

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 28, 2021

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB21-154 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike everything below the enacting clause
2 and substitute:

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

5 **ARTICLE 64**
6 **988 Crisis Hotline Enterprise**

7 **27-64-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT:

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

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

22 (c) THE 988 CRISIS HOTLINE ENTERPRISE PROVIDES VALUABLE
23 BENEFITS AND SERVICES TO TELEPHONE SERVICE USERS WHEN THE

1 ENTERPRISE FUNDS THE 988 CRISIS HOTLINE AND PROVIDES CRISIS
2 OUTREACH, STABILIZATION, AND ACUTE CARE TO INDIVIDUALS CALLING
3 THE 988 CRISIS HOTLINE FROM ANY JURISDICTION IN COLORADO
4 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK;

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

9 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
10 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
11 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
12 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
13 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
14 ASSEMBLY THAT THE CHARGES IMPOSED BY THE ENTERPRISE IS A FEE, NOT
15 A TAX, BECAUSE THE CHARGES ARE IMPOSED FOR THE SPECIFIC PURPOSE
16 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE
17 BENEFITS AND SERVICES SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION
18 TO TELEPHONE SERVICE USERS AND THE CHARGES ARE IMPOSED AT RATES
19 THAT ARE REASONABLY CALCULATED BASED ON THE COST OF THE
20 SERVICES RECEIVED BY TELEPHONE SERVICE USERS;

21 (f) SO LONG AS THE 988 CRISIS HOTLINE ENTERPRISE QUALIFIES AS
22 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
23 CONSTITUTION, THE REVENUE FROM THE CHARGES IMPOSED BY THE
24 ENTERPRISE ARE NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
25 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
26 24-77-103.6 (6)(c), AND DO NOT COUNT AGAINST EITHER THE STATE
27 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 ARTICLE X OF THE
28 STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED
29 IN SECTION 24-77-103.6 (6)(b)(I); AND

30 (g) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
31 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
32 988 CRISIS HOTLINE ENTERPRISE AND THE 988 CRISIS HOTLINE ENTERPRISE
33 WILL GENERATE REVENUE FROM CHARGES OF LESS THAN ONE HUNDRED
34 MILLION DOLLARS TOTAL IN ITS FIRST FIVE FISCAL YEARS. ACCORDINGLY,
35 THE CREATION OF THE 988 CRISIS HOTLINE ENTERPRISE DOES NOT REQUIRE
36 VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

37 **27-64-102. Definitions.** AS USED IN THIS ARTICLE 64, UNLESS THE
38 CONTEXT OTHERWISE REQUIRES:

39 (1) "988 CRISIS HOTLINE" MEANS A STATE-IDENTIFIED HOTLINE
40 PARTICIPATING IN THE NATIONAL SUICIDE PREVENTION LIFELINE NETWORK
41 TO RESPOND TO STATEWIDE OR REGIONAL BEHAVIORAL HEALTH CRISIS



1 CALLS.

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

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

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

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

16 **27-64-103. 988 crisis hotline enterprise - creation - powers and**

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

27 (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
28 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
29 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
30 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
31 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
32 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE
33 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
34 CONSTITUTION.

35 (3) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS
36 APPOINTED BY THE GOVERNOR.

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

38 (a) EFFECTIVE JANUARY 1, 2022, IMPOSE A 988 SURCHARGE ON
39 SERVICE USERS, AS DEFINED IN SECTION 40-17.5-101 (13), IN AN AMOUNT
40 TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN COLLABORATION
41 WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO EXCEED THIRTY



1 CENTS PER MONTH PER 988 ACCESS CONNECTION, AS DEFINED IN SECTION
2 40-17.5-101 (2). ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE
3 OCTOBER 1 OF EACH YEAR THEREAFTER, THE ENTERPRISE, IN
4 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, SHALL
5 ESTABLISH THE AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR
6 YEAR. THE AMOUNT OF THE SURCHARGE MUST BE REASONABLY
7 CALCULATED BASED ON THE COST OF THE SERVICES RECEIVED BY
8 TELEPHONE SERVICE USERS. THE AMOUNT OF THE SURCHARGE IMPOSED
9 PER 988 ACCESS CONNECTION MUST BE UNIFORM, REGARDLESS OF THE
10 TECHNOLOGY USED TO PROVIDE THE 988 ACCESS CONNECTION.

