



Rep. Lilian Jiménez

**Filed: 3/13/2026**

10400HB3594ham001

LRB104 07136 JRC 34932 a

1 AMENDMENT TO HOUSE BILL 3594

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3594 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Extreme Weather Recovery Act.

6 Section 5. Findings; intent; purpose.

7 (a) The General Assembly finds that:

8 (i) climate disasters, extreme weather attributable to  
9 climate change, and harms resulting from long-term changes  
10 to the climate system pose a threat to the health, safety,  
11 and security of all residents of, and visitors to,  
12 Illinois;

13 (ii) climate change poses many costly risks to  
14 Illinois residents, including an increase in precipitation  
15 and severe storms, hotter temperatures, and intensified  
16 drought;

1           (iii) average annual precipitation in Illinois has  
2 increased by 12% to 15%; and extreme precipitation events  
3 (days with more than 2 inches of precipitation) have  
4 increased by 40% since the beginning of the 20th century,  
5 resulting in more frequent flooding;

6           (iv) insurance companies lost money on policies  
7 associated with property insurance in Illinois in 2023,  
8 due mostly to damage from severe storms;

9           (v) the average temperature in Illinois is predicted  
10 to increase by up to 9°F by 2100 under a moderate climate  
11 scenario (RCP4.5); the average daily temperature has  
12 already increased by 1 to 2°F in most areas of the State;  
13 and the average nighttime temperature has increased by  
14 more than 3°F over the last 120 years;

15           (vi) warmer temperatures will change the composition  
16 of Illinois forests and decrease agricultural yields of  
17 corn, soybeans, and other crops;

18           (vii) heat stress caused by climate change is likely  
19 to reduce corn yields by 23% to 34% in Illinois by the  
20 middle of this century;

21           (viii) all Illinoisans are at risk of concrete and  
22 particularized injuries caused by the increasing  
23 prevalence and intensity of climate disasters, extreme  
24 weather attributable to climate change, and harms  
25 resulting from long-term changes to the climate system;

26           (ix) Illinois has a compelling State interest in

1 protecting its citizens from climate disasters, extreme  
2 weather attributable to climate change, and harms  
3 resulting from long-term changes to the climate system;

4 (x) the cost and impact of climate disasters, extreme  
5 weather attributable to climate change, and harms  
6 resulting from long-term changes to the climate system  
7 continue to increase, straining public resources in this  
8 State; and

9 (xi) impacts in Illinois causally connected to  
10 responsible parties' qualified products and actions during  
11 the covered period include, but are not limited to:

12 (A) damage to public property and infrastructure,  
13 as well as adjacent private property and  
14 infrastructure;

15 (B) natural resource damages to public and private  
16 resources;

17 (C) increased risk, hours, and compensation to  
18 emergency responders faced with increasingly frequent  
19 and severe events;

20 (D) significant and costly health and safety  
21 upgrades to public buildings before generally accepted  
22 amortization and depreciation timelines, resulting in  
23 additional taxpayer expenses now and into the future;

24 (E) significant and costly occupational  
25 productivity losses and costs from workplace health  
26 and safety regulations that are increasingly necessary

1           and required to protect employers and employees from  
2           increased risks and hazards related to climate change  
3           and extreme weather attributable to climate change;

4           (F) canceled school days because of climate  
5           disasters and extreme weather attributable to climate  
6           change, resulting in educational harms to students  
7           that have long-lasting impacts on workforce, business,  
8           and economic development; and

9           (G) increasing public and private health costs  
10          stemming from indoor and outdoor pollution,  
11          contamination, and exposure to toxic materials,  
12          whether in combination or occurring separately,  
13          exacerbated by the impacts of climate disasters and  
14          extreme weather attributable to climate change;

15          (xii) a judicial forum is necessary for Illinoisans to  
16          redress the harm that responsible parties have caused and  
17          continue to cause through climate disasters, extreme  
18          weather attributable to climate change, and harms  
19          resulting from long-term changes to the climate system  
20          fueled by their products and actions. Illinois has a  
21          compelling State interest in empowering citizens to  
22          recover, recoup, or rebuild the value of lost, damaged,  
23          and destroyed property, as well as the full extent of  
24          non-economic, compensatory, and punitive damages allowable  
25          under this State's laws and constitution;

26          (xiii) the courts of this State are the appropriate

1 venue to provide additional relief to harmed parties as  
2 deemed necessary or proper in the course of legal  
3 proceedings brought under the authority of this Act;

