



2023 ASSEMBLY JOINT RESOLUTION 15

March 8, 2023 - Introduced by Representatives SORTWELL, BEHNKE, BRANDTJEN, DONOVAN, MICHALSKI, MURPHY and MURSAU, cosponsored by Senator JACQUE. Referred to Committee on Criminal Justice and Public Safety.

- 1 **To create** section 9 (3) of article IV and section 12 of article VIII of the constitution;
2 **relating to:** creation of a police and fire fund, and deposit of moneys into the
3 police and fire fund (first consideration).

Analysis by the Legislative Reference Bureau

Under current law, a communications provider is required to collect from each subscriber of a communications service a monthly fee of 75 cents on each communications service connection with an assigned telephone number, including a communications service provided via a voice over Internet protocol (VoIP) connection. The communications provider must identify the fee as a “charge for funding countywide 911 systems plus police and fire protection fee.” The fee is commonly referred to as the “police and fire protection fee.” The fee is administered by the Public Service Commission, and the revenue from the fee is deposited in the police and fire protection fund. Under current law, most of the revenue from the police and fire protection fund is used to make county and municipal aid payments.

This constitutional amendment, proposed to the 2023 legislature on first consideration, requires that revenues from a police and fire protection fee be deposited into a police and fire fund and used only for expenses related to updating the 911 service infrastructure. The amendment also requires the Department of Military Affairs to administer the fee.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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- 4 **Resolved by the assembly, the senate concurring, That:**

1 **SECTION 1.** Section 9 (3) of article IV of the constitution is created to read:

2 [Article IV] Section 9 (3) The legislature shall provide by law for the
3 establishment of a police and fire fund and shall create the department of military
4 affairs to administer the fund.

5 **SECTION 2.** Section 12 of article VIII of the constitution is created to read:

6 [Article VIII] Section 12. All funds collected by the state from fees levied or
7 imposed on subscribers of active retail communications services and collected by
8 communications providers on each communications service connection with an
9 assigned telephone number, including a communications service provided via a voice
10 over Internet protocol connection, shall be designated the police and fire protection
11 fee and shall be deposited only into the police and fire fund. The police and fire
12 protection fee shall be used only for expenses related to updating the 911 service
13 infrastructure, including the emergency services Internet protocol network, cost
14 recovery by originating service providers and the third-party providers they use to
15 connect to an emergency services Internet protocol network, public safety answering
16 point grants, and geographic information systems data grants. Public safety
17 answering point grants under this section may include grants for the advanced
18 training of telecommunicators, for equipment or software expenses, and for
19 incentives to consolidate some or all of the functions of two or more public safety
20 answering points. No grant funds provided under this section shall be used for
21 overhead or staffing costs or costs for providing emergency services or emergency
22 services equipment. None of the funds collected or received by the state from any
23 source and deposited into the police and fire fund shall be lapsed, further transferred,
24 or appropriated to any program that is not directly administered in furtherance of
25 this section.

1 **SECTION 3. Numbering of new provision.** If another constitutional
2 amendment ratified by the people creates the number of any provision created in this
3 joint resolution, the chief of the legislative reference bureau shall determine the
4 sequencing and the numbering of the provisions whose numbers conflict.

5 ***Be it further resolved, That*** this proposed amendment be referred to the
6 legislature to be chosen at the next general election and that it be published for three
7 months previous to the time of holding such election.

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(END)