



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2839

by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/3-101.5 new  
735 ILCS 5/3-110

from Ch. 110, par. 3-110

Amends the Code of Civil Procedure. Provides that unless the action is governed by the procedures or provisions of another statute, a person suffering legal wrong because of a final administrative decision, or adversely affected or aggrieved by a final administrative decision, is entitled to judicial review of the final administrative decision to the same extent, with the same rights and the same responsibilities, as a person who is a party, except that a person seeking judicial review is not entitled to relief if there was a previous public hearing at which the person failed to present his or her position. Provides that to the extent necessary, such a person may provide new or additional evidence to the court for the limited purpose of demonstrating the legal wrong or adverse effect or impairment that he or she has experienced or may experience as a result of the final administrative decision. Provides that the right to judicial review under the new provisions is limited to final administrative permitting decisions made by the Department of Agriculture, Environmental Protection Agency, Department of Natural Resources, Department of Public Health, or Department of Transportation that impact the public trust in the waters and lands of this State, State parks or natural areas, threatened or endangered species, surface or ground water quality, air quality, or other matters affecting the right to a healthful environment under the Illinois Constitution. Makes a corresponding change in a Section concerning scope of review. Effective immediately.

LRB101 10259 LNS 55364 b

1 AN ACT concerning civil law.

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

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  
17 relief if there was a previous public hearing at which the  
18 person failed to present his or her position. To the extent  
19 necessary, such a person may provide new or additional evidence  
20 to the court for the limited purpose of demonstrating the legal  
21 wrong or adverse effect or impairment that he or she has  
22 experienced or may experience as a result of the final  
23 administrative decision. The right to judicial review under

1 this Section is limited to final administrative permitting  
2 decisions made by the Department of Agriculture, Environmental  
3 Protection Agency, Department of Natural Resources, Department  
4 of Public Health, or Department of Transportation that impact  
5 the public trust in the waters and lands of this State, State  
6 parks or natural areas, threatened or endangered species,  
7 surface or ground water quality, air quality, or other matters  
8 affecting the right to a healthful environment under Article XI  
9 of the Illinois Constitution.

10 (735 ILCS 5/3-110) (from Ch. 110, par. 3-110)

11 Sec. 3-110. Scope of review. Every action to review any  
12 final administrative decision shall be heard and determined by  
13 the court with all convenient speed. The hearing and  
14 determination shall extend to all questions of law and fact  
15 presented by the entire record before the court. No new or  
16 additional evidence in support of or in opposition to any  
17 finding, order, determination or decision of the  
18 administrative agency shall be heard by the court, except as  
19 provided in Section 3-101.5 of this Code. The findings and  
20 conclusions of the administrative agency on questions of fact  
21 shall be held to be prima facie true and correct.

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.