11 (b) EFFECTIVE JANUARY 1, 2022, IMPOSE A PREPAID WIRELESS 988
12 CHARGE ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION
13 40-17.5-104 (1)(d), IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE
14 ENTERPRISE, IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION,
15 BUT NOT TO EXCEED THIRTY CENTS PER EACH RETAIL TRANSACTION IN
16 WHICH PREPAID WIRELESS SERVICE IS PURCHASED IN COLORADO. ON OR
17 BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR
18 THEREAFTER, THE ENTERPRISE, IN COLLABORATION WITH THE PUBLIC
19 UTILITIES COMMISSION, SHALL ESTABLISH THE AMOUNT OF THE CHARGE
20 FOR THE NEXT CALENDAR YEAR. THE AMOUNT OF THE CHARGE MUST BE
21 REASONABLY CALCULATED TO MEET THE NEEDS OF THE ENTERPRISE.

22 (c) AS REQUIRED BY SUBSECTION (5) OF THIS SECTION, FUND THE
23 988 CRISIS HOTLINE TO PROVIDE INTERVENTION SERVICES AND CRISIS CARE
24 COORDINATION TO INDIVIDUALS CALLING THE 988 CRISIS HOTLINE;

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

28 (II) ENTER INTO ANY OTHER CONTRACTS NECESSARY FOR
29 PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY
30 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
31 ENTERPRISE, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES
32 101 TO 112 OF TITLE 24.

33 (III) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE
34 OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE PURSUANT
35 TO A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (4)(d)(II) OF
36 THIS SECTION.

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

40 (f) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF
41 ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS



1 SECTION.

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

7 (b) THE NONPROFIT ORGANIZATION SHALL:

8 (I) HAVE AN ACTIVE AGREEMENT WITH THE ADMINISTRATOR OF
9 THE NATIONAL SUICIDE PREVENTION LIFELINE FOR PARTICIPATION WITHIN
10 THE NETWORK;

11 (II) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE
12 REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR OPERATIONAL AND
13 CLINICAL STANDARDS;

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

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

20 (V) PROVIDE FOLLOW-UP SERVICES TO INDIVIDUALS ACCESSING
21 THE 988 CRISIS HOTLINE.

22 (6) THE ENTERPRISE SHALL COLLABORATE WITH THE NATIONAL
23 SUICIDE PREVENTION LIFELINE AND THE VETERANS CRISIS LINE FOR THE
24 PURPOSE OF ENSURING CONSISTENT PUBLIC MESSAGING ABOUT THE 988
25 CRISIS HOTLINE CENTER AND AVAILABLE SERVICES.

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

30 (8) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
31 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
32 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
33 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

34 (9) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
35 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
36 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
37 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
38 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
39 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
40 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
41 LOCAL GOVERNMENTS COMBINED.



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

3 **27-64-104. 988 crisis hotline cash fund - creation.** (1) THE 988
4 CRISIS HOTLINE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
5 IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
6 CREDITED TO THE FUND IN ACCORDANCE WITH ARTICLE 17.5 OF TITLE 40.

7 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
8 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
9 FUND TO THE FUND.

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

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

18 **27-64-105. Reports.** (1) BEGINNING JANUARY 1, 2023, AND EACH
19 JANUARY 1 THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL:

20 (a) SUBMIT INFORMATION ABOUT THE USAGE OF THE 988 CRISIS
21 HOTLINE AND SERVICES PROVIDED TO THE FEDERAL SUBSTANCE ABUSE
22 AND MENTAL HEALTH SERVICES ADMINISTRATION AND INFORMATION
23 ABOUT THE EXPENDITURES OF THE 988 CRISIS HOTLINE CASH FUND TO THE
24 FEDERAL COMMUNICATIONS COMMISSION; AND

