

SENATE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Finance.

SB21-154 be amended as follows:

1 Strike the Health & Human Services Committee Report, dated April 7,  
2 2021, and substitute:

3 "Amend printed bill, page 2, strike everything below the enacting clause  
4 and substitute:

5 **"SECTION 1.** In Colorado Revised Statutes, **add** article 64 to  
6 title 27 as follows:

7 **ARTICLE 64**

8 **988 Crisis Hotline Enterprise**

9 **27-64-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY

10 FINDS AND DECLARES THAT:

11 (a) ON JULY 16, 2020, THE FEDERAL COMMUNICATIONS  
12 COMMISSION ADOPTED RULES, AND ON OCTOBER 17, 2020, CONGRESS  
13 PASSED THE "NATIONAL SUICIDE HOTLINE DESIGNATION ACT OF 2020",  
14 DESIGNATING 988 AS THE THREE-DIGIT NUMBER FOR THE NATIONAL  
15 SUICIDE PREVENTION LIFELINE TO AID RAPID ACCESS TO SUICIDE  
16 PREVENTION AND MENTAL HEALTH SUPPORT SERVICES;

17 (b) IT IS IMPERATIVE FOR COLORADO TO IMPLEMENT 988 AS THE  
18 THREE-DIGIT NUMBER FOR CRISIS RESPONSE SERVICES IN COLORADO IN  
19 ORDER TO COMPLY WITH FEDERAL REGULATIONS; IMPROVE QUALITY AND  
20 ACCESS TO BEHAVIORAL HEALTH CRISIS SERVICES, ESPECIALLY FOR  
21 UNDERSERVED POPULATIONS AND IN RURAL AREAS OF THE STATE; AND  
22 REDUCE STIGMA SURROUNDING SUICIDE, MENTAL HEALTH, AND  
23 SUBSTANCE USE CONDITIONS;

24 (c) THE 988 CRISIS HOTLINE ENTERPRISE PROVIDES VALUABLE  
25 BENEFITS AND SERVICES TO TELEPHONE SERVICE USERS WHEN THE  
26 ENTERPRISE FUNDS THE 988 CRISIS HOTLINE AND PROVIDES CRISIS  
27 OUTREACH, STABILIZATION, AND ACUTE CARE TO INDIVIDUALS CALLING  
28 THE 988 CRISIS HOTLINE FROM ANY JURISDICTION IN COLORADO  
29 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK;

30 (d) BY PROVIDING THE BENEFITS AND SERVICES SPECIFIED IN  
31 SUBSECTION (1)(c) OF THIS SECTION, THE 988 CRISIS HOTLINE ENTERPRISE  
32 ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN,  
33 OR LIVELIHOOD, AND THEREFORE OPERATES AS A BUSINESS;

34 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
35 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
36 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
37 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
38 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
39 ASSEMBLY THAT THE CHARGES IMPOSED BY THE ENTERPRISE IS A FEE, NOT

1 A TAX, BECAUSE THE CHARGES ARE IMPOSED FOR THE SPECIFIC PURPOSE  
2 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE  
3 BENEFITS AND SERVICES SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION  
4 TO TELEPHONE SERVICE USERS AND THE CHARGES ARE IMPOSED AT RATES  
5 THAT ARE REASONABLY CALCULATED BASED ON THE COST OF THE  
6 SERVICES RECEIVED BY TELEPHONE SERVICE USERS;

7 (f) SO LONG AS THE 988 CRISIS HOTLINE ENTERPRISE QUALIFIES AS  
8 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
9 CONSTITUTION, THE REVENUE FROM THE CHARGES IMPOSED BY THE  
10 ENTERPRISE ARE NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN  
11 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION  
12 24-77-103.6 (6)(c), AND DO NOT COUNT AGAINST EITHER THE STATE  
13 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 ARTICLE X OF THE  
14 STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED  
15 IN SECTION 24-77-103.6 (6)(b)(I); AND

