

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0246

FILED

MAY 26 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

BOARD OF REGENTS OF HIGHER
EDUCATION OF THE STATE OF MONTANA

Petitioner,

v.

ORDER

STATE OF MONTANA; and GREG
GIANFORTE, Governor of the State of Montana,

Respondent.

Petitioner seeks to invoke this Court’s original jurisdiction pursuant to M. R. App. P. 14(4) to issue a declaratory judgment on the alleged unconstitutionality of Montana House Bill 102. The petition requests this Court accept original jurisdiction, enjoin any acts that might be taken in furtherance of HB 102, Section 6, pending full consideration by this Court, direct such briefing as the Court deems suitable, and, after due consideration, determine HB 102 to be unconstitutional.

Having reviewed the Petition and its attached Appendix, this Court determines there is no need to order a summary response and no “urgency or emergency factors exist making litigation in the trial courts and the normal appeal process inadequate.” M. R. App. P. 14(4). While BOR has asserted an urgency for a stay or enjoinder of any act in furtherance of HB 102, Section 6,¹ pending resolution of the Bill’s constitutionality, such may be obtained to maintain the status quo or on other appropriate basis through the District Court. Therefore, in accordance with M. R. App. P. 14(7),

IT IS ORDERED that the Petition for Declaratory Relief and Immediate Stay and Expedited Consideration is DISMISSED without prejudice.

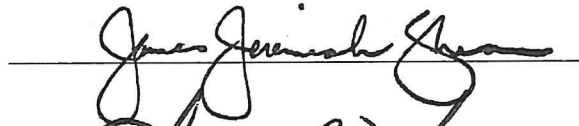

¹ As said section goes into effect June 1, 2021.

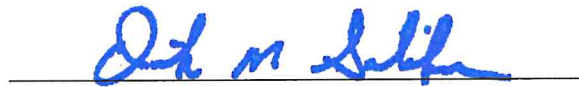
The Clerk is directed to provide copies of this Order to counsel for Petitioners and to all parties on whom the Petition has been served.


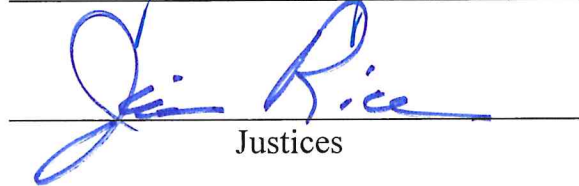
DATED this 26th day of May, 2021.


Chief Justice







Justices