25 (b) REPORT PROGRESS ON THE IMPLEMENTATION OF THE 988 CRISIS
26 HOTLINE, INCLUDING THE USAGE OF THE 988 CRISIS HOTLINE, THE
27 SERVICES PROVIDED, AND THE DEPOSITS AND EXPENDITURES FROM THE
28 988 CRISIS HOTLINE CASH FUND AS PART OF ITS "STATE MEASUREMENT
29 FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
30 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

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

33 **ARTICLE 17.5**

34 **988 Surcharge and Prepaid Wireless 988 Charge**
35 **for the 988 Crisis Hotline**

36 **40-17.5-101. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS
37 THE CONTEXT OTHERWISE REQUIRES:

38 (1) "988" MEANS THE THREE-DIGIT ABBREVIATED DIALING CODE
39 USED TO REPORT A BEHAVIORAL HEALTH CRISIS.

40 (2) "988 ACCESS CONNECTION" MEANS ANY COMMUNICATIONS
41 SERVICE INCLUDING WIRELINE, WIRELESS CELLULAR, INTERCONNECTED



1 VOICE OVER INTERNET PROTOCOL , OR SATELLITE IN WHICH CONNECTIONS
2 ARE ENABLED, CONFIGURED, OR CAPABLE OF MAKING 988 CALLS. "988
3 ACCESS CONNECTION" DOES NOT INCLUDE FACILITIES-BASED BROADBAND
4 SERVICES. THE NUMBER OF 988 ACCESS CONNECTIONS IS DETERMINED BY
5 THE CONFIGURED CAPACITY FOR SIMULTANEOUS OUTBOUND CALLING. FOR
6 EXAMPLE, FOR A DIGITAL SIGNAL-1 (DS-1) LEVEL SERVICE OR
7 EQUIVALENT THAT IS CHANNELIZED AND SPLIT INTO SEPARATE CHANNELS
8 FOR VOICE COMMUNICATIONS, THE NUMBER OF 988 ACCESS CONNECTIONS
9 WOULD BE EQUAL TO THE NUMBER OF CHANNELS CAPABLE OF MAKING
10 SIMULTANEOUS CALLS.

11 (3) "988 CRISIS HOTLINE ENTERPRISE" OR "ENTERPRISE" MEANS
12 THE 988 CRISIS HOTLINE ENTERPRISE CREATED IN SECTION 27-64-103.

13 (4) "988 SURCHARGE" OR "SURCHARGE" MEANS THE 988
14 SURCHARGE IMPOSED BY THE 988 CRISIS HOTLINE ENTERPRISE PURSUANT
15 TO SECTION 27-64-103 (4)(a).

16 (5) "COMMISSION" OR "PUBLIC UTILITIES COMMISSION" MEANS THE
17 PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO CREATED IN
18 SECTION 40-2-101.

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

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

22 (8) "PERSON" MEANS ANY INDIVIDUAL; FIRM; PARTNERSHIP;
23 COPARTNERSHIP; JOINT VENTURE; ASSOCIATION; COOPERATIVE
24 ORGANIZATION; CORPORATION, EITHER MUNICIPAL OR PRIVATE AND
25 ORGANIZED FOR PROFIT OR NOT; GOVERNMENTAL AGENCY; STATE;
26 COUNTY OR CITY AND COUNTY; POLITICAL SUBDIVISION; STATE
27 DEPARTMENT; COMMISSION; BOARD; OR BUREAU, FRATERNAL
28 ORGANIZATION, NONPROFIT ORGANIZATION, ESTATE, TRUST, BUSINESS OR
29 COMMON LAW TRUST, RECEIVER, ASSIGNEE FOR THE BENEFIT OF
30 CREDITORS, TRUSTEE, OR TRUSTEE IN BANKRUPTCY; OR ANY OTHER
31 SERVICE USER.

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

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

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

40 (12) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 988 ACCESS
41 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR



1 BY RESALE.

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

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

10 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
11 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE
12 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE
13 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE
14 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

15 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED
16 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER
17 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH
18 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO
19 THE PENALTIES AND PROCEDURES IN SECTION 40-17.5-103 FOR THE
20 FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN
21 ACCORDANCE WITH THIS SECTION.

22 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT
23 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER
24 FROM ITS SERVICE USERS.

