

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

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;~~

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

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

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

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

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

5 a. A chairman designated by the chairman of the legislative management;

6 b. Three members of the house of representatives, two of whom must be selected
7 by the leader representing the majority faction of the house of representatives
8 and one of whom must be selected by the leader representing the minority
9 faction of the house of representatives; and

10 c. Three members of the senate, two of whom must be selected by the leader
11 representing the majority faction of the senate and one of whom must be
12 selected by the leader representing the minority faction of the senate.

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

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

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

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

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

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

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

19 **Definitions.**

20 As used in this chapter:

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

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

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

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

20 **Annual public meetings - Report.**

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

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

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

- 1 c. The bureau of criminal investigation or the superintendent of the highway patrol
2 determines sufficient descriptive information has been provided about the child,
3 the abductor, or the abductor's motor vehicle to:
- 4 (1) Assist with the safe recovery of the child;
5 (2) Assist with the apprehension of the abductor; and
6 (3) Believe an immediate broadcast alert will assist in the search for and safe
7 return of the child.
- 8 2. A blue alert notice may not be activated unless:
- 9 a. An individual who is a suspect in an offense has threatened a law enforcement
10 officer with a deadly weapon, used a deadly weapon against a law enforcement
11 officer, caused a law enforcement officer to suffer serious bodily injury or death,
12 abducted a law enforcement officer, or caused a law enforcement officer to go
13 missing while on duty;
- 14 b. The individual has fled the scene of the offense and a description of the individual
15 or the individual's vehicle is available for broadcast;
- 16 c. The law enforcement agency investigating the offense has determined the
17 individual poses a threat to the public or other law enforcement personnel; and
18 d. Dissemination of available information to the public may help avert further harm
19 or assist in the apprehension of the suspect.
- 20 3. A missing and endangered persons alert notice may not be activated unless:
- 21 a. The abduction involves an individual eighteen years of age or older;
- 22 b. The law enforcement agency investigating the abduction has confirmed the
23 missing individual is believed to be in grave danger of serious bodily harm or
24 death; and
- 25 c. The bureau of criminal investigation or the superintendent of the highway patrol
26 determines sufficient descriptive information has been provided about the missing
27 individual, the suspect, or the motor vehicle to:
- 28 (1) Assist with the safe recovery of the missing individual;
29 (2) Assist with the apprehension of the suspect; and
30 (3) Believe an immediate broadcast alert will assist in the search for and safe
31 return of the missing individual.

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

2 a. The abduction involves an indigenous individual;

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

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

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

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

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

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

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

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

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

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

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

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