

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2345**

Introduced by

Legislative Management
(Appropriations Committee)

1 A BILL for an Act to create and enact a new section to chapter 27-20.4 and a new section to
2 chapter 61-01 of the North Dakota Century Code, relating to records and cooperative
3 agreements to provide services to juveniles adjudicated in tribal court and the water projects
4 stabilization fund; to amend and reenact subsection 1 of section 21-10-06 and section
5 27-20.2-21 of the North Dakota Century Code and section 3 of chapter 20 of the 2021 Session
6 Laws, relating to funds invested by the state investment board, the inspection of juvenile court
7 files, and the appropriation of additional amounts to the state water commission; to provide
8 appropriations to various state agencies; to provide for a transfer; to provide for a report; to
9 provide a limitation; to provide a statement of legislative intent; to provide an exemption; to
10 provide an effective date; and to provide an expiration date.

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

12 **SECTION 1. APPROPRIATION - TRANSFER - FEDERAL STATE FISCAL RECOVERY**
13 **FUND - ONE-TIME FUNDING - REPORT - EXEMPTION.**

- 14 1. There is appropriated from federal funds derived from the state fiscal recovery fund,
15 not otherwise appropriated, the sum of \$150,000,000, or so much of the sum as may
16 be necessary, to the industrial commission for the purpose of pipeline infrastructure
17 grants to allow for the transportation of natural gas to eastern North Dakota for the
18 period beginning with the effective date of this Act, and ending June 30, 2023. Of the
19 funds appropriated in this subsection, at least \$10,000,000 must be used for a project
20 to transport natural gas to areas in Grand Forks County.
- 21 2. There is appropriated from federal funds derived from the state fiscal recovery fund,
22 not otherwise appropriated, the sum of \$3,200,000, or so much of the sum as may be
23 necessary, to the industrial commission for the purpose of an abandoned oil well

1 conversion to water supply grant program for the period beginning with the effective
2 date of this Act, and ending June 30, 2023.

3 3. There is appropriated from federal funds derived from the state fiscal recovery fund,
4 not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be
5 necessary, to the department of water resources for the purpose of water
6 infrastructure projects for the period beginning with the effective date of this Act, and
7 ending June 30, 2023. The state water commission shall expend moneys from the
8 state fiscal recovery fund before moneys from the resources trust fund for projects the
9 department determines comply with federal guidance for the state fiscal recovery fund.

10 4. There is appropriated from federal funds derived from the state fiscal recovery fund,
11 not otherwise appropriated, the sum of \$4,800,000, or so much of the sum as may be
12 necessary, to the department of corrections and rehabilitation for the purpose of
13 providing stipends to county jails for costs to house inmates sentenced to the
14 department of corrections and rehabilitation but deferred admission due to the
15 pandemic for the period beginning with the effective date of this Act, and ending
16 June 30, 2023.

17 5. There is appropriated from federal funds derived from the state fiscal recovery fund,
18 not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be
19 necessary, to the parks and recreation department for the purpose of grants to local
20 park districts to renovate and upgrade existing facilities with priority for outdoor
21 facilities for the period beginning with the effective date of this Act, and ending
22 June 30, 2023. Local park districts must provide one dollar of local matching funds for
23 each one dollar received under this subsection. A local park district may not receive
24 more than \$1,000,000 under this subsection.

25 6. There is appropriated from federal funds derived from the state fiscal recovery fund,
26 not otherwise appropriated, the sum of \$8,029,000, or so much of the sum as may be
27 necessary, to the North Dakota state university main research center for the purpose
28 of one-time projects, including \$446,000 for projects at the Carrington research center,
29 \$1,963,000 for projects at the central grasslands research center, \$2,200,000 for
30 projects at the Dickinson research center, and \$3,420,000 for projects at the Hettinger

1 research center for the period beginning with the effective date of this Act, and ending
2 June 30, 2023.