4 (xiv) this State has a compelling interest in  
5 preserving public resources for traditional public  
6 purposes. It is not the desire of this State to continue  
7 paying for increased damages to harmed parties caused by  
8 the profit-seeking actions and omissions of responsible  
9 parties' qualified products and actions;

10 (xv) climate disasters, extreme weather attributable  
11 to climate change, and harms resulting from long-term  
12 changes to the climate system are not acts of God,  
13 unforeseeable, or otherwise classified as a force majeure  
14 event eligible for litigation limitations or defenses,  
15 except as explicitly and unambiguously provided;

16 (xvi) decades of intentional lies, misinformation, and  
17 disinformation, and misrepresentations by responsible  
18 parties about the connection between qualified products  
19 and climate change has directly and causally contributed  
20 to concrete and particularized injuries in this State from  
21 climate disasters, extreme weather attributable to climate  
22 change, and harms resulting from long-term changes to the  
23 climate system. Continued lies, misinformation,  
24 disinformation, and misrepresentations pose a threat to  
25 the health, safety, and security of all residents of, and  
26 visitors to, this State. Responsible parties have

1 long-known the dangers of their qualified products but  
2 continued to deny and lie for profit. Hiding, obfuscating,  
3 and denying information to consumers, elected officials,  
4 and regulators alike harmed and continues to harm  
5 Illinoisans. This State has a compelling interest in  
6 protecting consumers from lies, misinformation, and  
7 disinformation in the marketplace, and encouraging factual  
8 and truthful information on climate disasters, extreme  
9 weather attributable to climate change, harms resulting  
10 from long-term changes to the climate system, and the  
11 qualified products and actions of responsible parties. The  
12 General Assembly further finds and declares that:

13 (A) responsible parties have engaged in a  
14 decades-long project to protect their profits with a  
15 coordinated effort to deceive the public about the  
16 reality of the climate crisis;

17 (B) documents unveiled by litigation and  
18 investigative journalists demonstrate that as early as  
19 the 1950s, responsible parties became aware of the  
20 potentially catastrophic impact of their products.  
21 Even in the face of research conducted by their own  
22 scientists affirming the impacts of their business,  
23 responsible parties outright denied that climate  
24 change was real, spread disinformation to cast doubt  
25 on the science, and fought regulatory action against  
26 qualified products;

1 (C) the 1970s and 1980s saw the development of a  
2 clear scientific consensus that increasing CO<sub>2</sub>  
3 concentration in the atmosphere would contribute to  
4 global warming and that the heightened CO<sub>2</sub> emissions  
5 were attributable to fossil fuels. These facts were  
6 supported by fossil-fuel industry scientists like  
7 Exxon's James F. Black, who provided these findings in  
8 a 1977 presentation and a 1978 briefing of Exxon  
9 management. In 1979, W.L. Ferrall outlined that an  
10 internal Exxon study concluded that the "present trend  
11 of fossil-fuel consumption will cause dramatic  
12 environmental effects before the year 2050." In 1982,  
13 R.W. Cohen summarized that Exxon's climate modeling  
14 research was "consistent with the published prediction  
15 of more complex climate models" and "in accord with  
16 the scientific consensus on the effect of increased  
17 atmospheric CO<sub>2</sub> on climate." A 1988 Shell report  
18 echoed the Exxon warnings and acknowledged the need to  
19 consider policy changes. The report provided that "the  
20 potential implications for the world are... so large  
21 that policy options need to be considered much  
22 earlier" and that research should be "directed more to  
23 the analysis of policy and energy options than to  
24 studies of what we will be facing exactly";

25 (D) despite acknowledging that increased CO<sub>2</sub>  
26 concentrations because of fossil-fuel combustion posed

1 a considerable threat, responsible parties decided not  
2 to take steps to prevent the risks of climate change.  
3 Instead, they stopped funding major climate research,  
4 and launched campaigns to discredit climate science  
5 and delay actions perceived as contrary to their  
6 business interests. These responsible parties carried  
7 out these campaigns by:

8 (1) developing public relations strategies  
9 that were contradictory to their knowledge and  
10 scientific insights;

11 (2) engaging in public communications  
12 campaigns to promote doubt and downplay the  
13 threats of climate change; and

14 (3) funding individuals, organizations, and  
15 research aimed at discrediting the growing body of  
16 publicly available climate science.

