

Sixty-seventh  
Legislative Assembly  
of North Dakota

## 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, relating to funds invested by the state  
6 investment board and the inspection of juvenile court files; to amend and reenact section 3 of  
7 chapter 20 of the 2021 Session Laws, relating to the appropriation of additional amounts to the  
8 state water commission; to provide appropriations to various state agencies; to provide for a  
9 transfer; ~~to provide for a legislative management study~~; to provide for a report; to provide a  
10 limitation; to provide a statement of legislative intent; to provide an exemption; to provide an  
11 effective date; and to provide an expiration date.

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

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

- 15 1. There is appropriated from federal funds derived from the state fiscal recovery fund,  
16 not otherwise appropriated, the sum of \$150,000,000, or so much of the sum as may  
17 be necessary, to the industrial commission for the purpose of pipeline infrastructure  
18 grants to allow for the transportation of natural gas to eastern North Dakota for the  
19 period beginning with the effective date of this Act, and ending June 30, 2023. Of the  
20 funds appropriated in this subsection, at least \$10,000,000 must be used for a project  
21 to transport natural gas to areas in Grand Forks County.
- 22 2. There is appropriated from federal funds derived from the state fiscal recovery fund,  
23 not otherwise appropriated, the sum of \$3,200,000, or so much of the sum as may be  
24 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. ~~The funding  
9 provided under this subsection may be used for water projects related to flood control,  
10 water supply, and economic development for projects the department determines  
11 comply with federal guidance for the state fiscal recovery fund.~~

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

19 5. There is appropriated from federal funds derived from the state fiscal recovery fund,  
20 not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be  
21 necessary, to the parks and recreation department for the purpose of grants to local  
22 park districts to renovate and upgrade existing facilities with priority for outdoor  
23 facilities for the period beginning with the effective date of this Act, and ending June  
24 30, 2023. Local park districts must provide \$1 of local matching funds for each \$1  
25 received under this subsection. A local park district may not receive more than  
26 \$1,000,000 under this subsection.

27 6. There is appropriated from federal funds derived from the state fiscal recovery fund,  
28 not otherwise appropriated, the sum of \$8,029,000, or so much of the sum as may be  
29 necessary, to the North Dakota state university main research center the purpose of  
30 one-time projects, including \$446,000 for projects at the Carrington research center,  
31 \$1,963,000 for projects at the central grasslands research center, \$2,200,000 for

1 projects at the Dickinson research center, and \$3,420,000 for projects at the Hettinger  
2 research center for the period beginning with the effective date of this Act, and ending  
3 June 30, 2023.

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

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

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

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

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

- 1           necessary, to the office of management and budget for the purpose of improvements  
2           to the heating, ventilation, and air conditioning systems of the legislative chambers  
3           and the Brynhild Haugland room for the period beginning with the effective date of this  
4           Act, and ending June 30, 2023.
- 5        12.    There is appropriated from federal funds derived from the state fiscal recovery fund,  
6           not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be  
7           necessary, to the state historical society for the purpose of essential infrastructure at  
8           historic sites for the period beginning with the effective date of this Act, and ending  
9           June 30, 2023.
- 10       13.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
11           not otherwise appropriated, the sum of ~~\$2,200,000~~ \$1,600,000, or so much of the sum  
12           as may be necessary, to North Dakota state university for the purpose of high-  
13           performance computing for the period beginning with the effective date of this Act, and  
14           ending June 30, 2023.
- 15       14.    There is appropriated from federal funds derived from the state fiscal recovery fund,  
16           not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be  
17           necessary, to the university of North Dakota for the purpose of a Merrifield hall  
18           renovation project for the period beginning with the effective date of this Act, and  
19           ending June 30, 2023.
- 20       15.    There is appropriated from federal funds derived from the state fiscal recovery fund,  
21           not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be  
22           necessary, to Bismarck state college for the purpose of constructing a polytechnic  
23           building and related startup costs for the period beginning with the effective date of  
24           this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, not  
25           more than \$3,000,000 may be used for startup costs.
- 26       16.    There is appropriated from federal funds derived from the state fiscal recovery fund,  
27           not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be  
28           necessary, to Minot state university for the purpose of a Hartnett hall renovation  
29           project for the period beginning with the effective date of this Act, and ending June 30,  
30           2023.