16 (g) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN  
17 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE  
18 988 CRISIS HOTLINE ENTERPRISE AND THE 988 CRISIS HOTLINE ENTERPRISE  
19 WILL GENERATE REVENUE FROM CHARGES OF LESS THAN ONE HUNDRED  
20 MILLION DOLLARS TOTAL IN ITS FIRST FIVE FISCAL YEARS. ACCORDINGLY,  
21 THE CREATION OF THE 988 CRISIS HOTLINE ENTERPRISE DOES NOT REQUIRE  
22 VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

23 **27-64-102. Definitions.** AS USED IN THIS ARTICLE 64, UNLESS THE  
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "988 CRISIS HOTLINE" MEANS A STATE-IDENTIFIED HOTLINE  
26 PARTICIPATING IN THE NATIONAL SUICIDE PREVENTION LIFELINE NETWORK  
27 TO RESPOND TO STATEWIDE OR REGIONAL BEHAVIORAL HEALTH CRISIS  
28 CALLS.

29 (2) "CHARGE" MEANS THE 988 SURCHARGE IMPOSED BY THE  
30 ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(a) AND THE PREPAID  
31 WIRELESS 988 CHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO  
32 SECTION 27-64-103 (4)(b).

33 (3) "ENTERPRISE" MEANS THE 988 CRISIS HOTLINE ENTERPRISE  
34 CREATED IN SECTION 27-64-103.

35 (4) "NATIONAL SUICIDE PREVENTION LIFELINE" MEANS A  
36 NATIONAL NETWORK OF LOCAL CRISIS CENTERS MAINTAINED BY THE  
37 FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
38 ADMINISTRATION THAT PROVIDES FREE AND CONFIDENTIAL EMOTIONAL  
39 SUPPORT TO PEOPLE IN SUICIDAL CRISIS OR EMOTIONAL DISTRESS  
40 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

41 (5) "VETERANS CRISIS LINE" MEANS THE VETERANS CRISIS LINE  
42 MAINTAINED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

43 **27-64-103. 988 crisis hotline enterprise - creation - powers and**

1       **duties.** (1) THERE IS CREATED IN THE DEPARTMENT OF HUMAN SERVICES  
2        THE 988 CRISIS HOTLINE ENTERPRISE. THE ENTERPRISE IS AND OPERATES  
3        AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT OF HUMAN  
4        SERVICES FOR THE BUSINESS PURPOSE OF IMPOSING CHARGES PURSUANT  
5        TO SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION, AND UTILIZING THE  
6        CHARGES' REVENUE TO FUND THE 988 CRISIS HOTLINE AND PROVIDE CRISIS  
7        OUTREACH, STABILIZATION, AND ACUTE CARE TO INDIVIDUALS CALLING  
8        THE 988 CRISIS HOTLINE. THE ENTERPRISE EXERCISES ITS POWER AND  
9        PERFORMS ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE 1**  
10      TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE STATE DEPARTMENT.

11           (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
12      OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
13      RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
14      THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL  
15      COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
16      CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE  
17      ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
18      CONSTITUTION.

19           (3) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS  
20      APPOINTED BY THE GOVERNOR.

21           (4) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

22           (a) EFFECTIVE JANUARY 1, 2022, IMPOSE A 988 SURCHARGE ON  
23      SERVICE USERS, AS DEFINED IN SECTION 40-17.5-101 (13), IN AN AMOUNT  
24      TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN COLLABORATION  
25      WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO EXCEED THIRTY  
26      CENTS PER MONTH PER 988 ACCESS CONNECTION, AS DEFINED IN SECTION  
27      40-17.5-101 (2). ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE  
28      OCTOBER 1 OF EACH YEAR THEREAFTER, THE ENTERPRISE, IN  
29      COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, SHALL  
30      ESTABLISH THE AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR  
31      YEAR. THE AMOUNT OF THE SURCHARGE MUST BE REASONABLY  
32      CALCULATED BASED ON THE COST OF THE SERVICES RECEIVED BY  
33      TELEPHONE SERVICE USERS. THE AMOUNT OF THE SURCHARGE IMPOSED  
34      PER 988 ACCESS CONNECTION MUST BE UNIFORM, REGARDLESS OF THE  
35      TECHNOLOGY USED TO PROVIDE THE 988 ACCESS CONNECTION.