3 7. There is appropriated from federal funds derived from the state fiscal recovery fund,
4 not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be
5 necessary, to the state department of health for the purpose of a public health
6 laboratory capital project for the period beginning with the effective date of this Act,
7 and ending June 30, 2023. The state department of health shall report to the
8 appropriations committees of the sixty-eighth legislative assembly regarding its plan
9 for the project.

10 8. There is appropriated from federal funds derived from the state fiscal recovery fund,
11 not otherwise appropriated, the sum of \$2,995,200, or so much of the sum as may be
12 necessary, to the department of corrections and rehabilitation for the purpose of the
13 free through recovery program for the period beginning with the effective date of this
14 Act, and ending June 30, 2023.

15 9. There is appropriated from federal funds derived from the state fiscal recovery fund,
16 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
17 necessary, to the parks and recreation department for the purpose of deferred
18 maintenance and capital projects for the period beginning with the effective date of this
19 Act, and ending June 30, 2023. Of the funding appropriated in this subsection, the
20 parks and recreation department shall spend at least \$100,000 on projects or deferred
21 maintenance at each state park.

22 10. There is appropriated from federal funds derived from the state fiscal recovery fund,
23 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
24 necessary, to the office of management and budget for the purpose of critical
25 maintenance projects for the period beginning with the effective date of this Act, and
26 ending June 30, 2023. The office of management and budget may transfer
27 appropriation authority under this subsection to eligible state agencies for deferred
28 maintenance of state-owned buildings.

29 11. There is appropriated from federal funds derived from the state fiscal recovery fund,
30 not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be
31 necessary, to the office of management and budget for the purpose of improvements

1 to the heating, ventilation, and air conditioning systems of the legislative chambers
2 and the Brynhild Haugland room for the period beginning with the effective date of this
3 Act, and ending June 30, 2023.

4 12. There is appropriated from federal funds derived from the state fiscal recovery fund,
5 not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be
6 necessary, to the state historical society for the purpose of essential infrastructure at
7 historic sites for the period beginning with the effective date of this Act, and ending
8 June 30, 2023.

9 13. There is appropriated from federal funds derived from the state fiscal recovery fund,
10 not otherwise appropriated, the sum of \$1,600,000, or so much of the sum as may be
11 necessary, to North Dakota state university for the purpose of high-performance
12 computing for the period beginning with the effective date of this Act, and ending
13 June 30, 2023.

14 14. There is appropriated from federal funds derived from the state fiscal recovery fund,
15 not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be
16 necessary, to the university of North Dakota for the purpose of a Merrifield hall
17 renovation project for the period beginning with the effective date of this Act, and
18 ending June 30, 2023.

19 15. There is appropriated from federal funds derived from the state fiscal recovery fund,
20 not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be
21 necessary, to Bismarck state college for the purpose of constructing a polytechnic
22 building and related startup costs for the period beginning with the effective date of
23 this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, not
24 more than \$3,000,000 may be used for startup costs.

25 16. There is appropriated from federal funds derived from the state fiscal recovery fund,
26 not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be
27 necessary, to Minot state university for the purpose of a Hartnett hall renovation
28 project for the period beginning with the effective date of this Act, and ending June 30,
29 2023.

30 17. There is appropriated from federal funds derived from the state fiscal recovery fund,
31 not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be

1 necessary, to the university of North Dakota school of medicine and health sciences
2 for the purpose of purchasing equipment and hiring personnel to provide hyperbaric
3 oxygen therapy for the period beginning with the effective date of this Act, and ending
4 June 30, 2023.

5 18. There is appropriated from federal funds derived from the state fiscal recovery fund,
6 not otherwise appropriated, the sum of \$475,000, or so much of the sum as may be
7 necessary, to the state board of higher education for the purpose of providing for the
8 Dakota digital academy for the period beginning with the effective date of this Act, and
9 ending June 30, 2023.

10 19. There is appropriated from federal funds derived from the state fiscal recovery fund,
11 not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be
12 necessary, to the attorney general for the purpose of establishing a missing persons
13 database for the period beginning with the effective date of this Act, and ending
14 June 30, 2023.

