

APPROPRIATIONS

CHAPTER 548

HOUSE BILL NO. 1505

(Legislative Management)
(Appropriations Committee)

AN ACT to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6 of chapter 15 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 6. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - FEDERAL STATE FISCAL RECOVERY FUND - MATCHING FUNDS - ONE-TIME FUNDING.

1. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of ~~\$70,000,000~~\$68,276,228, or so much of the sum as may be necessary, ~~and from the federal state fiscal recovery fund, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary,~~ to the department of career and technical education for the purpose of a statewide area career center initiative grant program for the period beginning with the effective date of this Act, and ending June 30, 2023. The department of career and technical education shall establish the application process and develop eligibility requirements for the grant program that must include:
 - a. Funding may be used only for career and technical education projects involving construction, addition, maintenance, and equipment for new and existing area career centers;
 - b. Grants awarded to each recipient must be at least \$500,000, but may not exceed \$10,000,000;
 - c. Grants may be awarded only to the extent a school district has secured matching funds from nonstate sources on a dollar-for-dollar basis;

- d. An applicant identifying sufficient future nonstate sources of funding for ongoing operating and maintenance costs associated with a new or expanded area career center;
 - e. The application period for the grant program begins with the effective date of this Act and ends on June 30, 2022. Any funding not committed by December 31, 2022, may not be spent and must be canceled at the end of the 2021-23 biennium in accordance with section 54-44.1-11;
 - f. Preference must be given to school districts that collaborate with other school districts for a regional area career center facility or to school districts to create a new area career center or use an existing area career center to positively affect that region of the state; and
 - g. Preference must be given to school districts that will promote postsecondary education and workforce training education in conjunction with secondary education.
2. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$5,900,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing a grant to an entity for the development of a children's science center for the period beginning with the effective date of this Act, and ending June 30, 2023.
 3. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of reconstruction of the university's apron at the Grand Forks airport for the period beginning with the effective date of this Act, and ending June 30, 2023.
 4. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, to Dickinson state university for the purpose of a Pulver hall project, a meat processing laboratory remodel, and other projects for the period beginning with the effective date of this Act, and ending June 30, 2023.
 5. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of a law enforcement training center remodel project for the period beginning with the effective date of this Act, and ending June 30, 2023.
 6. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant for the construction of a new medical center located in

the county seat of Griggs County for the period beginning with the effective date of this Act, and ending June 30, 2023.

7. There is appropriated from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund, not otherwise appropriated, the sum of \$157,600, or so much of the sum as may be necessary, to the judicial branch for the purpose of purchasing information technology equipment for the period beginning with the effective date of this Act, and ending June 30, 2023.
8. ~~If the federal government distributes funding derived from the federal coronavirus capital projects fund to the state in more than one funding round, the office of management and budget shall prioritize the amounts received in the first funding round as follows:~~
 - a. ~~\$19,763,000 to the department of career and technical education;~~
 - b. ~~\$11,716,400 to the parks and recreation department;~~
 - c. ~~\$5,900,000 to the department of public instruction;~~
 - d. ~~\$5,000,000 to the university of North Dakota;~~
 - e. ~~\$4,200,000 to the state historical society;~~
 - f. ~~\$4,000,000 to Dickinson state university;~~
 - g. ~~\$3,000,000 to the highway patrol;~~
 - h. ~~\$2,000,000 to the agriculture commissioner;~~
 - i. ~~\$500,000 to the office of management and budget; and~~
 - j. ~~\$157,600 to the judicial branch.~~
9. ~~The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.~~

SECTION 2. AMENDMENT. Section 5 of chapter 18 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 5. ESTIMATED INCOME - FEDERAL CORONAVIRUS CAPITAL PROJECTS~~**STATE FISCAL RECOVERY FUND - ONE-TIME FUNDING.**~~ The estimated income line item in section 1 of this Act includes the sum of \$4,200,000 from federal funds derived from the federal ~~coronavirus capital projects~~state fiscal recovery fund for the purpose of providing funding for capital project planning and historic site and extraordinary repairs. ~~The federal funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.~~

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

SECTION 6. DEFERRED MAINTENANCE AND CAPITAL PROJECTS - FEDERAL CORONAVIRUS CAPITAL PROJECTSSTATE FISCAL RECOVERY FUND.