17 (E) from 1970 to 2020 the oil and gas industry  
18 responsible parties made nearly \$2.8 billion a day and  
19 \$1 trillion a year in profit;

20 (F) responsible parties currently advertise  
21 "green" efforts to the public that mask the lack of  
22 real investment in resiliency and energy-source  
23 transition and the continued prioritization of the  
24 extraction, refinement, and distribution of qualified  
25 products;

26 (G) a December 2022 report by the Oversight

1           Committee in Congress also revealed internal documents  
2           from senior leaders in responsible parties that  
3           explicitly reject taking accountability for the  
4           greenhouse gas emissions associated with their  
5           products;

6           (H) by their conduct and impact, responsible  
7           parties have intentionally obfuscated the truth about  
8           climate change and outright deceived the public to  
9           continue dependence on their qualified products;

10          (xvii) intentional lies, misinformation, and  
11          disinformation, and misrepresentations by responsible  
12          parties about the connection between qualified products  
13          they sell or sold and climate change is not political  
14          speech, but fundamentally commercial activity with  
15          incidental political impact; and

16          (xviii) that responsible parties must be accountable  
17          to harmed parties.

18          The General Assembly hereby explicitly authorizes a cause  
19          of action to harmed parties, including individuals,  
20          businesses, and associations. This State has a sovereign and  
21          compelling State interest in providing a forum for  
22          individuals, businesses, and associations sustaining injuries  
23          and harms caused by responsible parties' deceptive behavior  
24          and linked to the harms of responsible parties' products and  
25          actions. It is the intent of this State to provide a judicial  
26          forum for the efficient, just, and equitable resolution of

1 harmed parties' claims for damages stemming from climate  
2 disasters, extreme weather attributable to climate change, and  
3 harms resulting from long-term changes to the climate system,  
4 as defined herein, against responsible parties.

5 (b) It is the purpose of this Act to create a new cause of  
6 action independent of existing law. Nothing in this Act may be  
7 construed to limit in any way the enforceability of existing  
8 laws concerning consumer protection, climate, environment,  
9 energy, or natural resources.

10 Section 10. Definitions. As used in this Act:

11 (a) "Amount in controversy" means the damages claimed or  
12 relief demanded by the injured party or parties in a lawsuit.

13 (b) "Extreme event attribution science" means research  
14 aimed at understanding how human-induced changes in the global  
15 climate system affect the probability, severity, and other  
16 characteristics of extreme weather events such as hurricanes  
17 and heat waves. This may include, but not be limited to,  
18 determining the likelihood of the particular event happening  
19 today compared to how it might have unfolded without  
20 human-caused increase in concentration of greenhouse gases in  
21 the atmosphere.

22 (c) "Climate disaster" means an event that meets any of  
23 the following threshold qualifications and is determined by  
24 impact attribution science or extreme event attribution  
25 science to be substantially worsened (at least statistically

1 significant) or caused by climate change from responsible  
2 parties' products or extreme weather attributable to climate  
3 change from responsible parties' products:

4 (i) a "major disaster" as defined by the Federal  
5 Emergency Management Agency in July of 2024, without  
6 recognition of any changes to that definition that may  
7 occur at a later time by subsequent agency administration,  
8 or removal of the definition from the public domain or  
9 Code of Federal Regulations;

10 (ii) "any natural catastrophe" (including any  
11 hurricane, tornado, storm, high water, wind-driven water,  
12 tidal wave, tsunami, earthquake, volcanic eruption,  
13 landslide, mudslide, snowstorm, or drought), or,  
14 regardless of cause, any fire, flood, or explosion, in any  
15 part of the United States, which in the determination of  
16 the President causes damage of sufficient severity and  
17 magnitude to warrant major disaster assistance under this  
18 Act to supplement the efforts and available resources of  
19 states, local governments, and disaster relief  
20 organizations in alleviating the damage, loss, hardship,  
21 or suffering caused thereby. This includes, but is not  
22 limited to, the definition of a natural catastrophe in the  
23 Stafford Act such as any hurricane, tornado, storm, high  
24 water, wind-driven water, tidal wave, tsunami, earthquake,  
25 volcanic eruption, landslide, mudslide, snowstorm, or  
26 drought or, regardless of cause, any fire, flood or

1 explosion, in any part of the United States, which in the  
2 determination of the President causes damage of sufficient  
3 severity and magnitude to warrant major disaster  
4 assistance under the Stafford Act to supplement the  
5 efforts and available resources of local and state  
6 governments and disaster relief organizations in  
7 alleviating the damage, loss, hardship, or suffering  
8 caused thereby;

9 (iii) a "catastrophic incident" as defined by the  
10 Federal Emergency Management Agency in July of 2024 (not  
11 including events linked to terrorism), without recognition  
12 of any changes to that definition that may occur at a later  
13 time by a later agency administration or removal of the  
14 definition from the public domain or Code of Federal  
15 Regulations;