15 20. There is appropriated from federal funds derived from the state fiscal recovery fund,
16 not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be
17 necessary, to the attorney general for the purpose of replacing the prosecuting case
18 management system for the period beginning with the effective date of this Act, and
19 ending June 30, 2023.

20 21. There is appropriated from federal funds derived from the state fiscal recovery fund,
21 not otherwise appropriated, the sum of \$2,612,000, or so much of the sum as may be
22 necessary, to the highway patrol for the purpose of purchasing radios compatible with
23 the statewide interoperable radio network for the period beginning with the effective
24 date of this Act, and ending June 30, 2023.

25 22. There is appropriated from federal funds derived from the state fiscal recovery fund,
26 not otherwise appropriated, the sum of \$2,057,384, or so much of the sum as may be
27 necessary, to the department of corrections and rehabilitation for the purpose of
28 purchasing radios compatible with the statewide interoperable radio network for the
29 period beginning with the effective date of this Act, and ending June 30, 2023.

30 23. There is appropriated from federal funds derived from the state fiscal recovery fund,
31 not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be

1 necessary, to the information technology department for the purpose of providing a
2 grant to the North Dakota stockmen's association for conversion of a paper-based
3 brand inspection program to an electronic system for the period beginning with the
4 effective date of this Act, and ending June 30, 2023.

5 24. There is appropriated from federal funds derived from the state fiscal recovery fund,
6 not otherwise appropriated, the sum of \$450,000, or so much of the sum as may be
7 necessary, to the adjutant general for the purpose of replacing the state active-duty
8 software for the period beginning with the effective date of this Act, and ending
9 June 30, 2023.

10 25. There is appropriated from federal funds derived from the state fiscal recovery fund,
11 not otherwise appropriated, the sum of \$2,020,000, or so much of the sum as may be
12 necessary, to the judicial branch for the purpose of replacing the supreme court docket
13 system for the period beginning with the effective date of this Act, and ending June 30,
14 2023.

15 26. There is appropriated from federal funds derived from the state fiscal recovery fund,
16 not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be
17 necessary, to the office of administrative hearings for the purpose of developing a
18 web-based document management system for the period beginning with the effective
19 date of this Act, and ending June 30, 2023.

20 27. There is appropriated from federal funds derived from the state fiscal recovery fund,
21 not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be
22 necessary, to the department of human services for the purpose of providing financial
23 assistance to developmental disabilities services providers to provide retention
24 bonuses for direct services professionals serving clients with intellectual or
25 developmental disabilities for the period beginning with the effective date of this Act,
26 and ending June 30, 2023. The requirements of chapter 54-44.4 do not apply to this
27 subsection, including the selection of recipients and the disbursement of funds.

28 28. There is appropriated from federal funds derived from the state fiscal recovery fund,
29 not otherwise appropriated, the sum of \$25,350,000, or so much of the sum as may be
30 necessary, to the department of human services for the purpose of financial
31 assistance to long-term care facilities and the state hospital for the period beginning

1 with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated
2 in this subsection, \$20,800,000 is for financial assistance to nursing facilities,
3 \$2,950,000 is for financial assistance to basic care facilities, \$1,250,000 is for financial
4 assistance to assisted living facilities, and \$350,000 is for nursing staff retention
5 payments at the state hospital. The requirements of chapter 54-44.4 do not apply to
6 this subsection, including the selection of recipients and the disbursement of funds.

7 29. There is appropriated from federal funds derived from the state fiscal recovery fund,
8 not otherwise appropriated, the sum of \$29,000,000, or so much of the sum as may be
9 necessary, to the department of human services the purpose of projects, financial
10 assistance, grants, and services, including \$5,000,000 for Medicaid eligibility system
11 upgrades, \$17,000,000 for child care services, \$4,000,000 to provide
12 community-based behavioral health services, and \$3,000,000 for substance use
13 disorder treatment voucher system grants for the period beginning with the effective
14 date of this Act, and ending June 30, 2023. Notwithstanding subsection 3 of section
15 50-11.1-14.1, the department may provide financial assistance to beneficiaries related
16 to child care services. Notwithstanding subsection 2 of section 50-06-42.1, the
17 department may award up to four grants rather than two grants for substance use
18 disorder treatment voucher system grants. The requirements of chapter 54-44.4 do not
19 apply to this subsection, including the selection of recipients and the disbursement of
20 funds.

