Adopted by the Senate the Human Services Committee

January 31, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2149

Page 1, line 4, after the semicolon insert "to provide for a legislative management report; to provide an appropriation;"

Page 1, line 14, after the underscored period insert "The first fifty thousand dollars deposited into the 988 crisis stabilization fund must be used to reimburse the funds appropriated from the general fund for the establishment and implementation of the 988 crisis hotline."

Page 2, line 8, after "provide" insert "or administer"

Page 3, after line 9, insert:

"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 are not 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."

Page 3, line 20, after "2." insert ""Assessed communications service provider" means any person that provides telecommunications services pursuant to a license issued by the federal communications commission.

3."

Page 3, line 21, replace "3." with "4."

Page 3, line 25, replace "4." with "5."

Page 3, line 27, replace "5." with "6."

Page 4, line 1, replace "6." with "7."

Page 4, line 3, after "resellers" insert ", billed in the state"

Page 4, line 4, replace "7." with "8."

Page 4, line 18, remove "The assessed communications service provider shall collect the fee from the"

Page 4, line 19, replace "subscriber or customer of the service" with "The commissioner shall provide notice of the 988 surcharge fee for the calendar year, as determined under section 1 of this Act, to assessed communication service providers on or before November first by posting the notice on the commissioner's website.

3. If the amount of the prepaid wireless emergency 988 fee imposed by this section is separately stated on an invoice, receipt, or other similar document provided to the consumer, the 988 fee may not be included in the base for measuring any other tax, fee, surcharge, or other charge that

is imposed by this state, any political subdivision of the state, or any intergovernmental agency.

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

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

Page 4, line 20, replace "3." with "6."

Page 4, line 23, replace "4." with "7."

Page 4, line 23, after "provider" insert "is"

Page 4, line 24, replace "may retain one percent of the fee" with ". An assessed communication service provider must complete a monthly 988 surcharge fee return reporting the amount of the 988 fee for the period covered by the return, and any other information the commissioner may require. Under this chapter:

a. The fee levied is due and payable on or before the last day of the month succeeding each monthly period; and

b. An assessed communication service provider shall file the return by electronic data interchange or other electronic media as determined by the commissioner.

8. An assessed communication service provider may deduct and retain one percent of the fee"

Page 4, replace lines 25 through 30 with:

"9. Chapter 57-39.2, pertaining to the administration of sales tax, not inconsistent with the provisions of this chapter, govern the administration of the 988 surcharge fee imposed in this chapter."

Page 5, after line 3, insert:

"**SECTION 3. LEGISLATIVE MANAGEMENT REPORT - CRISIS STABILIZATION FUND.** During the 2023-24 interim, the tax department shall provide an annual report to the legislative management on the balance of the 988 crisis stabilization fund. The report must include information regarding the growth and balance of the fund; recommendations, if any, for adjusting the fee rate; and any other findings, recommendations, or conclusions the tax department deems necessary.

SECTION 4. APPROPRIATION. DEPARTMENT OF HEALTH AND HUMAN SERVICES - 988 ESTABLISHMENT COSTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of fifty thousand dollars, or so much of the sum as may be necessary, to the department of health and human services for the purpose of establishing and implementing a 988 crisis hotline program, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly