

July 14, 2022

**ITEM 201-1001-R0722**

**Request for Approval of MontPIRG Fee – University of Montana-Missoula**

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**THAT**

The Board of Regents approves an opt-out fee for MontPIRG of \$5 per semester and \$2.50 per summer semester for the period of July 1, 2022 through June 30, 2023, subject to the recommendations from OCHE set forth in this item.

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**EXPLANATION**

Students at the University of Montana established MontPIRG to involve students in community issues and advocate for public interest issues. MontPIRG's mission is to "educate and empower the next generation of civic leaders to create change Montana needs today." In previous years, MontPIRG has registered as a political committee with the state to engage in political activity such as supporting or opposing ballot issues.

In 2012, a majority of UM students voting in a referendum approved the assessment of an opt-out fee of \$5.00 per semester and \$2.50 per summer semester to support MontPIRG. The Board of Regents approved the opt-out fee in May 2012. In 2015, students voted to amend the ASUM constitution to require student organizations receiving opt-out fees to be recognized by ASUM and subject to ASUM oversight. This resulted in the creation of an affiliated student group known as "UM-MontPIRG." MontPIRG is a separate 501(c)(4) corporation with a board of directors of UM students. However, for purposes of this item, UM-MontPIRG and MontPIRG have the same meaning.

In Spring 2021, students voting in a student election approved the continuation of the MontPIRG fee and established a new process requiring a "reaffirmation vote" if the percentage of students choosing to pay the fee fell below 50%. Also, that spring, the legislature passed SB 319, which purported to require opt-in fees instead of opt-out fees for student organizations that are also required to register as political committees. SB 319 also placed restrictions on using university property to assess or distribute these fees. The provision impacting MontPIRG was challenged in two separate lawsuits and has been temporarily enjoined by a district court in Gallatin County. The Board of Regents is not a party to either suit.

In July 2021, the Board of Regents approved the MontPIRG fee through June 2022. MontPIRG is seeking approval of the fee for another term ending June 30, 2023. Under Board of Regents' Policy 940.12.1, "student-driven fees" may be considered by the Board at any time. Student-driven fees are fees "proposed through the student government organization on a given campus that students have had the opportunity to vote in support or opposition of."

OCHE recommends approval of the opt-out fee for MontPIRG from July 1, 2022, through June 30, 2023, provided MontPIRG does not:

- (1) register as a "political committee" as defined in 13-1-101, MCA, or engage in "lobbying" as defined in 5-7-102, MCA;
- (2) use or permit the use of the name or mark of the University of Montana or UM, or any design, logo, emblem or mark claimed to be owned by the University of Montana, in any MontPIRG activities or publications; or
- (3) directly or indirectly represent or imply that UM supports, endorses, or sponsors MontPIRG's activities or the activities of UM-MontPIRG.

The Board's approval of this item is no longer in effect if MontPIRG does not comply with the conditions set forth above.

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**ATTACHMENTS**

None