

**SECOND ENGROSSMENT
with Senate Amendments**

REENGROSSED HOUSE BILL NO. 1535

Introduced by

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

Senators Braunberger, Cory, Lee

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

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

8 **54-35-23. Committee on tribal and state relations - Membership - Duties.**

- 9 1. The committee on tribal and state relations is composed of seven members as follows:
- 10 a. A chairman designated by the chairman of the legislative management;
- 11 b. Three members of the house of representatives, two of whom must be selected
12 by the leader representing the majority faction of the house of representatives
13 and one of whom must be selected by the leader representing the minority
14 faction of the house of representatives; and
- 15 c. Three members of the senate, two of whom must be selected by the leader
16 representing the majority faction of the senate and one of whom must be
17 selected by the leader representing the minority faction of the senate.
- 18 2. The committee shall meet at such times and places as determined by the chairman.
19 The legislative council shall provide staffing for the committee.
- 20 3. The committee shall conduct joint meetings with the North Dakota tribal governments'
21 task force to study tribal-state issues, including government-to-government relations,

1 human services, education, corrections, and issues related to the promotion of
2 economic development and shall evaluate the feather alert notice, regarding missing
3 indigenous individuals, under section 2 of this Act. After the joint meetings have
4 concluded, the committee shall meet to prepare a report on its findings and
5 recommendations, together with any legislation required to implement those
6 recommendations, to the legislative management.

7 4. The members of the committee are entitled to compensation from the legislative
8 council for attendance at committee meetings at the rate provided for members of the
9 legislative assembly for attendance at interim committee meetings and are entitled to
10 reimbursement for expenses incurred in attending the meetings in the amounts
11 provided by law for other state officers.

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

- 14 (1) The executive director of the Indian affairs commission, or the executive
15 director's designee;
16 (2) The chairman of the Standing Rock Sioux Tribe, or the chairman's
17 designee;
18 (3) The chairman of the Spirit Lake Tribe, or the chairman's designee;
19 (4) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation,
20 or the chairman's designee;
21 (5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the
22 chairman's designee; and
23 (6) The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse
24 Reservation, or the chairman's designee.

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

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

4 **Definitions.**

5 As used in this chapter:

- 6 1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air
7 a description of a child who has been abducted.
- 8 2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a
9 description of an individual or an individual's vehicle to aid in the apprehension of an
10 individual who has threatened a law enforcement officer with a deadly weapon, used a
11 deadly weapon against a law enforcement officer, caused a law enforcement officer to
12 suffer serious bodily injury or death, abducted a law enforcement officer, or caused a
13 law enforcement officer to go missing while on duty, and the individual has left the
14 scene of the offense.
- 15 3. ~~"Missing endangered individual" means:~~
- 16 a. ~~A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who~~
17 ~~has disappeared and whose disappearance has been reported to law~~
18 ~~enforcement;~~
- 19 b. ~~An individual who has a developmental disability as defined in section 25-01.2-01~~
20 ~~who has disappeared and whose disappearance has been reported to law~~
21 ~~enforcement; or~~
- 22 c. ~~An elderly adult who has disappeared, whose disappearance has been reported~~
23 ~~to law enforcement and the disappearance:~~
- 24 (1) ~~Indicates the individual is believed to be in grave danger of serious bodily~~
25 ~~harm or death, as determined by a law enforcement agency and either the~~
26 ~~highway patrol or bureau of criminal investigation, based on a report~~
27 ~~received from the missing adult's family member or an individual who has~~
28 ~~significant frequent contact with the missing adult, which contains sufficient~~
29 ~~evidence of the imminent risk;~~
- 30 (2) ~~Warrants a silver alert notice activation due to the particular circumstances,~~
31 ~~as determined by a law enforcement agency and either the highway patrol~~

1 or bureau of criminal investigation, based on a report received from the
2 missing adult's family member or an individual who has significant frequent
3 contact with the missing adult, which contains sufficient evidence that the
4 particular circumstances warrant a silver alert notice activation." Feather
5 alert notice" means an urgent bulletin using the emergency alert system to
6 air a description of an indigenous individual who has been abducted or is
7 believed to be at imminent risk of serious bodily injury or death.