The park operations and maintenance line item in subdivision 1 of section 1 of this Act includes \$7,900,000 from federal funds derived from the federal coronavirus capital projectsstate fiscal recovery fund for deferred maintenance and capital projects for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

SECTION 4. AMENDMENT. Section 7 of chapter 19 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 7. PARKS MATCHING GRANT PROGRAM - FEDERAL CORONAVIRUS CAPITAL PROJECTSSTATE FISCAL RECOVERY FUND.

The recreation line item in subdivision 1 of section 1 of this Act includes \$1,632,800, of which \$816,400 is from federal funds derived from the federal coronavirus capital projectsstate fiscal recovery fund and \$816,400 is matching funds from nonstate sources for a matching grant program for the biennium beginning July 1, 2021, and ending June 30, 2023. The parks and recreation department may spend these funds for capital project improvements at state parks, subject to the department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis. The federal funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

SECTION 5. AMENDMENT. Section 8 of chapter 19 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 8. INTERNATIONAL PEACE GARDEN - FEDERAL CORONAVIRUS CAPITAL PROJECTSSTATE FISCAL RECOVERY FUND.

The International Peace Garden line item in subdivision 2 of section 1 of this Act includes the sum of \$3,000,000, from federal funds derived from the federal coronavirus capital projectsstate fiscal recovery fund for International Peace Garden capital projects or the repayment of any outstanding loan from the Bank of North Dakota authorized in section 12 of chapter 44 of the 2019 Session Laws, for the period beginning with the effective date of this Act, and ending June 30, 2023. Expenditure of the funds appropriated for this purpose is subject to the province of Manitoba providing funding equal to fifty percent of the total cost of any project paid with the funding referenced in this section. The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

SECTION 6. AMENDMENT. Section 1 of chapter 55 of the 2021 Session Laws is amended and reenacted as follows:

**~~SECTION 1. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS~~
~~STATE FISCAL RECOVERY FUND - INTERMODAL FACILITY CONSTRUCTION GRANT PROGRAM - ONE-TIME FUNDING.~~**

~~There is appropriated from federal funds derived from the federal coronavirus capital projects state fiscal recovery fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of an intermodal facility grant program for capital construction projects that will expand rail capacity to support economic and workforce development and growth and enhance the value of agriculture and commercial products exported through an intermodal facility in North Dakota for the period beginning with the effective date of this Act and ending June 30, 2023. This funding is considered a one-time funding item.~~

- ~~1. The agriculture commissioner shall establish guidelines for awarding grants under the program.~~
- ~~2. Grants may be awarded only to an organization dedicated to the expansion of rail capacity at an existing intermodal facility in the state connected to and served by a class I railroad. Grant funds may be used only to pay for capital costs associated with engineering, labor, equipment, and materials related to rail track expansion.~~
- ~~3. The funding provided under this section may be spent only to the extent the director of the office of management and budget certifies to the legislative management that the use of this funding complies with federal guidelines for the federal coronavirus capital projects fund.~~

SECTION 7. DEPARTMENT OF TRANSPORTATION - FEDERAL STATE FISCAL RECOVERY FUND - TRANSFER - STATE TREASURER.

Subdivision 10 of section 2 of House Bill No. 1395, as approved by the sixty-seventh legislative assembly, includes the sum of \$317,000,000 from federal funds derived from the federal state fiscal recovery fund. Of the \$317,000,000, at least \$200,000,000 must be used for state road and bridge projects and \$24,652,429 is available for grants to counties for county bridge projects based on an application process developed by the department of transportation. The office of management and budget shall transfer \$75,347,571 of the appropriation authority identified in this section to the state treasurer for distribution to counties for road and bridge projects using a distribution formula based on \$80,000,000 allocated to counties in proportion to each county's total twenty-year estimated road and bridge needs using the most recent data compiled by the upper great plains transportation institute with a maximum of \$3,000,000 per county. The office of management and budget shall transfer \$17,000,000 of the appropriation authority identified in this section to the state treasurer for distribution to townships for road and bridge projects as follows:

1. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum as may be necessary, to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to each non-oil-producing county must provide for an allocation to each organized and unorganized township that is proportional to the number of township road miles in each organized and unorganized township relative to the combined total township road miles in all the organized and unorganized townships in all the non-oil-producing counties. The township road miles must be based on certifications provided to the state

treasurer using roadway mileage criteria from the department of transportation.

