

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/14/2017**

Amendment to: HB 1359

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$4,304	\$683		
<b>Appropriations</b>						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1359 would create a silver alert notification system for disabled and vulnerable elderly adults and minors who have developmental disabilities who are reported missing.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

A silver alert notification system would be added to the North Dakota public alert website which is currently used to broadcast Amber and blue alerts. The personnel cost to activate silver alerts is unknown and would depend on each unique situation and the total quantity of requests.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The North Dakota Information Technology Department estimated a cost of \$4,987 to add a silver alert to the ND public alert website. This funding was not included in the executive budget recommendation and would come from the highway patrol's data processing funds partially split between general and highway tax distribution funds.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Brandon Solberg

**Agency:** Highway Patrol

**Telephone:** 701-328-2455

**Date Prepared:** 02/15/2017

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/16/2017**

Bill/Resolution No.: HB 1359

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$4,304	\$683		
<b>Appropriations</b>						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1359 would create a silver alert notification system for missing elderly individuals.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

A silver alert notification system would be added to the North Dakota public alert website which is used to broadcast Amber and blue alerts.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The North Dakota Information Technology Department estimated a cost of \$4,987 to add a silver alert to the ND public alert website. This funding was not included in the executive budget recommendation and would come from the highway patrol's data processing funds partially split between general and highway tax distribution funds.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Brandon Solberg

**Agency:** Highway Patrol

**Telephone:** 701-328-2455

**Date Prepared:** 01/20/2017

**2017 HOUSE JUDICIARY**

**HB 1359**

# 2017 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

HB 1359  
1/25/2017  
27418

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to elderly individuals who are reported missing.

## Minutes:

1,2,3,4,5,6,7

**Chairman K. Koppelman:** Opened the hearing on HB 1359.

**Rep. Mitskog:** Introduced the bill. (#1, #2, #3) (2:08-6:44) Read testimony and went over the Silver Alert System.

**Representative Roers Jones:** What is the blue alert system?

**Rep. Mitskog:** It is for peace officers.

**Representative Roers Jones:** when you changed the elderly to vulnerable does that apply to adults that would be younger than 65 like with developmental delays? Is this only intended for elderly people with dementia?

**Rep. Mitskog:** I think vulnerable would cover this.

**Chairman K. Koppelman:** Definitions can differ from certain sections of code. We may want to think about a definition suitable for this section if there is not one already there.

**Representative Klemin:** The amendments appear to apply to any adult who is vulnerable or cognitively impaired.

**Rep. Mitskog:** Yes. I am not sure elderly is a suitable word to describe that.

**Representative Klemin:** I think this is very important. My mother is in a nursing home she could have gone outside and wandered off. She is 96 years old.

**Rep. Mitskog:** I think this is a good move to protect these vulnerable adults.

**Representative Paur:** I believe I receive amber alerts on my phone automatically. Will I also receive these silver alerts?

**Rep. Mitskog:** I would like to refer to the experts in the room.

**Sean Johnson, ND Dept. of Emergency Services: See testimony. (#4) (14:00-16:00)** Anyone in this room could become a vulnerable adult at any time in the eyes of the search and rescue person like myself. The biggest factor in bringing someone home is getting the information out there quickly. We use the international search and rescue data base has 50,000 different cases from seven different countries. There is a 95% chance that this person will be found alive if we do it within 24 hours. EMS is one of the best ways to get this information out. Amber Alert is run through the nationwide system. Social media can really help out. WEA is the Wireless Emergency Alert.

**Representative Roers Jones:** I appreciate the idea you have brought forward. Amber Alert has different criteria before you can utilize it. Do you have any criteria for this silver alert?

**Sean Johnson:** The criteria for silver alert we would approach it like we did with the blue alert and we would take a look at the law. One of the key things along those lines we have a through and efficient process to get this accomplished. Adding Silver Alert to our tool kit; we have the Amber and Blue Alert available now so all we need to do is modify them and bring them into this.

**Representative Roers Jones:** Amber alert has different criteria you have to meet before something qualifies. Do you have any criteria set up for utilizing the silver alert system? If we are changing this definition from elderly vulnerable adults to all vulnerable adult's it makes me think of young adults or children who have issues. Have you considered using this with children with issues.

**Sean Johnson:** We would approach that just like a blue and amber alert.

**Representative Magrum:** Your fiscal note is low?

**Sean Johnson:** Our agency did not put that note together. We already have the mechanisms in place already.

**Representative Nelson:** The silver alert; is that title controlled by some outside organization?

**Sean Johnson:** Amber and blue add some of that ownership built in. Right now there are 46 states now have silver alert.

**Representative Nelson:** With the amber alert we have to assemble a committee and they have to make a decision. We wouldn't have to approach this the same way?

**Sean Johnson:** By committee you mean national alert. We don't have the criteria drafted but conception ally it will be the same players that he had for blue and amber alert for silver. We do have more latitude if we write this write.

**Representative Jones:** What is a reverse 911?

**Sean Johnson:** It is reaching back out to a specific area when there is an alert. Burleigh county you can register your phone for an emergency.

**Representative Jones:** Who is the superintendent?

**Sean Johnson:** That would be the superintendent of the Highway Patrol and the bureau would be the Bureau of Criminal Investigation.

**Representative Jones:** Do you think we can get away without putting an age on it?

**Sean Johnson:** It is how you define it and we will enforce it.

**Representative Jones:** You don't think it would be hard to implement if we took the age limit out of it?

**Sean Johnson:** We all have the same goal.

**Chairman K. Koppelman:** We do have FCC requirements. Since it is located in ND would a Fargo Moorhead alert include West Fargo?

**Sean Johnson:** We hit the whole state. We can expand it where we need to.

**Representative Paur:** What are the main requirements for an amber alert?

**Sean Johnson:** It has to be tied back to a kidnapping and it has to be recent.

**Representative Paur:** What are the main requirements for an amber alert?

**Sean Johnson:** It has to be tied back to a kidnapping. It has to be fresh. We have triggered it 9 times.

**Representative Paur:** I was looking at the silver alert and in Connecticut they put out an alert for a 12-year-old boy. Why didn't this 12-year-old fall under the amber alert?

**Sean Johnson:** Connecticut wrote their amber alert to include a child is obviously off by themselves.

**Chairman K. Koppelman:** So a missing child does not rise to the level of an amber alert unless you have reason to believe there is an abduction or kidnapping. Why is that?

**Sean Johnson:** This is a nationwide program so there are perimeters that have been set up.

**Chairman K. Koppelman:** What kind of judgement goes into determining this alert?



**Sean Johnson:** I am going to defer that to law enforcement. A local law enforcement initiates it.

**Chairman K. Koppelman:** Blue alert deals with peace officers or peace officer down?

**Sean Johnson:** I agree with that assessment. An amber and blue alert are cut and dried. Each state with a silver alert will have environmental differences.

