

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 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; to provide a limitation; to provide an exemption; to provide an effective  
7 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 to eastern North Dakota for the  
15 period beginning with the effective date of this Act, and ending June 30, 2023. Of the  
16 funds appropriated in this subsection, at least \$10,000,000 must be used for a project  
17 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 facilities for the period beginning with  
18 the effective date of this Act, and ending June 30, 2023. Local park districts must  
19 provide \$1 of local matching funds for each \$1 received under this subsection. A local  
20 park district may not receive more than \$1,000,000 under this subsection.

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

29 7. There is appropriated from federal funds derived from the state fiscal recovery fund,  
30 not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be  
31 necessary, to the state department of health for the purpose of a public health

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

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

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

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

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

30 12. There is appropriated from federal funds derived from the state fiscal recovery fund,  
31 not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be

1           necessary, to the state historical society for the purpose of essential infrastructure at  
2           historic sites for the period beginning with the effective date of this Act, and ending  
3           June 30, 2023.

4       13.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
5           not otherwise appropriated, the sum of \$2,200,000, or so much of the sum as may be  
6           necessary, to North Dakota state university for the purpose of high-performance  
7           computing for the period beginning with the effective date of this Act, and ending  
8           June 30, 2023.

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

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

20      16.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
21          not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be  
22          necessary, to Minot state university for the purpose of a Hartnett hall renovation  
23          project for the period beginning with the effective date of this Act, and ending June 30,  
24          2023.

25      17.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
26          not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be  
27          necessary, to the university of North Dakota school of medicine and health sciences  
28          for the purpose of purchasing equipment and hiring personnel to provide hyperbaric  
29          oxygen therapy for the period beginning with the effective date of this Act, and ending  
30          June 30, 2023.

- 1       18.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
2           not otherwise appropriated, the sum of \$475,000, or so much of the sum as may be  
3           necessary, to the state board of higher education for the purpose of providing for the  
4           Dakota digital academy for the period beginning with the effective date of this Act, and  
5           ending June 30, 2023.
- 6       19.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
7           not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be  
8           necessary, to the attorney general for the purpose of establishing a missing persons  
9           database for the period beginning with the effective date of this Act, and ending  
10          June 30, 2023.
- 11      20.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
12          not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be  
13          necessary, to the attorney general for the purpose of replacing the prosecuting case  
14          management system for the period beginning with the effective date of this Act, and  
15          ending June 30, 2023.
- 16      21.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
17          not otherwise appropriated, the sum of \$2,612,000, or so much of the sum as may be  
18          necessary, to the highway patrol for the purpose of purchasing radios compatible with  
19          the statewide interoperable radio network for the period beginning with the effective  
20          date of this Act, and ending June 30, 2023.
- 21      22.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
22          not otherwise appropriated, the sum of \$2,057,384, or so much of the sum as may be  
23          necessary, to the department of corrections and rehabilitation for the purpose of  
24          purchasing radios compatible with the statewide interoperable radio network for the  
25          period beginning with the effective date of this Act, and ending June 30, 2023.
- 26      23.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
27          not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be  
28          necessary, to the information technology department for the purpose of providing a  
29          grant to the North Dakota stockmen's association for conversion of a paper-based  
30          brand inspection program to an electronic system for the period beginning with the  
31          effective date of this Act, and ending June 30, 2023.

- 1       24.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
2           not otherwise appropriated, the sum of \$450,000, or so much of the sum as may be  
3           necessary, to the adjutant general for the purpose of replacing the state active-duty  
4           software for the period beginning with the effective date of this Act, and ending  
5           June 30, 2023.
- 6       25.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
7           not otherwise appropriated, the sum of \$2,020,000, or so much of the sum as may be  
8           necessary, to the judicial branch for the purpose of replacing the supreme court docket  
9           system for the period beginning with the effective date of this Act, and ending June 30,  
10          2023.
- 11      26.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
12          not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be  
13          necessary, to the office of administrative hearings for the purpose of developing a  
14          web-based document management system for the period beginning with the effective  
15          date of this Act, and ending June 30, 2023.
- 16      27.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
17          not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be  
18          necessary, to the department of human services for the purpose of providing financial  
19          assistance to developmental disabilities services providers to provide retention  
20          bonuses for direct services professionals serving clients with intellectual or  
21          developmental disabilities for the period beginning with the effective date of this Act,  
22          and ending June 30, 2023. The requirements of chapter 54-44.4 do not apply to this  
23          subsection, including the selection of recipients and the disbursement of funds.
- 24      28.   There is appropriated from federal funds derived from the state fiscal recovery fund,  
25          not otherwise appropriated, the sum of \$25,750,000, or so much of the sum as may be  
26          necessary, to the department of human services for the purpose of financial  
27          assistance to long-term care facilities and the state hospital for the period beginning  
28          with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated  
29          in this subsection, \$20,800,000 is for financial assistance to nursing facilities,  
30          \$2,950,000 is for financial assistance to basic care facilities, \$1,250,000 is for financial  
31          assistance to assisted living facilities, \$350,000 is for nursing staff retention payments

1 at the state hospital, and up to \$400,000 is for administrative expenses of the  
2 department relating to providing financial assistance to long-term care facilities. The  
3 requirements of chapter 54-44.4 do not apply to this subsection, including the  
4 selection of recipients and the disbursement of funds.

