

## JOURNAL OF THE SENATE - SPECIAL SESSION

## Sixty-seventh Legislative Assembly

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Bismarck, November 10, 2021

The Senate convened at 10:00 a.m., with President Sanford presiding.

The prayer was offered by Pastor Matt Anderson, Surprise Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**REPORT OF STANDING COMMITTEE**

**SB 2345: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2345 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 27-20.4 of the North Dakota Century Code, relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota Century Code, relating to the inspection of juvenile court files;"

Page 1, line 1, after "transfer" insert "; to provide for a legislative management study"

Page 1, line 2, replace "and" with "to provide a limitation; to provide an exemption;"

Page 1, line 2, after "date" insert "; and to provide an expiration date"

Page 1, line 5, after "**REPORT**" insert "**- EXEMPTION**"

Page 1, line 9, remove "from western"

Page 1, line 12, replace "the portion of the" with "a"

Page 1, line 22, after the period insert "The state water commission shall expend moneys from the state fiscal recovery fund before moneys from the resources trust fund. The funding provided under this subsection may be used for water projects related to flood control, water supply, and economic development."

Page 2, line 9, remove "outdoor"

Page 2, line 12, replace "\$1,500,000" with "\$1,000,000"

Page 3, line 14, after the period insert "The office of management and budget may transfer appropriation authority under this subsection to eligible state agencies for deferred maintenance of state-owned buildings."

Page 4, line 29, replace "\$75,000" with "\$300,000"

Page 6, line 10, replace "grants" with "financial assistance"

Page 6, line 13, after the first period insert "The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds."

Page 6, line 15, replace "\$25,000,000" with "\$25,750,000"

Page 6, line 16, replace "grants" with "financial assistance"

- Page 6, line 17, after "facilities" insert "and the state hospital"
- Page 6, line 18, replace "grants" with "financial assistance"
- Page 6, line 19, replace "grants" with "financial assistance"
- Page 6, line 19, remove "and"
- Page 6, line 20, replace "grants" with "financial assistance"
- Page 6, line 20, after "facilities" insert ", \$350,000 is for nursing staff retention payments at the state hospital, and up to \$400,000 is for administrative expenses to the department relating to providing financial assistance to long-term care facilities"
- Page 6, line 20, after the period insert "The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds."
- Page 6, line 23, after "projects" insert ", financial assistance"
- Page 6, line 25, replace "expand" with "provide community-based"
- Page 6, line 25, remove "in western"
- Page 6, line 26, remove "North Dakota"
- Page 6, line 28, after the period insert "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."
- Page 6, line 31, remove "grants to"
- Page 7, line 1, remove "organizations that provide"
- Page 7, line 3, remove "awarded to organizations that do not provide or promote"
- Page 7, line 4, replace "abortion services" with "used for the current and any future alternative-to-abortion services. The requirements of chapter 54-44.4 do not apply to the current alternative-to-abortion services agreement"
- Page 7, line 23, replace "department of commerce" with "Bank of North Dakota"
- Page 7, line 25, replace "department" with "Bank of North Dakota"
- Page 7, line 30, replace "innovation technology loan fund" with "North Dakota development fund under chapter 10-30.5"
- Page 8, line 3, replace "department of commerce" with "industrial commission"
- Page 8, line 4, after "grants" insert ", as approved by the clean sustainable energy authority,"
- Page 8, line 14, replace "establishing" with "adding or expanding"
- Page 8, line 21, replace "establishing" with "adding or expanding"
- Page 9, line 3, after "42." insert "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."

Page 9, replace lines 4 through 14 with:

**"SECTION 2. 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 3.** 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 4. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL LIMITATION.** A person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of human services due to the unavailability of federal coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declaration for the period beginning with the effective date of this Act and ending June 30, 2023.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT STABILIZATION FUND.** During the 2021-22 interim, the legislative management shall study the feasibility and desirability of establishing a water project stabilization fund to provide more consistent levels of funding for water projects from the resources trust fund in the times of revenue volatility. The study must include consideration of other stabilization funds, the timing of resources trust fund revenues and water project expenditures, and reporting requirements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Page 9, after line 15, insert:

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment includes the following changes to Section 1:

- Subsection 1 - Clarifies the funding for natural gas pipeline projects.
- Subsection 3 - Clarifies the use of funding for water projects.
- Subsection 5 - Removes the requirement for grants to park districts to be used for

outdoor facilities and decreases the maximum grant amount per recipient by \$500,000, from \$1.5 million to \$1 million.