**Chairman K. Koppelman:** We need to look at that in the definition with writing this law. Would the silver alert be like the amber alert?

**Sean Johnson:** I do not see why we would not be the same. We go to the whole state. Went through the weather alerts and how some people get that alert.

**Chairman K. Koppelman:** Discussed the way the alerts now work.

**Representative Paur:** You said this is a nationwide program. Are there any constraints we would have to consider in modifying the original bill?

**Sean Johnson:** I do not see anything that would constrain us.

**Brandon Solberg, ND Highway Patrol: (#5)** Went over the testimony. (45:21) Just because someone goes missing it doesn't mean law enforcement doesn't go looking for that person. Even someone who runs away from home voluntarily. These amber alerts are that they have to be in grave danger. We now use local new media. This bumps it up a notch. The number is very low on how many go missing each year. The fiscal note was a cost to add this third feature to the system. That would come from the highway patrol budget to cover it.

**Representative Paur:** If we bump this too much maybe we would make it too cumbersome?

**Brandon Solberg:** I know that is what has happened in the past. There would have to be an elevated danger and it would not be easy. I had people will complain I am getting too many alerts on my phone.

**Representative Jones:** You think you can come up with the criteria.

**Brandon Solberg:** It would take a lot of discussion to make sure what would elevate it to an emergency and active it to that level.

**Chairman K. Koppelman:** If we would create a definition for this chapter who would those individuals be?

**Brandon Solberg:** Yes as far as the law determining who would say they are a vulnerable adult. It might be alright to offer an amendment on the definition.

**Representative Satrom:** Minnesota has something in place. Do you have a cooperative agreement with them? What about South Dakota and Montana are thinking about it? Would this be statewide?

**Brandon Solberg:** It can be a local or statewide alert. It would have to meet that states criteria to go into another state. It would have to meet that states criteria.

**Representative Satrom:** Are we going to have an initiative to do this?

**Brandon Solberg:** Are you talking about the initiative with other states. The amber and blue alerts are pretty uniform. Silver alert could be a little more difficult.

**Representative Klemin:** In a missing child there is a national system available. What is that?

**Brandon Solberg:** That is probably a guideline. There isn't necessarily a timeline at all.

**Mike Chaussee, AARP: (#6) (1:00:27)** See testimony. We are fully supportive of the bill.

**Mike Link, Director of State Radio: (1:03:09)** We work closely with local law enforcement officers. What have they done and where are we at is happening with their first call. Locally this is happening as those calls come in. It is the alerting system that is helping everyone look for these individuals. We don't want to get into a system that so many are looking at them and they are in a severe situation and we need everyone looking for these individuals.

**Chairman K. Koppelman:** Do you agree we should leave this in the judgement of the folks and who should report we should define that in the law that would trigger the alert.

**Mike Link:** I would agree with that. We have a good team that gets together and we do work with all these local agencies where these calls initiate from and we have the process and procedure well thought out.

**Representative Jones:** The way this is written and I am reading the bill maybe that is covered.

**Mike Link:** The bill is written to match that team that we use.

**Chairman K. Koppelman:** That is to set up the system; not to trigger the actual alert.

**Mike Link:** If we mirror this language. The criteria for a silver alert vary from state to state: over the age of 65 and who have been mentally diagnosed with Alzheimer's disease, dementia or a mental disability. Other states expand to include all children and adults with mental or developmental disabilities. The alert usually includes the name of the missing person; description of the missing person's vehicle and license plate number.

**Chairman K. Koppelman:** We want to make sure we define it properly. I think the committee is struggling with the definition. We want to make sure we don't define it so narrowly that we cut some people out.

**Mike Link:** I will work on this and get the information to you.

**Bruce Muray, Executive Director of ND Association of Community Providers:** We are traditionally the developmental disabilities providers for the state. We would be happy to help with any definitions.

**Chairman K. Koppelman:** People who are vulnerable is something we want to include in this.

**Representative Hanson:** See an email from Erica Cermak that was sent to the committee. (#7) She supports the bill.

Opposition: None

Neutral: None

Hearing closed.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee  
Prairie Room, State Capitol

HB 1359  
2/13/2017  
28258

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to elderly individuals who are reported missing.

Minutes:

1

**Chairman K. Koppelman:** Opened the meeting on HB 1359. Passed out a proposed amendment. (#1). When this bill was in committee we had a lot of discussion about definitions and vulnerable individual so the amendment that Rep. Mitskog has drafted here may take of that. It would replace an elderly individual with disabled adult or vulnerable elderly adult as defined in section 12.1-31-.07. Read the definitions vulnerable elderly adult.

**Motion made to move the proposed amendment by Representative Maragos:  
Seconded by Representative Hanson:**

Discussion:

**Representative Roers Jones:** We probably should consider an additional amendment. Maybe we should say disabled adult; we should consider changing it to a disabled person. A lot of autism children seem to wonder off so I would like to have this also for children.

**Chairman K. Koppelman:** Is there a definition like that in law? We could create one.

**Representative Klemin:** I wonder if we have some of these other alerts would cover that.

**Representative Roers Jones:** The amber alert requires and abduction.

**Representative Paur:** I am not sure I like expanding it to disabled? Now we are talking about children. Maybe we are making this too broad.? It is all worthwhile.

**Vice Chairman Karls:** Discussed a friend who had a child with autism and he would wonder off quite often. I don't know if we want to cover this under silver?

**Representative Roers Jones:** I think they would have the ability to create that framework. If we open this up to disabled persons.

Page 2

**Representative Nelson:** They don't need to warn the whole state. I would like to see this open. I think we should be able to see this open to everyone disabled.

**Chairman K. Koppelman:** We can further amend this and create a disabled individual.

**Voice vote carried.**

Discussion:

**Representative Paur:** What would happen if we deleted after system on line 9?

**Representative Klemin:** When we are talking silver alert this will be a silver alert, but we are going to expand it to include everybody. Then it is no longer a silver alert? They are not going to be looking for a little kid under silver alert.

**Chairman K. Koppelman:** It sounds to me there are about 42 states with silver alert systems active; however, it seems like the descriptions vary a lot.

**Representative Roers Jones:** The notes from DOOCR show that the silver is not a proprietary term like the amber or blue alert and the criteria has more latitude. We would just take out the word silver and change it somehow to an alert notice system.

**Representative Simons:** How many times have we had in ND someone who has gone outside their area? Abduction is one thing. I am starting to wonder about the whole bill?

**Representative Nelson:** That was our testimony we received. Most of the state has 911 capabilities. Mostly we are talking about the media. I think we would be better to say if there are vulnerable individuals. Why do we have to segment society? We could have system for the state. I think the board is aware we don't want to over use it.

**Representative Magrum:** Now I am not sure this is a good bill. Social media helps finding anything including animals. I think this bill is unnecessary.

