



2021 ASSEMBLY JOINT RESOLUTION 91

October 25, 2021 - Introduced by Representatives SORTWELL, BRANDTJEN, GUNDRUM, KNODL, KUGLITSCH, MURSAU, THIESFELDT and TITTL, cosponsored by Senators ROTH, FEYEN and WANGGAARD. Referred to Committee on State Affairs.

- 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 proposed constitutional amendment, proposed to the 2021 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 county and municipal police and fire protection services, including county and municipal emergency response systems.

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

-
- 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 designate or create a state agency
4 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 used only for county and municipal police and fire protection services,
12 including county and municipal emergency response systems, and shall be deposited
13 only into the police and fire fund. None of the funds collected or received by the state
14 from any source and deposited into the police and fire fund shall be lapsed, further
15 transferred, or appropriated to any program that is not directly administered in
16 furtherance of this section.

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

21 ***Be it further resolved, That*** this proposed amendment be referred to the
22 legislature to be chosen at the next general election and that it be published for 3
23 months previous to the time of holding such election.

24

(END)