25 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE
26 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION
27 (3)(a) OF THIS SECTION TO THE 988 CRISIS HOTLINE CASH FUND CREATED
28 IN SECTION 27-64-104. ANY SURCHARGE TRANSMITTED TO THE STATE
29 TREASURER THAT IS COLLECTED ON BEHALF OF THE 988 CRISIS HOTLINE
30 ENTERPRISE IS EXCLUDED FROM STATE FISCAL YEAR SPENDING.

31 (II) THE COMMISSION MAY RETAIN UP TO FOUR PERCENT OF THE
32 COLLECTED SURCHARGES NECESSARY TO REIMBURSE THE COMMISSION FOR
33 ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND
34 REMITTANCE OF SURCHARGES FOR THE 988 CRISIS HOTLINE, INCLUDING
35 COSTS RELATED TO CONDUCTING AUDITS OF SERVICE SUPPLIERS IN
36 ACCORDANCE WITH SECTION 40-17.5-103.

37 (4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO
38 SECTION 27-64-103 (4)(a) IS THE ONLY DIRECT 988 FUNDING OBLIGATION
39 IMPOSED UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE,
40 OR OTHER CHARGE TO FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE
41 STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY



1 INTERGOVERNMENTAL AGENCY UPON A SELLER OR CONSUMER WITH
2 RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF 988 ACCESS
3 CONNECTION IN THE STATE.

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

6 **40-17.5-103. Remittance of surcharges - incorrect or**
7 **delinquent reports - penalties - administrative fees - rules.** (1) EVERY
8 SERVICE SUPPLIER SHALL COLLECT THE 988 SURCHARGE BY THE 988 CRISIS
9 HOTLINE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(a) FROM ITS
10 SERVICE USERS.

11 (2) THE DUTY TO COLLECT OR REMIT THE 988 SURCHARGE
12 COMMENCES ON JANUARY 1, 2022. THE 988 SURCHARGE MUST BE STATED
13 SEPARATELY OR ON THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED
14 IN SECTION 29-11-102.3. THE REVENUES COLLECTED FROM THE 988 AND
15 911 SURCHARGES MUST NOT BE COMBINED IN ANY WAY AND MUST BE
16 COLLECTED AND REMITTED TO THE COMMISSION SEPARATELY.

17 (3) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE 988 SURCHARGE
18 COLLECTED PURSUANT TO THIS ARTICLE 17.5 UNTIL IT IS REMITTED TO THE
19 COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER MUST
20 REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 988 ACCESS
21 CONNECTIONS BILLED.

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

25 (5) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
26 AMOUNT OF EACH 988 SURCHARGE COLLECTED AND REMITTED BY SERVICE
27 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE
28 CHARGE WAS COLLECTED AND REMITTED.

29 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND
30 REMIT THE 988 SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A
31 SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE
32 CORRECT AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF
33 THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE
34 SERVICE SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE
35 ESTIMATE BASED UPON THE INFORMATION AVAILABLE. THE COMMISSION
36 SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF
37 THE ESTIMATE OF THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST
38 ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH
39 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

40 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME
41 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (5)(d) OF THIS



1 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY
2 AND INTEREST OWED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,
3 OTHER THAN INTEREST ACCRUING THEREAFTER, MUST BE ASSESSED
4 WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED
5 OR THE DELINQUENT REPORT WAS TO BE FILED. THE COMMISSION SHALL
6 NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A
7 SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT
8 AFTER THE EXPIRATION OF SUCH PERIOD UNLESS THE COMMISSION ISSUES
9 A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR
10 WITHIN AN EXTENDED PERIOD PURSUANT TO SUBSECTION (5)(d) OF THIS
11 SECTION.

12 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE
13 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (5)(c) OF THIS
14 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN
15 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT
16 CALCULATED IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION
17 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD
18 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY
19 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF
20 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN
21 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR
22 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE
23 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.5.

24 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE
25 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND
26 REMITTANCE OF THE CHARGES AUTHORIZED BY THIS ARTICLE 17.5. A
27 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE
28 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS RESPONSIBLE
29 FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT THE AUDIT. IN
30 CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS SHALL MAKE
31 RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE. THE
32 COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND
33 APPEAL PROCEDURES.

