

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 (105 ILCS 5/2-3.148 new)

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

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

14 (b) For the purpose of this Section, "school district" is  
15 defined as any entity that is eligible to receive General State  
16 Aid under Section 18-8.05 of this Code.

17 (c) The State Board of Education shall determine the total  
18 amount paid to school districts for General State Aid under  
19 Section 18-8.05 of this Code for Fiscal Year 2008 until the  
20 implementation of Public Act 95-707 and the amount school  
21 districts should have received if Public Act 95-707 had become  
22 law before the beginning of Fiscal Year 2008 for the same  
23 period of time. The State Board of Education shall then compute

1 the difference between what school districts should have  
2 received compared to what they received and multiply positive  
3 results by 2.102%. School districts that received more funds in  
4 this period of time than they were entitled to receive under  
5 Public Act 95-707 for the same period of time are not eligible  
6 for any funds under this Section.

7 (d) Payments under this Section must be distributed to  
8 school districts for interest lost due to delayed General State  
9 Aid payments under Section 18-8.05 of this Code due to the  
10 delayed enactment of Public Act 95-707 and are subject to the  
11 appropriation of moneys for this purpose from the General  
12 Revenue Fund. If the appropriation is insufficient to meet all  
13 needs under this Section, then claims under this Section must  
14 be paid on a proportional basis.

15 (e) Notwithstanding any other rulemaking authority that  
16 may exist, neither the Governor nor any agency or agency head  
17 under the jurisdiction of the Governor has any authority to  
18 make or promulgate rules to implement or enforce the provisions  
19 of this amendatory Act of the 95th General Assembly. If,  
20 however, the Governor believes that rules are necessary to  
21 implement or enforce the provisions of this amendatory Act of  
22 the 95th General Assembly, the Governor may suggest rules to  
23 the General Assembly by filing them with the Clerk of the House  
24 and the Secretary of the Senate and by requesting that the  
25 General Assembly authorize such rulemaking by law, enact those  
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this  
2 amendatory Act of the 95th General Assembly shall be  
3 interpreted to grant rulemaking authority under any other  
4 Illinois statute where such authority is not otherwise  
5 explicitly given. For the purposes of this amendatory Act of  
6 the 95th General Assembly, "rules" is given the meaning  
7 contained in Section 1-70 of the Illinois Administrative  
8 Procedure Act, and "agency" and "agency head" are given the  
9 meanings contained in Sections 1-20 and 1-25 of the Illinois  
10 Administrative Procedure Act to the extent that such  
11 definitions apply to agencies or agency heads under the  
12 jurisdiction of the Governor.

13  
14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.