21 30. There is appropriated from federal funds derived from the state fiscal recovery fund,
22 not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be
23 necessary, to the department of human services for the purpose of alternatives-to-
24 abortion services for the period beginning with the effective date of this Act, and
25 ending June 30, 2023. The funding provided in this subsection may only be used for
26 the current agreement and any future alternatives-to-abortion services agreements.
27 The requirements of chapter 54-44.4 do not apply to the current
28 alternatives-to-abortion services agreement.

29 31. There is appropriated from federal funds derived from the state fiscal recovery fund,
30 not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be
31 necessary, to the adjutant general for the purpose of enhancing housing at camp

1 Grafton for the period beginning with the effective date of this Act, and ending June 30,
2 2023.

3 32. There is appropriated from federal funds derived from the state fiscal recovery fund,
4 not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be
5 necessary, to the department of veterans' affairs for the purpose of providing a grant to
6 assist in the construction of the Fisher house at the Fargo veterans' affairs medical
7 center for the period beginning with the effective date of this Act, and ending June 30,
8 2023.

9 33. There is appropriated from federal funds derived from the state fiscal recovery fund,
10 not otherwise appropriated, the sum of \$147,000, or so much of the sum as may be
11 necessary, to the department of veterans' affairs for the purpose of improving and
12 expanding veterans' medical transportation for the period beginning with the effective
13 date of this Act, and ending June 30, 2023.

14 34. There is appropriated from federal funds derived from the state fiscal recovery fund,
15 not otherwise appropriated, the sum of \$21,000,000, or so much of the sum as may be
16 necessary, to the Bank of North Dakota for the purpose of a fuel production facility
17 incentive program for the period beginning with the effective date of this Act, and
18 ending June 30, 2023. The Bank of North Dakota shall award grants under the
19 program to eligible fuel production facilities based on a formula that considers the
20 facility's outstanding fuel production facility loan guarantee at the Bank of North
21 Dakota.

22 35. There is appropriated from federal funds derived from the state fiscal recovery fund,
23 not otherwise appropriated, the sum of \$5,000,000, which the office of management
24 and budget shall transfer to the North Dakota development fund under chapter
25 10-30.5 during the period beginning with the effective date of this Act, and ending
26 June 30, 2023.

27 36. There is appropriated from federal funds derived from the state fiscal recovery fund,
28 not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be
29 necessary, to the industrial commission for the purpose of providing hydrogen
30 development grants, as approved by the clean sustainable energy authority, for the
31 period beginning with the effective date of this Act, and ending June 30, 2023.

- 1 37. There is appropriated from federal funds derived from the state fiscal recovery fund,
2 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
3 necessary, to the department of commerce for the purpose of providing autonomous
4 agriculture matching grants for the period beginning with the effective date of this Act,
5 and ending June 30, 2023. A grant recipient must provide one dollar of matching funds
6 for every one dollar of grant funding received under this subsection.
- 7 38. There is appropriated from federal funds derived from the state fiscal recovery fund,
8 not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be
9 necessary, to the department of commerce for the purpose of adding or expanding a
10 local workforce development incentive grant program to support efforts to recruit,
11 retain, and retrain workers for the period beginning with the effective date of this Act,
12 and ending June 30, 2023. The grant recipient must provide one dollar of local
13 matching funds for every four dollars received under this subsection.
- 14 39. There is appropriated from federal funds derived from the state fiscal recovery fund,
15 not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be
16 necessary, to the department of commerce for the purpose of adding or expanding a
17 technical skills training grant program and a workforce innovation grant program for
18 the period beginning with the effective date of this Act, and ending June 30, 2023.
- 19 40. There is appropriated from federal funds derived from the state fiscal recovery fund,
20 not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
21 necessary, to the university of North Dakota for the purpose of a space education and
22 research initiative for the period beginning with the effective date of this Act, and
23 ending June 30, 2023.
- 24 41. There is appropriated from federal funds derived from the state fiscal recovery fund,
25 not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be
26 necessary, to the aeronautics commission for the purpose of airport grants for the
27 period beginning with the effective date of this Act, and ending June 30, 2023.
- 28 42. There is appropriated from federal funds derived from the state fiscal recovery fund,
29 not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be
30 necessary, to the attorney general for the purpose of information technology costs

1 related to the implementation of charitable gaming tax changes for the period
2 beginning with the effective date of this Act, and ending June 30, 2023.