2. In January 2022, the state treasurer shall distribute \$8,500,000, or so much of the sum as may be necessary, to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to each non-oil-producing county must provide for an equal allocation to each organized and unorganized township within the county.
3. The amount allocated to organized townships under this section must be paid by the county treasurer to each organized township. The amount allocated to unorganized townships under this section must be credited by the county treasurer to a special fund for unorganized township roads.
4. The distributions under this section must be used for the maintenance and improvement of township paved and unpaved roads and bridges. A township is not eligible for an allocation of funds under this section if the township does not maintain any township roads.
5. For the purposes of this section, a "non-oil-producing county" means a county that has received no allocation of funding or a total allocation of funding under subsection 2 of section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019, and ending August 31, 2020.

SECTION 8. APPROPRIATION - FEDERAL FUNDS - DEPARTMENT OF TRANSPORTATION - ONE-TIME FUNDING. There is appropriated out of any moneys derived from federal funds in excess of the regular federal funding amounts included in the department of transportation's 2021-23 biennium budget, not otherwise appropriated, the sum of \$135,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of defraying the expenses of road and bridge construction projects, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funds appropriated in this section are not considered part of the department's 2021-23 biennium budget for purposes of section 13 of House Bill No. 1015 and section 10 of House Bill No. 1431, as approved by the sixty-seventh legislative assembly, relating to excess federal funding requirements. The funding provided under this section is considered a one-time funding item.

SECTION 9. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - ONE-TIME FUNDING - INFORMATION TECHNOLOGY DEPARTMENT - BROADBAND INFRASTRUCTURE GRANTS. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$45,000,000, or so much of the sum as may be necessary, to the information technology department for the purpose of providing broadband infrastructure grants, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 10. APPROPRIATION - FEDERAL CORONAVIRUS RELIEF FUND - LIMITATION - BUDGET SECTION REPORT. The funds provided in this section, or so much of the sum as may be necessary, are appropriated from federal funds derived from the federal coronavirus relief fund, to the state departments and agencies listed below for the purpose of defraying payroll expenses incurred from July through December 2021, for the period beginning with the effective date of this Act, and ending June 30, 2023, as follows:

Department of human services	\$4,400,000
Department of corrections and rehabilitation	7,000,000
Adjutant general	<u>1,000,000</u>
Total	\$12,400,000

The funds appropriated in this section may be spent only to the extent the director of the office of management and budget determines the funding is available. An agency may not spend any general fund dollars appropriated for payroll expenses that are being replaced with federal funding under this section. The director of the office of management and budget shall report to the budget section on the amounts spent under this section.

SECTION 11. EFFECTIVE DATE. This Act becomes effective on December 1, 2021.

Approved November 15, 2021

Filed November 15, 2021

CHAPTER 549

HOUSE BILL NO. 1506

(Legislative Management)
(Appropriations Committee)

AN ACT to provide an appropriation; to provide for a transfer; to authorize full-time equivalent positions; to amend and reenact section 9 of chapter 46 of the 2021 Session Laws, relating to the beyond visual line of sight unmanned aircraft system program; to provide an exemption; to provide for a report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - STATE TREASURER - ONE-TIME FUNDING - LOCAL FISCAL RELIEF ALLOCATIONS TO POLITICAL SUBDIVISIONS. In addition to the funding provided under subdivision 1 of section 2 of House Bill No. 1395, as approved by the sixty-seventh legislative assembly, there is appropriated from federal funds the sum of \$3,014,975, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing local fiscal relief allocations to political subdivisions, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 2. TRANSFER - BANK OF NORTH DAKOTA PROFITS - UNIVERSITY OF NORTH DAKOTA. The industrial commission shall transfer to the university of North Dakota \$750,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota for expenses associated with campus network upgrades, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 3. APPROPRIATION - ATTORNEY GENERAL - ATTORNEY GENERAL REFUND FUND - SALARY EQUITY INCREASES. There is appropriated out of any moneys in the attorney general refund fund in the state treasury, not otherwise appropriated, the sum of \$537,297, or so much of the sum as may be necessary, to the attorney general for the purpose of providing salary equity increases to employees in the state crime laboratory of the attorney general's office, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 4. DEPARTMENT OF HUMAN SERVICES - FULL-TIME EQUIVALENT POSITIONS. Pursuant to subsection 1 of section 26 of Senate Bill No. 2086, as approved by the sixty-seventh legislative assembly, the department of human services is authorized sixteen full-time equivalent positions for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - ONE-TIME FUNDING - EXEMPTION.