36           (b) EFFECTIVE JANUARY 1, 2022, IMPOSE A PREPAID WIRELESS 988  
37      CHARGE ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION  
38      40-17.5-104 (1)(d), IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE  
39      ENTERPRISE, IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION,  
40      BUT NOT TO EXCEED THIRTY CENTS PER EACH RETAIL TRANSACTION IN  
41      WHICH PREPAID WIRELESS SERVICE IS PURCHASED IN COLORADO. ON OR  
42      BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR  
43      THEREAFTER, THE ENTERPRISE, IN COLLABORATION WITH THE PUBLIC

1 UTILITIES COMMISSION, SHALL ESTABLISH THE AMOUNT OF THE CHARGE  
2 FOR THE NEXT CALENDAR YEAR. THE AMOUNT OF THE CHARGE MUST BE  
3 REASONABLY CALCULATED TO MEET THE NEEDS OF THE ENTERPRISE.

4 (c) AS REQUIRED BY SUBSECTION (5) OF THIS SECTION, FUND THE  
5 988 CRISIS HOTLINE TO PROVIDE INTERVENTION SERVICES AND CRISIS CARE  
6 COORDINATION TO INDIVIDUALS CALLING THE 988 CRISIS HOTLINE;

7 (d)(I) ENGAGE THE SERVICES OF THIRD PARTIES SERVING AS CRISIS  
8 VENDORS TO PROVIDE CRISIS OUTREACH, STABILIZATION, ACUTE CARE,  
9 AND MARKETING FOR THE 988 CRISIS HOTLINE;

10 (II) ENTER INTO ANY OTHER CONTRACTS NECESSARY FOR  
11 PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY  
12 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE  
13 ENTERPRISE, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES  
14 101 TO 112 OF TITLE 24.

15 (III) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE  
16 OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE PURSUANT  
17 TO A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (4)(d)(II) OF  
18 THIS SECTION.

19 (e) BY RESOLUTION, AUTHORIZE AND ISSUE REVENUE BONDS THAT  
20 ARE PAYABLE ONLY FROM THE MONEY IN THE 988 CRISIS HOTLINE CASH  
21 FUND CREATED IN SECTION 27-64-104; AND

22 (f) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF  
23 ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS  
24 SECTION.

25 (5) (a) ON OR BEFORE JULY 1, 2022, THE ENTERPRISE SHALL FUND  
26 A NONPROFIT ORGANIZATION TO OPERATE THE 988 CRISIS HOTLINE AND  
27 PROVIDE INTERVENTION SERVICES AND CRISIS CARE COORDINATION TO  
28 INDIVIDUALS CALLING THE 988 CRISIS HOTLINE FROM ANY JURISDICTION  
29 WITHIN COLORADO TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

30 (b) THE NONPROFIT ORGANIZATION SHALL:

31 (I) HAVE AN ACTIVE AGREEMENT WITH THE ADMINISTRATOR OF  
32 THE NATIONAL SUICIDE PREVENTION LIFELINE FOR PARTICIPATION WITHIN  
33 THE NETWORK;

34 (II) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE  
35 REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR OPERATIONAL AND  
36 CLINICAL STANDARDS;

37 (III) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE  
38 REQUIREMENTS FOR SERVING HIGH-RISK AND SPECIALIZED POPULATIONS;

39 (IV) DEPLOY MOBILE RESPONSE UNITS AND CO-RESPONDER  
40 PROGRAMS THAT ARE PART OF THE BEHAVIORAL HEALTH CRISIS RESPONSE  
41 SYSTEM, CREATED PURSUANT TO SECTION 27-60-103, AND COORDINATE  
42 ACCESS TO CRISIS WALK-IN CENTERS, AS APPROPRIATE; AND

43 (V) PROVIDE FOLLOW-UP SERVICES TO INDIVIDUALS ACCESSING

1 THE 988 CRISIS HOTLINE.

2 (6) THE ENTERPRISE SHALL COLLABORATE WITH THE NATIONAL  
3 SUICIDE PREVENTION LIFELINE AND THE VETERANS CRISIS LINE FOR THE  
4 PURPOSE OF ENSURING CONSISTENT PUBLIC MESSAGING ABOUT THE 988  
5 CRISIS HOTLINE CENTER AND AVAILABLE SERVICES.