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

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

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

- 1       32. There is appropriated from federal funds derived from the state fiscal recovery fund,  
2       not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be  
3       necessary, to the department of veterans' affairs for the purpose of providing a grant to  
4       assist in the construction of the Fisher house at the Fargo veterans' affairs medical  
5       center for the period beginning with the effective date of this Act, and ending June 30,  
6       2023.
- 7       33. There is appropriated from federal funds derived from the state fiscal recovery fund,  
8       not otherwise appropriated, the sum of \$147,000, or so much of the sum as may be  
9       necessary, to the department of veterans' affairs for the purpose of improving and  
10      expanding veterans' medical transportation for the period beginning with the effective  
11      date of this Act, and ending June 30, 2023.
- 12      34. There is appropriated from federal funds derived from the state fiscal recovery fund,  
13      not otherwise appropriated, the sum of \$21,000,000, or so much of the sum as may be  
14      necessary, to the Bank of North Dakota for the purpose of a fuel production facility  
15      incentive program for the period beginning with the effective date of this Act, and  
16      ending June 30, 2023. The Bank of North Dakota shall award grants under the  
17      program to eligible fuel production facilities based on a formula that considers the  
18      facility's outstanding fuel production facility loan guarantee at the Bank of North  
19      Dakota.
- 20      35. There is appropriated from federal funds derived from the state fiscal recovery fund,  
21      not otherwise appropriated, the sum of \$5,000,000, which the office of management  
22      and budget shall transfer to the North Dakota development fund under chapter  
23      10-30.5 during the period beginning with the effective date of this Act, and ending June  
24      30, 2023.
- 25      36. There is appropriated from federal funds derived from the state fiscal recovery fund,  
26      not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be  
27      necessary, to the industrial commission for the purpose of providing hydrogen  
28      development grants, as approved by the clean sustainable energy authority, for the  
29      period beginning with the effective date of this Act, and ending June 30, 2023.
- 30      37. There is appropriated from federal funds derived from the state fiscal recovery fund,  
31      not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be



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

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

3       **27-20.2-21. Inspection of court files and records - Penalty. (Effective through**  
4 **August 31, 2022)**

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

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

1 disposition order. Any other juvenile court files and records of a child may be disclosed  
2 to a superintendent or principal of the school in which the child is currently enrolled or  
3 in which the child wishes to enroll if the child's documented behavior appears to  
4 present a danger to self or to the students or staff of the school.

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

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

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

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

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

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

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

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

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

30 c. A public or private agency or institution providing supervision or having custody of  
31 the child under order of the juvenile court which must be given a copy of the

1 findings and order of disposition when the agency or institution receives custody  
2 of the child. If a case involves the federal Indian Child Welfare Act of 1978  
3 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the  
4 child shall serve the appropriate Indian Child Welfare Act service agent, tribe or  
5 tribal designee, or an Indian Child Welfare Act qualified expert witness with the  
6 findings and order of disposition.

- 7 d. Any court and the court's probation and other officials or professional staff and  
8 the attorney for the defendant for use in preparing a presentence report in a  
9 criminal case in which the defendant is convicted and who, before the criminal  
10 case, had been a party to the proceeding in juvenile court.
- 11 e. The professional staff of the uniform crime victims compensation program if  
12 necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
- 13 f. A staff member of the division of children and family services of the department of  
14 health and human services or a law enforcement officer if necessary for the  
15 performance of that staff member's duties under section 50-11.1-06.2 or the  
16 federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490;  
17 42 U.S.C. 5119 et seq.].
- 18 g. An employee or agent of the department of health and human services if  
19 necessary for performance of that individual's duty under chapter 50-11 or  
20 50-11.1 to investigate the background of an individual living or working in the  
21 facility, home, or residence for which licensure is sought.
- 22 h. A criminal justice agency if the juvenile is required to register under section  
23 12.1-32-15.
- 24 i. The staff of a children's advocacy center if the juvenile or a victim of the child has  
25 been referred for or has received services at the children's advocacy center.
- 26 j. A victim of the delinquent child or the victim's guardian. All records including  
27 medical, educational, and school information must be redacted before inspection.  
28 For purposes of this subdivision, only records pertaining to the specific offense  
29 between the victim and the delinquent child may be inspected.
- 30 k. The information technology department to the extent authorized by the supreme  
31 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 3.** 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 4. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL**

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

#### 18           **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT**

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

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

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