- Subsection 10 - Provides authorization for the Office of Management and Budget to transfer funding to other state agencies.
- Subsection 19 - Increases the appropriation by \$225,000, from \$75,000 to \$300,000 for a missing persons database.
- Subsections 27, 28, and 29 - Clarifies the method of distributing payments to developmental disabilities services providers; long-term care facilities; and child care services, community-based behavioral health services, and substance use disorder treatment voucher system grants.
- Subsection 28 - Adds \$350,000 for nursing staff retention payments at the State Hospital and up to \$400,000 for administrative costs of the Department of Human Services for providing financial assistance to long-term care facilities.
- Subsection 29 - Allows the Department of Human Services to provide financial assistance for child care services and allows the department to provide up to four grants, rather than two grants, to licensed substance abuse treatment programs.
- Subsection 30 - Clarifies the use of funding for alternative to abortion services.
- Subsection 34 - Changes the appropriation for fuel production incentive grants from the Department of Commerce to the Bank of North Dakota.
- Subsection 35 - Transfers funding to the North Dakota Development Fund rather than the innovation technology loan fund.
- Subsection 36 - Appropriates the funding for hydrogen development grants to the Industrial Commission for approval by the Clean Sustainable Energy Authority rather than appropriating the funding to the Department of Commerce.
- Subsections 38 and 39 - Clarifies the use of the local workforce development incentive grants.
- Subsection 42 - Appropriates \$50,000 to the Attorney General for information technology costs to implement changes related to charitable gaming tax changes in House Bill No. 1509.

This amendment also:

- Removes a section to provide additional funding to the Department of Transportation.
- Adds two new sections related to tribal juvenile services cooperative agreements and court records.
- Adds a section to limit appeals for reductions in services by the Department of Human Services due to lack of federal coronavirus funding.
- Adds a section to provide for a Legislative Management study of a water project stabilization fund.

#### **CONSIDERATION OF AMENDMENTS**

**SB 2345: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to create and enact a new section to chapter 27-20.4 of the North Dakota Century Code, relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota Century Code, relating to the inspection of juvenile court files; to provide appropriations to various state agencies; to provide for a transfer; to provide for a legislative management study; to provide for a report; to provide a limitation; to provide an exemption; to provide an effective date; and to provide an expiration date.

#### **MOTION**

**SEN. BEKKEDAHL MOVED** that Engrossed SB 2345 be amended as follows, which motion failed on a voice vote.

In addition to the amendments adopted by the Senate as printed on pages 1993-2000 of the Senate Journal, Senate Bill No. 2345 is further amended as follows:



Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 27-20.4 of the North Dakota Century Code, relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota Century Code, relating to the inspection of juvenile court files;"

Page 1, line 1, after "transfer" insert "; to provide for a legislative management study"

Page 1, line 2, replace "and" with "to provide a limitation; to provide an exemption;"

Page 1, line 2, after "date" insert "; and to provide an expiration date"

Page 1, line 5, after "**REPORT**" insert "**- EXEMPTION**"

Page 1, line 9, remove "from western"

Page 1, line 12, replace "the portion of the" with "a"

Page 1, line 22, after the period insert "The state water commission shall expend moneys from the state fiscal recovery fund before moneys from the resources trust fund. The funding provided under this subsection may be used for water projects related to flood control, water supply, and economic development."

Page 2, line 9, remove "outdoor"

Page 2, line 12, replace "\$1,500,000" with "\$1,000,000"

Page 3, line 14, after the period insert "The office of management and budget may transfer appropriation authority under this subsection to eligible state agencies for deferred maintenance of state-owned buildings."

Page 4, line 29, replace "\$75,000" with "\$300,000"

Page 6, line 10, replace "grants" with "financial assistance"

Page 6, line 13, after the first period insert "The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds."

Page 6, line 15, replace "\$25,000,000" with "\$25,750,000"

Page 6, line 16, replace "grants" with "financial assistance"

Page 6, line 17, after "facilities" insert "and the state hospital"

Page 6, line 18, replace "grants" with "financial assistance"

Page 6, line 19, replace "grants" with "financial assistance"

Page 6, line 19, remove "and"

Page 6, line 20, replace "grants" with "financial assistance"

Page 6, line 20, after "facilities" insert ", \$350,000 is for nursing staff retention payments at the state hospital, and up to \$400,000 is for administrative expenses to the department relating to providing financial assistance to long-term care facilities"

Page 6, line 20, after the period insert "The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds."

Page 6, line 23, after "projects" insert ", financial assistance"

Page 6, line 25, replace "expand" with "provide community-based"

Page 6, line 25, remove "in western"

Page 6, line 26, remove "North Dakota"

Page 6, line 28, after the period insert "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."

