

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

### REENGROSSED HOUSE BILL NO. 1535

Introduced by

Representatives Davis, Finley-DeVille, Martinson, Satrom, Schneider, Brown, Sanford,  
Swiontek

Senators Braunberger, Cory, Lee

A BILL for an Act ~~to create and enact a new section to chapter 39-03 of the North Dakota~~  
~~Century Code, relating to the feather alert notice system; and~~ to amend and reenact the new  
chapter to title 54 as created by section 1 of Senate Bill No. 2098, as approved by the sixty-  
ninth legislative assembly, and section 54-35-23 of the North Dakota Century Code, relating to a  
state alert notice system and the committee on tribal and state relations; and to provide for a  
report.

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

~~SECTION 1. A new section to chapter 39-03 of the North Dakota Century Code is created~~  
~~and enacted as follows:~~

#### ~~Feather alert notice system - Report.~~

~~1. The highway patrol, in cooperation with the bureau of criminal investigation and the~~  
~~division of state radio of the department of emergency services, shall establish a~~  
~~feather alert notice system to activate an urgent bulletin using the emergency alert~~  
~~system to air a description of an indigenous individual who has been reported to law~~  
~~enforcement as missing and to aid in the location of that individual.~~

~~2. A law enforcement agency may request the bureau of criminal investigation or the~~  
~~highway patrol to activate a feather alert notice if the agency determines that all of the~~  
~~following conditions are met:~~

~~a. The missing individual is an Indigenous individual;~~

~~b. The law enforcement agency utilized available local, tribal, and state resources;~~

- ~~c. The law enforcement agency determined the individual is missing under unexplained, suspicious, or dangerous circumstances;~~
- ~~d. The law enforcement agency believes the individual is in imminent danger due to factors such as age, health, mental or physical disability, environment or weather conditions, or the possibility of being in the company of a dangerous individual;~~
- ~~e. There is sufficient descriptive information available regarding the missing individual, the suspect, or a related vehicle to assist in recovery efforts; and~~
- ~~f. The law enforcement agency confirms the case involves a suspected abduction, or the missing individual is believed to be in danger of serious bodily harm or death.~~
- ~~3. The bureau of criminal investigation, in cooperation with the highway patrol, shall prepare an operational plan to prepare for and respond to requests for activation of a feather alert notice. The plan must include the role and requirements of the division of state radio of the department of emergency services in broadcasting an alert to the public, including alerts in indigenous languages when required. The bureau of criminal investigation, in coordination with the highway patrol and the department of emergency services, shall oversee the activation logistics and dissemination of alerts.~~
- ~~4. The Indian affairs commission shall serve as the primary liaison between tribal, state, and federal agencies regarding the feather alert notice system and assist with public education, outreach, and advocacy efforts. The bureau of criminal investigation and the highway patrol shall issue an annual report to the Indian affairs commission on the effectiveness and implementation of the feather alert system. The bureau of criminal investigation and the highway patrol shall present the report and findings at an annual listening session with tribal leaders.~~
- ~~5. The highway patrol, in cooperation with a representative of each federally recognized tribe in the state, shall:~~
  - ~~a. Promote public trust and understanding of the feather alert notice system through community outreach and law enforcement training programs;~~
  - ~~b. Hold an annual public meeting and make recommendations to the director of the bureau of criminal investigation concerning improvements to the feather alert notice system.~~

1       **SECTION 1. AMENDMENT.** Section 54-35-23 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **54-35-23. Committee on tribal and state relations - Membership - Duties.**

4       1. The committee on tribal and state relations is composed of seven members as follows:

- 5           a. A chairman designated by the chairman of the legislative management;  
6           b. Three members of the house of representatives, two of whom must be selected  
7               by the leader representing the majority faction of the house of representatives  
8               and one of whom must be selected by the leader representing the minority  
9               faction of the house of representatives; and  
10          c. Three members of the senate, two of whom must be selected by the leader  
11               representing the majority faction of the senate and one of whom must be  
12               selected by the leader representing the minority faction of the senate.

