

February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2200

Introduced by

Senators Hogan, Axtman, Lee

Representatives Dobervich, Frelich

1 A BILL for an Act to create and enact a new section to chapter 50-06 ~~and chapter 57-40.7~~ of the
2 North Dakota Century Code, relating to the creation of the 988 crisis hotline program and the
3 988 crisis stabilization fund ~~and the imposition of a 988 access fee~~; to provide for a legislative
4 management report; and to provide an appropriation; ~~to provide a continuing appropriation; and~~
5 ~~to provide an effective date.~~

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

9 **988 crisis stabilization fund - 988 crisis hotline program - Establishment** ~~Continuing~~
10 ~~appropriation.~~

- 11 1. There is created in the state treasury a special fund known as the 988 crisis
12 stabilization fund. The fund consists of all moneys deposited in the fund under chapter
13 57-40.7 and through legislative appropriation. All money deposited in the fund is
14 appropriated as a continuing appropriation to the department for the purposes under
15 this section. The first fifty thousand dollars deposited into the 988 crisis stabilization
16 fund must be transferred to the general fund to reimburse the general fund for the
17 moneys used from the general fund to establish and implement the 988 crisis hotline.
18 2. The department shall establish and implement a 988 crisis hotline program to provide
19 crisis outreach, stabilization, and acute care to individuals calling the 988 crisis hotline.

1 The department may adopt rules in accordance with chapter 28-32 for the purpose of
2 implementing this section.

3 3. In developing the program, the department shall:

4 a. ~~Determine the rate of a 988 surcharge to be collected by providers of assessed~~
5 ~~communications services in an amount to be established annually by the~~
6 ~~department, but not to exceed thirty cents per month per communication~~
7 ~~connection. On or before October 1, 2025, and on or before October first of each~~
8 ~~year thereafter, the department shall notify the tax commissioner of the amount of~~
9 ~~the surcharge for the next calendar year. The amount of the surcharge must be~~
10 ~~calculated reasonably based on the cost of the services received by a service~~
11 ~~user. The amount of the surcharge imposed per 988 communication connection~~
12 ~~must be uniform, regardless of the technology used to provide the~~
13 ~~988 communication connection.~~

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

16 ~~e.b.~~ Contract with crisis vendors to provide or administer crisis outreach, stabilization,
17 acute care, and marketing for the 988 crisis hotline.

18 ~~d.c.~~ Contract with a nonprofit organization to operate the 988 crisis hotline and
19 provide intervention services and crisis care coordination to individuals calling the
20 988 crisis hotline from any jurisdiction within the state, twenty-four hours a day,
21 seven days a week. The nonprofit organization must:

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

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

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

27 ~~e.d.~~ Collaborate with the national suicide prevention lifeline and the veterans crisis
28 line for purposes of ensuring consistent public messaging about the 988 crisis
29 hotline and available services.

30 4. For purposes of this section:

- 1 a. "988 crisis hotline" means a state-identified hotline participating in the national
2 suicide prevention and mental health crisis lifeline network to respond to
3 statewide or regional behavior health and substance use crisis calls.
- 4 b. ~~"Communication connection" means a telephone access line, wireless access~~
5 ~~line, unique voice over internet protocol service connection, or functional~~
6 ~~equivalent uniquely identifiable by a number, internet address, or other~~
7 ~~designation in which connections are enabled, configured, or capable of making~~
8 ~~988 calls, texts, and chats.~~
- 9 e. "National suicide prevention lifeline" means a national network of local crisis
10 centers maintained by the federal substance abuse and mental health services
11 administration which provides free and confidential emotional support to people
12 in suicidal crisis, behavioral health crisis or emotional distress, twenty-four hours
13 a day, seven days a week.
- 14 d.c. "Service user" means a person that is provided a 988 communication connection
15 in the state.
- 16 e.d. "Veterans crisis line" means the veterans crisis line maintained by the Secretary
17 of Veterans Affairs under section 1720F(h) of title 38, United States Code.
- 18 5. Except for action or inaction that constitutes gross negligence or willful and wanton
19 misconduct, each provider of a communications service and its employees, agents,
20 suppliers, and subcontractors are not liable for the payment of damages resulting
21 directly or indirectly from the total or partial failure of any transmission to an
22 emergency communication service or for damages resulting from the performance of
23 installing, maintaining, or providing 988 service.
- 24 6. Except for action or inaction that constitutes gross negligence or willful and wanton
25 misconduct, 988 crisis hotline agencies, employees, agents, suppliers, and
26 subcontractors are not liable for the payment of damages resulting directly or indirectly
27 for acts completed within the scope of an individual's employment responsibilities
28 including crisis stabilization services, outreach, de-escalation, stabilization, resource
29 connection, or followup support.

30 ~~**SECTION 2.** Chapter 57-40.7 of the North Dakota Century Code is created and enacted as~~
31 ~~**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. "Assessed communications service provider" means any person that provides telecommunications services under a license issued by the federal communications commission.~~

~~3. "Commissioner" means the tax commissioner.~~

~~4. "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, texts, and chats.~~

~~5. "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.~~

~~6. "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.~~

~~7. "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, billed in the state.~~

~~8. "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 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 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.~~

~~6. 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.~~

~~7. An assessed communications service provider is required to collect, report, and remit
the 988 fee imposed under this section. An assessed communication service provider
shall 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. An assessed communication service provider shall file the return by electronic
data interchange or other electronic media as determined by the commissioner. The~~

1 ~~fee levied is due and payable on or before the last day of the month succeeding each~~
2 ~~monthly period.~~

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

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

8 ~~57-40.7-03. 988 fee fund collections -- Deposit.~~

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

11 **SECTION 2. LEGISLATIVE MANAGEMENT REPORT - CRISIS STABILIZATION FUND.**

12 During the 2025-26 interim the ~~tax~~ department of health and human services shall provide an
13 annual report to the legislative management on the balance of the 988 crisis stabilization fund.

14 The report must include information regarding the growth and balance of the fund; and any
15 recommendations, ~~if any, for adjusting the fee rate; and any other~~ findings, ~~recommendations,~~
16 or conclusions the ~~tax~~ department deems necessary.

17 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general
18 fund in the state treasury, not otherwise appropriated, the sum of ~~\$50,000~~\$500,000, or so much
19 of the sum as may be necessary, to the department of health and human services for the
20 purpose of establishing and implementing a 988 crisis hotline program, for the biennium
21 beginning July 1, 2025, and ending June 30, 2027.

22 ~~SECTION 5. EFFECTIVE DATE. Section 2 of this Act is effective for taxable periods~~
23 ~~beginning after December 31, 2025.~~