Sixty-seventh  
Legislative Assembly

- 1       17.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
2           not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be  
3           necessary, to the university of North Dakota school of medicine and health sciences  
4           for the purpose of purchasing equipment and hiring personnel to provide hyperbaric  
5           oxygen therapy for the period beginning with the effective date of this Act, and ending  
6           June 30, 2023.
- 7       18.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
8           not otherwise appropriated, the sum of \$475,000, or so much of the sum as may be  
9           necessary, to the state board of higher education for the purpose of providing for the  
10          Dakota digital academy for the period beginning with the effective date of this Act, and  
11          ending June 30, 2023.
- 12      19.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
13          not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be  
14          necessary, to the attorney general for the purpose of establishing a missing persons  
15          database for the period beginning with the effective date of this Act, and ending  
16          June 30, 2023.
- 17      20.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
18          not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be  
19          necessary, to the attorney general for the purpose of replacing the prosecuting case  
20          management system for the period beginning with the effective date of this Act, and  
21          ending June 30, 2023.
- 22      21.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
23          not otherwise appropriated, the sum of \$2,612,000, or so much of the sum as may be  
24          necessary, to the highway patrol for the purpose of purchasing radios compatible with  
25          the statewide interoperable radio network for the period beginning with the effective  
26          date of this Act, and ending June 30, 2023.
- 27      22.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
28          not otherwise appropriated, the sum of \$2,057,384, or so much of the sum as may be  
29          necessary, to the department of corrections and rehabilitation for the purpose of  
30          purchasing radios compatible with the statewide interoperable radio network for the  
31          period beginning with the effective date of this Act, and ending June 30, 2023.

- 1       23. There is appropriated from federal funds derived from the state fiscal recovery fund,  
2           not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be  
3           necessary, to the information technology department for the purpose of providing a  
4           grant to the North Dakota stockmen's association for conversion of a paper-based  
5           brand inspection program to an electronic system for the period beginning with the  
6           effective date of this Act, and ending June 30, 2023.
- 7       24. There is appropriated from federal funds derived from the state fiscal recovery fund,  
8           not otherwise appropriated, the sum of \$450,000, or so much of the sum as may be  
9           necessary, to the adjutant general for the purpose of replacing the state active-duty  
10          software for the period beginning with the effective date of this Act, and ending  
11          June 30, 2023.
- 12       25. There is appropriated from federal funds derived from the state fiscal recovery fund,  
13          not otherwise appropriated, the sum of \$2,020,000, or so much of the sum as may be  
14          necessary, to the judicial branch for the purpose of replacing the supreme court docket  
15          system for the period beginning with the effective date of this Act, and ending June 30,  
16          2023.
- 17       26. There is appropriated from federal funds derived from the state fiscal recovery fund,  
18          not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be  
19          necessary, to the office of administrative hearings for the purpose of developing a  
20          web-based document management system for the period beginning with the effective  
21          date of this Act, and ending June 30, 2023.
- 22       27. There is appropriated from federal funds derived from the state fiscal recovery fund,  
23          not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be  
24          necessary, to the department of human services for the purpose of providing financial  
25          assistance to developmental disabilities services providers to provide retention  
26          bonuses for direct services professionals serving clients with intellectual or  
27          developmental disabilities for the period beginning with the effective date of this Act,  
28          and ending June 30, 2023. The requirements of chapter 54-44.4 do not apply to this  
29          subsection, including the selection of recipients and the disbursement of funds.
- 30       28. There is appropriated from federal funds derived from the state fiscal recovery fund,  
31          not otherwise appropriated, the sum of ~~\$25,750,000~~\$25,350,000, or so much of the

1           sum as may be necessary, to the department of human services for the purpose of  
2           financial assistance to long-term care facilities and the state hospital for the period  
3           beginning with the effective date of this Act, and ending June 30, 2023. Of the funds  
4           appropriated in this subsection, \$20,800,000 is for financial assistance to nursing  
5           facilities, \$2,950,000 is for financial assistance to basic care facilities, \$1,250,000 is for  
6           financial assistance to assisted living facilities, and \$350,000 is for nursing staff  
7           retention payments at the state hospital, ~~and up to \$400,000 is for administrative~~  
8           ~~expenses of the department relating to providing financial assistance to long-term care~~  
9           ~~facilities~~. The requirements of chapter 54-44.4 do not apply to this subsection,  
10          including the selection of recipients and the disbursement of funds.

