

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

*In place of amendment (25.1040.04006) adopted by the Senate, Engrossed House Bill
No. 1535 is amended by amendment (25.1040.04007) as follows:*

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

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

8 ~~SECTION 1. A new section to chapter 39-03 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~
10 ~~Feather alert notice system - Report.~~
11 ~~1. The highway patrol, in cooperation with the bureau of criminal investigation and the~~
12 ~~division of state radio of the department of emergency services, shall establish a~~
13 ~~feather alert notice system to activate an urgent bulletin using the emergency alert~~
14 ~~system to air a description of an indigenous individual who has been reported to law~~
15 ~~enforcement as missing and to aid in the location of that individual.~~
16 ~~2. A law enforcement agency may request the bureau of criminal investigation or the~~
17 ~~highway patrol to activate a feather alert notice if the agency determines that all of the~~
18 ~~following conditions are met:~~
19 ~~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.~~

- 1 ~~b. Hold an annual public meeting and make recommendations to the director of the~~
2 ~~bureau of criminal investigation concerning improvements to the feather alert~~
3 ~~notice system.~~

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

6 **54-35-23. Committee on tribal and state relations - Membership - Duties.**

- 7 1. The committee on tribal and state relations is composed of seven members as follows:
8 a. A chairman designated by the chairman of the legislative management;
9 b. Three members of the house of representatives, two of whom must be selected
10 by the leader representing the majority faction of the house of representatives
11 and one of whom must be selected by the leader representing the minority
12 faction of the house of representatives; and
13 c. Three members of the senate, two of whom must be selected by the leader
14 representing the majority faction of the senate and one of whom must be
15 selected by the leader representing the minority faction of the senate.
16 2. The committee shall meet at such times and places as determined by the chairman.
17 The legislative council shall provide staffing for the committee.
18 3. The committee shall conduct joint meetings with the North Dakota tribal governments'
19 task force to study tribal-state issues, including government-to-government relations,
20 human services, education, corrections, and issues related to the promotion of
21 economic development and shall evaluate the feather alert notice system, regarding
22 missing indigenous individuals, under section 42 of this Act. After the joint meetings
23 have concluded, the committee shall meet to prepare a report on its findings and
24 recommendations, together with any legislation required to implement those
25 recommendations, to the legislative management.
26 4. The members of the committee are entitled to compensation from the legislative
27 council for attendance at committee meetings at the rate provided for members of the
28 legislative assembly for attendance at interim committee meetings and are entitled to
29 reimbursement for expenses incurred in attending the meetings in the amounts
30 provided by law for other state officers.

- 1 5. a. The North Dakota tribal governments' task force is composed of six members as
2 follows:
- 3 (1) The executive director of the Indian affairs commission, or the executive
4 director's designee;
- 5 (2) The chairman of the Standing Rock Sioux Tribe, or the chairman's
6 designee;
- 7 (3) The chairman of the Spirit Lake Tribe, or the chairman's designee;
- 8 (4) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation,
9 or the chairman's designee;
- 10 (5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the
11 chairman's designee; and
- 12 (6) The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse
13 Reservation, or the chairman's designee.
- 14 b. If the executive director of the Indian affairs commission or any of the tribal
15 chairmen appoint a designee to serve on the task force, only one individual may
16 serve as that designee during the biennium. A substitute designee may be
17 appointed by the executive director of the Indian affairs commission or a tribal
18 chairman in the event of the death, incapacity, resignation, or refusal to serve of
19 the initial designee.

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

23 **Definitions.**

24 As used in this chapter:

- 25 1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air
26 a description of a child who has been abducted.
- 27 2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a
28 description of an individual or an individual's vehicle to aid in the apprehension of an
29 individual who has threatened a law enforcement officer with a deadly weapon, used a
30 deadly weapon against a law enforcement officer, caused a law enforcement officer to
31 suffer serious bodily injury or death, abducted a law enforcement officer, or caused a

1 law enforcement officer to go missing while on duty, and the individual has left the
2 scene of the offense.

3 3. ~~"Missing endangered individual" means:~~

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

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

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

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

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

27 4. "Missing and endangered persons alert notice" means an urgent bulletin using the
28 emergency alert system to air a description of an adult who has been abducted or is
29 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 bureau of criminal investigation, in cooperation with the highway patrol, department of emergency services, and local law enforcement may use multiple modes of communication for a feather alert notice or missing and endangered persons alert notice, including:

- a. The emergency alert system;
- b. The national information system for travel;
- c. Digital highway message signs;
- d. Local alerting systems if available;
- e. State or local jurisdiction websites; and
- f. Social media platforms.

4. 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.

5. 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.

- 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.