3 43. There is appropriated from federal funds derived from the state fiscal recovery fund,
4 not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be
5 necessary, to the office of management and budget for the purpose of providing a
6 grant for the construction of a new medical center located in the county seat of Pierce
7 County for the period beginning with the effective date of this Act, and ending June 30,
8 2023.

9 44. The funding provided under this section is considered a one-time funding item.

10 **SECTION 2. AMENDMENT.** Subsection 1 of section 21-10-06 of the North Dakota Century
11 Code is amended and reenacted as follows:

12 1. Subject to the provisions of section 21-10-02, the board shall invest the following
13 funds:

- 14 a. State bonding fund.
- 15 b. Teachers' fund for retirement.
- 16 c. State fire and tornado fund.
- 17 d. Workforce safety and insurance fund.
- 18 e. Public employees retirement system.
- 19 f. Insurance regulatory trust fund.
- 20 g. State risk management fund.
- 21 h. Budget stabilization fund.
- 22 i. Water projects stabilization fund.
- 23 j. Health care trust fund.
- 24 ~~j.k.~~ Cultural endowment fund.
- 25 ~~k.l.~~ Petroleum tank release compensation fund.
- 26 ~~l.m.~~ Legacy fund.
- 27 ~~m.n.~~ Legacy earnings fund.
- 28 ~~n.o.~~ A fund under contract with the board pursuant to subsection 3.

29 **SECTION 3. AMENDMENT.** Section 27-20.2-21 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **27-20.2-21. Inspection of court files and records - Penalty. (Effective through**
2 **August 31, 2022)**

- 3 1. Except as provided in this section, all files and records of the juvenile court, whether in
4 the office of the clerk of court or juvenile court, of a proceeding under this chapter are
5 closed to the public. Juvenile court files and records are open to inspection only by:
- 6 a. The judge and staff of the juvenile court.
 - 7 b. The parties to the proceeding or the parties' counsel or the guardian ad litem of
8 any party.
 - 9 c. A public or private agency or institution providing supervision or having custody of
10 the child under order of the juvenile court which must be given a copy of the
11 findings and order of disposition when the agency or institution receives custody
12 of the child. If a case involves the federal Indian Child Welfare Act of 1978
13 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the
14 child shall serve the appropriate Indian Child Welfare Act service agent, tribe or
15 tribal designee, or an Indian Child Welfare Act qualified expert witness with the
16 findings and order of disposition.
 - 17 d. Any court and the court's probation and other officials or professional staff and
18 the attorney for the defendant for use in preparing a presentence report in a
19 criminal case in which the defendant is convicted and who, before the criminal
20 case, had been a party to the proceeding in juvenile court.
 - 21 e. The professional staff of the uniform crime victims compensation program if
22 necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - 23 f. A staff member of the division of children and family services of the department of
24 human services or a law enforcement officer if necessary for the performance of
25 that staff member's duties under section 50-11.1-06.2 or the federal National
26 Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119
27 et seq.].
 - 28 g. An employee or agent of the department of human services if necessary for
29 performance of that individual's duty under chapter 50-11 or 50-11.1 to
30 investigate the background of an individual living or working in the facility, home,
31 or residence for which licensure is sought.

