



Sen. Kwame Raoul

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10000SB3005sam002

LRB100 18180 HEP 36809 a

1 AMENDMENT TO SENATE BILL 3005

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3005 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 3-110 and by adding Section 3-101.5 as  
6 follows:

7 (735 ILCS 5/3-101.5 new)

8 Sec. 3-101.5. Right to judicial review. Unless the action  
9 is governed by the procedures or provisions of another statute,  
10 a person suffering legal wrong because of a final  
11 administrative decision, or adversely affected or aggrieved by  
12 a final administrative decision, is entitled to judicial review  
13 of the final administrative decision to the same extent, with  
14 the same rights and the same responsibilities under this law,  
15 as a person who is a party under this law, except that a person  
16 seeking judicial review under this Section is not entitled to

1 relief if there was a previous public hearing at which the  
2 person failed to present his or her position. To the extent  
3 necessary, such a person may provide new or additional evidence  
4 to the court for the limited purpose of demonstrating the legal  
5 wrong or adverse effect or impairment that he or she has  
6 experienced or may experience as a result of the final  
7 administrative decision. The right to judicial review under  
8 this Section is limited to final administrative permitting  
9 decisions made by the Department of Agriculture, Environmental  
10 Protection Agency, Department of Natural Resources, Department  
11 of Public Health, or Department of Transportation that impact  
12 the public trust in the waters and lands of this State, State  
13 parks or natural areas, threatened or endangered species,  
14 surface or ground water quality, air quality, or other matters  
15 affecting the right to a healthful environment under Article XI  
16 of the Illinois Constitution.

17 (735 ILCS 5/3-110) (from Ch. 110, par. 3-110)

18 Sec. 3-110. Scope of review. Every action to review any  
19 final administrative decision shall be heard and determined by  
20 the court with all convenient speed. The hearing and  
21 determination shall extend to all questions of law and fact  
22 presented by the entire record before the court. No new or  
23 additional evidence in support of or in opposition to any  
24 finding, order, determination or decision of the  
25 administrative agency shall be heard by the court, except as

1 provided in Section 3-101.5 of this Code. The findings and  
2 conclusions of the administrative agency on questions of fact  
3 shall be held to be prima facie true and correct.

4 (Source: P.A. 88-1.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".