



Rep. Jennifer Gong-Gershowitz

Filed: 3/12/2019

10100HB2839ham002

LRB101 10259 LNS 57389 a

1 AMENDMENT TO HOUSE BILL 2839

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2839 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 For purposes of this Section, "adversely affected or  
18 aggrieved" means a plaintiff demonstrates: (1) an  
19 injury-in-fact that is concrete and particularized, actual, or  
20 imminent; (2) a causal connection between the plaintiff's  
21 injury and the agency's permitting decision; and (3) a  
22 likelihood that a decision in the plaintiff's favor would  
23 redress the injury.

24 (735 ILCS 5/3-110) (from Ch. 110, par. 3-110)

25 Sec. 3-110. Scope of review. Every action to review any

1 final administrative decision shall be heard and determined by  
2 the court with all convenient speed. The hearing and  
3 determination shall extend to all questions of law and fact  
4 presented by the entire record before the court. No new or  
5 additional evidence in support of or in opposition to any  
6 finding, order, determination or decision of the  
7 administrative agency shall be heard by the court, except as  
8 provided in Section 3-101.5 of this Code. The findings and  
9 conclusions of the administrative agency on questions of fact  
10 shall be held to be prima facie true and correct.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."