

July 15, 2021

ITEM 195-1003-R0721
Request for Approval of MontPIRG Fee

THAT

The Board of Regents approves an opt-out MontPIRG fee of \$5 per semester and \$2.50 per summer semester for the period of July 15, 2021 through June 30, 2022, subject to the conditions set forth in this item.

EXPLANATION

Pursuant to Board of Regents Policy 940.12.1, fee schedules are approved once every two years following the legislative session except when there are extenuating circumstances. In 2019, the optional MontPIRG fee was listed on the schedule of non-mandatory fees for the University of Montana and was approved. The optional fee was not included in the 2021 fee schedule that was approved by the Board of Regents in May 2021 as a result of SB 319, which was passed by the Montana Legislature during the 2021 session.

SB 319 purports to place restrictions on fees for student organizations that are also required to register as a political committee by: (1) requiring fees for such student organizations to be approved through an opt-in process; and (2) prohibiting the campus from processing or distributing the fee with “any systems, electronic or otherwise, used by a public postsecondary institution.”

In previous years MontPIRG has registered as an “incidental committee” with the Commissioner of Political Practices (COPP), which is a type of “political committee” under state law. As such, the MontPIRG fee was not included in the non-mandatory fee schedule for the University of Montana. However, SB 319 is currently the subject of two legal challenges and portions of SB 319 have since been enjoined by a district court. In addition, MontPIRG is currently not registered or required to be registered as a political committee with the COPP.

Based on the foregoing, OCHE recommends the Board approve an opt-out MontPIRG fee of \$5 per semester and \$2.50 per summer semester for the period of July 15, 2021 through June 30, 2022. This approval is no longer in effect if SB 319, specifically Section 2, ch. 494, L. Mont. 2021, is upheld by a court of competent jurisdiction and MontPIRG registers as a political committee, including an incidental committee, with the COPP.

ATTACHMENTS

Attachment #1: MontPIRG Fee