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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2149

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; 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 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.

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

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

d. 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.

e. 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.

c. "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.

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

SECTION 2. Chapter 57-40.7 of the North Dakota Century Code is created and enacted as follows:

57-40.7-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Assessed communications service" means a software service, communication connection, cable or broadband transport facilities, or a combination of these facilities, between a billed retail end user and a service provider's network that provides the end user, upon contacting 988, access to the dedicated 988 network. The term includes telephone exchange access service, wireless service, and voice over internet protocol service.
2. "Commissioner" means the state tax commissioner.
3. "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.
4. "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.
5. "Voice over internet protocol service" means a service that enables real-time two-way voice communications, requires a broadband connection from the user's location, requires internet protocol-compatible customer premises equipment, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

6. "Wireless access line" means each active wireless and prepaid wireless telephone number assigned to a commercial mobile radio service subscriber, including end users of resellers.

7. "Wireless service" means commercial mobile radio service as defined in 47 U.S.C. 332(d)(1) and includes:

   a. Services commonly referred to as wireless; and

   b. Services provided by any wireless real-time two-way voice communication device, including radio-telephone communications used in:

      (1) Cellular telephone service;

      (2) Personal communications service; or

      (3) The functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, personal communications service, or a network radio access line.

57-40.7-02. 988 fee imposed - Assessed communications services.

1. There is imposed a fee in the amount determined annually under section 1 of this Act per month per communication connection which must be applied equally upon all assessed communications services.

2. The assessed communications service provider shall collect the fee from the subscriber or customer of the service.

3. For assessed communications service that involves a monthly billing, in the billing statement or invoice to the subscriber, the provider shall state the amount of the fee separately.

4. An assessed communications service provider required to collect, report, and remit the 988 fee imposed under this section may retain one percent of the fee.

5. The remaining fee proceeds must be remitted by the assessed communications service provider to the commissioner within thirty days after the fee is collected from the subscriber or customer unless the provider has fewer than ten subscribers or customers in a jurisdiction, in which case the provider may remit the proceeds quarterly.

6. Prepaid wireless services are not subject to the fee imposed by this section.

57-40.7-03. 988 fee fund collections - Deposit.

The commissioner shall remit quarterly the 988 fees collected under this chapter to the state treasurer for deposit in the 988 crisis stabilization fund.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act is effective for taxable periods beginning after December 31, 2023.