**Representative Klemin:** We also have statutes covered missing persons so we don't need to cover this separately. It is already in our laws.

**Representative Hanson:** if there is a missing teenager or you; people can still call that in now. Broadcast with this law is required to cover this.

**Chairman K. Koppelman:** One is what Rep. Hanson and Nelson just said.

**Representative Paur:** Maybe would take out elderly individuals out and put in vulnerable individuals and just leave it at that?

**Chairman K. Koppelman:** Maybe calling it a vulnerable missing person alert.

House Judiciary Committee  
HB 1359  
February 13, 2017

Page 3

**Representative Simons:** It is not about elderly. It is vulnerable individual?

Closed

# 2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee  
Prairie Room, State Capitol

HB 1359  
2/13/2017 PM  
28291

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the introduction of bills by executive branch agencies and the judicial branch.

Minutes:

1

**Chairman K. Koppelman:** Reopened the meeting on HB 1397.

**Representative Roers Jones:** (#1) Proposed amendment. After the amendment we approved this morning, it just inserts or a minor who has a developmental disability as defined in that section. We can decide if we want to change the title. Right now we didn't have a great name to replace a silver alert.

**Motion made to move the amendment by Representative Roers Jones: Seconded by Rep. Hanson.**

Discussion:

**Representative Vetter:** It seems like encompassing too many things no one is going to want to have this think on their phone. When you put everybody in there it is going to be meaningless.

**Representative Paur:** I concur.

**Chairman K. Koppelman:** It just adds a minor who has developmental disability issues. It is not for every missing person. They are very careful about putting this out.

**Representative Klemin:** I agree with that. Mike Link with state radio said they would develop the criteria and they would use that. I like the name, silver alert.

**Representative Jones:** I think this is a good bill. It would be a rare occasion that that would come so I think this is a good thing.

**Roll Call Vote: 10 Yes 3 No 2 Absent Carried.**

**Do Pass as Amended Motion Made by Representative Maragos: Seconded by Rep. Blum**

**Roll Call Vote: 10 Yes 3 No 2 Absent Carrier: Representative Roers Jones**

**Closed.**



17.0910.01005  
Title.

Prepared by the Legislative Council staff for  
Representative Mitskog  
February 9, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1359

Page 1, line 2, replace "elderly individuals" with "disabled and vulnerable elderly adults"

Page 1, line 10, replace "an elderly individual" with "disabled adult or vulnerable elderly adult as defined in section 12.1-31-07."

Renumber accordingly

**PROPOSED AMENDMENT TO HOUSE BILL NO. 1359**

Page 1, line 11, after "12.1-31-07" insert "or a minor who has a developmental disability as defined in section 25-01.2-01"

17.0910.01006  
Title.02000

Adopted by the House Judiciary Committee

February 13, 2017

*Bill  
2/13/17  
191*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1359

Page 1, line 2, replace "elderly individuals" with "disabled and vulnerable elderly adults and minors who have developmental disabilities"

Page 1, line 10, replace "an elderly individual" with "disabled adult or vulnerable elderly adult as defined in section 12.1-31-07 or a minor who has a developmental disability as defined in section 25-01.2-01."

Renumber accordingly

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1359**

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0910.01005

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep Maragos Seconded By Rep. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

*Vote  
 Carried*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1359**

House   **Judiciary**   Committee

Subcommittee

Amendment LC# or Description:   **Line 1, Page 11, after "12.1-31-07" insert "or a minor who has a developmental disability as defined in section 25-01.2-01"**  

Recommendation:    Adopt Amendment  
                            Do Pass       Do Not Pass       Without Committee Recommendation  
                            As Amended                            Rerefer to Appropriations  
                            Place on Consent Calendar  
 Other Actions:        Reconsider                            \_\_\_\_\_

Motion Made By   Rep. Roers Jones   Seconded By   Rep. Hanson  

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	X			X	
Vice Chairman Karls	X			X	
Rep. Blum	X				
Rep. Johnston	X				
Rep. Jones	X				
Rep. Klemin	X				
Rep. Magrum		X			
Rep. Maragos	X				
Rep. Paur		X			
Rep. Roers-Jones	X				
Rep. Satrom	---				
Rep. Simons	---				
Rep. Vetter		X			

Total   (Yes)   10                             No   3  

Absent   2  

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO 1359

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0910.01006

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep Maragos Seconded By Rep Bruner

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson	✓	
Vice Chairman Karls	✓		Rep. Nelson	✓	
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum		✓			
Rep. Maragos	✓				
Rep. Paur		✓			
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter		✓			

Total (Yes) 10 No 3

Absent 2

Floor Assignment : Rep. Roers Jones

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1359: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "elderly individuals" with "disabled and vulnerable elderly adults and minors who have developmental disabilities"

Page 1, line 10, replace "an elderly individual" with "disabled adult or vulnerable elderly adult as defined in section 12.1-31-07 or a minor who has a developmental disability as defined in section 25-01.2-01."

Renumber accordingly

**2017 SENATE HUMAN SERVICES**

**HB 1359**



# 2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1359  
3/7/2017  
Job Number 28793

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carie Winings for Mandy*

## Explanation or reason for introduction of bill/resolution:

A bill relating to disabled and vulnerable elderly adults and minors who have developmental disabilities who are reported missing.

## Minutes:

4 Attachments

**Chair J. Lee:** Brought the hearing to order, all members were present.

**(1:00) Sean Johnson, State Search and Rescue Coordinator:** See Attachment #1 for testimony in favor of the bill. (Paused testimony for Representative Mitskog.)

**(3:30) Representative Alisa Mitskog, District 25:** See Attachment #2 for testimony as sponsor and to introduced the bill.

**(6:40) Sean Johnson:** Returned to testimony, paragraph 4, Attachment #1.

**(10:18) Senator Piepkorn:** Is there a minimum amount of time before someone can call for a silver alert?

**Sean Johnson:** That a question that we often get and there is a perception out there that someone has to be missing for 72 hours. That is not true. There is law on the books that a law enforcement agency has to take a report even if they have been missing only an hour. It goes back to our law enforcement partners, and in this case it would be the Bureau of Criminal Investigation as well as the Highway Patrol really weighing each case on merits and deciding when to trigger this. Amber and Silver Alerts are most effective within the first few hours of someone going missing. Someone being reported that has been missing for a week, it is probably not appropriate to use the system.

**Senator Clemens:** The bill, on the Silver Alert, refers to disabled people; could this be for anyone? There could be instances where lots of people could come up missing for whatever reason.

**Sean Johnson:** The House committee asked us to come up with a way to define when this could come into play. That is why you see the references to Century Code. I'm not a medical professional, but I will say that when you look at the definitions of disabled adult and vulnerable elderly adult, while there are some things in here that make it pretty cut and dry,

there's latitude in some of these definitions that our police officers can look at these on a case by case basis and say that maybe they are disabled temporarily etc. That's why we helped the House committee, and they accepted these definitions because they do give us that certainty but they allow for latitude.