6 (7) THE ENTERPRISE SHALL CONSIDER RECOMMENDATIONS FROM  
7 THE STATE'S 988 PLANNING COMMITTEE TO DETERMINE HOW THE 988  
8 CRISIS HOTLINE WILL INTERACT WITH THE TWENTY-FOUR-HOUR  
9 TELEPHONE CRISIS SERVICES ESTABLISHED IN SECTION 27-60-103 (1)(b)(I).

10 (8) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
11 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN  
12 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS  
13 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

14 (9) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
15 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
16 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
17 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
18 24-72-202(6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
19 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
20 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
21 LOCAL GOVERNMENTS COMBINED.

22 (10) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART  
23 2 OF ARTICLE 57 OF TITLE 11.

24 **27-64-104. 988 crisis hotline cash fund - creation.** (1) THE 988  
25 CRISIS HOTLINE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
26 IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY  
27 CREDITED TO THE FUND IN ACCORDANCE WITH ARTICLE 17.5 OF TITLE 40.

28 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
29 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
30 FUND TO THE FUND.

31 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
32 ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE FUND FOR  
33 THE PURPOSES OUTLINED IN SECTION 27-64-103 (4)(c) AND (4)(d).

34 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
35 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
36 THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS FROM STATE AND  
37 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S  
38 TOTAL ANNUAL REVENUE.

39 **27-64-105. Reports.** (1) BEGINNING JANUARY 1, 2023, AND EACH  
40 JANUARY 1 THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL:

41 (a) SUBMIT INFORMATION ABOUT THE USAGE OF THE 988 CRISIS  
42 HOTLINE AND SERVICES PROVIDED TO THE FEDERAL SUBSTANCE ABUSE  
43 AND MENTAL HEALTH SERVICES ADMINISTRATION AND INFORMATION

1     ABOUT THE EXPENDITURES OF THE 988 CRISIS HOTLINE CASH FUND TO THE  
2     FEDERAL COMMUNICATIONS COMMISSION; AND

9           **SECTION 2.** In Colorado Revised Statutes, **add** article 17.5 to  
10       title 40 as follows:

## ARTICLE 17.5

## **988 Surcharge and Prepaid Wireless 988 Charge for the 988 Crisis Hotline**

14           **40-17.5-101. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS  
15       THE CONTEXT OTHERWISE REQUIRES:

16 (1) "988" MEANS THE THREE-DIGIT ABBREVIATED DIALING CODE  
17 USED TO REPORT A BEHAVIORAL HEALTH CRISIS.

(3) "988 CRISIS HOTLINE ENTERPRISE" OR "ENTERPRISE" MEANS THE 988 CRISIS HOTLINE ENTERPRISE CREATED IN SECTION 27-64-103.

32 (4) "988 SURCHARGE" OR "SURCHARGE" MEANS THE 988  
33 SURCHARGE IMPOSED BY THE 988 CRISIS HOTLINE ENTERPRISE PURSUANT  
34 TO SECTION 27-64-103 (4)(a).

35 (5) "COMMISSION" OR "PUBLIC UTILITIES COMMISSION" MEANS THE  
36 PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO CREATED IN  
37 SECTION 40-2-101.