16 (iv) any natural or man-made incident that results in  
17 extraordinary levels of mass casualties, damage, or  
18 disruption severely affecting the population,  
19 infrastructure, environment, economy, national morale, or  
20 government functions. A catastrophic event could result in  
21 sustained national impacts over a prolonged period of  
22 time; almost immediately exceeds resources normally  
23 available to local, state, tribal, and private sector  
24 authorities in the impacted area; and significantly  
25 interrupts governmental operations and emergency services  
26 to such an extent that national security could be

1 threatened;

2 (v) any event that does qualify, or would have  
3 qualified, for inclusion on the National Centers for  
4 Environmental Information's "Billion-Dollar Weather and  
5 Climate Disasters" program and data list as it existed in  
6 July of 2024, without recognition of any changes weakening  
7 the agency program that may occur at a later time by  
8 subsequent agency administration or abolition of the  
9 program, National Centers for Environmental Information,  
10 or the National Oceanic and Atmospheric Administration;  
11 and

12 (vi) a gubernatorial proclamation that a disaster  
13 exists under the Illinois Emergency Management Agency Act.

14 (d) "Covered period" means the period from January 1, 1965  
15 to the effective date of this Act.

16 (e) "Extreme weather attributable to climate change" means  
17 weather, climate, or environmental conditions including, but  
18 not limited to, temperature, precipitation, drought, or  
19 flooding that are consistent with impacts or events that are  
20 attributable to climate change and where the intensity,  
21 magnitude, location, timing, or extent of the event lie  
22 outside the historical distribution of measurements for that  
23 type of event or impact for a particular place and time of  
24 year. These events include those that "extreme event  
25 attribution science" determines were made more likely or  
26 severe by climate change.

1 (f) "Generally accepted amortization and depreciation  
2 timelines" means methods used and encouraged by the Internal  
3 Revenue Service and Generally Accepted Accounting Principles.

4 (g) "Gross negligence" means negligence that is materially  
5 greater than the mere absence of reasonable care under the  
6 circumstances and that is characterized by indifference to or  
7 reckless disregard of the rights of others.

8 (h) "Harmed parties" means any person, business, or  
9 association harmed or suffering damages in the amount of at  
10 least \$10,000 as a result of a climate disaster or extreme  
11 weather attributable to climate change.

12 (i) "Impact attribution science" means research aimed at  
13 understanding how global climate change affects human and  
14 natural systems, including but not limited to localized  
15 physical impacts, such as floods, droughts, and sea level  
16 rise, and the corresponding effects on infrastructure, public  
17 health, ecosystems, agriculture, and economies.

18 (j) "Long-term changes to the climate system" includes,  
19 but is not limited to: increases in average temperature;  
20 disruptions to ocean chemistry, circulation, and temperature;  
21 sea level rise; variation in precipitation; saltwater  
22 intrusion into drinking water; sunny day flooding; decreased  
23 snowpack and seasonal water availability; drought; and species  
24 mortality and extinction.

25 (k) "Qualified product" means a fossil-fuel product  
26 including, but not limited to:

1 (i) Crude petroleum oil and all other hydrocarbons,  
2 regardless of gravity, that are produced at the wellhead  
3 in liquid form by ordinary production methods;

4 (ii) Natural, manufactured, mixed, and byproduct  
5 hydrocarbon gas; or

6 (iii) Refined crude oil, crude tops, topped crude,  
7 processed crude, processed crude petroleum, residue from  
8 crude petroleum, cracking stock, uncracked fuel oil, fuel  
9 oil, treated crude oil, residuum, gas oil, casinghead  
10 gasoline, natural-gas gasoline, kerosene, benzine, wash  
11 oil, waste oil, blended gasoline, lubricating oil, and  
12 blends or mixtures of oil with one or more liquid products  
13 or byproducts derived from oil or gas.

14 (l) "Responsible party" means a firm, corporation,  
15 company, partnership, society, joint stock company or any  
16 other entity or association that emitted or caused to be  
17 emitted through the extracting, storing, transporting,  
18 refining, importing, exporting, producing, manufacturing,  
19 distributing, compounding, marketing, or offering for  
20 wholesale or retail sale, a qualified product with total  
21 greenhouse gas emissions of at least one billion metric tons  
22 of carbon dioxide equivalent during the covered period. It  
23 does not include any public utility, public authority, or the  
24 State and its political subdivisions.