Page 6, line 31, remove "grants to"

Page 7, line 1, remove "organizations that provide"

Page 7, line 3, remove "awarded to organizations that do not provide or promote"

Page 7, line 4, replace "abortion services" with "used for the current and any future alternative-to-abortion services. The requirements of chapter 54-44.4 do not apply to the current alternative-to-abortion services agreement"

Page 7, line 23, replace "department of commerce" with "Bank of North Dakota"

Page 7, line 25, replace "department" with "Bank of North Dakota"

Page 7, line 30, replace "innovation technology loan fund" with "North Dakota development fund under chapter 10-30.5"

Page 8, line 3, replace "department of commerce" with "industrial commission"

Page 8, line 4, after "grants" insert ", as approved by the clean sustainable energy authority,"

Page 8, line 14, replace "establishing" with "adding or expanding"

Page 8, line 21, replace "establishing" with "adding or expanding"

Page 9, line 3, after "42." insert "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 \$807,500, or so much of the sum as may be necessary, to Williston state college for the purpose of an employee retention incentive pay program for the period beginning with the effective date of this Act and ending June 30, 2023.

44."

Page 9, replace lines 4 through 14 with:

**"SECTION 2. 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 3.** 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 4. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL LIMITATION.** A person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of human services due to the unavailability of federal coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declaration for the period beginning with the effective date of this Act and ending June 30, 2023.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT STABILIZATION FUND.** During the 2021-22 interim, the legislative management shall study the feasibility and desirability of establishing a water project stabilization fund to provide more consistent levels of funding for water projects from the resources trust fund in the times of revenue volatility. The study must include consideration of other stabilization funds, the timing of resources trust fund revenues and water project expenditures, and reporting requirements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Page 9, after line 15, insert:

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

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds subsection 43 to Section 1 to appropriate \$807,500 from the federal State Fiscal Recovery Fund to Williston State College for an employee retention incentive pay program.

**REQUEST**

**SEN. MYRDAL REQUESTED** that the Senate divide Engrossed SB 2345, which request was granted.

**DIVISION A:** Subsections 13-18 of Section 1

**DIVISION B:** Remainder of Bill

**ROLL CALL**

The question being on the final adoption of Division A of Engrossed SB 2345, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson; Lee; Marcellais; Mathern; Meyer; Oban; Oehlke; Piepkorn; Poolman; Roers, K.;

Rust; Schaible; Sorvaag; Wanzek; Wardner; Weber

**NAYS:** Bekkedahl; Clemens; Conley; Fors; Heitkamp; Larsen, D.; Larsen, O.; Lemm; Luick; Myrdal; Patten; Roers, J.; Vedaa; Wobbema

Division A of Engrossed SB 2345 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2345, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Fors; Larsen, D.; Larsen, O.

Division B of Engrossed SB 2345 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber

**NAYS:** Bell; Fors; Larsen, D.; Larsen, O.; Myrdal; Wobbema

Engrossed SB 2345 passed.

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#### MOTION

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford presiding.

#### ANNOUNCEMENT

President Sanford announced that the Senate would be virtually listening to a speech by Miss North Dakota 2021, Reyna Bergstrom of Fargo, North Dakota.

#### SECOND READING OF HOUSE BILL

**HB 1504:** A BILL for an Act to authorize the secretary of state to modify election deadlines and procedures; to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.12 and 54-03-01.13 of the North Dakota Century Code, relating to legislative districts and staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.

#### MOTION

**SEN. MARCELLAIS MOVED** that Engrossed HB 1504 be amended as follows.

Page 7, line 12, remove "all of Towner County except that portion"

