General Assembly. If,
2 however, the Governor believes that rules are necessary to
3 implement or enforce the provisions of this amendatory Act of
4 the 95th General Assembly, the Governor may suggest rules to
5 the General Assembly by filing them with the Clerk of the House
6 and the Secretary of the Senate and by requesting that the
7 General Assembly authorize such rulemaking by law, enact those
8 suggested rules into law, or take any other appropriate action
9 in the General Assembly's discretion. Nothing contained in this
10 amendatory Act of the 95th General Assembly shall be
11 interpreted to grant rulemaking authority under any other
12 Illinois statute where such authority is not otherwise
13 explicitly given. For the purposes of this amendatory Act of
14 the 95th General Assembly, "rules" is given the meaning
15 contained in Section 1-70 of the Illinois Administrative
16 Procedure Act, and "agency" and "agency head" are given the
17 meanings contained in Sections 1-20 and 1-25 of the Illinois
18 Administrative Procedure Act to the extent that such
19 definitions apply to agencies or agency heads under the
20 jurisdiction of the Governor.

21
22 Section 99. Effective date. This Act takes effect upon
23 becoming law."