25 (m) "Strict liability" means liability that does not  
26 depend on actual negligence or intent to harm, but that is

1 based on the breach of an absolute duty to make something safe.

2 Section 15. Civil action enforcement.

3 (a) Notwithstanding any other law, the requirements of  
4 this Act shall be enforced exclusively through the civil  
5 actions described in this Act.

6 (b) Any person, other than an officer or employee of a  
7 State or local governmental entity in this State, may bring a  
8 civil action against any responsible party for climate  
9 disasters or extreme weather attributable to climate change or  
10 both as defined in this Act when the following conditions are  
11 met:

12 (i) The person qualifies as a harmed party.

13 (ii) During any part of the covered period, the  
14 responsible party did business in Illinois, was registered  
15 to do business in Illinois, was appointed an agent of the  
16 State, or otherwise had sufficient contacts with the State  
17 to give the State jurisdiction over the responsible party  
18 under Illinois law.

19 (iii) No action may be filed against any responsible  
20 party based on the doctrine of strict liability in tort to  
21 recover for climate-attributable damage unless the action  
22 is commenced within 3 years after the date on which the  
23 harmed party knew, or through the use of reasonable  
24 diligence should have known, the existence of  
25 climate-attributable damage.

1           (iv) The amount in controversy is at least \$10,000.  
2           The plaintiff's allegations of the amount in controversy  
3           at the pleading stage must be given judicial deference.  
4           Multiple plaintiffs (regardless of association in a class  
5           action) must be allowed to aggregate claims without common  
6           injury caused by climate disasters or extreme weather  
7           attributable to climate change to reach the amount in  
8           controversy threshold. The courts of this State are  
9           encouraged to process these actions with simplified  
10          procedural rules, streamlined enforcement, and other  
11          remedial mechanisms.

12          (c) No enforcement of this Act may be taken or threatened  
13          by the State, a political subdivision of the State, or an  
14          executive or administrative officer or employee of the State  
15          or a political subdivision, or a unit of local government or an  
16          attorney representing any one of these governmental entities.

17          (d) Responsible parties are jointly and severally liable  
18          to the plaintiffs for strict liability if they are a harmed  
19          party.

20          (e) Harmed parties may commence an action against  
21          responsible parties for recovery of damages in any one of the  
22          following counties:

23                (i) the county in which all or a substantial part of  
24                the events giving rise to the action occurred;

25                (ii) the county of residence for any one of the  
26                natural person defendants at the time the cause of action

1 accrued;

2 (iii) the county of the principal office in this State  
3 of any one of the defendants that is not a natural person;  
4 or

5 (iv) the county of residence for any plaintiff if the  
6 plaintiff is a natural person residing in the State.

7 Notwithstanding any other law, if a civil action is  
8 brought under this Act in one of the venues in this Section,  
9 the action may not be transferred to a different venue,  
10 including federal court, without the written consent of all  
11 parties.

12 (f) The fact that harmed parties bring legal action  
13 against responsible parties under this Act may not be an  
14 independent basis for enforcement of any other law of this  
15 State; or the denial, revocation, suspension, or withholding  
16 of any right or privilege conferred by the law of the State or  
17 a political subdivision of the State, or a threat to do the  
18 same.

19 (g) Nothing in this Act shall be construed to do any of the  
20 following:

21 (i) Limit the enforceability of any other laws that  
22 regulate or prohibit any conduct relating to climate  
23 disasters, extreme weather, greenhouse gas emissions, or  
24 consumer protection.

25 (ii) Replace legally mandated disaster recovery funds,  
26 designated disaster recovery funds established by

1           legislation or administrative rule, contractually  
2           obligated, or court-ordered insurance claim payouts.

3           (h) If a claimant prevails in an action brought under this  
4           Section, the court shall award all of the following:

5                 (i) The full extent of non-economic, compensatory, and  
6                 punitive damages allowable under Illinois law and  
7                 Constitution.

8                 (ii) Compensatory damages in an amount of not less  
9                 than the fair market value of recovering, recouping,  
10                rebuilding, or remediating the value of lost, damaged, and  
11                destroyed property.

12                (iii) Compensatory damages in an amount not less than  
13                the cost of injuries to harmed parties including medical  
14                care, mental and behavioral health care, past and present  
15                pain and suffering, or emotional distress.

16           (i) Notwithstanding any other law, a cause of action under  
17           this Section shall be extinguished unless the action is  
18           commenced no later than 3 years after the cause of action  
19           accrues.

