1	HOUSE BILL NO. 517		
2	INTRODUCED BY M. HOPKINS, E. BUTCHER, G. HERTZ, D. ZOLNIKOV, J. HINKLE, S. GUNDERSON, M.		
3	REGIER, S. VINTON, R. KNUDSEN, J. KASSMIER, T. MOORE, B. LER, B. PHALEN, F. NAVE, L.		
4	BREWSTER, B. MITCHELL, A. REGIER, S. KERNS, K. SEEKINS-CROWE, C. HINKLE, G. FRAZER, M.		
5	BINKLEY, S. ESSMANN, T. SMITH, R. MINER, G. PARRY, N. NICOL, G. NIKOLAKAKOS, P. GREEN		
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7	A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN		
8	AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE DULY		
9	ELECTED LAWMAKERS AUTHORITY TO ENACT LAWS TO PROTECT CONSTITUTIONAL RIGHTS OF		
10	STUDENTS, FACULTY, AND STAFF OF THE MONTANA UNIVERSITY SYSTEM."		
11			
12	WHEREAS, in Healy v. James, the Supreme Court of the United States held that "the vigilant		
13	protection of constitutional freedoms is nowhere more vital than in the community of American schools"; and		
14	WHEREAS, the current official text of the Montana Constitution has been interpreted by Montana		
15	courts to forbid the state from enacting law to protect the constitutional rights of students, the public, faculty, or		
16	staff; and		
17	WHEREAS, the state must not violate the state or federal constitutional rights of enrolled or prospective		
18	students, faculty, or staff; and		
19	WHEREAS, the state must provide remedies for parties whose constitutional rights have been violated		
20	by the Montana University System; and		
21	WHEREAS, the state has a compelling interest in ensuring that the Montana University System		
22	complies with the state and federal constitutions; and		
23	WHEREAS, the state is responsible for paying damages awarded to parties who have proven in court		
24	that their constitutional rights have been violated by the Montana University System; and		
25	WHEREAS, the Montana Constitution's text should provide duly elected lawmakers the authority to		
26	protect the state and federal constitutional rights of students, the public, faculty, or staff at the Montana		
27	University System; and		
28	WHEREAS, this amendment will ensure the state may enact legislation to require the Montana		



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1 University System to maintain policies and practices that protect the state and federal constitutional rights of

2 enrolled or prospective students, faculty, or staff, or from providing remedies for parties whose constitutional

rights have been violated by the Montana University System.

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

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Section 1. Article X, section 9, of The Constitution of the State of Montana is amended to read:

"Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

- (2) (a) The Except as provided in subsections (2)(e) and (2)(f), the 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.
- (b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.
 - The board shall appoint a commissioner of higher education and prescribe his term and duties. (c)
- (d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.
- The legislature may enact laws requiring the board of regents of higher education and units of the Montana university system to adopt and maintain policies and practices that protect the rights and associated civil liberties provided in the Montana constitution and those provided in the United States constitution. In pursuit of these protections the state may provide judicial remedies. THIS SUBSECTION (2)(E) MAY NOT BE CONSTRUED TO ALLOW THE LEGISLATURE TO DIRECT CURRICULUM, RESEARCH, OR HIRING PRACTICES WITHIN
- 28 THE MONTANA UNIVERSITY SYSTEM.



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1	<u>(f)</u>	The board of regents of higher education and units of the Montana university system are not	
2	exempt from laws of general applicability.		
3	(3)	(a) There is a board of public education to exercise general supervision over the public school	
4	system and such other public educational institutions as may be assigned by law. Other duties of the board		
5	shall be provided by law.		
6	(b)	The board consists of seven members appointed by the governor, and confirmed by the	
7	senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state		
8	superintendent of public instruction shall be ex officio non-voting members of the board."		
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10	NEW S	SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal	
11	to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote		
12	of two-thirds of	all the members of the legislature, whether one or more bodies, for passage.	
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14	NEW S	SECTION. Section 3. Effective date. [This act] is effective on approval by the electorate.	
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16	NEW S	SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified	
17	electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of		
18	[this act] and the following:		
19		YES on Constitutional Amendment	
20	0	NO on Constitutional Amendment	
21		END -	