- 1 h. A criminal justice agency if the juvenile is required to register under section
2 12.1-32-15.
- 3 i. The staff of a children's advocacy center if the juvenile or a victim of the child has
4 been referred for or has received services at the children's advocacy center.
- 5 j. A victim of the delinquent child or the victim's guardian. All records including
6 medical, educational, and school information must be redacted before inspection.
7 For purposes of this subdivision, only records pertaining to the specific offense
8 between the victim and the delinquent child may be inspected.
- 9 k. The information technology department to the extent authorized by the supreme
10 court for use in the statewide longitudinal data system.
- 11 2. Juvenile court files and records are also open to inspection with written leave of a
12 juvenile court judge or judicial referee to whom juvenile court matters have been
13 referred:
- 14 a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of
15 the juvenile court, but only to the extent necessary to respond to the legitimate
16 interest; and
- 17 b. By the principal of any public or private school that is a member of the North
18 Dakota high school activities association, or the superintendent of any school
19 district that has one or more schools involved in the association, but only to the
20 extent necessary to enforce the rules and regulations of the North Dakota high
21 school activities association.
- 22 3. In a proceeding under this chapter, if the juvenile court finds a child committed a
23 delinquent act that constitutes a violation of a law or local ordinance governing the
24 operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide
25 caused by the child's operation of a motor vehicle, the juvenile court shall report the
26 finding to the director of the department of transportation within ten days.
- 27 4. Following an adjudication of delinquency for an offense that would be a felony if
28 committed by an adult, the child's school principal, chief administrative officer, or
29 designated school guidance counselor, if requested, must be allowed access to the
30 disposition order. Any other juvenile court files and records of a child may be disclosed
31 to a superintendent or principal of the school in which the child is currently enrolled or

1 in which the child wishes to enroll if the child's documented behavior appears to
2 present a danger to self or to the students or staff of the school.

3 5. Following an adjudication of delinquency for an offense that results in the prohibitions
4 included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement
5 officer must be allowed access to the disposition order.

6 6. The juvenile court may notify a referring agency of the disposition of a case.

7 7. Notwithstanding that juvenile court records are closed to the public, nothing in this
8 section may be construed to limit the release upon request of general information not
9 identifying the identity of any juvenile, witness, or victim in any proceeding under this
10 chapter. Files in the clerk of court's office are open to public inspection if the related
11 hearing was open to the public under section 27-20.3-13.

12 8. To the extent necessary to provide victim services or benefits under chapter 12.1-41,
13 the judge and staff of the juvenile court may disclose information to refer a child, who
14 may be a victim of human trafficking, to a program for runaway and homeless children
15 located in the state and approved by the juvenile court of jurisdiction. Information
16 disclosed under this subsection must remain confidential.

17 9. An individual with access or authorization to inspect juvenile court files and records
18 under this section may not share the information contained in the files and records
19 with any other person not authorized by law. An individual who violates this subsection
20 is guilty of a class B misdemeanor.

21 **Inspection of court files and records - Penalty. (Effective after August 31, 2022)**

22 1. Except as provided in this section, all files and records of the juvenile court, whether in
23 the office of the clerk of court or juvenile court, of a proceeding under this chapter are
24 closed to the public. Juvenile court files and records are open to inspection only by:

25 a. The judge and staff of the juvenile court.

26 b. The parties to the proceeding or the parties' counsel or the guardian ad litem of
27 any party.

28 c. A public or private agency or institution providing supervision or having custody of
29 the child under order of the juvenile court which must be given a copy of the
30 findings and order of disposition when the agency or institution receives custody
31 of the child. If a case involves the federal Indian Child Welfare Act of 1978

1 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the
2 child shall serve the appropriate Indian Child Welfare Act service agent, tribe or
3 tribal designee, or an Indian Child Welfare Act qualified expert witness with the
4 findings and order of disposition.

