

1 AMENDMENT TO HOUSE BILL 1623

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1623, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Attorney General Act is amended by  
6 changing Section 4e as follows:

7 (15 ILCS 205/4e)

8 Sec. 4e. Recovery of lands; payment of legal fees. The  
9 Attorney General may authorize, from funds appropriated  
10 available for that purpose, the payment or reimbursement of  
11 reasonable and appropriate legal fees incurred by any person,  
12 unit of local government, or school district in defending any  
13 litigation, action, or proceeding brought to recover lands  
14 within the State from such person, unit of local government,  
15 or school district, if (i) the litigation, action, or  
16 proceeding is based upon an allegation that the title or a  
17 beneficial interest in the title is derived from an invalid  
18 federal land patent, (ii) the person, unit of local  
19 government, or school district does not have legal  
20 representation available with regard to the litigation,  
21 action, or proceeding through a title insurer, (iii) the  
22 Attorney General determines that the authorization is in the

1 public interest and that the legal representation can be  
2 conducted efficiently and reasonably to avoid unnecessary  
3 duplication of effort and costs, and (iv) the Attorney  
4 General finds that a loss of State sovereignty or  
5 jurisdiction over those lands or liability for rents or  
6 damages may result if the land patent is held to be invalid.  
7 The hourly rate for legal fees paid or reimbursed under this  
8 Section shall not exceed the maximum hourly rate customarily  
9 paid to Special Assistant Attorneys General. The total  
10 amount of legal fees paid or reimbursed under this Section  
11 shall not exceed \$100,000 in fiscal year 2001 and \$100,000 in  
12 fiscal year 2002. The payments or reimbursements may be made  
13 from moneys appropriated to the Attorney General for fiscal  
14 year 2001 for contractual services, notwithstanding any other  
15 law to the contrary. The Attorney General must, no later  
16 than April 15, 2001 and March 15, 2002, submit to the General  
17 Assembly a detailed, written report indicating which fees the  
18 Attorney General has or intends to pay or reimburse and the  
19 basis for making the payment or reimbursement. This Section  
20 is repealed on July 1, 2002 2001.  
21 (Source: P.A. 91-940, eff. 2-1-01.)

22 Section 99. Effective date. This Act takes effect on  
23 June 30, 2001."