

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM

CONFERENCE CALL
April 23, 1976

The Board of Regents conferred by telephone on Friday, April 23, 1976 at 8:30 a.m. All members participated except Mr. Ted Heberly.

Dr. Pettit explained that the purpose of the call was to make a decision as to whether or not the Regents should request an Attorney General's opinion concerning their spending authority for the funds carried over from the last biennium into the current biennium which the Legislative Fiscal Analyst had ruled were subject to general fund reversion provisions under House Bill 55.

Mr. James said he felt the Board should request an Attorney General's opinion. He asked Mr. Barry Hjort if he had any feelings about how the Attorney General might rule on the matter. Mr. Hjort stated he couldn't say, but he felt there is a strong possibility that the ruling might be negative. Dr. Pettit stated the total amount involved would be about \$2.2 million and even in the event of a negative opinion there is a possibility that not all of this amount would be involved. Mr. James asked for a motion authorizing the Commissioner to request an opinion from the Attorney General. Mrs. Pace so moved. Mr. Thomas seconded the motion. Mr. Morrison stated there were two different funds involved, as he understood the matter--the carryover money from Montana State University and the Regents discretionary fund. He asked if the Board would still be in a position to re-assess the whole distribution if there should be an adverse opinion rendered. Dr. Pettit replied that this is his understanding also. Mr. Peterson inquired about how the total now amounted to \$2.2 million. Dr. Pettit reported a breakdown of the funds

involved as follows:

Montana State University	\$1,111,726.00
Eastern Montana College	\$ 97,665.00
Northern Montana College	\$ 130,575.00
Western Montana College	\$ 89.86
University of Montana	\$ 119,416.00
Cooperative Extension Account	\$ 36,197.00
Agricultural Experiment Station	\$ 694,459.00

The question was asked, if the Attorney General's opinion is not rendered at all, would the executive branch allow the budget amendments so the institutions would have the use of the funds. Mr. Hjort reported that a letter received from the Office of Budget and Program Planning stated that budget amendments could not be processed until the matter is resolved. Mr. Peterson suggested that perhaps the executive branch should request the opinion. The chairman asked if members were ready for the question. The question was called for and the motion carried, with Mr. Peterson and Mr. Evans voting "no."

Dr. Pettit asked if the next meeting date tentatively scheduled on May 24, 1976 in Dillon was agreeable with everyone. Mrs. Pace asked if he would be in a position to recommend an acting president for Western Montana College at that time. He replied that he would, and the meeting was scheduled for that date.