1. There is appropriated from federal funds the sum of \$79,600,000, or so much of the sum as may be necessary, to the department of human services for the purpose of federal medical assistance percentage adjustments, for the period

beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

2. Notwithstanding section 7 of House Bill No. 1012, as approved by the sixty-seventh legislative assembly, the department of human services may use up to \$16,000,000 from general fund savings resulting from federal enhancements or adjustments that cause the federal medical assistance percentage to exceed the rates used by the sixty-seventh legislative assembly for budgeting purposes to address any decreases in the regular federal medical assistance percentage rate for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - MEDICAID POSTPARTUM COVERAGE. There is appropriated from federal funds the sum of \$600,000, or so much of the sum as may be necessary, to the department of human services for the purpose of medicaid postpartum coverage, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - LIFESPAN RESPITE CARE PROGRAM. There is appropriated from federal funds the sum of \$386,690, or so much of the sum as may be necessary, to the department of human services for the purpose of the lifespan respite care program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - VULNERABLE ADULT PROTECTION SERVICES PROGRAM. There is appropriated from federal funds the sum of \$1,936,350, or so much of the sum as may be necessary, to the department of human services for the purpose of the vulnerable adult protection services program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 9. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - ONE-TIME FUNDING - SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM VERIFICATION DATABASE. There is appropriated from federal funds the sum of \$239,558, or so much of the sum as may be necessary, to the department of human services for the purpose of a supplemental nutrition assistance program verification database, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 10. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - CHILDREN AND FAMILY SERVICES TRANSITION PROGRAM. There is appropriated from federal funds the sum of \$1,168,347, or so much of the sum as may be necessary, to the department of human services for the purpose of children and family services transition program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 11. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items within subdivision 6 of section 1 of House Bill No. 1394, as approved by the sixty-seventh legislative assembly, and subdivision 6 of section 2 of House Bill No. 1395, as approved by the sixty-seventh legislative assembly, for the period beginning with the effective date of this Act, and ending June 30, 2023, as requested by the department of human services. The department of human services shall notify the legislative council of any transfer made pursuant to this section. The department shall report to

the budget section after June 30, 2022, any transfer made in excess of \$50,000, and to the appropriations committees of the sixty-eighth legislative assembly regarding any transfers made pursuant to this section.

SECTION 12. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - ONE-TIME FUNDING - STATE HOSPITAL. There is appropriated from federal funds the sum of \$200,000, or so much of the sum as may be necessary, to the department of human services for the purpose of defraying expenses at the state hospital, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 13. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - MONEY FOLLOWS THE PERSON CAPACITY PROGRAM. There is appropriated from federal funds the sum of \$5,000,000, or so much of the sum as may be necessary, to the department of human services for the purpose of the money follows the person capacity program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 14. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - RANDOLPH SHEPPARD VOCATIONAL REHABILITATION PROGRAM. There is appropriated from federal funds the sum of \$22,663, or so much of the sum as may be necessary, to the department of human services for the purpose of the Randolph Sheppard vocational rehabilitation program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 15. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - FREE THROUGH RECOVERY PROGRAM. There is appropriated out of any special funds derived from income and other sources, not otherwise appropriated, the sum of \$3,300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of the free through recovery program, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 16. APPROPRIATION - RETIREMENT AND INVESTMENT OFFICE - FULL-TIME EQUIVALENT POSITIONS. There is appropriated out of any moneys from special funds derived from income, not otherwise appropriated, the sum of \$1,806,862, or so much of the sum as may be necessary, to the retirement and investment office for the purpose of new full-time equivalent positions and salary adjustments, for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the amount appropriated in this section, \$1,731,862 is for salaries and wages and \$75,000 is for operating expenses. The retirement and investment office is authorized six full-time equivalent positions.

SECTION 17. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - PUBLIC INSTRUCTION FUND - STATE FISCAL RECOVERY FUND - ONE-TIME FUNDING. There is appropriated out of any moneys in the public instruction fund in the state treasury, derived from reimbursements withheld from school districts' integrated formula payments, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, and from federal funds derived from the state fiscal recovery fund, the sum of \$100,000, or so much of the fund as may be necessary, to the department of public instruction for the purpose of information technology project upgrades to the state automated reporting system and the statewide longitudinal data system and for information technology upgrade funding in lieu of withholding from school districts not eligible for federal elementary and secondary school emergency relief funding allocations, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided in this section is a one-time funding item.

