



AN ACT PROVIDING FOR LOCAL LAW ENFORCEMENT SERVICE REGULATIONS FOR CITIES AND TOWNS; PROVIDING LOCAL LAW ENFORCEMENT SERVICE FEE GUIDELINES; SUPERSEDING THE UNFUNDED MANDATE LAWS; PROVIDING A DEFINITION; AND AMENDING SECTION 7-32-4101, MCA.

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

Section 1. Section 7-32-4101, MCA, is amended to read:

"7-32-4101. Police department authorized and required -- requirements for county sheriff services -- charge for local law enforcement services -- dispute resolution -- definition. (1) Unless otherwise provided in subsection (2), ~~There~~ there shall must be in every city and town of this state a police department ~~which shall~~ that must be organized, managed, and controlled as provided in this part.

(2) A third-class city or a town of this state may enter into a contract or interlocal agreement, in whole or in part, with a state-recognized local law enforcement agency within the third-class city or town's county to satisfy the requirement in subsection (1).

(3) The sheriff of the county where a city or town is located shall provide law enforcement services, as provided by law, within that city or town if that city or town does not maintain a police department and does not have an agreement as provided in subsection (2). A city or town receiving law enforcement services by the county sheriff as provided in this subsection (3) is required to pay for the law enforcement services.

(4) If a city or town and the county, the sheriff of which is required to provide law enforcement services to the city or town, as provided in subsection (3), are unable to come to an agreement as to the price to pay for law enforcement services, the city or town or the county shall request the local government center at Montana state university to moderate a discussion between the local governing body of the city or town and the county after 30 days of the municipality not having law enforcement services. If an agreement cannot be made within 30 days of the moderated meeting as to the price to pay for law enforcement services provided in

subsection (3), the parties shall submit the matter to binding arbitration, with an arbitrator mutually agreed on by the parties, which shall determine a fair price to be paid by the city or town to the county for the sheriff providing law enforcement services. The agreement issued through binding arbitration may not be in effect longer than 2 years.

(5) All costs incurred by the local government center in subsection (4) must be equally shared between the county and the city or town.

(6) For the purposes of this section, "sheriff" means an elected or appointed county sheriff or the sheriff's designee."

Section 2. Unfunded mandate laws superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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