**Chair J. Lee:** Are there any groups that you would like to have in there that are not with those two listed inclusions?

**Sean Johnson:** That's a tough question. I think for every group you want to add, there is probably two or three others that can make a case. We have to strike a balance with this tool. We depend very heavily on the broadcast community as well as the wireless community. They are excellent partners and they are more than happy to basically let us use their resources, with little to no notice on many cases, to notify the public. If we expand it too far, we could run into a situation where that goodwill could go away. On the flip side, if there's an individual missing that may not meet these criteria, our law enforcement professionals are still going to be looking for them and we are still going to use tools that would go out over medial outlets; broadcast, press releases, social media, etc.

**Chair J. Lee:** If you find it is limiting in some way, you can come back and add a category.

**Sean Johnson:** If we came across a case where it would be warranted, we would approach this committee about that.

**Senator Anderson:** My wife can't use this system to look for me can she?

**Sean Johnson:** No, my wife can't use it and yours can't either.

**Senator Anderson:** Do we have a reciprocal relationship with other states?

**Sean Johnson:** We have it with Amber Alert, Blue Alert, and we have it with Canadian Provinces if necessary too.

**(17:20) Mike Chausee, AARP:** See Attachment # 3 for testimony in favor of the bill.

**There was no neutral or opposing testimony.**

**(18:49) Senator Heckaman: Moved a Do Pass.**

**V-Chair Larsen: Seconded.**

**A Roll Call Vote Was Taken.**

**Motion passed 7-0-0.**

**Senator Piepkorn will carry the bill.**

(See Attachment #4 for additional testimony provided to the committee.)

Date: 3/7 2017

Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1359

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Heckaman Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	X		Senator Joan Heckaman	X	
Senator Oley Larsen (Vice-Chair)	X		Senator Merrill Piepkorn	X	
Senator Howard C. Anderson, Jr.	X				
Senator David A. Clemens	X				
Senator Curt Kreun	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Piepkorn

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1359, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1359 was placed on the Fourteenth order on the calendar.

**2017 TESTIMONY**

**HB 1359**

#1  
1359  
1-25-17

Good Morning Chairman Koppleman and Members of the House Judiciary Committee,

My name is Alisa Mitskog, I'm from Wahpeton and represent District 25.

I am here today to introduce HB 1379 which would create a Silver Alert system in our state.

A Silver Alert system is a quick response system to help locate missing individuals who have cognitive impairments, particularly the elderly. The Silver Alert system is modeled after the Amber Alert system. In most states the Silver Alert system applies to the elderly, adults who are developmentally disabled or cognitively impaired individuals. The goal of a Silver Alert is to provide immediate information to the public about the missing person, including images or descriptions and the time and location last seen to speed the process to locate the person and return them to safety as soon as possible. Silver Alerts often use media outlets such as radio or television to broadcast information missing persons. Silver Alerts may also use roadside message signs to alert motorists to be on the lookout for missing individuals. In cases in which a missing person is believed to have gone missing on foot, Silver Alerts can also use emergency notification systems to notify nearby residents of the neighborhoods surrounding the missing person's last known location.

*Criteria that is used in other states to issue a Silver Alert is as follows:*

- The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- The investigating agency has utilized all available local resources.
- The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
- The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

A compelling reason for initiating a Silver Alert program is the growing incidence of Alzheimer's Disease and other dementia related disorders. According to the Alzheimer's Association there are an estimated 5.4 million Americans with Alzheimer's disease and this number is expected to grow. Health care statistics show that approximately 6 in 10 dementia victims will wander at least once. If not found within 24 hours, up to half of wandering seniors with dementia can suffer serious injury or death.

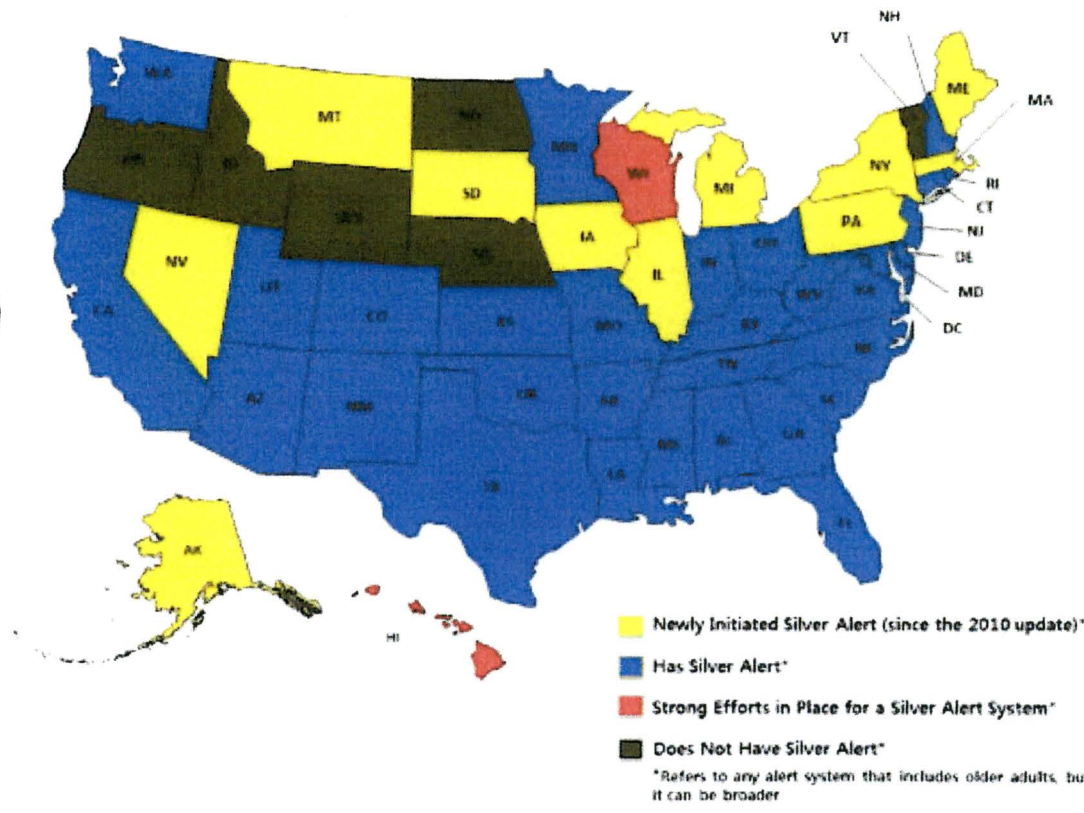
Currently, there are an estimated 42 states with Silver Alerts systems. Given North Dakota's aging population, it makes sense to have a system in place to deal with a vulnerable adult who has gone missing. HB 1359 would allow the State to develop and adopt a Silver Alert program similar to the Amber Alert and Blue Alert systems that are already in place.