13       2. The committee shall meet at such times and places as determined by the chairman.  
14       The legislative council shall provide staffing for the committee.

15       3. The committee shall conduct joint meetings with the North Dakota tribal governments'  
16       task force to study tribal-state issues, including government-to-government relations,  
17       human services, education, corrections, and issues related to the promotion of  
18       economic development and shall evaluate the feather alert notice-system, regarding  
19       missing indigenous individuals, under section 42 of this Act. After the joint meetings  
20       have concluded, the committee shall meet to prepare a report on its findings and  
21       recommendations, together with any legislation required to implement those  
22       recommendations, to the legislative management.

23       4. The members of the committee are entitled to compensation from the legislative  
24       council for attendance at committee meetings at the rate provided for members of the  
25       legislative assembly for attendance at interim committee meetings and are entitled to  
26       reimbursement for expenses incurred in attending the meetings in the amounts  
27       provided by law for other state officers.

28       5. a. The North Dakota tribal governments' task force is composed of six members as  
29               follows:

30               (1) The executive director of the Indian affairs commission, or the executive  
31               director's designee;

- (2) The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
- (3) The chairman of the Spirit Lake Tribe, or the chairman's designee;
- (4) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or the chairman's designee;
- (5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
- (6) The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, or the chairman's designee.

- b. If the executive director of the Indian affairs commission or any of the tribal chairmen appoint a designee to serve on the task force, only one individual may serve as that designee during the biennium. A substitute designee may be appointed by the executive director of the Indian affairs commission or a tribal chairman in the event of the death, incapacity, resignation, or refusal to serve of the initial designee.

**SECTION 2. AMENDMENT.** The new chapter to title 54 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2098, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

**Definitions.**

As used in this chapter:

1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air a description of a child who has been abducted.
2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a description of an individual or an individual's vehicle to aid in the apprehension of an individual who has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on duty, and the individual has left the scene of the offense.
3. ~~"Missing-endangered-individual" means:~~

~~a. A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who has disappeared and whose disappearance has been reported to law enforcement;~~

~~b. An individual who has a developmental disability as defined in section 25-01.2-01 who has disappeared and whose disappearance has been reported to law enforcement; or~~

~~c. An elderly adult who has disappeared, whose disappearance has been reported to law enforcement and the disappearance:~~

~~(1) Indicates the individual is believed to be in grave danger of serious bodily harm or death, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence of the imminent risk;~~

~~(2) Warrants a silver alert notice activation due to the particular circumstances, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence that the particular circumstances warrant a silver alert notice activation: "Feather alert notice" means an urgent bulletin using the emergency alert system to air a description of an indigenous individual who has been abducted or is believed to be at imminent risk of serious bodily injury or death.~~

4. "Missing and endangered persons alert notice" means an urgent bulletin using the emergency alert system to air a description of an adult who has been abducted or is believed to be at imminent risk of serious bodily injury or death.

5. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a description of a missing, disabled, or elderly individual, or individual with a developmental disability, to aid in the location of that individual.

**Alert-notice system activation - Report.**

1. A law enforcement agency may request the bureau of criminal investigation or the superintendent of the highway patrol to activate an amber alert notice, a blue alert notice, a missing and endangered persons alert notice, a feather alert notice, or a silver alert notice.
2. The bureau of criminal investigation, in cooperation with the highway patrol and other relevant stakeholders, shall prepare an operational plan to prepare for and respond to requests for activation of an amber alert notice, a blue alert notice, a missing and endangered persons alert notice, a feather alert notice, or a silver alert notice. The plan must include the role and requirements of the division of state radio of the department of emergency services in broadcasting an alert to the public, including alerts in indigenous languages when available.
3. The Indian affairs commission shall serve as the primary liaison between tribal, state, and federal agencies regarding alert notices, if the missing individual is indigenous, and assist with public education, outreach, and advocacy efforts.
4. The bureau of criminal investigation and the highway patrol shall issue an annual report to the Indian affairs commission on the effectiveness and implementation of the feather alert notice and the missing and endangered persons alert notice for cases involving missing indigenous individuals.

