

Introduced by

Legislative Management
(Appropriations Committee)

1 A BILL for an Act to create and enact a new section to chapter 27-20.4 of the North Dakota
2 Century Code, relating to records and cooperative agreements to provide services to juveniles
3 adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota
4 Century Code, relating to the inspection of juvenile court files; to provide appropriations to
5 various state agencies; to provide for a transfer; to provide for a legislative management study;
6 to provide for a report; ~~and~~ to provide a limitation; to provide an exemption; to provide an
7 effective date; and to provide an expiration date.

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

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

- 11 1. There is appropriated from federal funds derived from the state fiscal recovery fund,
12 not otherwise appropriated, the sum of \$150,000,000, or so much of the sum as may
13 be necessary, to the industrial commission for the purpose of pipeline infrastructure
14 grants to allow for the transportation of natural gas ~~from western~~ to eastern North
15 Dakota for the period beginning with the effective date of this Act, and ending June 30,
16 2023. Of the funds appropriated in this subsection, at least \$10,000,000 must be used
17 for ~~the portion of the~~ a project to transport natural gas to areas in Grand Forks County.
- 18 2. There is appropriated from federal funds derived from the state fiscal recovery fund,
19 not otherwise appropriated, the sum of \$3,200,000, or so much of the sum as may be
20 necessary, to the industrial commission for the purpose of an abandoned oil well
21 conversion to water supply grant program for the period beginning with the effective
22 date of this Act, and ending June 30, 2023.
- 23 3. There is appropriated from federal funds derived from the state fiscal recovery fund,
24 not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be

1 necessary, to the department of water resources for the purpose of water
2 infrastructure projects for the period beginning with the effective date of this Act, and
3 ending June 30, 2023. The state water commission shall expend moneys from the
4 state fiscal recovery fund before moneys from the resources trust fund. The funding
5 provided under this subsection may be used for water projects related to flood control,
6 water supply, and economic development.

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

14 5. 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 parks and recreation department for the purpose of grants to local
17 park districts to renovate and upgrade existing ~~outdoor~~ facilities for the period
18 beginning with the effective date of this Act, and ending June 30, 2023. Local park
19 districts must provide \$1 of local matching funds for each \$1 received under this
20 subsection. A local park district may not receive more than ~~\$1,500,000~~ \$1,000,000
21 under this subsection.

22 6. There is appropriated from federal funds derived from the state fiscal recovery fund,
23 not otherwise appropriated, the sum of \$8,029,000, or so much of the sum as may be
24 necessary, to the North Dakota state university main research center the purpose of
25 one-time projects, including \$446,000 for projects at the Carrington research center,
26 \$1,963,000 for projects at the central grasslands research center, \$2,200,000 for
27 projects at the Dickinson research center, and \$3,420,000 for projects at the Hettinger
28 research center for the period beginning with the effective date of this Act, and ending
29 June 30, 2023.

30 7. There is appropriated from federal funds derived from the state fiscal recovery fund,
31 not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be

1 necessary, to the state department of health for the purpose of a public health
2 laboratory capital project for the period beginning with the effective date of this Act,
3 and ending June 30, 2023. The state department of health shall report to the
4 appropriations committees of the sixty-eighth legislative assembly regarding its plan
5 for the project.

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

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

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

25 11. There is appropriated from federal funds derived from the state fiscal recovery fund,
26 not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be
27 necessary, to the office of management and budget for the purpose of improvements
28 to the heating, ventilation, and air conditioning systems of the legislative chambers
29 and the Brynhild Haugland room for the period beginning with the effective date of this
30 Act, and ending June 30, 2023.

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- 1 12. There is appropriated from federal funds derived from the state fiscal recovery fund,
2 not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be
3 necessary, to the state historical society for the purpose of essential infrastructure at
4 historic sites for the period beginning with the effective date of this Act, and ending
5 June 30, 2023.
- 6 13. There is appropriated from federal funds derived from the state fiscal recovery fund,
7 not otherwise appropriated, the sum of \$2,200,000, or so much of the sum as may be
8 necessary, to North Dakota state university for the purpose of high-performance
9 computing for the period beginning with the effective date of this Act, and ending
10 June 30, 2023.
- 11 14. There is appropriated from federal funds derived from the state fiscal recovery fund,
12 not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be
13 necessary, to the university of North Dakota for the purpose of a Merrifield hall
14 renovation project for the period beginning with the effective date of this Act, and
15 ending June 30, 2023.
- 16 15. There is appropriated from federal funds derived from the state fiscal recovery fund,
17 not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be
18 necessary, to Bismarck state college for the purpose of constructing a polytechnic
19 building and related startup costs for the period beginning with the effective date of
20 this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, not
21 more than \$3,000,000 may be used for startup costs.
- 22 16. There is appropriated from federal funds derived from the state fiscal recovery fund,
23 not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be
24 necessary, to Minot state university for the purpose of a Hartnett hall renovation
25 project for the period beginning with the effective date of this Act, and ending June 30,
26 2023.
- 27 17. There is appropriated from federal funds derived from the state fiscal recovery fund,
28 not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be
29 necessary, to the university of North Dakota school of medicine and health sciences
30 for the purpose of purchasing equipment and hiring personnel to provide hyperbaric