38 (6) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID  
39 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

40 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

41 (8) "PERSON" MEANS ANY INDIVIDUAL; FIRM; PARTNERSHIP;  
42 COPARTNERSHIP; JOINT VENTURE; ASSOCIATION; COOPERATIVE  
43 ORGANIZATION; CORPORATION, EITHER MUNICIPAL OR PRIVATE AND

1 ORGANIZED FOR PROFIT OR NOT; GOVERNMENTAL AGENCY; STATE;  
2 COUNTY OR CITY AND COUNTY; POLITICAL SUBDIVISION; STATE  
3 DEPARTMENT; COMMISSION; BOARD; OR BUREAU, FRATERNAL  
4 ORGANIZATION, NONPROFIT ORGANIZATION, ESTATE, TRUST, BUSINESS OR  
5 COMMON LAW TRUST, RECEIVER, ASSIGNEE FOR THE BENEFIT OF  
6 CREDITORS, TRUSTEE, OR TRUSTEE IN BANKRUPTCY; OR ANY OTHER  
7 SERVICE USER.

8 (9) "PREPAID WIRELESS 988 CHARGE" OR "CHARGE" MEANS THE  
9 CHARGE IMPOSED BY THE 988 CRISIS HOTLINE ENTERPRISE PURSUANT TO  
10 SECTION 27-64-103 (4)(b).

11 (10) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID  
12 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY  
13 PURPOSE OTHER THAN RESALE.

14 (11) "SELLER" MEANS A PERSON WHO SELLS PREPAID WIRELESS  
15 TELECOMMUNICATIONS SERVICES TO ANOTHER PERSON.

16 (12) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 988 ACCESS  
17 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR  
18 BY RESALE.

19 (13) "SERVICE USER" MEANS A PERSON WHO IS PROVIDED A 988  
20 ACCESS CONNECTION IN THE STATE.

21 **40-17.5-102. 988 surcharge - collection - rules.** (1) THE  
22 COMMISSION SHALL COLLECT, ON BEHALF OF THE 988 CRISIS HOTLINE  
23 ENTERPRISE, THE 988 SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT  
24 TO SECTION 27-64-103 (4)(a) TO FUND THE ENTERPRISE. THE COMMISSION  
25 SHALL COLLABORATE WITH THE ENTERPRISE TO ESTABLISH THE AMOUNT  
26 OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR.

27 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE  
28 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE  
29 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE  
30 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE  
31 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

32 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED  
33 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER  
34 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH  
35 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO  
36 THE PENALTIES AND PROCEDURES IN SECTION 40-17.5-103 FOR THE  
37 FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN  
38 ACCORDANCE WITH THIS SECTION.

39 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT  
40 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER  
41 FROM ITS SERVICE USERS.

42 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE  
43 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION

1 (3)(a) OF THIS SECTION TO THE 988 CRISIS HOTLINE CASH FUND CREATED  
2 IN SECTION 27-64-104. ANY SURCHARGE TRANSMITTED TO THE STATE  
3 TREASURER THAT IS COLLECTED ON BEHALF OF THE 988 CRISIS HOTLINE  
4 ENTERPRISE IS EXCLUDED FROM STATE FISCAL YEAR SPENDING.

5 (II) THE COMMISSION MAY RETAIN UP TO FOUR PERCENT OF THE  
6 COLLECTED SURCHARGES NECESSARY TO REIMBURSE THE COMMISSION FOR  
7 ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND  
8 REMITTANCE OF SURCHARGES FOR THE 988 CRISIS HOTLINE, INCLUDING  
9 COSTS RELATED TO CONDUCTING AUDITS OF SERVICE SUPPLIERS IN  
10 ACCORDANCE WITH SECTION 40-17.5-103.

11 (4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO  
12 SECTION 27-64-103 (4)(a) IS THE ONLY DIRECT 988 FUNDING OBLIGATION  
13 IMPOSED UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE,  
14 OR OTHER CHARGE TO FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE  
15 STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY  
16 INTERGOVERNMENTAL AGENCY UPON A SELLER OR CONSUMER WITH  
17 RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF 988 ACCESS  
18 CONNECTION IN THE STATE.

19 (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS  
20 TELECOMMUNICATIONS SERVICES.