Page 7, remove lines 13 through 31

Page 8, remove lines 1 though 6



Page 8, line 7, replace "north on United States highway 281" with "those portions of Eddy County, Nelson County, and Ramsey County within the Spirit Lake reservation; that portion of Pierce County bound by a line commencing at a point where forty-fifth avenue northeast intersects the north boundary of Pierce County, then east, south, and west on the boundary of Pierce County until its intersection with the centerline of forty-seventh avenue northeast, then north on forty-seventh avenue northeast until its intersection with the centerline of sixty-ninth street northeast, then west on sixty-ninth street northeast until its intersection with the centerline of forty-fifth avenue northeast, then north on forty-fifth avenue northeast to the point of beginning; that portion of Benson County bound by a line commencing at the point where forty-seventh avenue northeast intersects the north boundary of Benson County, then east, south, east, south, and west along the boundary of Benson County until its intersection with the centerline of fifty-fourth avenue northeast, then north on fifty-fourth avenue northeast until its intersection with the centerline of thirty-fourth street northeast, then west on thirty-fourth street northeast until its intersection with the centerline of fifty-third avenue northeast, then north on fifty-third avenue northeast until its intersection with the centerline of thirty-sixth street northeast, then west on thirty-sixth street northeast until its intersection with the centerline of fifty-second avenue northeast, then north on fifty-second avenue northeast until its intersection with the centerline of forty-second street northeast, then west on forty-second street northeast until its intersection with the centerline of fifty-third avenue northeast, then north on fifty-third avenue northeast until its intersection with the centerline of forty-third street northeast, then west on forty-third street northeast until its intersection with the centerline of fifty-first avenue northeast, then north on fifty-first avenue northeast until its intersection with the centerline of forty-fifth street northeast, then west on forty-fifth street northeast until its intersection with the centerline of fiftieth avenue northeast, then north on fiftieth avenue northeast until its intersection with the centerline of fifty-first street northeast, then west on fifty-first street northeast until its intersection with the centerline of forty-ninth avenue northeast, then north on forty-ninth avenue northeast until its intersection with the centerline of fifty-third street northeast, then west on fifty-third street northeast until its intersection with the centerline of forty-eighth avenue northeast, then north on forty-eighth avenue northeast until its intersection with the centerline of United States highway 2, then west on Unites States highway 2 until its intersection with the centerline of forty-seventh avenue northeast, then north on forty-seventh avenue northeast"

Page 10, line 25, remove "Fort Totten, Lallie, Lallie North, Lohnes, Minco,"

Page 10, line 26, replace "Mission, Oberon, Rock, Twin Tree, Warwick, West Bay, and Wood Lake Townships" with "that part contained in District 9"

Page 11, line 3, remove "; Atkins, Bethel, Cando, Coolin, Maza,"

Page 11, line 4, replace "Olson, Springfield and Zion Townships in" with "and"

Page 11, line 4, remove "Lallie, Lohnes, Minco,"

Page 11, remove lines 5 through 13

Page 11, line 14, replace "reservation boundary" with "and that portion of Cavalier County bound by a line commencing at a point where the west boundary of Cavalier County intersects with the north boundary of Cavalier County, then east on the north boundary of Cavalier County until its intersection with the centerline of one hundred thirteenth avenue northeast, then south on one hundred thirteenth avenue northeast until its intersection with the centerline of ninetieth street northeast, then east on ninetieth street northeast until its intersection with one hundred fourteenth avenue northeast, then south on one hundred fourteenth avenue northeast until its intersection with the south boundary of Cavalier County, then west on the south boundary of Cavalier County until its intersection with the west boundary of Cavalier County, then north on the west boundary of Cavalier County"

Page 31, line 28, remove "a."

Page 31, line 28, after "senator" insert "and two representatives"

Page 31, remove lines 30 and 31

Page 32, remove lines 1 and 2

Renumber accordingly

#### REQUEST

**SEN. MARCELLAIS REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1504, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1504, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dwyer; Heckaman; Hogan; Kannianen; Larsen, D.; Marcellais; Mathern; Oban; Piepkorn

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larsen, O.; Larson; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

The proposed amendments to Engrossed HB 1504 failed on a recorded roll call vote.

#### REQUEST

**SEN. O. LARSEN REQUESTED** that the Senate divide HB 1504, which request was granted.

**DIVISION A:** Those parts of Section 1 stated as follows:

Districts 4 and 9 are divided into subdistricts, and one representative must be elected from each subdistrict. A representative elected from a subdistrict must be, on the day of election, a qualified elector in the subdistrict from which the representative was chosen.

- a. District 4A consists of those portions of Dunn County, McKenzie County, McLean County, Mercer County, Mountrail County, and Ward County within the Fort Berthold reservation.
- b. District 4B consists of all of Mountrail County except those portions contained in Districts 2 and 4A; all of Ward County except those portions contained in Districts 3, 4A, 5, 6, 38, and 40; and that part of McLean County bound by a line commencing at the intersection of the Fort Berthold reservation boundary and the north boundary of McLean County, then east on the north boundary of McLean County until its intersection with the centerline of United States highway 83, then south on United States highway 83 until its intersection with the south boundary of Snow Township, then west on the south boundary of Snow Township until its intersection with the southeast corner of North Central McLean Unorganized Township, then west and south on the south boundary of North Central McLean Unorganized Township until its intersection with the south boundary of McLean County, then west on the south boundary of McLean County until its intersection with the Fort Berthold reservation boundary, then north, west, and north on the Fort Berthold reservation boundary to the point of beginning.
- a. District 9A consists of all of Rolette County except that portion contained in District 9B.
- b. District 9B consists of all of Towner County except that portion contained in District 15; all of Cavalier County except that portion contained in District 19; and that part of Rolette County bound by a line commencing at the intersection of the centerline of United States highway 281, also identified as thirtieth avenue northeast, and the