20           (j) The connection of a climate disaster, extreme weather  
21           attributable to climate change, or harms resulting from  
22           long-term changes to the climate system to alleged injuries  
23           shall be deemed an injury in fact for all residents of, and  
24           visitors to, Illinois. Any such person shall have standing to  
25           bring a civil action under this Act.

26           (k) Notwithstanding any other law, none of the following

1 is a defense to an action brought under this Act:

2 (i) A defendant's ignorance or mistake of law.

3 (ii) A defendant's belief that the requirements of  
4 this Act are unconstitutional or were unconstitutional.

5 (iii) A defendant's reliance on any court decision  
6 that has been overruled on appeal or by a subsequent  
7 court, even if that court decision had not been overruled  
8 when the defendant engaged in conduct that violates this  
9 Act.

10 (iv) A defendant's reliance on any State or federal  
11 court decision that is not binding on the court in which  
12 the action has been brought.

13 (v) Nonmutual issue preclusion or nonmutual claim  
14 preclusion.

15 (vi) Any claim that the enforcement of this Act or the  
16 imposition of civil liability against the defendant will  
17 violate a constitutional right of a third party.

18 (vii) A defendant's assertion that this Act proscribes  
19 conduct that is separately prohibited by any other law of  
20 Illinois.

21 (viii) Any claim that defendants' or responsible  
22 parties' qualified products were not misused, or were not  
23 intended to be misused, in an unlawful manner.

24 (ix) A defendant's assertion that State or federal  
25 laws relating to qualified products and responsible  
26 parties' operations displace, abrogate, or supersede the

1 actions authorized under this Act, the authority of the  
2 courts of Illinois to provide a forum for the action, or  
3 the authority of the courts of Illinois to provide a  
4 remedy to harmed parties.

5 (x) A defendant's assertion that choice-of-law and  
6 choice-of-forum clauses govern the action, regardless of  
7 whether such clauses apply to harmed parties on the basis  
8 of consumer transactions.

9 (xi) A defendant's assertion that the plaintiff or  
10 plaintiffs assumed a risk of harm through the use of their  
11 products.

12 (xii) A defendant's forum non conveniens assertion so  
13 long as the jurisdictional requirements of this Act are  
14 satisfied.

15 (l) An action brought under this Section may be resolved  
16 by settlement through mediation or arbitration upon written  
17 consent of both parties; however, mediation or arbitration may  
18 not be mandated by Illinois courts.

19 (m) This Act shall not be construed to impose liability on  
20 any speech or conduct protected by the First Amendment to the  
21 United States Constitution, as made applicable to the states  
22 through the Fourteenth Amendment to the United States  
23 Constitution, or by the Illinois Constitution.

24 (n) Notwithstanding any other law, the State, a State  
25 official or a unit of local government or an attorney  
26 representing any one of these governmental entities may not

1 intervene in an action brought under this Section. However,  
2 this subsection does not prohibit a person described by this  
3 subsection from filing an amicus curiae brief in the action.

4 (o) Notwithstanding any other law, a court may not award  
5 attorney's fees or costs to a defendant in an action brought  
6 under this Section, unless the plaintiff was represented by  
7 counsel in the action and plaintiff's counsel is found by the  
8 court or the entity enforcing the rules of professional  
9 conduct of attorneys to be in violation of the rules of  
10 professional conduct.

11 (p) An action under this Section may not be brought  
12 against the federal government, State, or political  
13 subdivision of the State, or an employee of one of those  
14 governmental units on the basis of acts or omissions in the  
15 course of discharge of official duties.

16 Section 20. Offsets to damages and defenses to liability.

17 (a) All of the following are offsets to damages:

18 (i) Payments made to a harmed party under a contract  
19 of insurance. Insurers have the right to commence a  
20 subrogation action against responsible parties for  
21 recovery of payments made to harmed parties under a  
22 contract of insurance regardless of whether the insured  
23 has been made whole.

24 (ii) Evidence that a harmed party fully recovered from  
25 a public body for alleged injuries.

1 (b) All of the following are affirmative defenses to an  
2 action commenced under this Act:

3 (i) Evidence of intentional destruction of property or  
4 intentional worsening of damage to reach the amount in  
5 controversy threshold.

6 (ii) Evidence of gross negligence by the harmed party.

7 (iii) The defendant has the burden of proving an  
8 affirmative defense under this subsection by a  
9 preponderance of the evidence.