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

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

1 requirements of chapter 54-44.4 do not apply to the current alternative-to-abortion  
2 services agreement.

3 31. There is appropriated from federal funds derived from the state fiscal recovery fund,  
4 not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be  
5 necessary, to the adjutant general for the purpose of enhancing housing at camp  
6 Grafton for the period beginning with the effective date of this Act, and ending June 30,  
7 2023.

8 32. There is appropriated from federal funds derived from the state fiscal recovery fund,  
9 not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be  
10 necessary, to the department of veterans' affairs for the purpose of providing a grant to  
11 assist in the construction of the Fisher house at the Fargo veterans' affairs medical  
12 center for the period beginning with the effective date of this Act, and ending June 30,  
13 2023.

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

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

27 35. There is appropriated from federal funds derived from the state fiscal recovery fund,  
28 not otherwise appropriated, the sum of \$5,000,000, which the office of management  
29 and budget shall transfer to the North Dakota development fund under chapter 10-30.5  
30 during the period beginning with the effective date of this Act, and ending June 30,  
31 2023.



Sixty-seventh  
Legislative Assembly

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

1 necessary, to the aeronautics commission for the purpose of airport grants for the  
2 period beginning with the effective date of this Act, and ending June 30, 2023.

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

8 43. There is appropriated from federal funds derived from the state fiscal recovery fund,  
9 not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be  
10 necessary, to the office of management and budget for the purpose of providing a  
11 grant for the construction of a new medical center located in the county seat of Pierce  
12 County for the period beginning with the effective date of this Act, and ending June 30,  
13 2023.

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

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

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

- 19 a. State bonding fund.
- 20 b. Teachers' fund for retirement.
- 21 c. State fire and tornado fund.
- 22 d. Workforce safety and insurance fund.
- 23 e. Public employees retirement system.
- 24 f. Insurance regulatory trust fund.
- 25 g. State risk management fund.
- 26 h. Budget stabilization fund.
- 27 i. Water projects stabilization fund.
- 28 j. Health care trust fund.
- 29 j-k. Cultural endowment fund.
- 30 k-l. Petroleum tank release compensation fund.
- 31 l-m. Legacy fund.

1        ~~m.n.~~ Legacy earnings fund.

2        ~~n.o.~~ A fund under contract with the board pursuant to subsection 3.

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

5        **27-20.2-21. Inspection of court files and records - Penalty. (Effective through**  
6 **August 31, 2022)**

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

- 1           g. An employee or agent of the department of human services if necessary for  
2           performance of that individual's duty under chapter 50-11 or 50-11.1 to  
3           investigate the background of an individual living or working in the facility, home,  
4           or residence for which licensure is sought.
- 5           h. A criminal justice agency if the juvenile is required to register under section  
6           12.1-32-15.
- 7           i. The staff of a children's advocacy center if the juvenile or a victim of the child has  
8           been referred for or has received services at the children's advocacy center.
- 9           j. A victim of the delinquent child or the victim's guardian. All records including  
10          medical, educational, and school information must be redacted before inspection.  
11          For purposes of this subdivision, only records pertaining to the specific offense  
12          between the victim and the delinquent child may be inspected.
- 13          k. The information technology department to the extent authorized by the supreme  
14          court for use in the statewide longitudinal data system.
- 15          2. Juvenile court files and records are also open to inspection with written leave of a  
16          juvenile court judge or judicial referee to whom juvenile court matters have been  
17          referred:
- 18               a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of  
19               the juvenile court, but only to the extent necessary to respond to the legitimate  
20               interest; and
- 21               b. By the principal of any public or private school that is a member of the North  
22               Dakota high school activities association, or the superintendent of any school  
23               district that has one or more schools involved in the association, but only to the  
24               extent necessary to enforce the rules and regulations of the North Dakota high  
25               school activities association.
- 26          3. In a proceeding under this chapter, if the juvenile court finds a child committed a  
27          delinquent act that constitutes a violation of a law or local ordinance governing the  
28          operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide  
29          caused by the child's operation of a motor vehicle, the juvenile court shall report the  
30          finding to the director of the department of transportation within ten days.

