

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1214
(Representatives Skarphol, R. Kelsch)
(Senators Grindberg, Wardner, Robinson)

AN ACT to create and enact sections 15.1-02-18.1 and 15.1-02-18.2 of the North Dakota Century Code, relating to the statewide longitudinal data system and the mandatory provision of information; to amend and reenact section 15.1-02-18, subsection 6 of section 23-02.1-27, and section 52-01-03 of the North Dakota Century Code, relating to the statewide longitudinal data system and to the disclosure of records; and to repeal section 44-04-18.14 of the North Dakota Century Code, relating to the followup information on North Dakota education and training system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-02-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and duties - Report to interim committee - Continuing appropriation.

1. The statewide longitudinal data system committee consists of:
 - a. The chancellor of the board of higher education or the chancellor's designee;
 - b. The superintendent of public instruction or superintendent of public instruction's designee;
 - c. The chief information officer or chief information officer's designee;
 - d. The director of the department of career and technical education or the director's designee;
 - e. The director of job service North Dakota or the director's designee;
 - f. The commissioner of commerce or the commissioner's designee;
 - g. The director of the department of human services or the director's designee;
 - h. The director of the North Dakota educational technology council;
 - i. The director of the North Dakota council of educational leaders or the director's designee;
 - j. The director of the North Dakota workforce development council or the director's designee; and
 - k. Two members of the legislative assembly appointed by the chairman of the legislative management.
2. The governor shall appoint the ~~chair~~chairman of the committee.
3. The committee may appoint ~~advisory~~additional committees ~~that would~~to serve the committee in an advisory capacity ~~to the committee~~.
- 3-4. The committee shall manage a longitudinal data system ~~which~~that:

- a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems; and
 - b. Uses data from educational and workforce systems as central sources of longitudinal data.
4. ~~The information technology department, at the direction of the committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities. The department and the committee may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g; 34 CFR 99].~~
 5. The committee shall set policy and adopt rules relating to access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable federal and state privacy laws. The committee shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets. The committee may authorize studies to benefit and improve workforce training and education.
 6. The committee shall provide a report to the information technology committee, interim committee on education issues, and interim committee on economic development on the status of the statewide longitudinal data system. The report must include recommendations for further development, cost proposals, proposals for legislation, and data sharing governance.
 7. The committee may solicit and receive moneys from public and private sources and those funds are appropriated on a continuing basis for the support of the longitudinal data system.
 8. ~~The information technology department shall provide staff and other necessary support to the committee.~~

SECTION 2. Section 15.1-02-18.1 of the North Dakota Century Code is created and enacted as follows:

15.1-02-18.1. Statewide longitudinal data system - Information technology department - Powers and duties.

1. The information technology department, at the direction of the statewide longitudinal data system committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities.
2. The information technology department and the statewide longitudinal data system committee may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99].
3. The information technology department shall provide staff and other necessary support to the statewide longitudinal data system committee.

SECTION 3. Section 15.1-02-18.2 of the North Dakota Century Code is created and enacted as follows:

15.1-02-18.2. State agencies - Mandatory provision of information - Confidentiality.

1. The information technology department may request from any state agency:

- a. All information required by 20 U.S.C. 9871(e)(2)(D); and
 - b. Any other educational information the statewide longitudinal data system committee determines is required for a longitudinal data system to comply with state or federal law.
2. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 4. AMENDMENT. Subsection 6 of section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

6. The state department of health may grant limited access to birth and death information to the department of human services and the department of information technology necessary for the purpose of completing its official duties.

SECTION 5. AMENDMENT. Section 52-01-03 of the North Dakota Century Code is amended and reenacted as follows:

52-01-03. Disclosure of information.

1. Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota unemployment compensation law and determinations as to the benefit rights of any individual must be held confidential and may not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or claimant's legal representative must be supplied with information from the records of the unemployment insurance division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding under the North Dakota unemployment compensation law with respect to the claim.
2. Subject to restrictions as the bureau by rule may prescribe, the information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under the North Dakota unemployment compensation law. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the North Dakota unemployment compensation law, and in connection with the request, may transmit any report or return to the comptroller of the currency of the United States as provided in subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall request and exchange information for purposes of income and eligibility verification to meet the requirements of section 1137 of the Social Security Act. Job service North Dakota may enter into memoranda of understanding with the United States census bureau to furnish unemployment insurance data to the census bureau and for sharing of information with job service North Dakota.
3. Job service North Dakota may provide workforce safety and insurance, the labor commissioner, the driver's license division of the department of transportation, the department of human services, the department of commerce, the state tax commissioner, and the ~~followup information on North Dakota education and training~~information technology department for purposes of the statewide longitudinal data system with information obtained pursuant to the

administration of the unemployment insurance program, and may enter into interagency agreements with those entities for the exchange of information that will enhance the administration of the unemployment insurance program. Any information furnished pursuant to this subsection or pursuant to interagency agreements authorized by this subsection is to be used only for governmental purposes ~~only~~.

4. The bureau may provide any state agency or a private entity with the names and addresses of employing units for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3. Any information so provided may only be used for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3.
5. Whenever the bureau obtains information on the activities of a contractor doing business in this state of which officials of the secretary of state, workforce safety and insurance, or the state tax commissioner may be unaware and that may be relevant to duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.
6. The bureau shall request and exchange information as required of it under federal law with any specified governmental agencies. Any information so provided may be used only for the purpose of administering the duties of such governmental agencies.

SECTION 6. REPEAL. Section 44-04-18.14 of the North Dakota Century Code is repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1214.

House Vote: Yeas 89 Nays 0 Absent 5

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State