ASSEMBLY CONCURRENT RESOLUTION No. 66

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)
Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
Assemblywoman Vainieri Huttle, Assemblymen Space, Mazzeo, Armato, Peters, Assemblywoman Stanfield, Assemblymen McClellan and Simonsen

SYNOPSIS

Amends Constitution to dedicate money credited to the "9-1-1 System and Emergency Response Trust Fund Account" to maintain 9-1-1 system and emergency response.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 5/5/2021)

A CONCURRENT RESOLUTION proposing an amendment to Article VIII, Section II of the New Jersey Constitution.

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, section II by addition of a new paragraph 9 to read as follows:

9. a. Commencing July 1, 2015, there shall be credited in each State fiscal year to a special account in the General Fund, known as the "9-1-1 System and Emergency Response Trust Fund Account," all revenues collected pursuant to section 2 of P.L.2004, c.48 (C.52:17C-18).

The amounts annually credited pursuant to this section shall be dedicated and shall be appropriated from time to time by the Legislature only for the purposes of paying: (1) eligible costs pursuant to the provisions of sections 13 and 14 of P.L.1989, c.3 (C.52:17C-13 and C.52:17C-14); (2) the costs of funding the State's capital equipment, including debt service, facilities and operating expenses that arise from emergency response; (3) the cost of emergency response training, including any related costs or expenses, of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety; (4) the cost of operating the Office of Emergency Telecommunications Services created pursuant to section 3 of P.L.1989, c.3 (C.52:17C-3); (5) the cost of operating the Statewide Public Safety Communications Commission created pursuant to section 5 of P.L.2011, c.4 (C.52:17C-3.2); (6) any costs associated with implementing any requirement of the Federal Communications Commission concerning 9-1-1 service that is not otherwise allocated to a carrier and not eligible for reimbursement under law or regulation; (7) any costs associated with planning, designing, or implementing an automatic location identification technology that is not otherwise allocated to a wireless carrier and not eligible for reimbursement under law or regulation; and (8) any costs associated with planning, designing, or acquiring replacement equipment or systems, including debt service, related to the enhanced 9-1-1 network, as defined in subsection e. of section 1 of P.L.1989, c.3 (C.52:17C-1), in accordance with any formula as the Legislature shall by law provide.

b. The Legislature, under any pretense whatsoever, shall not borrow, appropriate, or use the amount credited to the "9-1-1 System and Emergency Response Trust Fund Account" pursuant to

this section, or any portion thereof, for any purpose or in any manner other than as provided for in subsection a. of this section.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly, and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (✔) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✔) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO PROHIBIT THE USE OF 9-1-1 FEE FOR PURPOSES OTHER THAN THOSE ESTABLISHED BY LAW Do you approve amending the Constitution to limit how the money in the "9-1-1 System and Emergency Response Trust Fund Account" may be used? This amendment would change how the money in the trust fund account may be spent. The amendment would prevent money in the trust fund account from being used for any purpose other than to pay the costs of the State's 9-1-1 system and emergency response.
	NO	INTERPRETIVE STATEMENT State law requires that 90 cents is collected on each wireless and wireline telephone bill and credited to the "9-1-1 System and Emergency Response Trust Fund Account." The money from the trust fund account is for costs associated with the State's 9-1-1 system and emergency response. However, in the past, this money has been used to balance the State budget. A "yes" vote would amend the Constitution so that the money in the trust fund account could only be used to maintain the 9-1-1 emergency system and emergency response costs. A "no" vote would leave the Constitution unchanged. The money in the trust fund account could be used for other reasons.

STATEMENT

This concurrent resolution proposes an amendment to the State Constitution prohibiting money from being drawn from the "9-1-1 System and Emergency Response Trust Fund Account" for any purpose or in any manner other than as established under current law.

Under current law, money from the "9-1-1 System and Emergency Response Trust Fund Account" is used for funding the State's capital equipment, facilities, and operating expenses that arise from emergency response, emergency response training, operating the Office of Emergency Telecommunications Services,

operating the Statewide Public Safety Communications Commission, implementing the requirements of the Federal Communications Commission concerning 9-1-1 service, planning, designing, or implementing automatic location identification technology, and planning, designing, or acquiring replacement equipment or systems related to enhanced 9-1-1 network service. In the past, money from the trust fund account has been used for other purposes.

This amendment to the State Constitution prohibits money in the trust fund account from being used for any other purpose other than those established under current law.