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

**Inspection of court files and records - Penalty. (Effective after 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          health and human services or a law enforcement officer if necessary for the  
19          performance of that staff member's duties under section 50-11.1-06.2 or the  
20          federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490;  
21          42 U.S.C. 5119 et seq.].
- 22          g. An employee or agent of the department of health and human services if  
23          necessary for performance of that individual's duty under chapter 50-11 or  
24          50-11.1 to investigate the background of an individual living or working in the  
25          facility, home, 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      **SECTION 4.** A new section to chapter 27-20.4 of the North Dakota Century Code is created  
16      and enacted as follows:

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

- 18      1. The department of corrections and rehabilitation, through the division of juvenile  
19      services; the supreme court, through the office of the state court administrator; and the  
20      Indian affairs commission may negotiate and enter a memorandum of understanding  
21      with the tribal government of a federally recognized Indian tribe in the state for the  
22      purpose of accepting and providing for, in accordance with this chapter, the treatment  
23      and rehabilitation of tribal juveniles who have been adjudicated in tribal court under  
24      tribal or federal laws. Under the pilot program and terms of a memorandum of  
25      understanding:
- 26      a. The tribal government, the department of corrections and rehabilitation, and the  
27      juvenile court may exchange information relevant to the treatment and  
28      rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal  
29      court orders, medical and psychiatric reports, law enforcement reports, and other  
30      information pertinent to the referral;



- 1           **b.** The juvenile court and the department of corrections and rehabilitation shall  
2           provide services based on the individualized need of each tribal juvenile referred  
3           to and accepted by the tribal court, juvenile court, and department of corrections  
4           and rehabilitation;
- 5           **c.** The juvenile court and the department of corrections and rehabilitation shall  
6           maintain regular contact with the tribe regarding each tribal juvenile who has  
7           been placed in the supervision of the respective agency; and
- 8           **d.** The juvenile court and the department of corrections and rehabilitation may limit  
9           the number of tribal juveniles accepted based on criteria developed by the  
10           juvenile court and the availability of state resources and services.
- 11          **2.** Before July first of each even-numbered year, the department of corrections and  
12          rehabilitation, the juvenile court, and the Indian affairs commission shall report and  
13          make recommendations to the legislative management on the status, effectiveness,  
14          performance, and sustainability of a memorandum of understanding established under  
15          this section.

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

18          **Water projects stabilization fund.**

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

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

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

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

1. Approving additional appropriations will not negatively affect the sixty-seventh legislative assembly's ability to address water-related needs;
2. The proposed use of the additional income complies with legislative intent; and
3. The proposed use of the additional income will not result in future funding commitments.

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

1. The office of management and budget shall transfer the sum of \$1,000,000 from the resources trust fund to the water projects stabilization fund during the month of January 2022.
2. Notwithstanding subsections 1 and 2 of section 57-51.1-07, any oil extraction tax revenues deposited in the resources trust fund that exceed the amount included in the 2021 legislative forecast during the period beginning August 1, 2021, and ending February 28, 2023, must be transferred at least quarterly by the office of management and budget from the resources trust fund to the water projects stabilization fund for the period beginning with the effective date of this Act, and ending June 30, 2023.

**SECTION 8. 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 9. LEGISLATIVE INTENT - NATURAL GAS PIPELINE INFRASTRUCTURE.** It

is the intent of the sixty-seventh legislative assembly that the sixty-eighth legislative assembly

1 consider providing additional funding for continuing the development of high-pressure  
2 transmission pipeline infrastructure for the transportation and competitive selling of natural gas  
3 to eastern North Dakota.

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

5 **SECTION 11. EXPIRATION DATE.** Section ~~34~~ of this Act is effective through July 31, 2023,  
6 and after that date is ineffective.