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

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

8 19. There is appropriated from federal funds derived from the state fiscal recovery fund,
9 not otherwise appropriated, the sum of ~~\$75,000~~\$300,000, or so much of the sum as
10 may be necessary, to the attorney general for the purpose of establishing a missing
11 persons database for the period beginning with the effective date of this Act, and
12 ending June 30, 2023.

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

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

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

28 23. There is appropriated from federal funds derived from the state fiscal recovery fund,
29 not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be
30 necessary, to the information technology department for the purpose of providing a
31 grant to the North Dakota stockmen's association for conversion of a paper-based

1 brand inspection program to an electronic system for the period beginning with the
2 effective date of this Act, and ending June 30, 2023.

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

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

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

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

26 28. There is appropriated from federal funds derived from the state fiscal recovery fund,
27 not otherwise appropriated, the sum of ~~\$25,000,000~~\$25,750,000, or so much of the
28 sum as may be necessary, to the department of human services for the purpose of
29 ~~grants~~financial assistance to long-term care facilities and the state hospital for the
30 period beginning with the effective date of this Act, and ending June 30, 2023. Of the
31 funds appropriated in this subsection, \$20,800,000 is for ~~grants~~financial assistance to

nursing facilities, \$2,950,000 is for ~~grants~~financial assistance to basic care facilities, ~~and~~ \$1,250,000 is for ~~grants~~financial assistance to assisted living facilities, \$350,000 is for nursing staff retention payments at the state hospital, and up to \$400,000 is for administrative expenses of the department relating to providing financial assistance to long-term care facilities. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.

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

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

31. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be

1 necessary, to the adjutant general for the purpose of enhancing housing at camp
2 Grafton for the period beginning with the effective date of this Act, and ending June 30,
3 2023.

4 32. There is appropriated from federal funds derived from the state fiscal recovery fund,
5 not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be
6 necessary, to the department of veterans' affairs for the purpose of providing a grant to
7 assist in the construction of the Fisher house at the Fargo veterans' affairs medical
8 center for the period beginning with the effective date of this Act, and ending June 30,
9 2023.

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

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

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

28 36. There is appropriated from federal funds derived from the state fiscal recovery fund,
29 not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be
30 necessary, to the ~~department of commerce~~industrial commission for the purpose of
31 providing hydrogen development grants, as approved by the clean sustainable energy

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

3 | 37. There is appropriated from federal funds derived from the state fiscal recovery fund,
4 | not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be
5 | necessary, to the department of commerce for the purpose of providing autonomous
6 | agriculture matching grants for the period beginning with the effective date of this Act,
7 | and ending June 30, 2023. A grant recipient must provide one dollar of matching funds
8 | for every one dollar of grant funding received under this subsection.

9 | 38. There is appropriated from federal funds derived from the state fiscal recovery fund,
10 | not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be
11 | necessary, to the department of commerce for the purpose of establishing adding or
12 | expanding a local workforce development incentive grant program to support efforts to
13 | recruit, retain, and retrain workers for the period beginning with the effective date of
14 | this Act, and ending June 30, 2023. The grant recipient must provide \$1 of local
15 | matching funds for every \$4 received under this subsection.

16 | 39. There is appropriated from federal funds derived from the state fiscal recovery fund,
17 | not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be
18 | necessary, to the department of commerce for the purpose of establishing adding or
19 | expanding a technical skills training grant program and a workforce innovation grant
20 | program for the period beginning with the effective date of this Act, and ending June
21 | 30, 2023.

22 | 40. 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 university of North Dakota for the purpose of a space education and
25 | research initiative for the period beginning with the effective date of this Act, and
26 | ending June 30, 2023.