10 Section 25. Fee and cost shifting from challenges to  
11 enforcement.

12 (a) Notwithstanding any other law, any person, including  
13 an entity, attorney, or law firm, who seeks declaratory or  
14 injunctive relief to prevent this State, a political  
15 subdivision, a governmental entity or public official in this  
16 State, or a person in this State from enforcing any portion of  
17 this statute, State rules of civil procedure, or any other  
18 related law that promotes consumer protection and remedies to  
19 injuries from climate disasters, extreme weather attributable  
20 to climate change, and harms resulting from long-term changes  
21 to the climate system, or that represents any litigant seeking  
22 that relief, is jointly and severally liable to pay the  
23 attorney's fees and costs of the prevailing party.

24 (b) For purposes of this Section, a party is considered a  
25 prevailing party if a court does either of the following:

1           (i) Dismisses any claim or cause of action brought by  
2           the party seeking the declaratory or injunctive relief  
3           described by this Section, regardless of the reason for  
4           the dismissal.

5           (ii) Enters judgment in favor of the party opposing  
6           the declaratory or injunctive relief described by this  
7           Section on any claim or cause of action.

8           (c) Regardless of whether a prevailing party sought to  
9           recover attorney's fees or costs in the underlying action, a  
10          prevailing party under this Section may bring a civil action  
11          to recover attorney's fees and costs against a person,  
12          including an entity, attorney, or law firm, that sought  
13          declaratory or injunctive relief described by this Section no  
14          later than the third anniversary of the date on which, as  
15          applicable:

16          (i) The dismissal or judgment described by this  
17          Section becomes final upon the conclusion of appellate  
18          review.

19          (ii) The time for seeking appellate review expires.

20          (d) None of the following are a defense to an action  
21          brought under this Section:

22          (i) A prevailing party under this Section failed to  
23          seek recovery of attorney's fees or costs in the  
24          underlying action.

25          (ii) The court in the underlying action declined to  
26          recognize or enforce the requirements of this Section.

1           (iii) The court in the underlying action held that any  
2           provision of this Section is invalid, unconstitutional, or  
3           preempted by federal law, notwithstanding the doctrines of  
4           issue or claim preclusion.

5           Section 30. Limitations of the Act. This Act may not be  
6           construed to do any of the following:

7           (a) Authorize the commencement of an action under this  
8           Act against an entity that is not a responsible party.

9           (b) Authorize the commencement of an action under this  
10          Act when the amount in controversy requirements are not  
11          met.

12          (c) Wholly or partly repeal, either expressly or by  
13          implication, any other statute that regulates or prohibits  
14          any conduct relating to climate disasters, extreme weather  
15          attributable to climate change, and harms resulting from  
16          long-term changes to the climate system.

17          Section 35. Sovereign, governmental, and official  
18          immunity.

19          (a) Notwithstanding any other law, the State has sovereign  
20          immunity, a political subdivision of the State has  
21          governmental immunity, and each officer and employee of this  
22          State or a political subdivision has official immunity in any  
23          action, claim, or counterclaim or any type of legal or  
24          equitable action that challenges the validity of any provision

1 or application of this Act on constitutional grounds or  
2 otherwise.

3 (b) A provision of State law may not be construed to waive  
4 or abrogate an immunity described by this Section unless it  
5 expressly waives immunity under this Section.

6 Section 40. Severability.

7 (a) It is the intent of the General Assembly that every  
8 provision in this Act and every application of the provisions  
9 in this Act are severable from each other.

10 (b) If any application of any provision in this Act is  
11 found by a court to be invalid or unconstitutional, the  
12 remaining applications of that provision to all other persons  
13 and circumstances shall be severed and shall not be affected.  
14 All constitutionally valid applications of this Act shall be  
15 severed from any applications that a court finds to be  
16 invalid, leaving the valid applications in force, because it  
17 is the General Assembly's intent that the valid applications  
18 be allowed to stand alone. Even if a reviewing court finds a  
19 provision of this Act to impose an unconstitutional burden in  
20 a large or substantial fraction of relevant cases, the  
21 applications that do not present an unconstitutional burden  
22 shall be severed from the remaining applications and shall  
23 remain in force, and shall be treated as if the General  
24 Assembly had enacted a statute limited to the persons, group  
25 of persons, or circumstances for which the statute's

1 application does not present an unconstitutional burden.

2 (c) If any court declares or finds a provision of this Act  
3 facially unconstitutional, when discrete applications of that  
4 provision can be enforced against a person, group of persons,  
5 or circumstances without violating the United States  
6 Constitution and the Illinois Constitution, those applications  
7 shall be severed from all remaining applications of the  
8 provision, and the provision shall be interpreted as if the  
9 General Assembly had enacted a provision limited to the  
10 persons, group of persons, or circumstances for which the  
11 provision's application will not violate the United States  
12 Constitution and the Illinois Constitution.

