

Wolf, Sheldon

From: Roers, Kristin
Sent: Wednesday, January 18, 2023 2:38 PM
To: Wolf, Sheldon
Subject: Fwd: ND SB 2149
Attachments: ND SB 2149 Bill markup.pdf

Senator Kristin Roers
District 27 - North Dakota
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From: Jake Lestock <JLestock@ctia.org>
Sent: Wednesday, January 18, 2023 11:04:09 AM
To: Roers, Kristin <kroers@ndlegis.gov>
Subject: RE: ND SB 2149

Good morning Senator Roers,

I just wanted to follow up regarding SB 2149 and North Dakota's 988 program. I've attached our proposed amendments that looks to remove the 988 surcharge and includes an immunity provision similar to 911 statute. As we stated in our testimony, CTIA would encourage North Dakota to find general fund revenue and use federal funds to support 988 before enacting a new tax on telecommunications consumers. Below is some more information on the federal funds that have been designated for state 988 programs.

Federal Funding

In Dec. 2021, the federal government allocated \$282 million in dedicated 988 funding, including \$177 million to strengthen and expand the existing Lifeline network operations and telephone infrastructure, including centralized chat/text response, backup center capacity, and special services (e.g., a sub-network for Spanish language-speakers) and \$105 million to build up staffing across states' local crisis call centers.

In 2022, The Bipartisan Safer Communities Act was also enacted and appropriated \$150 million for 988 Lifeline, including \$35 million to better link 988 Lifeline services to Tribal communities. An additional appropriation of nearly \$30 million was made in the FY23 omnibus bill for the Substance Abuse and Mental Health Services Administration (SAMHSA) to enhance training and provide access to specialized services through the 988 Suicide & Crisis Lifeline for marginalized youth.

Additionally, the American Rescue Plan Act (ARPA), enacted on March 11, 2021, establishes a new option for states to cover mobile response team services (MRTs) through their Medicaid programs for a five-year period beginning April 2022. It also provides an enhanced federal match, which covers 85% of the cost of these services for the first three years.

There are also several existing federal resources that can be leveraged to support 988 implementation. Examples from SAMHSA include the crisis set-aside through the [Mental Health Block Grant](#) as well as funding

through the Certified Community Behavioral Health Clinic (CCBHC) program. States are also able to leverage Medicaid dollars and [State Opioid Response grants](#).

If you have any further questions, please let us know. Thank you for your consideration!

Regards,
Jake



Jake Lestock

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It is CTIA's policy to comply fully with antitrust laws. To ensure compliance, CTIA's employees and the representatives of CTIA member companies should follow the [Antitrust Checklist for CTIA Meetings](#) when participating in CTIA-sponsored activities.

From: Roers, Kristin <kroers@ndlegis.gov>

Sent: Tuesday, January 17, 2023 11:08 AM

To: Jake Lestock <JLestock@ctia.org>

Subject: ND SB 2149

**** External Sender ****

Feel free to work through me to find the appropriate language for amendments and suggestions for alternate funding sources

Senator Kristin Roers

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23.0394.01000

Sixty-eighth
Legislative Assembly
of North Dakota

Introduced by

Senators Hogan, Cleary, Dever, Lee
Representatives O'Brien, Swiontek

A BILL for an Act to create and enact a new section to chapter 50-06 and ~~chapter 57-40.7~~ of the North Dakota Century Code, relating to the creation of the 988 crisis hotline program and the 988 crisis stabilization fund ~~and the imposition of a 988 access fee; and to provide a continuing appropriation; and to provide an effective date.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

988 crisis stabilization fund - 988 crisis hotline program - Establishment – Continuing appropriation.

1. There is created in the state treasury a special fund known as the 988 crisis stabilization fund. The fund consists of all moneys deposited in the fund pursuant to chapter 57-40.7, from federal grants and through legislative appropriation. All moneys deposited in the fund is appropriated as a continuing appropriation to the department for the purposes under this section.

2. The department shall establish and implement a 988 crisis hotline program to provide crisis outreach, stabilization, and acute care to individuals calling the 988 crisis hotline. The department may adopt rules in accordance with chapter 28-32 for the purpose of implementing this section.

3. In developing the program, the department shall:
— a. Determine the rate of a 988 surcharge to be collected by providers of assessed communications services in an amount to be established annually by the department, but not to exceed thirty cents per month per

communication connection. On or before October 1, 2023, and on or before October first of each year thereafter, the department shall notify the tax commissioner of the amount of the surcharge for the next calendar year. The amount of the surcharge must be calculated reasonably based on the cost of the services received by a service user. The amount of the surcharge imposed per 988 communication connection must be uniform, regardless of the technology used to provide the 988 communication connection.

ab. Fund the 988 crisis hotline to provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline.

be. Contract with crisis vendors to provide crisis outreach, stabilization, acute care, and marketing for the 988 crisis hotline.

cd. Contract with a nonprofit organization to operate the 988 crisis hotline and provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline from any jurisdiction within the state, twenty-four hours a day, seven days a week. The nonprofit organization must:

(1) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within the network;

(2) Meet the national suicide prevention lifeline requirements for serving high-risk and specialized populations; and

(3) Provide followup services to individuals accessing the 988 crisis hotline.

de. Collaborate with the national suicide prevention lifeline and the veterans crisis line for purposes of ensuring consistent public messaging about the 988 crisis hotline and available services.

4. For purposes of this section:

a. "988 crisis hotline" means a state-identified hotline participating in the national suicide prevention lifeline network to respond to statewide or regional behavior health crisis calls.

b. "Communication connection" means a telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation in which connections are enabled, configured, or capable of making 988 calls.

bc. "National suicide prevention lifeline" means a national network of local crisis centers maintained by the federal substance abuse and mental health services administration which provides free and confidential emotional support to people in suicidal crisis or emotional distress, twenty-four hours a day,

seven days a week.

~~d. "Service user" means a person that is provided a 988 communication connection in the state.~~

ce. "Veterans crisis line" means the veterans crisis line maintained by the United States department of veterans affairs.

5. Except for action or inaction that constitutes gross negligence or willful and wanton misconduct, each provider of a communications service and their employees, agents, suppliers and subcontractors shall not be liable for the payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency communication service or for damages resulting from the performance of installing, maintaining or providing 988 service.