27 | 41. There is appropriated from federal funds derived from the state fiscal recovery fund,
28 | not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be
29 | necessary, to the aeronautics commission for the purpose of airport grants for the
30 | period beginning with the effective date of this Act, and ending June 30, 2023.

1 42. There is appropriated from federal funds derived from the state fiscal recovery fund,
2 not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be
3 necessary, to the attorney general for the purpose of information technology costs
4 related to the implementation of charitable gaming tax changes for the period
5 beginning with the effective date of this Act, and ending June 30, 2023.

6 43. There is appropriated from federal funds derived from the state fiscal recovery fund,
7 not otherwise appropriated, the sum of \$807,500, or so much of the sum as may be
8 necessary, to Williston state college for the purpose of an employee retention incentive
9 pay program for the period beginning with the effective date of this Act and ending
10 June 30, 2023.

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

12 ~~—SECTION 2. APPROPRIATION – FEDERAL FUNDS – DEPARTMENT OF~~

13 ~~TRANSPORTATION – ONE-TIME FUNDING. There is appropriated out of any moneys derived~~
14 ~~from federal funds in excess of the regular federal funding amounts included in the department~~
15 ~~of transportation's 2021-23 biennium budget, not otherwise appropriated, the sum of~~
16 ~~\$100,000,000, or so much of the sum as may be necessary, to the department of transportation~~
17 ~~for the purpose of defraying the expenses of road and bridge construction projects, for the~~
18 ~~period beginning with the effective date of this Act, and ending June 30, 2023. The funds~~
19 ~~appropriated in this section are not considered part of the department's 2021-23 biennium~~
20 ~~budget for purposes of section 13 of House Bill No. 1015 and section 10 of House Bill No. 1431,~~
21 ~~as approved by the sixty-seventh legislative assembly, relating to excess federal funding~~
22 ~~requirements. The funding provided under this section is considered a one-time funding item.~~

23 **SECTION 2. AMENDMENT.** Section 27-20.2-21 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **27-20.2-21. Inspection of court files and records - Penalty. (Effective through**
26 **August 31, 2022)**

- 27 1. Except as provided in this section, all files and records of the juvenile court, whether in
28 the office of the clerk of court or juvenile court, of a proceeding under this chapter are
29 closed to the public. Juvenile court files and records are open to inspection only by:
- 30 a. The judge and staff of the juvenile court.

- 1 b. The parties to the proceeding or the parties' counsel or the guardian ad litem of
- 2 any party.
- 3 c. A public or private agency or institution providing supervision or having custody of
- 4 the child under order of the juvenile court which must be given a copy of the
- 5 findings and order of disposition when the agency or institution receives custody
- 6 of the child. If a case involves the federal Indian Child Welfare Act of 1978
- 7 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the
- 8 child shall serve the appropriate Indian Child Welfare Act service agent, tribe or
- 9 tribal designee, or an Indian Child Welfare Act qualified expert witness with the
- 10 findings and order of disposition.
- 11 d. Any court and the court's probation and other officials or professional staff and
- 12 the attorney for the defendant for use in preparing a presentence report in a
- 13 criminal case in which the defendant is convicted and who, before the criminal
- 14 case, had been a party to the proceeding in juvenile court.
- 15 e. The professional staff of the uniform crime victims compensation program if
- 16 necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
- 17 f. A staff member of the division of children and family services of the department of
- 18 human services or a law enforcement officer if necessary for the performance of
- 19 that staff member's duties under section 50-11.1-06.2 or the federal National
- 20 Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119
- 21 et seq.].
- 22 g. An employee or agent of the department of human services if necessary for
- 23 performance of that individual's duty under chapter 50-11 or 50-11.1 to
- 24 investigate the background of an individual living or working in the facility, home,
- 25 or residence for which licensure is sought.
- 26 h. A criminal justice agency if the juvenile is required to register under section
- 27 12.1-32-15.
- 28 i. The staff of a children's advocacy center if the juvenile or a victim of the child has
- 29 been referred for or has received services at the children's advocacy center.
- 30 j. A victim of the delinquent child or the victim's guardian. All records including
- 31 medical, educational, and school information must be redacted before inspection.

1 For purposes of this subdivision, only records pertaining to the specific offense
2 between the victim and the delinquent child may be inspected.

3 k. The information technology department to the extent authorized by the supreme
4 court for use in the statewide longitudinal data system.

