

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT STATING MONTANA'S POSITION ON CLIMATE CHANGE;  
5 ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

6

7 WHEREAS, in *Held v. Montana*, the Montana Supreme Court ruled that "[p]laintiffs have standing to  
8 challenge the injury to their constitutional right to a clean and healthful environment. Montanans' right to a clean  
9 and healthful environment was violated by the MEPA Limitation, which precluded an analysis of GHG  
10 [greenhouse gas] emissions in environmental assessments and environmental impact statements during MEPA  
11 review. The MEPA Limitation, section 75-1-201(2)(a), MCA, is unconstitutional and the State is enjoined from  
12 acting in accordance with it. Additionally, the State did not appeal the District Court's finding that section 75-1-  
13 201(6)(a)(ii), MCA (2023), is unconstitutional and its order enjoining the State from acting in accordance with it  
14 and it is thus affirmed"; and

15 WHEREAS, this Court ruling required the Montana Legislature to determine the extent to which human  
16 carbon dioxide and greenhouse gas emissions change the climate; and

17 WHEREAS, on June 12, 2023, at the beginning of the *Held v. Montana* trial, the state of Montana  
18 stipulated, for the purposes of trial, "[t]here is overwhelming scientific consensus that Earth is warming as a  
19 direct result of human GHG [greenhouse gas] emissions, primarily from the burning of fossil fuels"; and

20 WHEREAS, "consensus" has no meaning in science because science is determined by the scientific  
21 method and not by votes or opinions, therefore this stipulation is meaningless; and

22 WHEREAS, the state of Montana did not dispute any of the plaintiffs' climate claims and did not present  
23 any expert witnesses to dispute these claims; and

24 WHEREAS, the Montana Supreme Court did not hear or acknowledge amici curiae Montana  
25 legislators' rebuttal to the plaintiffs' climate claims; and

26 WHEREAS, the Montana Supreme Court repeated the following "findings of fact" from the District  
27 Court's order as follows:

28 (1) the state acknowledges in briefing that it does not dispute or challenge the District Court's

1 findings of fact on the science and impacts of climate change and they are entitled to deference;

2 (2) the world is experiencing a fast rise in temperature that is unprecedented in the geologic  
3 record, with the average global temperature increasing by 2.2°F in the last 120 years;

4 (3) Montana is heating faster than the global average and the rate of warming is increasing;

5 (4) overwhelming scientific evidence and consensus shows that this warming is the direct result of  
6 greenhouse gas emissions that trap heat from the sun in the atmosphere, primarily from carbon dioxide  
7 released from human extraction and burning of fossil fuels such as coal, oil, and natural gas;

8 (5) these emissions accumulate in the atmosphere and may persist for hundreds of years—  
9 causing atmospheric carbon dioxide levels to increase from 280 parts per million in pre-industrial times to  
10 above 424 parts per million today;

11 (6) these emissions result in extreme weather events that are increasing in frequency and severity,  
12 including droughts, heat waves, forest fires, and flooding;

13 (7) these extreme weather events will only be exacerbated as the atmospheric concentration of  
14 greenhouse gases continues to rise;

15 (8) projections indicate that under a business-as-usual emissions scenario, Montana will see  
16 almost 10 additional degrees of warming by 2100 compared to temperatures in 2000;

17 (9) by 2050, Montana will have 11 to 30 additional days a year with temperatures exceeding 90  
18 degrees and a similar loss of days below freezing; and

19 (10) Montana has already seen, and will increasingly see, adverse impacts to its economy, including  
20 to recreation, agriculture, and tourism, caused by a variety of factors, such as decreased snowpack and water  
21 levels in summer and fall, extreme spring flooding events, accelerating forest mortality, and increased drought,  
22 wildfire, water temperatures, and heat waves; and

23 WHEREAS, the proper scientific rebuttal to the above "findings of fact" is the following:

24 (1) finding (1) is irrelevant because the state only stipulated that, for the purposes of trial, "[t]here is  
25 overwhelming scientific consensus that Earth is warming as a direct result of human GHG [greenhouse gas]  
26 emissions, primarily from the burning of fossil fuels"; however, consensus has no bearing on scientific truth, and  
27 the state did not defend the true science of climate change in the trial;

28 (2) finding (2) refers to claimed climate events, and events do not prove their cause. In addition,

1 the claim that the world is experiencing an unprecedented rise in temperature according to the geologic record  
2 is disputed in peer-reviewed publications;

3 (3) finding (3) that Montana is heating faster than the global average and the rate of warming is  
4 increasing is disputable and is irrelevant because events do not prove their cause. For example, that human  
5 carbon dioxide emissions cause the events is disputable;

6 (4) finding (4), that overwhelming scientific evidence and consensus shows that this warming is the  
7 direct result of greenhouse gas emissions, is not a scientific argument because the scientific method prevails  
8 over "overwhelming scientific evidence," consensus is not a scientific proof, and the International Panel on  
9 Climate Change's own data show that nature, not human carbon dioxide, causes most of the carbon dioxide  
10 increase;

11 (5) finding (5) is incorrect because carbon dioxide emissions, whether from nature or from human  
12 emissions, do not accumulate in the atmosphere but rather all carbon dioxide that flows into the atmosphere  
13 flows out of the atmosphere. The plaintiffs' case is based on an incorrect claim that human carbon dioxide flows  
14 out of the atmosphere slower than natural carbon dioxide flows out of the atmosphere, which is impossible  
15 since natural and human carbon dioxide molecules are identical; therefore, human and natural carbon dioxide  
16 flow out of the atmosphere at equal rates based on the Climate Equivalence Principle. The International Panel  
17 on Climate Change makes this same incorrect claim because without this claim, the International Panel on  
18 Climate Change's own data prove human carbon dioxide is insignificant to the carbon dioxide level and global  
19 warming. The plaintiffs' claim that human carbon dioxide stays in the atmosphere longer than natural carbon  
20 dioxide nullifies all plaintiffs' claims about human-caused climate change.

