



**MINUTES**  
**Montana Board of Regents**  
**May 19, 2021**

**Wednesday, May 19, 2021**

Meeting convened at 8:03am

Regents Present: Casey Lozar, Chair; Bob Nystuen, Brianne Rogers, Joyce Dombrowski, Todd Buchanan, Loren Bough, and Amy Sexton. Ex officio members included: Commissioner of Higher Education Clayton Christian; and Ex officio Superintendent Elsie Arntzen. Ex officio Governor Greg Gianforte was excused.

Chair Lozar welcomed all attendees. He extended congratulations to the graduating class of 2021 and commended students for the diligence and focus on achieving their higher education goals throughout a challenging global pandemic. Chair Lozar gave a brief overview of the agenda, noting the proposed action item and conveying his thanks and appreciation to those who have submitted public comment related to HB 102. He noted that at the center of the proposed resolution presented today is the constitutional authority of the Board of Regents.

**ACTION**

- a. Directing the Office of the Commissioner of Higher Education, on Behalf of the Board of Regents, to Request Judicial Review of House Bill 102 (2021);  
OCHE/MUS *ITEM 194-101-C0521 | Attachment #1*

Ali Bovingdon, Chief Legal Counsel at OCHE, presented the proposed item where 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. Discussion followed.

A motion for approval of action item a. Item 194-101-C0521 was made by Regent Dombrowski, discussion followed. Motion passed (7-0).

**Public Comment\***

Steve Barrett spoke in support of the proposed resolution.

Mae Nan Ellingston spoke to the importance of constitutional authority and the importance of the Montana University system maintaining independent governance.

Other than the meeting starting time, times listed are approximate. In addition, agenda items may be rearranged unless an item is listed as having a "time certain." Action may be taken on any item listed on the Board or Committee Agendas. Public comment is welcome on all items. The Board of Regents will make reasonable accommodations for known disabilities that may interfere with an individual's ability to participate. Persons requiring such accommodations should make their requests to the Office of the Commissioner of Higher Education as soon as possible before the meeting to allow adequate time for special arrangements. You may call or write to: ADA Coordinator, P. O. Box 203201, Helena MT 59620-3201, 406-449-9124, 1-800-253-4091 (TDD)



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Brian Cayko spoke to the different perspectives relating to the board and oversight of preserving academic freedom and academic control versus constitutional rights of the citizens and the potential for overreach by this action.

Andy Pelosi spoke in support of challenging guns on campus and in support of the proposed resolution.

Tim Capps spoke in support of HB 102 and its direct tie to affirmed second amendment rights which are not open for the Board to debate, or having the authority to override the Constitution of the United States.

David Diacon spoke in support of the proposed resolution.

Lauren O'Neill spoke in support of the proposed resolution.

Meeting Adjourned at 8:49am.

Approved by the Board of Regents on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clayton T. Christian  
Commissioner of Higher Education  
Board of Regents

\_\_\_\_\_  
Date

\_\_\_\_\_  
Casey Lozar  
Chair, Board of Regents and Secretary to the

*\* This meeting is open to the public electronically. Anyone wishing to provide public comment is encouraged to do so either by dialing 1-253-215-8782 and entering the Meeting ID. Upon dialing in, press “\*9 to” “raise their hand”. The host will lower hands in*

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*order and unmute the phone line to ask the individual their full name and allow them to give public comment. Comments can also be submitted in writing, via email, to [aunsworth@montana.edu](mailto:aunsworth@montana.edu). Comments sent will be shared with the Board Members and included as part of the official public record.*

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