

1 AMENDMENT TO HOUSE BILL 1623

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

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

6 (15 ILCS 205/4e)

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

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 This Section is repealed on July~~  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

19 (Source: P.A. 91-940, eff. 2-1-01.)

20 Section 99. Effective date. This Act takes effect on  
21 June 30, 2001."