- 5 2. Juvenile court files and records are also open to inspection with written leave of a
6 juvenile court judge or judicial referee to whom juvenile court matters have been
7 referred:
- 8 a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of
9 the juvenile court, but only to the extent necessary to respond to the legitimate
10 interest; and
- 11 b. By the principal of any public or private school that is a member of the North
12 Dakota high school activities association, or the superintendent of any school
13 district that has one or more schools involved in the association, but only to the
14 extent necessary to enforce the rules and regulations of the North Dakota high
15 school activities association.
- 16 3. In a proceeding under this chapter, if the juvenile court finds a child committed a
17 delinquent act that constitutes a violation of a law or local ordinance governing the
18 operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide
19 caused by the child's operation of a motor vehicle, the juvenile court shall report the
20 finding to the director of the department of transportation within ten days.
- 21 4. Following an adjudication of delinquency for an offense that would be a felony if
22 committed by an adult, the child's school principal, chief administrative officer, or
23 designated school guidance counselor, if requested, must be allowed access to the
24 disposition order. Any other juvenile court files and records of a child may be disclosed
25 to a superintendent or principal of the school in which the child is currently enrolled or
26 in which the child wishes to enroll if the child's documented behavior appears to
27 present a danger to self or to the students or staff of the school.
- 28 5. Following an adjudication of delinquency for an offense that results in the prohibitions
29 included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement
30 officer must be allowed access to the disposition order.
- 31 6. The juvenile court may notify a referring agency of the disposition of a case.

- 1 7. Notwithstanding that juvenile court records are closed to the public, nothing in this
2 section may be construed to limit the release upon request of general information not
3 identifying the identity of any juvenile, witness, or victim in any proceeding under this
4 chapter. Files in the clerk of court's office are open to public inspection if the related
5 hearing was open to the public under section 27-20.3-13.
- 6 8. To the extent necessary to provide victim services or benefits under chapter 12.1-41,
7 the judge and staff of the juvenile court may disclose information to refer a child, who
8 may be a victim of human trafficking, to a program for runaway and homeless children
9 located in the state and approved by the juvenile court of jurisdiction. Information
10 disclosed under this subsection must remain confidential.
- 11 9. An individual with access or authorization to inspect juvenile court files and records
12 under this section may not share the information contained in the files and records
13 with any other person not authorized by law. An individual who violates this subsection
14 is guilty of a class B misdemeanor.

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

- 16 1. Except as provided in this section, all files and records of the juvenile court, whether in
17 the office of the clerk of court or juvenile court, of a proceeding under this chapter are
18 closed to the public. Juvenile court files and records are open to inspection only by:
 - 19 a. The judge and staff of the juvenile court.
 - 20 b. The parties to the proceeding or the parties' counsel or the guardian ad litem of
21 any party.
 - 22 c. A public or private agency or institution providing supervision or having custody of
23 the child under order of the juvenile court which must be given a copy of the
24 findings and order of disposition when the agency or institution receives custody
25 of the child. If a case involves the federal Indian Child Welfare Act of 1978
26 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the
27 child shall serve the appropriate Indian Child Welfare Act service agent, tribe or
28 tribal designee, or an Indian Child Welfare Act qualified expert witness with the
29 findings and order of disposition.
 - 30 d. Any court and the court's probation and other officials or professional staff and
31 the attorney for the defendant for use in preparing a presentence report in a

- 1 criminal case in which the defendant is convicted and who, before the criminal
2 case, had been a party to the proceeding in juvenile court.
- 3 e. The professional staff of the uniform crime victims compensation program if
4 necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
- 5 f. A staff member of the division of children and family services of the department of
6 health and human services or a law enforcement officer if necessary for the
7 performance of that staff member's duties under section 50-11.1-06.2 or the
8 federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490;
9 42 U.S.C. 5119 et seq.].
- 10 g. An employee or agent of the department of health and human services if
11 necessary for performance of that individual's duty under chapter 50-11 or
12 50-11.1 to investigate the background of an individual living or working in the
13 facility, home, or residence for which licensure is sought.
- 14 h. A criminal justice agency if the juvenile is required to register under section
15 12.1-32-15.
- 16 i. The staff of a children's advocacy center if the juvenile or a victim of the child has
17 been referred for or has received services at the children's advocacy center.
- 18 j. A victim of the delinquent child or the victim's guardian. All records including
19 medical, educational, and school information must be redacted before inspection.
20 For purposes of this subdivision, only records pertaining to the specific offense
21 between the victim and the delinquent child may be inspected.
- 22 k. The information technology department to the extent authorized by the supreme
23 court for use in the statewide longitudinal data system.
- 24 2. Juvenile court files and records are also open to inspection with written leave of a
25 juvenile court judge or judicial referee to whom juvenile court matters have been
26 referred:
- 27 a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of
28 the juvenile court, but only to the extent necessary to respond to the legitimate
29 interest; and
- 30 b. By the principal of any public or private school that is a member of the North
31 Dakota high school activities association, or the superintendent of any school