I would ask for your consideration in adopting a Silver Alert System in North Dakota.

#2  
1359  
1-25-17

# SILVER ALERTS ARE AS GOOD AS GOLD

SHARE ▶



FREE E-NEWSLETTER

Your Name

Your Email

Zip Code

Choose a Category

SIGN UP ▶

[See recent e-Newsletters ▶](#)

Days after an 88-year-old resident of an Eastern Oklahoma residential facility went missing, he was found in Flagstaff, Arizona. A 71-year old Texan who wandered from his home was located the next day, disoriented but alive. A North Carolina 20-year-old was found safe the day after getting lost during a bike ride. All suffer

↓



17.0910.01002  
Title.

Prepared by the Legislative Council staff for  
Representative Mitskog  
January 25, 2017

#3  
1359  
1-25-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1359

Page 1, line 2, replace "elderly individuals" with "adults"

Page 1, line 2, after "who" insert "are vulnerable or cognitively impaired and"

Page 1, line 10, replace "elderly individual" with "adult"

Page 1, line 10, after "who" insert "is vulnerable or cognitively impaired and who"

Page 1, line 10, after "missing" insert an underscored comma

Renumber accordingly

#4  
1359

1-25-17

WRITTEN TESTIMONY  
SUPPORTING HOUSE BILL 1359

Sean M. Johnson  
ND Department of Emergency Services – Division of Homeland Security  
Plans Officer/State Search and Rescue (SAR) Coordinator

January 25, 2017

Chairman Koppelman and members of the House Judiciary Committee:

My name is Sean Johnson, and I appear before you today to testify in support of House Bill 1359. This bill seeks to further extend the highly successful systems we currently use for AMBER Alerts and Blue Alerts to help find the elderly.

The AMBER (America's Missing: Broadcast Emergency Response) Alert system seeks to instantly galvanize entire communities to assist in the search for and safe return of a kidnapped child. This system began in 1996 when Dallas-Fort Worth broadcasters teamed with local police to develop an early warning system to help find abducted children. Since this time, it has spread nationwide. **As of December of 2015, over 800 children have been rescued and returned due to the use of AMBER Alert system nationwide.**

North Dakota adopted AMBER Alerts in 2003. The program has allowed North Dakota law enforcement, public safety communications, emergency management, weather service, broadcast, cable, and now wireless telecommunication providers to partner together for the common purpose of bringing a child home again. **We have activated it nine times, and have been successful eight of those nine times.** AMBER Alert works, and is getting even better now that many of the alerts are being shared and reposted via social media.

Due in large part to the success of the AMBER Alert system, the Blue Alert system was implemented in Florida starting in 2008. The Blue Alert system is used to establish a quick response and notice after an individual 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; or the officer has been abducted or is missing while on duty, and the individual has left the scene of the offense. Twenty seven states have adopted the Blue Alert system, including North Dakota in 2015 via the passage of House Bill 1281 during the 64<sup>th</sup> Legislative Assembly. While we have yet to activate a Blue Alert, we are confident that if we ever do, any future Blue Alert has a high probability of success based on the track record of the AMBER Alert system which it is built off of.

Today, I am asking your support to help expand upon the success of this system by recommending DO PASS on House Bill 1359, which would allow North Dakota to join 36 other states who have implemented a Silver Alert system or one similar to it. **Silver Alert focuses on missing elderly persons, many of whom often suffer from Alzheimer's disease, dementia or other mental disabilities – in order to aid in their return.** It is unique in this regard in that triggering a Silver Alert is not necessarily tied to a criminal nexus, as is generally the case for AMBER and Blue Alerts.

I am particularly excited about the possible implementation of Silver Alerts in our state based on my experiences in Search and Rescue. Since 2007, I have personally been involved in close to ten search operations for elderly subjects, either as a volunteer Civil Air Patrol member or as the State SAR Coordinator. In most these cases, the common denominator for the survivors is the word got out quickly to the public that someone needed to be found.

We use the International Search and Rescue Incident Database (ISRID) for search planning purposes, which helps us model previous lost person behavior statistics in order to best predict where a current lost subject could be located, and also predict survivability based on previous SAR cases. Records from over

50,000 SAR cases across seven countries is included in this database, and it has proven highly accurate both outside and inside North Dakota. One of the most well developed sets of ISRID data is that for subjects with Alzheimer's and Dementia, which makes sense since the Alzheimer's Association estimates more than 60% of those with Alzheimer's or another form of Dementia will wander. In fact, of the 1050 Dementia/Alzheimer's cases in the ISRID database, 96% were for individuals who were lost while only the remaining 4% were unaccounted for for other reasons. More importantly, ISRID data shows **95% of the Dementia/Alzheimer's cases were found alive if located less than 24 hours after they went missing**. The survivability rates drop off markedly after 24 hours, with only a 46% surviving past 96 hours of being lost.

A vital key to success when conducting a search for a person fitting any subject profile, but especially a vulnerable person such as the elderly, is to get as much awareness as possible out across multiple information platforms with minimal delay so many eyeballs are looking and reporting in to law enforcement if they see something. This is a significant reason why AMBER Alerts are so successful. In short, by leveraging the capabilities of the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) to get the word out quickly to the public via broadcast media, weather radios, and smartphone technology, **we can generate the instantaneous awareness necessary to saturate an area with observers, and in turn quickly direct law enforcement to the right place in order to save the life of a vulnerable person**. We have also found that, even if the public is not looking, they are reposting and retweeting the alert via their social media accounts, which further cues even more people to assist in the effort. In many instances, we are able to locate that vulnerable person within one hour of an alert being issued, greatly enhancing their odds of survivability.

In close, I ask for a DO PASS recommendation on HB 1359. We already have the plans in place which can be modified to include Silver Alerts alongside AMBER and Blue Alerts. The procedures have been tried and tested, and they work. **This is nothing new, but rather it is an expansion of the effective**. With your DO PASS recommendation and the support of the Legislative Assembly as a whole, I feel very confident that Silver Alerts will make a significant difference in saving even more lives in the future.

Thank you, and I stand ready for your questions.

#5  
1359  
1-25-17

**House Bill 1359**  
**Judiciary Committee**  
**Rep. Kim Koppelman, Chairman**  
**January 25, 2017**

Mr. Chairman and Judiciary Committee members, my name is Brandon Solberg, chief of staff for the North Dakota Highway Patrol. I am here to testify in support of House Bill 1359.

This bill would create a silver alert notification system to broadcast information to the public about missing elderly individuals who have been reported to law enforcement.

Currently, we have AMBER and Blue Alert systems. An AMBER Alert notifies the public of a missing child who is believed to be in danger. A Blue Alert shares information on suspects who harm a law enforcement officer or pose a threat to the public.

Information is disseminated to the media and may be broadcast over cell phones and televisions. Information is posted on North Dakota's public alert website and may also be added to electronic roadway signs.