13 (d) The General Assembly further declares that it would  
14 have enacted this Act and each provision regardless of the  
15 fact that any provision or application of this Act were to be  
16 declared unconstitutional or to represent an unconstitutional  
17 burden.

18 (e) If any provision of this Act is found by any court to  
19 be unconstitutionally vague, then the applications of that  
20 provision that do not present constitutional vagueness  
21 problems shall be severed and remain in force.

22 (f) A court may not decline to enforce the severability  
23 requirements of this Section on the ground that severance  
24 would rewrite the statute or involve the court in legislative  
25 or lawmaking activity. A court that declines to enforce or  
26 enjoins a State official from enforcing a statutory provision

1 of this Act does not rewrite a statute, as the statute  
2 continues to contain the same words as before the court's  
3 decision.

4 (g) A statute that provides financial benefits to victims  
5 or survivors of climate disasters, extreme weather  
6 attributable to climate change, or harms resulting from  
7 long-term changes to the climate system or results in the  
8 collection of damages by the State for damage to consumers and  
9 State interests, may not be construed to repeal any other  
10 statute that addresses climate disasters, extreme weather  
11 attributable to climate change, and harms resulting from  
12 long-term changes to the climate system, either wholly or  
13 partly, unless the later-enacted statute explicitly states  
14 that it is repealing the other statute.

15 (h) Every statute that provides financial benefits to  
16 victims or survivors of climate disasters, extreme weather  
17 attributable to climate change, and harms resulting from  
18 long-term changes to the climate system or results in the  
19 collection of damages by the State for damage to consumers and  
20 State interests from climate disasters, extreme weather  
21 attributable to climate change, and harms resulting from  
22 long-term changes to the climate system, is severable in each  
23 of its applications to every person and circumstance. If any  
24 statute that provides financial benefits to victims or  
25 survivors of climate disasters, extreme weather attributable  
26 to climate change, and harms resulting from long-term changes

1 to the climate system, or results in the collection of damages  
2 by the State for damage to consumers and State interests from  
3 climate disasters, extreme weather attributable to climate  
4 change, and harms resulting from long-term changes to the  
5 climate system, is found by any court to be unconstitutional,  
6 either on its face or as applied, then all applications of that  
7 statute that do not violate the United States Constitution and  
8 the Illinois Constitution shall be severed from the  
9 unconstitutional applications and shall remain enforceable,  
10 notwithstanding any other law, and the statute shall be  
11 interpreted as if containing language limiting the statute's  
12 application to the persons, group of persons, or circumstances  
13 for which the statute's application will not violate the  
14 United States Constitution and the Illinois Constitution.

15 Section 45. Savings.

16 (a) All existing litigation filed in State courts under  
17 the statutes of this State may not be expressly or impliedly  
18 preempted, displaced, mooted, or dismissed upon any other  
19 prudential consideration arguably arising from this Act.

20 (b) To the extent that any aspect of every and all existing  
21 litigation filed in the courts of this State is reviewed for  
22 the application of this Act, it is severable in each of its  
23 applications to every person and circumstance.

24 (c) The remedies provided in this Act are in addition to  
25 any other remedy available to a person or the State at common

1 law or under statute. This Act may not be interpreted to  
2 prevent a person or the State from pursuing a civil action or  
3 any other remedy available at common law or under statute.

4 (d) This Act does not do any of the following:

5 (i) Relieve the liability of an entity for damages  
6 resulting from climate change as provided by law.

7 (ii) Preempt, displace, or restrict any rights or  
8 remedies of a person, the State, units of local  
9 government, or tribal government under law relating to a  
10 past, present, or future allegation of any of the  
11 following:

12 (A) Deception concerning the effects of fossil  
13 fuels on climate change.

14 (B) Damage or injury resulting from the role of  
15 fossil fuels in contributing to climate change.

16 (C) Failure to avoid damage or injury related to  
17 climate change, including claims for nuisance,  
18 trespass, design defect, negligence, failure to warn,  
19 or deceptive or unfair practices and claims for  
20 injunctive, declaratory, monetary, or other relief.

21 (e) This Act does not preempt, supersede, or displace any  
22 State law or local ordinance, regulation, policy, or program  
23 that does any of the following:

24 (i) Limit, set, or enforce standards for emissions of  
25 greenhouse gases.

26 (ii) Monitor, report, or keep records of emissions of

1 greenhouse gases.

2 (iii) Collect revenue through fees or levy taxes.

3 (iv) Conduct or support investigations.

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