1 district that has one or more schools involved in the association, but only to the
2 extent necessary to enforce the rules and regulations of the North Dakota high
3 school activities association.

- 4 3. In a proceeding under this chapter, if the juvenile court finds a child committed a
5 delinquent act that constitutes a violation of a law or local ordinance governing the
6 operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide
7 caused by the child's operation of a motor vehicle, the juvenile court shall report the
8 finding to the director of the department of transportation within ten days.
- 9 4. Following an adjudication of delinquency for an offense that would be a felony if
10 committed by an adult, the child's school principal, chief administrative officer, or
11 designated school guidance counselor, if requested, must be allowed access to the
12 disposition order. Any other juvenile court files and records of a child may be disclosed
13 to a superintendent or principal of the school in which the child is currently enrolled or
14 in which the child wishes to enroll if the child's documented behavior appears to
15 present a danger to self or to the students or staff of the school.
- 16 5. Following an adjudication of delinquency for an offense that results in the prohibitions
17 included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement
18 officer must be allowed access to the disposition order.
- 19 6. The juvenile court may notify a referring agency of the disposition of a case.
- 20 7. Notwithstanding that juvenile court records are closed to the public, nothing in this
21 section may be construed to limit the release upon request of general information not
22 identifying the identity of any juvenile, witness, or victim in any proceeding under this
23 chapter. Files in the clerk of court's office are open to public inspection if the related
24 hearing was open to the public under section 27-20.3-13.
- 25 8. To the extent necessary to provide victim services or benefits under chapter 12.1-41,
26 the judge and staff of the juvenile court may disclose information to refer a child, who
27 may be a victim of human trafficking, to a program for runaway and homeless children
28 located in the state and approved by the juvenile court of jurisdiction. Information
29 disclosed under this subsection must remain confidential.
- 30 9. An individual with access or authorization to inspect juvenile court files and records
31 under this section may not share the information contained in the files and records

1 with any other person not authorized by law. An individual who violates this subsection
2 is guilty of a class B misdemeanor.

3 **SECTION 3.** A new section to chapter 27-20.4 of the North Dakota Century Code is created
4 and enacted as follows:

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

6 1. The department of corrections and rehabilitation, through the division of juvenile
7 services; the supreme court, through the office of the state court administrator; and the
8 Indian affairs commission may negotiate and enter a memorandum of understanding
9 with the tribal government of a federally recognized Indian tribe in the state for the
10 purpose of accepting and providing for, in accordance with this chapter, the treatment
11 and rehabilitation of tribal juveniles who have been adjudicated in tribal court under
12 tribal or federal laws. Under the pilot program and terms of a memorandum of
13 understanding:

14 a. The tribal government, the department of corrections and rehabilitation, and the
15 juvenile court may exchange information relevant to the treatment and
16 rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal
17 court orders, medical and psychiatric reports, law enforcement reports, and other
18 information pertinent to the referral;

19 b. The juvenile court and the department of corrections and rehabilitation shall
20 provide services based on the individualized need of each tribal juvenile referred
21 to and accepted by the tribal court, juvenile court, and department of corrections
22 and rehabilitation;

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

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

29 2. Before July first of each even-numbered year, the department of corrections and
30 rehabilitation, the juvenile court, and the Indian affairs commission shall report and
31 make recommendations to the legislative management on the status, effectiveness,

performance, and sustainability of a memorandum of understanding established under this section.

SECTION 4. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL

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

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT

STABILIZATION FUND. During the 2021-22 interim, the legislative management shall study the feasibility and desirability of establishing a water project stabilization fund to provide more consistent levels of funding for water projects from the resources trust fund in the times of revenue volatility. The study must include consideration of other stabilization funds, the timing of resources trust fund revenues and water project expenditures, and reporting requirements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 6. EFFECTIVE DATE. This Act becomes effective on December 1, 2021.

SECTION 7. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2023, and after that date is ineffective.