21 (6) finding (6) includes irrelevant, unsupported claims, not evidence, and the plaintiffs presented  
22 no evidence to prove that human carbon dioxide emissions caused their claimed events; furthermore, events do  
23 not prove their cause;

24 (7) finding (7) includes irrelevant, unsupported claims, not evidence and plaintiffs presented no  
25 evidence to prove that human carbon dioxide emissions caused their claimed events; furthermore, events do  
26 not prove their cause;

27 (8) finding (8) uses climate model projections to make a prediction of future warming, and climate  
28 models, including the International Panel on Climate Change's climate model, over-predict global temperature

1 and make invalid assumptions, such as:

2 (a) natural carbon dioxide stayed at 280 parts per million since 1750;

3 (b) human carbon dioxide caused all the carbon dioxide increase since 1750; and

4 (c) carbon dioxide causes global temperature to increase, when data prove temperature increase  
5 precedes carbon dioxide by about 12 months;

6 (9) finding (9) is invalid and irrelevant for the same reasons as finding (8); and

7 (10) finding 10 is invalid and irrelevant for the same reasons as finding (8); and

8 WHEREAS, the above refutes the Held v. Montana plaintiffs' claims that human carbon dioxide or  
9 greenhouse gas emissions cause their claimed climate and weather changes and damages; and

10 WHEREAS, delta carbon-14 data prove the contribution of human carbon dioxide to the overall carbon  
11 dioxide level is less than about 2 percent, and the contribution of natural carbon dioxide is greater than about  
12 98 percent, so the plaintiffs' case against human carbon dioxide fails and human carbon dioxide is not guilty;  
13 and

14 WHEREAS, plaintiffs claim the only way to stop the claimed harmful climate events is to reduce the  
15 carbon dioxide level to 350 parts per million, but this is impossible because the natural carbon dioxide level is  
16 well above 350 parts per million; and

17 WHEREAS, data show carbon dioxide changes follow temperature changes with a delay of about 12  
18 months, which proves false the plaintiffs' claim that carbon dioxide increases temperature; and

19 WHEREAS, the International Panel on Climate Change's calculation of the temperature increase  
20 caused by doubling carbon dioxide is 4.5 times greater than properly calculated by the Stephan-Boltzmann  
21 radiation law, meaning the plaintiffs' temperature calculations were wrong; and

22 WHEREAS, changes in the earth's albedo explains all global temperature increase since 1984, proving  
23 there is no scientific Occam's Razor reason to claim increased carbon dioxide causes the observed  
24 temperature increase; and

25 WHEREAS, changes in the earth's mean cloud cover, which controls albedo, explains the observed  
26 mean surface temperature, and plaintiffs' warming claims are wrong; and

27 WHEREAS, the National Climate Assessment and the National Academy of Sciences and others were  
28 wrong because they make the same errors as the International Panel on Climate Change; and

1 WHEREAS, because carbon dioxide is the basis of all our food, it is irrational to try to reduce human  
2 carbon dioxide emissions or to capture human carbon; and

3 WHEREAS, because nature, not human carbon dioxide, causes all climate change, Montana should  
4 not indoctrinate children and students to believe in climate fiction.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7  
8 **NEW SECTION. Section 1. Public policy concerning climate change.** (1) The legislature finds that  
9 it is necessary to adopt a public policy regarding climate change.

10 (2) The legislature finds:

11 (a) human carbon dioxide emissions have insignificant effect on the carbon dioxide level in the  
12 atmosphere and no measurable effect on climate or weather events;

13 (b) the carbon dioxide level does not control global temperature;

14 (c) global temperature controls the carbon dioxide level; and

15 (d) nature, not human activity, controls the climate.

16 (3) The legislature further finds:

17 (a) when providing educational and informational materials on climate change, the findings in  
18 subsection (2) must be offered; and

19 (b) tax incentives that intend to alter human behavior in response to climate change claims are  
20 useless, unnecessary, and an inappropriate use of limited state resources.

21 (4) On or before September 15 of even-numbered years and in accordance with 5-11-210:

22 (a) the superintendent of public instruction shall provide a report to the education interim  
23 committee regarding climate change curriculum offered in Montana's public schools;

24 (b) the commissioner of higher education shall provide a report to the education interim committee  
25 regarding climate change curriculum taught in Montana's public universities; and

26 (c) the department of revenue shall provide a report to the revenue interim committee and the  
27 transportation interim committee on the use of tax incentives intended to alter human behavior in response to  
28 climate change claims, including but not limited to tax deductions provided in accordance with 15-32-103 and

1 other related tax incentives included in 15-6-157, 15-6-224, 15-6-225, and 15-24-3111.

2

3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
4 integral part of Title 75, chapter 2, and the provisions of Title 75, chapter 2, apply to [section 1].

5

6 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

7

- END -