21 **40-17.5-103. Remittance of surcharges - incorrect or  
22 delinquent reports - penalties - administrative fees - rules.** (1) EVERY  
23 SERVICE SUPPLIER SHALL COLLECT THE 988 SURCHARGE BY THE 988 CRISIS  
24 HOTLINE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(a) FROM ITS  
25 SERVICE USERS.

26 (2) THE DUTY TO COLLECT OR REMIT THE 988 SURCHARGE  
27 COMMENCES ON JANUARY 1, 2022. THE 988 SURCHARGE MUST BE STATED  
28 SEPARATELY OR ON THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED  
29 IN SECTION 29-11-102.3. THE REVENUES COLLECTED FROM THE 988 AND  
30 911 SURCHARGES MUST NOT BE COMBINED IN ANY WAY AND MUST BE  
31 COLLECTED AND REMITTED TO THE COMMISSION SEPARATELY.

32 (3) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE 988 SURCHARGE  
33 COLLECTED PURSUANT TO THIS ARTICLE 17.5 UNTIL IT IS REMITTED TO THE  
34 COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER MUST  
35 REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 988 ACCESS  
36 CONNECTIONS BILLED.

37 (4) A SERVICE SUPPLIER SHALL REMIT THE 988 SURCHARGE IN  
38 ACCORDANCE WITH SECTION 40-17.5-102 AND RULES ADOPTED BY THE  
39 COMMISSION.

40 (5) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE  
41 AMOUNT OF EACH 988 SURCHARGE COLLECTED AND REMITTED BY SERVICE  
42 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE  
43 CHARGE WAS COLLECTED AND REMITTED.

37 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE  
38 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND  
39 REMITTANCE OF THE CHARGES AUTHORIZED BY THIS ARTICLE 17.5. A  
40 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE  
41 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS RESPONSIBLE  
42 FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT THE AUDIT. IN  
43 CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS SHALL MAKE

1 RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE. THE  
2 COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND  
3 APPEAL PROCEDURES.

4 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES OR INTEREST  
5 IN THE 988 CRISIS HOTLINE CASH FUND CREATED IN SECTION 27-64-104.

6 **40-17.5-104. Prepaid wireless 988 charge - collection - rules.**

7 (1) (a) THE SELLER SHALL COLLECT, ON BEHALF OF THE 988 CRISIS  
8 HOTLINE ENTERPRISE, THE PREPAID WIRELESS 988 CHARGE IMPOSED BY  
9 THE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(b) FROM THE  
10 CONSUMER ON EACH RETAIL TRANSACTION OCCURRING IN THE STATE. THE  
11 AMOUNT OF THE PREPAID WIRELESS 988 CHARGE SHALL BE EITHER  
12 DISCLOSED TO THE CONSUMER, OR SEPARATELY STATED OR STATED ON  
13 THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED IN SECTION  
14 29-11-102.3 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE  
15 SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER  
16 DISCLOSE OR SEPARATELY STATE THE CHARGE AND SHALL NOT CHANGE  
17 THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE  
18 SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING  
19 THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE  
20 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER  
21 PROVIDES TO THE CONSUMER.

22 (b) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION  
23 OCCURS IN COLORADO IF:

24 (I) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON  
25 AT A BUSINESS LOCATION IN COLORADO;

26 (II) IF SUBSECTION (1)(b)(I) OF THIS SECTION DOES NOT APPLY, THE  
27 PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS  
28 PROVIDED TO THE SELLER;

29 (III) IF SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION DO  
30 NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE ORDINARY  
31 COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S ADDRESS IS IN  
32 COLORADO AND THE RECORDS ARE NOT MADE OR KEPT IN BAD FAITH;

33 (IV) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(III) OF THIS SECTION DO  
34 NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE  
35 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT  
36 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO  
37 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR

38 (V) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(IV) OF THIS SECTION DO  
39 NOT APPLY, THE MOBILE TELEPHONE NUMBER IS ASSOCIATED WITH A  
40 COLORADO LOCATION.