**Annual public meetings - Report.**

The bureau of criminal investigation and the highway patrol, in cooperation with a representative of each federally recognized tribe in this state, shall present reports and findings at an annual public meeting with tribal leaders.

**Minimum requirements for activating ~~an amber or blue~~ a wireless emergency alert notice.**

1. An amber alert notice may not be activated unless:
  - a. The abduction involves a child seventeen years of age or younger;
  - b. The law enforcement agency investigating the abduction has confirmed the child is believed to be in grave danger of serious bodily harm or death; and

c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the child, the abductor, or the abductor's motor vehicle to:

- (1) Assist with the safe recovery of the child;
- (2) Assist with the apprehension of the abductor; and
- (3) Believe an immediate broadcast alert will assist in the search for and safe return of the child.

2. A blue alert notice may not be activated unless:

- a. An individual who is a suspect in an offense has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on duty;
- b. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
- c. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
- d. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

3. A missing and endangered persons alert notice may not be activated unless:

- a. The abduction involves an individual eighteen years of age or older;
- b. The law enforcement agency investigating the abduction has confirmed the missing individual is believed to be in grave danger of serious bodily harm or death; and
- c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the missing individual, the suspect, or the motor vehicle to:
  - (1) Assist with the safe recovery of the missing individual;
  - (2) Assist with the apprehension of the suspect; and
  - (3) Believe an immediate broadcast alert will assist in the search for and safe return of the missing individual.

1       4.   A feather alert notice may not be activated unless:

2           a.   The abduction involves an indigenous individual;

3           b.   The law enforcement agency investigating the abduction has confirmed the  
4               missing individual is believed to be in grave danger of serious bodily harm or  
5               death; and

6           c.   The bureau of criminal investigation or the superintendent of the highway patrol  
7               determines sufficient descriptive information has been provided about the missing  
8               individual, the suspect, or the motor vehicle to:

9               (1)   Assist with the safe recovery of the missing individual;

10              (2)   Assist with the apprehension of the suspect; and

11              (3)   Believe an immediate broadcast alert will assist in the search for and safe  
12               return of the missing individual.

13       5.   A silver alert notice may not be activated unless the missing individual is:

14           a.   A disabled adult or elderly vulnerable adult, as defined in section 50-25.2-01, who  
15               has disappeared and whose disappearance has been reported to law  
16               enforcement;

17           b.   An individual who has a developmental disability, as defined in section  
18               25-01.2-01, who has disappeared and whose disappearance has been reported  
19               to law enforcement; or

20           c.   An elderly adult who has disappeared, whose disappearance has been reported  
21               to law enforcement, and the disappearance:

22              (1)   Indicates the individual is believed to be in grave danger of serious bodily  
23               harm or death, as determined by a law enforcement agency and either the  
24               highway patrol or bureau of criminal investigation, based on a report  
25               received from the missing adult's family member or an individual who has  
26               significant frequent contact with the missing adult, which contains sufficient  
27               evidence of the imminent risk; or

28              (2)   Warrants a silver alert notice activation due to the particular circumstances,  
29               as determined by a law enforcement agency and either the highway patrol  
30               or bureau of criminal investigation, based on a report received from the  
31               missing adult's family member or an individual who has significant frequent



1                                    contact with the missing adult, which contains sufficient evidence that the  
2                                    particular circumstances warrant a silver alert notice activation.  
3        6.    If a request for activation of a missing endangered persons alert notice or a feather  
4                                    alert notice does not meet the minimum requirements under this section, the  
5                                    department of emergency services shall follow the department's operational plan for  
6                                    determining proper public notification channels.