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

36 **40-17.5-104. Prepaid wireless 988 charge - collection - rules.**

37 (1) (a) THE SELLER SHALL COLLECT, ON BEHALF OF THE 988 CRISIS
38 HOTLINE ENTERPRISE, THE PREPAID WIRELESS 988 CHARGE IMPOSED BY
39 THE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(b) FROM THE
40 CONSUMER ON EACH RETAIL TRANSACTION OCCURRING IN THE STATE. THE
41 AMOUNT OF THE PREPAID WIRELESS 988 CHARGE SHALL BE EITHER

1 DISCLOSED TO THE CONSUMER, OR SEPARATELY STATED OR STATED ON
2 THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED IN SECTION
3 29-11-102.3 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE
4 SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER
5 DISCLOSE OR SEPARATELY STATE THE CHARGE AND SHALL NOT CHANGE
6 THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE
7 SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING
8 THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE
9 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER
10 PROVIDES TO THE CONSUMER.

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

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

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

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

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

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

30 (c) THE PREPAID WIRELESS 988 CHARGE IS THE LIABILITY OF THE
31 CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE SELLER IS LIABLE
32 TO REMIT ALL PREPAID WIRELESS 988 CHARGES THAT THE SELLER
33 COLLECTS FROM A CONSUMER AS PROVIDED IN SUBSECTION (2) OF THIS
34 SECTION.

35 (d) THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE THAT IS
36 COLLECTED BY A SELLER FROM A CONSUMER IS NOT INCLUDED IN THE BASE
37 FOR MEASURING ANY TAX, FEE, SURCHARGE, OR OTHER CHARGE THAT IS
38 IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR
39 ANY INTERGOVERNMENTAL AGENCY.

40 (2) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID
41 WIRELESS 988 CHARGES TO THE DEPARTMENT AT THE TIMES AND IN THE



1 MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE 39. THE
2 DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND PAYMENT
3 PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE REGISTRATION
4 AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF ARTICLE 26 OF
5 TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER PART 1 OF
6 ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A PREPAID
7 WIRELESS 988 CHARGE IN ACCORDANCE WITH THIS SECTION.

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

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

14 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY
15 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL
16 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH
17 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR
18 PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE
19 39.

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

24 (II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE
25 COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR
26 ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE
27 OF PREPAID WIRELESS 988 CHARGES.

28 (3) THE PREPAID WIRELESS 988 CHARGE IMPOSED PURSUANT TO
29 SECTION 27-60-103 (4)(b) IS THE ONLY DIRECT 988 FUNDING OBLIGATION
30 IMPOSED WITH RESPECT TO PREPAID WIRELESS TELECOMMUNICATIONS
31 SERVICE IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO
32 FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL
33 SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON
34 A SELLER OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR
35 PROVISION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

36 **40-17.5-105. Immunity of providers.** NO SERVICE PROVIDER OR
37 SERVICE SUPPLIER, OR ANY EMPLOYEE OR AGENT THEREOF, SHALL BE
38 LIABLE FOR ANY DAMAGES IN A CIVIL ACTION FOR INJURIES, DEATH, OR
39 LOSS TO PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR
40 OMISSION OF SUCH SERVICE PROVIDER, SERVICE SUPPLIER, EMPLOYEE, OR
41 AGENT IN CONNECTION WITH DEVELOPING, ADOPTING, IMPLEMENTING,



1 MAINTAINING, ENHANCING, OR PROVIDING 988 ACCESS CONNECTION OR
2 SERVICE, UNLESS SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED
3 BY OR RESULTED FROM GROSS NEGLIGENCE OF THE PROVIDER, SUPPLIER,
4 EMPLOYEE, OR AGENT.

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

7 **24-75-402. Cash funds - limit on uncommitted reserves -**
8 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any
9 provision of this section to the contrary, the following cash funds are
10 excluded from the limitations specified in this section:

11 (rr) THE 988 CRISIS HOTLINE CASH FUND CREATED IN SECTION
12 27-64-104.

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

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