- 5 d. Any court and the court's probation and other officials or professional staff and
6 the attorney for the defendant for use in preparing a presentence report in a
7 criminal case in which the defendant is convicted and who, before the criminal
8 case, had been a party to the proceeding in juvenile court.
- 9 e. The professional staff of the uniform crime victims compensation program if
10 necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
- 11 f. A staff member of the division of children and family services of the department of
12 health and human services or a law enforcement officer if necessary for the
13 performance of that staff member's duties under section 50-11.1-06.2 or the
14 federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490;
15 42 U.S.C. 5119 et seq.].
- 16 g. An employee or agent of the department of health and human services if
17 necessary for performance of that individual's duty under chapter 50-11 or
18 50-11.1 to investigate the background of an individual living or working in the
19 facility, home, or residence for which licensure is sought.
- 20 h. A criminal justice agency if the juvenile is required to register under section
21 12.1-32-15.
- 22 i. The staff of a children's advocacy center if the juvenile or a victim of the child has
23 been referred for or has received services at the children's advocacy center.
- 24 j. A victim of the delinquent child or the victim's guardian. All records including
25 medical, educational, and school information must be redacted before inspection.
26 For purposes of this subdivision, only records pertaining to the specific offense
27 between the victim and the delinquent child may be inspected.
- 28 k. The information technology department to the extent authorized by the supreme
29 court for use in the statewide longitudinal data system.

- 1 2. Juvenile court files and records are also open to inspection with written leave of a
2 juvenile court judge or judicial referee to whom juvenile court matters have been
3 referred:
- 4 a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of
5 the juvenile court, but only to the extent necessary to respond to the legitimate
6 interest; and
- 7 b. By the principal of any public or private school that is a member of the North
8 Dakota high school activities association, or the superintendent of any school
9 district that has one or more schools involved in the association, but only to the
10 extent necessary to enforce the rules and regulations of the North Dakota high
11 school activities association.
- 12 3. In a proceeding under this chapter, if the juvenile court finds a child committed a
13 delinquent act that constitutes a violation of a law or local ordinance governing the
14 operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide
15 caused by the child's operation of a motor vehicle, the juvenile court shall report the
16 finding to the director of the department of transportation within ten days.
- 17 4. Following an adjudication of delinquency for an offense that would be a felony if
18 committed by an adult, the child's school principal, chief administrative officer, or
19 designated school guidance counselor, if requested, must be allowed access to the
20 disposition order. Any other juvenile court files and records of a child may be disclosed
21 to a superintendent or principal of the school in which the child is currently enrolled or
22 in which the child wishes to enroll if the child's documented behavior appears to
23 present a danger to self or to the students or staff of the school.
- 24 5. Following an adjudication of delinquency for an offense that results in the prohibitions
25 included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement
26 officer must be allowed access to the disposition order.
- 27 6. The juvenile court may notify a referring agency of the disposition of a case.
- 28 7. Notwithstanding that juvenile court records are closed to the public, nothing in this
29 section may be construed to limit the release upon request of general information not
30 identifying the identity of any juvenile, witness, or victim in any proceeding under this

1 chapter. Files in the clerk of court's office are open to public inspection if the related
2 hearing was open to the public under section 27-20.3-13.

3 8. To the extent necessary to provide victim services or benefits under chapter 12.1-41,
4 the judge and staff of the juvenile court may disclose information to refer a child, who
5 may be a victim of human trafficking, to a program for runaway and homeless children
6 located in the state and approved by the juvenile court of jurisdiction. Information
7 disclosed under this subsection must remain confidential.

8 9. An individual with access or authorization to inspect juvenile court files and records
9 under this section may not share the information contained in the files and records
10 with any other person not authorized by law. An individual who violates this subsection
11 is guilty of a class B misdemeanor.

12 **SECTION 4.** A new section to chapter 27-20.4 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Tribal juvenile services cooperative agreement - Report to legislative management.**

15 1. The department of corrections and rehabilitation, through the division of juvenile
16 services; the supreme court, through the office of the state court administrator; and the
17 Indian affairs commission may negotiate and enter a memorandum of understanding
18 with the tribal government of a federally recognized Indian tribe in the state for the
19 purpose of accepting and providing for, in accordance with this chapter, the treatment
20 and rehabilitation of tribal juveniles who have been adjudicated in tribal court under
21 tribal or federal laws. Under the pilot program and terms of a memorandum of
22 understanding:

