

1 SENATE BILL NO. 272

2 INTRODUCED BY T. MANZELLA, J. HINKLE, C. HINKLE, J. GILLETTE, B. BROWN, J. FULLER, K. REGIER,
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5 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
6 AMENDMENT TO ARTICLE XI, SECTION 3, AND ARTICLE XI, SECTION 7, OF THE MONTANA
7 CONSTITUTION TO REQUIRE THAT EACH COUNTY HAVE AN ELECTED SHERIFF AS THE CHIEF LAW
8 ENFORCEMENT OFFICER IN THAT COUNTY; PROVIDING FOR THE POWERS OF A SHERIFF THAT MAY
9 NOT BE WITHDRAWN, DELEGATED, OR TRANSFERRED; AND PROVIDING AN EFFECTIVE DATE."

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

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13 **Section 1.** Article XI, section 3, of The Constitution of the State of Montana is amended to read:

14 **"Section 3. Forms of government.** (1) The legislature shall provide methods for governing local
15 government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such
16 units, and altering their boundaries. The legislature shall provide such optional or alternative forms of
17 government that each unit or combination of units may adopt, amend, or abandon an optional or alternative
18 form by a majority of those voting on the question.

19 (2) One optional form of county government includes, but is not limited to, the election of three
20 county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a
21 surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms,
22 qualifications, duties, and compensation of those offices shall be provided by law. The Board of county
23 commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for
24 a joint office and for the election of one official to perform the duties of any such office in those counties.

25 (3) Each county must have an elected sheriff who is the chief law enforcement officer in that
26 county. Historical powers of the sheriff may not be withdrawn, transferred from, or delegated to any person or
27 entity outside the control of the sheriff. The powers of the sheriff include budget administration, arrest,
28 investigation, negotiation, and detention. Any elector qualified under law may be elected as sheriff. A sheriff

1 may negotiate law enforcement duties and activities on lands owned or held by any Indian or Indian tribes. A
2 sheriff is subject to a recall election for any cause."

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4 **Section 2.** Article XI, section 7, of The Constitution of the State of Montana is amended to read:

5 **"Section 7. Intergovernmental cooperation.** (1) Unless prohibited by law or charter, and except
6 for the office of sheriff, a local government unit may

7 (a) cooperate in the exercise of any function, power, or responsibility with,

8 (b) share the services of any officer or facilities with,

9 (c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more

10 other local government units, school districts, the state, or the United States.

11 (2) The qualified electors of a local government unit may, by initiative or referendum, require it to
12 do so."

13

14 NEW SECTION. **Section 3. Two-thirds vote required.** Because [this act] is a legislative proposal to
15 amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of
16 two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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18 NEW SECTION. **Section 4. Effective Date.** [This act] is effective upon approval by the electorate.

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20 NEW SECTION. **Section 5. Submission to electorate.** [This act] shall be submitted to the qualified
21 electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of
22 [this act] and the following:

23 YES on Constitutional Amendment ____.

24 NO on Constitutional Amendment ____.

25 END -