These alert systems have helped locate abducted children and apprehend dangerous suspects in the United States.

When an elderly person goes missing, time is of the essence. A silver alert system would bolster efforts to locate the individual by enlisting the help of the public.

This concludes my testimony. I am happy to answer any questions.



Real Possibilities in

# North Dakota

#6  
1359  
1-25-17

January 25, 2017  
House Judiciary Committee  
Testimony on Silver Alert System  
Mike Chaussee - AARP North Dakota  
[mchaussee@aarp.org](mailto:mchaussee@aarp.org) or 701-390-0161

Chairman Koppelman and members of the House Judiciary Committee, I'm Mike Chaussee with AARP North Dakota. I'm here in support of House Bill 1359.

AARP is a nonpartisan, nonprofit organization that advocates for people who are 50+. In North Dakota, we have 87,000 members. Our mission comes from our founder, Dr. Ethel Percy Andrus, a former principal who found a colleague living in a chicken coup after retirement. She dedicated her life to help older Americans live safe, secure and dignified lives.

We think it's important to quickly identify and begin searching for vulnerable people when they go missing. We know there are many states that have programs that help locate missing older people using the alert system (the Alzheimer's Foundation of America lists more than 40). They use media outlets and other resources like signs and digital messages to ask for the public's help in locating missing people. We recognize their successes.

But, in the spirit of Dr. Andrus, we also want to protect the privacy, dignity, independence and autonomy of the people who may end up the subject of one of these alerts. On lines 9-10 the bill identifies who is protected. It uses the term 'elderly individual.' It's no surprise that AARP would not support using the term 'elderly' - but even if we accepted the term - we believe in this instance it is too broad.

Most states that have 'silver alert' laws identify individuals as vulnerable, not just 'elderly.' They focus on people who are incapable of managing

their affairs or have documented mental illnesses, injuries or conditions. Often, 'silver alerts' are connected directly to Alzheimer's or Dementia patients. We think adding language to narrow who is subject to this type of search is important. Just because a person hits a certain age, whether it be 50, 65 or 80, doesn't mean they are vulnerable.

AARP also has policy in this area that would suggest limiting who can initiate the alert. It believes the person should be a legal guardian or close family member, live in the same household, or be a caregiver. The language in the bill on lines 10-11 leaves open the opportunity for anyone to "report to law enforcement" someone missing.

Again, there is plenty to like in this bill. The concept to help locate vulnerable, missing older adults makes sense. We support it. We'd just like you to consider our suggestions about the term 'elderly' and who can initiate the alert.

Thank you for your time today and I'd be happy to try to answer any questions.

#7

**Testimony**  
**House Bill 1359 – Erica Cermak, on behalf of the Alzheimer’s Association, ND/MN Chapter**  
**House Judiciary Committee**  
**Representative Koppelman, Chairman**  
**January 25, 2017**

Chairman Koppelman and members of the Committee, my name is Erica Cermak, I am the Government Affairs Representative for the ND/MN Chapter of the Alzheimer’s Association. I’m writing today to encourage your consideration of House Bill 1359, which will help ensure vulnerable adults are returned safely home if they wander or become lost.

In ND alone, 14,000 people age 65 and older are living with Alzheimer’s disease and this number is expected to increase to 16,000 by 2025. Six out of 10 individuals with Alzheimer’s or dementia will wander at some point in the disease process, and many will wander repeatedly. House Bill 1359 would create an alert system to assist in safely returning vulnerable adults to their homes.

Caregivers expect symptoms of severe memory loss and confusion, but they are not typically prepared to be on a heightened state of alert to monitor the whereabouts of their family members with dementia.

These family caregivers never know when wandering will take place, however, we know it can be dangerous and often life threatening. If individuals with dementia are not found within 24 hours, up to fifty percent will suffer serious injury or death. In addition, a person with memory loss may not be able to provide their name or address to the person who finds them, and may not even appear to know that they are lost. Even if they are located; reuniting them with a family member presents challenges.

Wandering is a common symptom of dementia, and it poses a constant stress which weighs heavily on caregivers and all family members. These wandering incidents must be treated as an emergency and the response must begin immediately. As you can imagine, it can only take a moment for someone to walk away. This can be true in any setting- the home, the mall or in the grocery store.

Although most individuals who wander can be located within 1.5 miles of home, living in North Dakota’s often rural landscape can pose unique challenges. Based on data we collect through the ND Dementia Care Services Program (DCSP), we know many Persons with Dementia who live in rural areas, live alone. A person with dementia could wander a few miles on a road or through a field without seeing anyone to help them return home. Additionally, in more rural areas, technology such as GPS tracking systems do not always function properly, creating more of a challenge to keep rural North Dakotans with dementia safe.

Wandering is not limited to community settings. Wandering also occurs in assisted living facilities, nursing homes and memory care facilities, creating even greater urgency for immediate action to take place.

The stress on families who fear for their loved ones who wander is real. With the increasing numbers of people with the disease living in our communities, this risk will continue to rise. Ensuring law enforcement is properly trained to handle these unique searches and interact with people with the disease is critical to ensuring their safe return. The ND Dementia Care Services Program (DCSP) provides law enforcement training on this topic as well as others.

/

The ND/MN Chapter of the Alzheimer's Association believes the bill before this committee provides a reasonable, responsible, and achievable solution to help return vulnerable ND adults to their homes and families. We would also encourage the committee to consider the following:

- Tied alert issuance. Issuing an alert would not need to automatically trigger use of statewide highway signs or other statewide searching. Instead, the program could emphasize local searching first, only escalating to a regional or statewide basis if evidence suggests a person has left the immediate area.
- Encourage First Responder Training.
- Encourage interoperability with a Medical Alert/Return System. Using devices that can notify local law enforcement to assist in locating the missing individual can be instrumental in locating missing persons. The devices also provide first responders with an adult wanderer's vital medical history.
- Do not require a Dementia or Alzheimer's diagnosis to activate an alert (only half of those with Alzheimer's Disease have been diagnosed).

Thank you, Chairman Koppelman and members of the committee for the opportunity to provide testimony to you. Please feel free to contact me directly if you have any questions.

Erica Cermak, Government Affairs Representative, ND/MN Chapter, Alzheimer's Association.