23 a. The tribal government, the department of corrections and rehabilitation, and the
24 juvenile court may exchange information relevant to the treatment and
25 rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal
26 court orders, medical and psychiatric reports, law enforcement reports, and other
27 information pertinent to the referral;

28 b. The juvenile court and the department of corrections and rehabilitation shall
29 provide services based on the individualized need of each tribal juvenile referred
30 to and accepted by the tribal court, juvenile court, and department of corrections
31 and rehabilitation;

1 c. The juvenile court and the department of corrections and rehabilitation shall
2 maintain regular contact with the tribe regarding each tribal juvenile who has
3 been placed in the supervision of the respective agency; and

4 d. The juvenile court and the department of corrections and rehabilitation may limit
5 the number of tribal juveniles accepted based on criteria developed by the
6 juvenile court and the availability of state resources and services.

7 2. Before July first of each even-numbered year, the department of corrections and
8 rehabilitation, the juvenile court, and the Indian affairs commission shall report and
9 make recommendations to the legislative management on the status, effectiveness,
10 performance, and sustainability of a memorandum of understanding established under
11 this section.

12 **SECTION 5.** A new section to chapter 61-01 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Water projects stabilization fund.**

15 The water projects stabilization fund is a special fund in the state treasury. The fund
16 consists of all money transferred to the fund and all interest and earnings upon moneys in the
17 fund. Moneys in the fund may be used for defraying planning and construction expenses of
18 water-related projects.

19 **SECTION 6. AMENDMENT.** Section 3 of chapter 20 of the 2021 Session Laws is amended
20 and reenacted as follows:

21 **SECTION 3. ADDITIONAL INCOME - APPROPRIATION - BUDGET**

22 **SECTION APPROVAL.** In addition to the amounts appropriated in section 1 of this
23 Act, any additional amounts in the resources trust fund or the water projects
24 stabilization fund which become available are appropriated, subject to budget section
25 approval, to the state water commission for the purpose of defraying the expenses of
26 that agency, for the period beginning with the effective date of this Act, and ending
27 June 30, 2023. Before approving any request, the budget section shall determine:

- 28 1. Approving additional appropriations will not negatively affect the sixty-seventh
29 legislative assembly's ability to address water-related needs;
30 2. The proposed use of the additional income complies with legislative intent; and

1 3. The proposed use of the additional income will not result in future funding
2 commitments.

3 **SECTION 7. WATER PROJECTS STABILIZATION FUND - TRANSFERS.**

4 1. The office of management and budget shall transfer the sum of \$1,000,000 from the
5 resources trust fund to the water projects stabilization fund during the month of
6 January 2022.

7 2. Notwithstanding subsections 1 and 2 of section 57-51.1-07, any oil extraction tax
8 revenues deposited in the resources trust fund that exceed the amount included in the
9 2021 legislative forecast during the period beginning August 1, 2021, and ending
10 February 28, 2023, must be transferred at least quarterly by the office of management
11 and budget from the resources trust fund to the water projects stabilization fund for the
12 period beginning with the effective date of this Act, and ending June 30, 2023.

13 **SECTION 8. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL**

14 **LIMITATION.** A person may not appeal a denial, revocation, reduction in services or payment,
15 or the termination of a program or service by the department of human services due to the
16 unavailability of federal coronavirus funding received under federal law resulting from the
17 federal coronavirus pandemic emergency declaration for the period beginning with the effective
18 date of this Act, and ending June 30, 2023.

19 **SECTION 9. LEGISLATIVE INTENT - NATURAL GAS PIPELINE INFRASTRUCTURE.** It
20 is the intent of the sixty-seventh legislative assembly that the sixty-eighth legislative assembly
21 consider providing additional funding for continuing the development of high-pressure
22 transmission pipeline infrastructure for the transportation and competitive selling of natural gas
23 to eastern North Dakota.

24 **SECTION 10. EFFECTIVE DATE.** This Act becomes effective on December 1, 2021.

25 **SECTION 11. EXPIRATION DATE.** Section 4 of this Act is effective through July 31, 2023,
26 and after that date is ineffective.