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

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

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

15 1. A law enforcement agency may request the bureau of criminal investigation or the
16 superintendent of the highway patrol to activate an amber alert notice, a blue alert
17 notice, a missing and endangered persons alert notice, a feather alert notice, or a
18 silver alert notice.

19 2. The bureau of criminal investigation, in cooperation with the highway patrol and other
20 relevant stakeholders, shall prepare an operational plan to prepare for and respond to
21 requests for activation of an amber alert notice, a blue alert notice, a missing and
22 endangered persons alert notice, a feather alert notice, or a silver alert notice. The
23 plan must include the role and requirements of the division of state radio of the
24 department of emergency services in broadcasting an alert to the public, including
25 alerts in indigenous languages when available.

26 3. The Indian affairs commission shall serve as the primary liaison between tribal, state,
27 and federal agencies regarding alert notices, if the missing individual is indigenous,
28 and assist with public education, outreach, and advocacy efforts.

29 4. The bureau of criminal investigation and the highway patrol shall issue an annual
30 report to the Indian affairs commission on the effectiveness and implementation of the

1 feather alert notice and the missing and endangered persons alert notice for cases
2 involving missing indigenous individuals.

3 **Annual public meetings - Report.**

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

7 **Minimum requirements for activating an amber or bluea wireless emergency alert**
8 **notice.**

9 1. An amber alert notice may not be activated unless:

- 10 a. The abduction involves a child seventeen years of age or younger;
- 11 b. The law enforcement agency investigating the abduction has confirmed the child
- 12 is believed to be in grave danger of serious bodily harm or death; and
- 13 c. The bureau of criminal investigation or the superintendent of the highway patrol
- 14 determines sufficient descriptive information has been provided about the child,
- 15 the abductor, or the abductor's motor vehicle to:
- 16 (1) Assist with the safe recovery of the child;
- 17 (2) Assist with the apprehension of the abductor; and
- 18 (3) Believe an immediate broadcast alert will assist in the search for and safe
- 19 return of the child.

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

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

- 1 3. A missing and endangered persons alert notice may not be activated unless:
- 2 a. The abduction involves an individual eighteen years of age or older;
- 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 4. A feather alert notice may not be activated unless:
- 14 a. The abduction involves an indigenous individual;
- 15 b. The law enforcement agency investigating the abduction has confirmed the
- 16 missing individual is believed to be in grave danger of serious bodily harm or
- 17 death; and
- 18 c. The bureau of criminal investigation or the superintendent of the highway patrol
- 19 determines sufficient descriptive information has been provided about the missing
- 20 individual, the suspect, or the motor vehicle to:
- 21 (1) Assist with the safe recovery of the missing individual;
- 22 (2) Assist with the apprehension of the suspect; and
- 23 (3) Believe an immediate broadcast alert will assist in the search for and safe
- 24 return of the missing individual.
- 25 5. A silver alert notice may not be activated unless the missing individual is:
- 26 a. A disabled adult or elderly vulnerable adult, as defined in section 50-25.2-01, who
- 27 has disappeared and whose disappearance has been reported to law
- 28 enforcement;
- 29 b. An individual who has a developmental disability, as defined in section
- 30 25-01.2-01, who has disappeared and whose disappearance has been reported
- 31 to law enforcement; or

- 1 c. An elderly adult who has disappeared, whose disappearance has been reported
2 to law enforcement, and the disappearance:
- 3 (1) Indicates the individual is believed to be in grave danger of serious bodily
4 harm or death, as determined by a law enforcement agency and either the
5 highway patrol or bureau of criminal investigation, based on a report
6 received from the missing adult's family member or an individual who has
7 significant frequent contact with the missing adult, which contains sufficient
8 evidence of the imminent risk; or
- 9 (2) Warrants a silver alert notice activation due to the particular circumstances,
10 as determined by a law enforcement agency and either the highway patrol
11 or bureau of criminal investigation, based on a report received from the
12 missing adult's family member or an individual who has significant frequent
13 contact with the missing adult, which contains sufficient evidence that the
14 particular circumstances warrant a silver alert notice activation.
- 15 6. If a request for activation of a missing endangered persons alert notice or a feather
16 alert notice does not meet the minimum requirements under this section, the
17 department of emergency services shall follow the department's operational plan for
18 determining proper public notification channels.