SECTION 18. APPROPRIATION - BANK OF NORTH DAKOTA. There is appropriated out of any moneys in the Bank of North Dakota operating fund in the state treasury, not otherwise appropriated, the sum of \$1,025,369, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of salaries and wages funding, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 19. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - WORKFORCE COMMUNITY SERVICES PROGRAM. There is appropriated from federal funds, not otherwise appropriated, the sum of \$1,074,888, or so much of the sum as may be necessary, to the department of commerce for the purpose of the workforce community services program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 20. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - COMMUNITY DEVELOPMENT PLANNING GRANT PROGRAM. There is appropriated from federal funds, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of a community development planning grant program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 21. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - WORKFORCE INNOVATION NETWORK GRANT PROGRAM. There is appropriated from special funds, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of a workforce innovation network grant program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 22. AMENDMENT. Section 9 of chapter 46 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 9. BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM PROGRAM - MATCHING FUND REQUIREMENT - ONE-TIME FUNDING. The grants line item in section 1 of this Act includes \$1,000,000 from the general fund for grants to an organization dedicated to expanding workforce opportunities, training, and education related to the beyond visual line of sight unmanned aircraft system industry, ~~which the~~ The department of commerce may provide funding under this section only to the extent the organization provides one dollar of matching funds from private or other public sources during the period beginning July 1, 2020, and ending June 30, 2023, for each one dollar provided by the department. This funding is considered a one-time funding item.

SECTION 23. EMERGENCY COMMISSION AND BUDGET SECTION SPENDING LIMIT FOR SPECIAL FUNDS - EXEMPTION. Notwithstanding the provisions of subsection 4 of section 54-16-04.2 regarding the aggregate request limit of \$5,000,000 per biennium, the emergency commission may authorize up to \$20,000,000 of aggregate requests for special funds and other sources under section 54-16-04.2, subject to any budget section approval requirements, for the biennium beginning July 1, 2021, and ending June 30, 2023.

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

Approved November 15, 2021

Filed November 15, 2021

CHAPTER 550

SENATE BILL NO. 2345

(Legislative Management)
(Appropriations Committee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$150,000,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of pipeline infrastructure grants to allow for the transportation of natural gas to eastern North Dakota for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, at least \$10,000,000 must be used for a project to transport natural gas to areas in Grand Forks County.
2. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$3,200,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of an abandoned oil well conversion to water supply grant program for the period beginning with the effective date of this Act, and ending June 30, 2023.
3. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be necessary, to the department of water resources for the purpose of water infrastructure projects for the period beginning with the effective date of this Act, and ending June 30, 2023. The state water commission shall expend moneys from the state fiscal recovery fund before moneys from the resources trust fund for projects the department determines comply with federal guidance for the state fiscal recovery fund.
4. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$4,800,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of providing stipends to county jails for costs to house inmates

sentenced to the department of corrections and rehabilitation but deferred admission due to the pandemic for the period beginning with the effective date of this Act, and ending June 30, 2023.

5. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of grants to local park districts to renovate and upgrade existing facilities with priority for outdoor facilities for the period beginning with the effective date of this Act, and ending June 30, 2023. Local park districts must provide one dollar of local matching funds for each one dollar received under this subsection. A local park district may not receive more than \$1,000,000 under this subsection.
6. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$8,029,000, or so much of the sum as may be necessary, to the North Dakota state university main research center for the purpose of one-time projects, including \$446,000 for projects at the Carrington research center, \$1,963,000 for projects at the central grasslands research center, \$2,200,000 for projects at the Dickinson research center, and \$3,420,000 for projects at the Hettinger research center for the period beginning with the effective date of this Act, and ending June 30, 2023.
7. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the state department of health for the purpose of a public health laboratory capital project for the period beginning with the effective date of this Act, and ending June 30, 2023. The state department of health shall report to the appropriations committees of the sixty-eighth legislative assembly regarding its plan for the project.
8. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,995,200, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of the free through recovery program for the period beginning with the effective date of this Act, and ending June 30, 2023.
9. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of deferred maintenance and capital projects for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funding appropriated in this subsection, the parks and recreation department shall spend at least \$100,000 on projects or deferred maintenance at each state park.
10. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of critical maintenance projects for the period beginning with the effective date of this Act, and ending June 30, 2023. The office of management and budget may transfer appropriation authority under this subsection to eligible state agencies for deferred maintenance of state-owned buildings.

11. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of improvements to the heating, ventilation, and air conditioning systems of the legislative chambers and the Brynhild Haugland room for the period beginning with the effective date of this Act, and ending June 30, 2023.
12. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be necessary, to the state historical society for the purpose of essential infrastructure at historic sites for the period beginning with the effective date of this Act, and ending June 30, 2023.
13. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,600,000, or so much of the sum as may be necessary, to North Dakota state university for the purpose of high-performance computing for the period beginning with the effective date of this Act, and ending June 30, 2023.
14. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of a Merrifield hall renovation project for the period beginning with the effective date of this Act, and ending June 30, 2023.
15. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be necessary, to Bismarck state college for the purpose of constructing a polytechnic building and related startup costs for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, not more than \$3,000,000 may be used for startup costs.
16. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be necessary, to Minot state university for the purpose of a Hartnett hall renovation project for the period beginning with the effective date of this Act, and ending June 30, 2023.
17. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and health sciences for the purpose of purchasing equipment and hiring personnel to provide hyperbaric oxygen therapy for the period beginning with the effective date of this Act, and ending June 30, 2023.
18. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$475,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing for the Dakota digital academy for the period beginning with the effective date of this Act, and ending June 30, 2023.
19. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the attorney general for the purpose of establishing a

missing persons database for the period beginning with the effective date of this Act, and ending June 30, 2023.

20. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the attorney general for the purpose of replacing the prosecuting case management system for the period beginning with the effective date of this Act, and ending June 30, 2023.
21. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,612,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of purchasing radios compatible with the statewide interoperable radio network for the period beginning with the effective date of this Act, and ending June 30, 2023.
22. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,057,384, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of purchasing radios compatible with the statewide interoperable radio network for the period beginning with the effective date of this Act, and ending June 30, 2023.
23. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be necessary, to the information technology department for the purpose of providing a grant to the North Dakota stockmen's association for conversion of a paper-based brand inspection program to an electronic system for the period beginning with the effective date of this Act, and ending June 30, 2023.
24. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$450,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of replacing the state active-duty software for the period beginning with the effective date of this Act, and ending June 30, 2023.
25. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,020,000, or so much of the sum as may be necessary, to the judicial branch for the purpose of replacing the supreme court docket system for the period beginning with the effective date of this Act, and ending June 30, 2023.
26. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be necessary, to the office of administrative hearings for the purpose of developing a web-based document management system for the period beginning with the effective date of this Act, and ending June 30, 2023.
27. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing financial assistance to developmental disabilities services providers to provide retention bonuses for direct services professionals serving clients with intellectual or developmental disabilities for the period beginning with the effective date of this Act, and ending June 30,

2023. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.
28. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$25,350,000, or so much of the sum as may be necessary, to the department of human services for the purpose of financial assistance to long-term care facilities and the state hospital for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, \$20,800,000 is for financial assistance to nursing facilities, \$2,950,000 is for financial assistance to basic care facilities, \$1,250,000 is for financial assistance to assisted living facilities, and \$350,000 is for nursing staff retention payments at the state hospital. 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 provide community-based behavioral health services, 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 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 used for the current agreement and any future alternatives-to-abortion services agreements. The requirements of chapter 54-44.4 do not apply to the current alternatives-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 necessary, to the adjutant general for the purpose of enhancing housing at camp Grafton for the period beginning with the effective date of this Act, and ending June 30, 2023.
 32. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of providing a grant to assist in the construction of the Fisher house at the Fargo veterans' affairs medical center for the period beginning with the effective date of this Act, and ending June 30, 2023.

33. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$147,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of improving and expanding veterans' medical transportation for the period beginning with the effective date of this Act, and ending June 30, 2023.
34. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$21,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of a fuel production facility incentive program for the period beginning with the effective date of this Act, and ending June 30, 2023. The Bank of North Dakota shall award grants under the program to eligible fuel production facilities based on a formula that considers the facility's outstanding fuel production facility loan guarantee at the Bank of North Dakota.
35. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, which the office of management and budget shall transfer to the North Dakota development fund under chapter 10-30.5 during the period beginning with the effective date of this Act, and ending June 30, 2023.
36. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of providing hydrogen development grants, as approved by the clean sustainable energy authority, for the period beginning with the effective date of this Act, and ending June 30, 2023.
37. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing autonomous agriculture matching grants for the period beginning with the effective date of this Act, and ending June 30, 2023. A grant recipient must provide one dollar of matching funds for every one dollar of grant funding received under this subsection.
38. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of adding or expanding a local workforce development incentive grant program to support efforts to recruit, retain, and retrain workers for the period beginning with the effective date of this Act, and ending June 30, 2023. The grant recipient must provide one dollar of local matching funds for every four dollars received under this subsection.
39. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of adding or expanding a technical skills training grant program and a workforce innovation grant program for the period beginning with the effective date of this Act, and ending June 30, 2023.
40. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of

a space education and research initiative for the period beginning with the effective date of this Act, and ending June 30, 2023.

41. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the aeronautics commission for the purpose of airport grants for the period beginning with the effective date of this Act, and ending June 30, 2023.
42. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the attorney general for the purpose of information technology costs related to the implementation of charitable gaming tax changes for the period beginning with the effective date of this Act, and ending June 30, 2023.
43. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant for the construction of a new medical center located in the county seat of Pierce County for the period beginning with the effective date of this Act, and ending June 30, 2023.
44. The funding provided under this section is considered a one-time funding item.

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

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.
 - f. Insurance regulatory trust fund.
 - g. State risk management fund.
 - h. Budget stabilization fund.
 - i. Water projects stabilization fund.
 - j. Health care trust fund.
 - ~~j-k.~~ Cultural endowment fund.
 - ~~k-l.~~ Petroleum tank release compensation fund.
 - ~~l-m.~~ Legacy fund.

~~m-n.~~ Legacy earnings fund.

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

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

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

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or the parties' counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court which must be given a copy of the findings and order of disposition when the agency or institution receives custody of the child. If a case involves the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the child shall serve the appropriate Indian Child Welfare Act service agent, tribe or tribal designee, or an Indian Child Welfare Act qualified expert witness with the findings and order of disposition.
 - d. Any court and the court's probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, before the criminal case, had been a party to the proceeding in juvenile court.
 - e. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of human services or a law enforcement officer if necessary for the performance of that staff member's duties under section 50-11.1-06.2 or the federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
 - g. An employee or agent of the department of human services if necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.

- i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
 - a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.
3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.
5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20.3-13.

8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

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

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

- h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
 - a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.
3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.
5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any

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

8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

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

Tribal juvenile services cooperative agreement - Report to legislative management.

1. The department of corrections and rehabilitation, through the division of juvenile services; the supreme court, through the office of the state court administrator; and the Indian affairs commission may negotiate and enter a memorandum of understanding with the tribal government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for, in accordance with this chapter, the treatment and rehabilitation of tribal juveniles who have been adjudicated in tribal court under tribal or federal laws. Under the pilot program and terms of a memorandum of understanding:
 - a. The tribal government, the department of corrections and rehabilitation, and the juvenile court may exchange information relevant to the treatment and rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal court orders, medical and psychiatric reports, law enforcement reports, and other information pertinent to the referral;
 - b. The juvenile court and the department of corrections and rehabilitation shall provide services based on the individualized need of each tribal juvenile referred to and accepted by the tribal court, juvenile court, and department of corrections and rehabilitation;
 - c. The juvenile court and the department of corrections and rehabilitation shall maintain regular contact with the tribe regarding each tribal juvenile who has been placed in the supervision of the respective agency; and
 - d. The juvenile court and the department of corrections and rehabilitation may limit the number of tribal juveniles accepted based on criteria developed by the juvenile court and the availability of state resources and services.
2. Before July first of each even-numbered year, the department of corrections and rehabilitation, the juvenile court, and the Indian affairs commission shall report and make recommendations to the legislative management on the status, effectiveness, performance, and sustainability of a memorandum of understanding established under this section.

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

Water projects stabilization fund.

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

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

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION APPROVAL. In addition to the amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund or the water projects stabilization fund which become available are appropriated, subject to budget section approval, to the state water commission for the purpose of defraying the expenses of that agency, for the period beginning with the effective date of this Act, and ending 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 9. LEGISLATIVE INTENT - NATURAL GAS PIPELINE INFRASTRUCTURE. It is the intent of the sixty-seventh legislative assembly that the sixty-eighth legislative assembly consider providing additional funding for continuing

the development of high-pressure transmission pipeline infrastructure for the transportation and competitive selling of natural gas to eastern North Dakota.

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

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

Approved November 15, 2021

Filed November 15, 2021