

Resolution of the Montana Board of Regents

WHEREAS, Article X, § 9 of the Montana Constitutions provides “[t]he government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law;” and

WHEREAS, The Montana Supreme Court has framed the Board of Regent’s authority broadly as the competent body to set priorities and adopt policies for the MUS and as the body with a constitutional duty to ensure the health and stability of the MUS; and

WHEREAS, House Bill 102, passed by the 67th legislature, seeks to limit the Board’s authority to supervise, coordinate, manage, and control the campuses of the Montana University System.

THEREFORE, BE IT RESOLVED: That, the Board of Regents directs the Commissioner of Higher Education to request, on behalf of the Board, judicial review of House Bill 102 to determine whether the law improperly encroaches upon the constitutional role and autonomy of the Board. While the Board respects the role of the legislature, judicial review is appropriate to ensure that the constitutional roles of each entity are being properly exercised.