17.0910.01005  
Title.

Prepared by the Legislative Council staff for  
Representative Mitskog  
February 9, 2017

#1  
1359  
2-13-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1359

Page 1, line 2, replace "elderly individuals" with "disabled and vulnerable elderly adults"

Page 1, line 10, replace "an elderly individual" with "disabled adult or vulnerable elderly adult as defined in section 12.1-31-07,"

Renumber accordingly

#1  
1359  
2-13-17

**PROPOSED AMENDMENT TO HOUSE BILL NO. 1359**

Page 1, line 11, after "12.1-31-07" insert "or a minor who has a developmental disability as defined in section 25-01.2-01"

**WRITTEN TESTIMONY  
SUPPORTING HOUSE BILL 1359**

Sean M. Johnson  
ND Department of Emergency Services – Division of Homeland Security  
Plans Officer/State Search and Rescue (SAR) Coordinator

March 7, 2017

Chairman Lee and members of the Senate Human Services Committee:

My name is Sean Johnson, and I appear before you today to testify in support of House Bill 1359. This bill seeks to further extend the highly successful systems we currently use for AMBER Alerts and Blue Alerts to help find disabled or vulnerable adults and developmentally disabled children. This bill passed the House on February 21<sup>st</sup> by an 88-4 vote.

The AMBER (America's Missing: Broadcast Emergency Response) Alert system seeks to instantly galvanize entire communities to assist in the search for and safe return of a kidnapped child. This system began in 1996 when Dallas-Fort Worth broadcasters teamed with local police to develop an early warning system to help find abducted children. Since this time, it has spread nationwide. **As of December of 2015, over 800 children have been rescued and returned due to the use of AMBER Alert system nationwide.**

North Dakota adopted AMBER Alerts in 2003. The program has allowed North Dakota law enforcement, public safety communications, emergency management, weather service, broadcast, cable, and now wireless telecommunication providers to partner together for the common purpose of bringing a child home again. **We have activated it nine times in North Dakota, and have been successful eight of those nine times.** AMBER Alert works, and is getting even better now that many of the alerts are being shared and reposted via social media.

Due in large part to the success of the AMBER Alert system, the Blue Alert system was implemented in Florida starting in 2008. The Blue Alert system is used to establish a quick response and notice after an individual 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; or the officer has been abducted or is missing while on duty, and the individual has left the scene of the offense. Twenty seven states have adopted the Blue Alert system, including North Dakota in 2015 via the passage of House Bill 1281 during the 64<sup>th</sup> Legislative Assembly. While we have yet to activate a Blue Alert, we are confident that if we ever do, any future Blue Alert has a high probability of success based on the track record of the AMBER Alert system which it is built off of.

Today, I am asking your support to help expand upon the success of this system by recommending DO PASS on House Bill 1359, which would allow North Dakota to join 41 other states who have implemented a Silver Alert system or one similar to it. The general concept of **Silver Alert is to focus awareness on missing persons meeting state-defined age and/or cognitive criteria, such as those who suffer from Alzheimer's disease, dementia or other mental disabilities – in order to aid in their return.** It is unique in this regard in that triggering a Silver Alert is not necessarily tied to a criminal nexus, as is generally the case for AMBER and Blue Alerts.

Silver Alert also allows for a bit more latitude in how each state establishes legislation to govern their program. Thus, each state can tailor the program to the unique needs of their demographic base. The House did that by defining who could be helped by the Silver Alert program in North Dakota. The Bureau of Criminal Investigation, Highway Patrol, and our agency provided recommendations at the request of the House Judiciary Committee chair which resulted in the language you now see in the bill.

Specifically, they stipulated that Silver Alerts may be issued in North Dakota to aid in locating an individual reported missing if they are **1) a disabled adult or vulnerable elderly adult (as defined in NDCC 12.1-31-07) or 2) a minor who has a developmental disability (as defined in NDCC 25-01.2-01)**. We feel this allows us the ability to set up the protocols for the Silver Alert program in a manner which can best serve our citizens, and also help us determine who could be assisted by a Silver Alert with greater certainty.

I am particularly excited about the possible implementation of Silver Alerts in our state based on my experiences in Search and Rescue. Since 2007, I have personally been involved in close to ten search operations for elderly subjects, either as a volunteer Civil Air Patrol member or as the State SAR Coordinator. In most these cases, the common denominator for the survivors is the word got out quickly to the public that someone needed to be found.

We use the International Search and Rescue Incident Database (ISRID) for search planning purposes, which helps us model previous lost person behavior statistics in order to best predict where a current lost subject could be located, and also predict survivability based on previous SAR cases. Records from over 50,000 SAR cases across seven countries is included in this database, and it has proven highly accurate both outside and inside North Dakota. One of the most well developed sets of ISRID data is that for subjects with Alzheimer's and Dementia, which makes sense since the Alzheimer's Association estimates more than 60% of those with Alzheimer's or another form of Dementia will wander. In fact, of the 1050 Dementia/Alzheimer's cases in the ISRID database, 96% were for individuals who were lost while only the remaining 4% were unaccounted for for other reasons. More importantly, ISRID data shows **95% of the Dementia/Alzheimer's cases were found alive if located less than 24 hours after they went missing**. The survivability rates drop off markedly after 24 hours, with only a 46% surviving past 96 hours of being lost.

A vital key to success when conducting a search for a person fitting any subject profile, but especially a vulnerable person such as the elderly, is to get as much awareness as possible out across multiple information platforms with minimal delay so many eyeballs are looking and reporting in to law enforcement if they see something. This is a significant reason why AMBER Alerts are so successful. In short, by leveraging the capabilities of the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) to get the word out quickly to the public via broadcast media, weather radios, and smartphone technology, **we can generate the instantaneous awareness necessary to saturate an area with observers, and in turn quickly direct law enforcement to the right place in order to save the life of a vulnerable person**. We have also found that, even if the public is not looking, they are reposting and retweeting the alert via their social media accounts, which further cues even more people to assist in the effort. In many instances, we are able to locate that vulnerable person within one hour of an alert being issued, greatly enhancing their odds of survivability.

In close, I ask for a DO PASS recommendation on HB 1359. We already have the plans in place which can be modified to include Silver Alerts alongside AMBER and Blue Alerts. The procedures have been tried and tested, and they work. **This is nothing new, but rather it is an expansion of the effective**. With your DO PASS recommendation and the support of the Legislative Assembly as a whole, I feel very confident that Silver Alerts will make a significant difference in saving even more lives in the future.

Thank you, and I stand ready for your questions.

*Testimony*

*Senate Human Services Committee*

*HB 1379*

*March 7, 2017*

*Representative Alisa Mitskog*

Good Morning Chairman Lee and Members of the Senate Human Services Committee, my name is Alisa Mitskog, I'm from Wahpeton and I represent District 25.

I am here today to introduce HB 1379 which would create a Silver Alert system in our state. The purpose of a Silver Alert system is to establish a quick response system to help locate missing persons that include disabled and vulnerable elderly adults and minors who have developmental disabilities.

The Silver Alert is modeled after the Amber Alert system. In most states the Silver Alert applies to elderly adults who are developmentally disabled or cognitively impaired individuals.

The goal of a Silver Alert is to provide immediate information to the public about the missing person, including images or descriptions and the time and location last seen to speed the process to locate the person and return them to safety. Silver Alerts use a wide array of media outlets—such as commercial radio stations, television stations, and cable TV—to broadcast information about missing persons. Silver Alerts also use variable-message signs on roadways to alert motorists to be on the lookout for missing seniors. In cases in which a missing person is believed to have gone missing on foot, Silver Alerts can also use emergency notification systems to notify nearby residents of the neighborhood surrounding the missing person's last known location.