north boundary of Rolette County, then east on the north boundary of Rolette County to the east boundary of Rolette County, then south on the east boundary of Rolette County until its intersection with the centerline of ninety-sixth street northeast, then west on ninety-sixth street northeast until its intersection with the centerline of BIA road 1, also identified as forty-eighth avenue northeast, then north on BIA road 1 until its intersection with the centerline of BIA road 4, also identified as one hundred second street northeast, then west on BIA road 4 until its intersection with the centerline of BIA road 23, then south on BIA road 23 until its intersection with the centerline of BIA road 8, also identified as jackrabbit road, then west on BIA road 8 until its intersection with the centerline of BIA road 25, also identified as thirty-first avenue northeast, then south on BIA road 25 until its intersection with the centerline of ninety-seventh street northeast, then west on ninety-seventh street northeast until its intersection with the Dunseith city limit, then south, west, and north on the Dunseith city limit until its intersection with the centerline of ninety-seventh street northeast, then east on ninety-seventh street northeast until its intersection with United States highway 281, also identified as thirtieth avenue northeast, then north on United States highway 281 to the point of beginning.

**DIVISION B:** Remainder of the bill

#### ROLL CALL

The question being on the final adoption of Division A of HB 1504, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Davison; Erbele; Heckaman; Hogan; Holmberg; Klein; Kreun; Larson; Lee; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner; Weber

**NAYS:** Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Fors; Heitkamp; Hogue; Kannianen; Krebsbach; Larsen, D.; Larsen, O.; Lemm; Luick; Marcellais; Meyer; Myrdal; Vedaa; Wobbema

Division A of HB 1504 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final adoption of Division B of HB 1504, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Conley; Fors; Heitkamp; Larsen, O.

Division B of HB 1504 was adopted on a recorded roll call vote.

#### MOTION

**SEN. KANNIANEN MOVED** that Engrossed HB 1504 be amended as follows, which motion failed on a voice vote.

Page 1, line 6, after the semicolon insert "to provide for a legislative management study;"

Page 34, after line 3, insert:

**"SECTION 6. LEGISLATIVE MANAGEMENT STUDY - HOUSE SUBDISTRICTS.** During the remainder of the 2021-22 interim, the legislative management shall assign to the interim redistricting committee the responsibility to develop a plan for subdistricts for the house of representatives. The legislative

management shall report its findings and recommendations, together with legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### ROLL CALL

The question being on the final passage of the bill, which includes Division A and Division B, which have been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Fors; Heckaman; Heitkamp; Hogue; Larsen, D.; Larsen, O.; Luick

HB 1504 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1513:** A BILL for an Act to create and enact subsection 5 of section 16.1-03-07 of the North Dakota Century Code, relating to district party organization; to amend and reenact section 16.1-03-17 of the North Dakota Century Code, relating to political party reorganization after redistricting; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Larsen, O.

Engrossed HB 1513 passed.

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#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2345.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1504, HB 1513.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1507.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, unchanged: SB 2346, SB 2347, SB 2348, SB 2349.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2346, SB 2347, SB 2348, SB 2349.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, November 11, 2021, which motion prevailed.

**FIRST READING OF HOUSE BILL**

**HB 1507:** A BILL for an Act to amend and reenact section 15.1-02-04 of the North Dakota Century Code, relating to the duties of the superintendent of public instruction to report to the legislative management regarding contemplated curriculum in computer science and cybersecurity; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2351: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1507: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-02-04 of the North Dakota Century Code, relating to the duties of the superintendent of public instruction to report to the legislative management regarding contemplated curriculum in computer science and cybersecurity; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-02-04. Superintendent of public instruction - Duties. (Effective through June 30, 2023)**

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee

that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.
11. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.
12. Shall collaborate with workforce development stakeholders and the kindergarten through grade twelve education coordination council to determine how best to integrate computer science and cybersecurity into elementary, middle, and high school curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the superintendent shall provide a report to the legislative management regarding the outcome of this collaboration.

**Superintendent of public instruction - Duties. (Effective after June 30, 2023)**

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member

entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective upon its filing with the secretary of state."

Renumber accordingly

The Senate stood adjourned pursuant to Senator Klein's motion.

**Shanda Morgan, Secretary**