41 (c) THE PREPAID WIRELESS 988 CHARGE IS THE LIABILITY OF THE  
42 CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE SELLER IS LIABLE  
43 TO REMIT ALL PREPAID WIRELESS 988 CHARGES THAT THE SELLER

1 COLLECTS FROM A CONSUMER AS PROVIDED IN SUBSECTION (2) OF THIS  
2 SECTION.

3 (d) THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE THAT IS  
4 COLLECTED BY A SELLER FROM A CONSUMER IS NOT INCLUDED IN THE BASE  
5 FOR MEASURING ANY TAX, FEE, SURCHARGE, OR OTHER CHARGE THAT IS  
6 IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR  
7 ANY INTERGOVERNMENTAL AGENCY.

8 (2) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID  
9 WIRELESS 988 CHARGES TO THE DEPARTMENT AT THE TIMES AND IN THE  
10 MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE 39. THE  
11 DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND PAYMENT  
12 PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE REGISTRATION  
13 AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF ARTICLE 26 OF  
14 TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER PART 1 OF  
15 ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A PREPAID  
16 WIRELESS 988 CHARGE IN ACCORDANCE WITH THIS SECTION.

17 (b) A SELLER MAY DEDUCT AND RETAIN THREE AND THREE-TENTHS  
18 PERCENT OF THE PREPAID WIRELESS 988 CHARGES THAT ARE COLLECTED  
19 BY THE SELLER FROM THE CONSUMERS.

20 (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE  
21 STATE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39 APPLY  
22 TO PREPAID WIRELESS 988 CHARGES.

23 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY  
24 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL  
25 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH  
26 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR  
27 PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE  
28 39.

29 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID  
30 WIRELESS 988 CHARGES REMITTED TO THE DEPARTMENT PURSUANT TO  
31 SUBSECTION (2)(a) OF THIS SECTION TO THE 988 CRISIS HOTLINE CASH  
32 FUND CREATED IN SECTION 27-64-104.

33 (II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE  
34 COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR  
35 ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE  
36 OF PREPAID WIRELESS 988 CHARGES.

37 (3) THE PREPAID WIRELESS 988 CHARGE IMPOSED PURSUANT TO  
38 SECTION 27-60-103 (4)(b) IS THE ONLY DIRECT 988 FUNDING OBLIGATION  
39 IMPOSED WITH RESPECT TO PREPAID WIRELESS TELECOMMUNICATIONS  
40 SERVICE IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO  
41 FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL  
42 SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON  
43 A SELLER OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR

1 PROVISION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

2 **40-17.5-105. Immunity of providers.** NO SERVICE PROVIDER OR  
3 SERVICE SUPPLIER, OR ANY EMPLOYEE OR AGENT THEREOF, SHALL BE  
4 LIABLE FOR ANY DAMAGES IN A CIVIL ACTION FOR INJURIES, DEATH, OR  
5 LOSS TO PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR  
6 OMISSION OF SUCH SERVICE PROVIDER, SERVICE SUPPLIER, EMPLOYEE, OR  
7 AGENT IN CONNECTION WITH DEVELOPING, ADOPTING, IMPLEMENTING,  
8 MAINTAINING, ENHANCING, OR PROVIDING 988 ACCESS CONNECTION OR  
9 SERVICE, UNLESS SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED  
10 BY OR RESULTED FROM GROSS NEGLIGENCE OF THE PROVIDER, SUPPLIER,  
11 EMPLOYEE, OR AGENT.

12 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**  
13 (5)(rr) as follows:

14 **24-75-402. Cash funds - limit on uncommitted reserves -**  
15 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any  
16 provision of this section to the contrary, the following cash funds are  
17 excluded from the limitations specified in this section:

18 (rr) THE 988 CRISIS HOTLINE CASH FUND CREATED IN SECTION  
19 27-64-104.

20 **SECTION 4. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly; except  
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
24 of the state constitution against this act or an item, section, or part of this  
25 act within such period, then the act, item, section, or part will not take  
26 effect unless approved by the people at the general election to be held in  
27 November 2022 and, in such case, will take effect on the date of the  
28 official declaration of the vote thereon by the governor."".

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