A compelling reason for initiating a program such as this is due to the growing incidence of Alzheimer's Disease and other dementia related disorders. It is estimated that between 5.4 million Americans currently have Alzheimer's disease and this number is expected to grow. Health Care statistics show that approximately 6 in 10 dementia victims will wander at least once. If not found within 24 hours, up to half can suffer serious injury or death. The other group that is included in this legislation is the developmentally disabled population. Included are those individuals with Autism. Autistic individuals are similar to seniors with dementia or Alzheimer's in that they have a tendency to wander. According to the National Autism Association, nearly half of children with autism engage in wandering behavior, with accidental drowning accounting for the majority of deaths in this population.

Currently, there are 36 states with Silver Alerts and several others using some other system to alert the public of missing individuals.

Considering North Dakota's aging population, I was surprised the State did not have a formal system to respond to a missing vulnerable adult or a developmentally disabled minor.

HB 1359 would develop a Silver Alert program that would be under the direction of the North Dakota Highway patrol similar to the Amber Alert system and work with the bureau of criminal investigation and state radio.

I would ask for your consideration in moving forward in adopting a Silver Alert System in North Dakota.

Thank you.



Real Possibilities in

# North Dakota

March 7, 2017

Senate Human Services Committee

Testimony on Silver Alert System

Mike Chaussee - AARP North Dakota

[mchaussee@aarp.org](mailto:mchaussee@aarp.org) or 701-390-0161

Chairman Lee and members of the Senate Human Services Committee, I'm Mike Chaussee with AARP North Dakota. We're here in support of House Bill 1359.

AARP is a nonpartisan, nonprofit organization that advocates for people who are 50+. In North Dakota, we have 87,000 members. Our mission comes from our founder, Dr. Ethel Percy Andrus, a former principal who found a colleague living in a chicken coup after retirement. She dedicated her life to help older Americans live safe, secure and dignified lives.

We think it's important to quickly identify and begin searching for vulnerable people when they go missing. We know there are many states that have programs that help locate missing older people using the alert system (the Alzheimer's Foundation of America lists more than 40). They use media outlets and other resources like signs and digital messages to ask for the public's help in locating missing people. We recognize their successes.

Most states that have 'silver alert' laws identify individuals as vulnerable, not just 'elderly.' They focus on people who are incapable of managing their affairs or have documented mental illnesses, injuries or conditions. Often, 'silver alerts' are connected directly to Alzheimer's or Dementia patients. We connected early on with the bill sponsor to make sure the language in the bill focused on people who are vulnerable, not just older than 65.

HB 1359  
#3  
3/7  
Pg. 1

1359  
#3  
3/7  
Pg. 2

We are very pleased with the work done in the House to make sure the bill focuses on the right people.

We also agree with law enforcement officials who testified that it's important to not issue alerts like this too often. They say it can make the alerts less effective.

This is a good bill that has the potential to save lives. We urge you to give this bill a 'do pass' recommendation.

Thank you for your time today and I'd be happy to try to answer any questions.



**Testimony**

**House Bill 1359 – Erica Cermak, on behalf of the Alzheimer’s Association, ND/MN Chapter  
Senate Human Services Committee**

**Senator Judy Lee, Chairwoman**

**March 7, 2017**

Chairwoman Lee and members of the committee, my name is Erica Cermak, I am the Government Affairs Representative for the ND/MN Chapter of the Alzheimer’s Association. I’m writing today to encourage your consideration of House Bill 1359, which will help ensure vulnerable adults are returned safely home if they wander or become lost.

In ND alone, 14,000 people age 65 and older are living with Alzheimer’s disease and this number is expected to increase to 16,000 by 2025. Six out of 10 individuals with Alzheimer’s or dementia will wander at some point in the disease process, and many will wander repeatedly. House Bill 1359 would create an alert system to assist in safely returning vulnerable adults to their homes.

Caregivers expect symptoms of severe memory loss and confusion, but they are not typically prepared to be on a heightened state of alert to monitor the whereabouts of their family members with dementia.

These family caregivers never know when wandering will take place, however, we know it can be dangerous and often life threatening. If individuals with dementia are not found within 24 hours, up to fifty percent will suffer serious injury or death. In addition, a person with memory loss may not be able to provide their name or address to the person who finds them, and may not even appear to know that they are lost. Even if they are located; reuniting them with a family member presents challenges.

Wandering is a common symptom of dementia, and it poses a constant stress which weighs heavily on caregivers and all family members. These wandering incidents must be treated as an emergency and the response must begin immediately. As you can imagine, it can only take a moment for someone to walk away. This can be true in any setting- the home, the mall or in the grocery store.

Although most individuals who wander can be located within 1.5 miles of home, living in North Dakota’s often rural landscape can pose unique challenges. Based on data we collect through the ND Dementia Care Services Program (DCSP), we know many Persons with Dementia who live in rural areas, live alone. A person with dementia could wander a few miles on a road or through a field without seeing anyone to help them return home. Additionally, in more rural areas, technology such as GPS tracking systems do not always function properly, creating more of a challenge to keep rural North Dakotans with dementia safe.

Wandering is not limited to community settings. Wandering also occurs in assisted living facilities, nursing homes and memory care facilities, creating even greater urgency for immediate action to take place.

The stress on families who fear for their loved ones who wander is real. With the increasing numbers of people with the disease living in our communities, this risk will continue to rise. Ensuring law enforcement is properly trained to handle these unique searches and interact with people with the disease is critical to ensuring their safe return. The ND Dementia Care Services Program (DCSP) provides law enforcement training on this topic as well as others.

The ND/MN Chapter of the Alzheimer's Association believes the bill before this committee provides a reasonable, responsible, and achievable solution to help return vulnerable ND adults to their homes and families. We would also encourage the committee to consider the following:

- Tiered alert issuance. Issuing an alert would not need to automatically trigger use of statewide highway signs or other statewide searching. Instead, the program could emphasize local searching first, only escalating to a regional or statewide basis if evidence suggests a person has left the immediate area.
- Encourage First Responder Training.
- Encourage interoperability with a Medical Alert/Return System. Using devices that can notify local law enforcement to assist in locating the missing individual can be instrumental in locating missing persons. The devices also provide first responders with an adult wanderer's vital medical history.
- Do not require a Dementia or Alzheimer's diagnosis to activate an alert (only half of those with Alzheimer's Disease have been diagnosed).

Thank you, Chairwoman Lee and members of the committee for the opportunity to provide testimony to you. Please feel free to contact me directly if you have any questions.

Erica Cermak, Government Affairs Representative, ND/MN Chapter, Alzheimer's Association.