

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1214**

Introduced by

Representatives Skarphol, R. Kelsch

Senators Grindberg, Wardner, Robinson

1 A BILL for an Act to create and enact sections 15.1-02-18.1, and 15.1-02-18.2, ~~and~~
2 ~~15.1-02-18.3~~ of the North Dakota Century Code, relating to the statewide longitudinal data
3 system and the mandatory provision of information; to amend and reenact ~~sections~~section
4 15.1-02-18, subsection 6 of section 23-02.1-27, and section 52-01-03 of the North Dakota
5 Century Code, relating to the statewide longitudinal data system and to the disclosure of
6 records; and to repeal section 44-04-18.14 of the North Dakota Century Code, relating to the
7 followup information on North Dakota education and training system.

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

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

11 **15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and**
12 **duties - Report to interim committee - Continuing appropriation.**

13 1. The statewide longitudinal data system committee consists of:

- 14 a. The chancellor of the board of higher education or the chancellor's designee-;
- 15 b. The superintendent of public instruction or superintendent of public instruction's
16 designee-;
- 17 c. The chief information officer or chief information officer's designee-;
- 18 d. The director of the department of career and technical education or the director's
19 designee-;
- 20 e. The director of job service North Dakota or the director's designee-;
- 21 f. The commissioner of commerce or the commissioner's designee-;
- 22 g. The director of the department of human services or the director's designee-;
- 23 h. The director of the North Dakota educational technology council-;

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- 1 i. The director of the North Dakota council of educational leaders or the director's
2 designee;
- 3 j. The director of the North Dakota workforce development council or the director's
4 designee; and
- 5 k. Two members of the legislative assembly appointed by the chairman of the
6 legislative management.
- 7 2. The governor shall appoint the ~~chair~~chairman of the committee.
- 8 ~~3.~~ 3. The committee may appoint ~~advisory~~additional committees ~~that would to~~ serve the
9 committee in an advisory capacity ~~to the committee~~.
- 10 ~~3.4.~~ 3.4. The committee shall manage a longitudinal data system ~~which~~that:
 - 11 a. Provides for the dissemination of management information to stakeholders and
12 partners of state education, training, and employment systems; and
 - 13 b. Uses data from educational and workforce systems as central sources of
14 longitudinal data.
- 15 ~~4.~~ 4. ~~The information technology department, at the direction of the committee, shall~~
16 ~~maintain a statewide longitudinal data system among education, workforce, and~~
17 ~~training entities. The department and the committee may, subject to federal and state~~
18 ~~privacy laws, enter interagency agreements, including agreements designating~~
19 ~~authorized representatives of the educational agencies participating in the system~~
20 ~~pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g;~~
21 ~~34 CFR 99].~~
- 22 5. The committee shall set policy and adopt rules relating to access to and the collection,
23 storage, and sharing of information and the systems necessary to perform those
24 functions, subject to applicable federal and state privacy laws and interagency
25 agreements and restrictions relating to confidential information required to conform to
26 applicable federal and state privacy laws. The committee shall provide operational
27 oversight for information sharing activities and make recommendations for and provide
28 oversight of information sharing budgets. The committee may authorize studies to
29 benefit and improve workforce training and education.
- 30 6. The committee shall provide a report to the information technology committee, interim
31 committee on education issues, and interim committee on economic development on

1 the status of the statewide longitudinal data system. The report must include
2 recommendations for further development, cost proposals, proposals for legislation,
3 and data sharing governance.

4 7. The committee may solicit and receive moneys from public and private sources and
5 those funds are appropriated on a continuing basis for the support of the longitudinal
6 data system.

7 ~~8. The information technology department shall provide staff and other necessary~~
8 ~~support to the committee.~~

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

11 **15.1-02-18.1. Statewide longitudinal data system - Information technology department**
12 **- Powers and duties.**

13 1. The information technology department, at the direction of the statewide longitudinal
14 data system committee, shall maintain a statewide longitudinal data system among
15 education, workforce, and training entities.

16 2. The information technology department and the statewide longitudinal data system
17 committee may, subject to federal and state privacy laws, enter interagency
18 agreements, including agreements designating authorized representatives of the
19 educational agencies participating in the system pursuant to the Family Educational
20 Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99].

21 3. The information technology department shall provide staff and other necessary
22 support to the statewide longitudinal data system committee.

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

25 ~~**15.1-02-18.2. Information identifying an individual - Use - Prohibitions.**~~

26 ~~The committee shall take all necessary steps to protect the confidentiality of any information~~
27 ~~that identifies an individual and which is collected or stored by the statewide longitudinal data~~
28 ~~system. Information that identifies an individual may be disclosed only pursuant to a court order~~
29 ~~that protects the confidentiality of the information.~~

30 **SECTION 3.** Section ~~15.1-02-18.3~~15.1-02-18.2 of the North Dakota Century Code is
31 created and enacted as follows:

1 15.1-02-18.3.15.1-02-18.2. State agencies - Mandatory provision of information -

2 **Confidentiality.**

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

4 a. All information required by 20 U.S.C. 9871(e)(2)(D); and

5 b. Any other educational information the statewide longitudinal data system
6 committee determines is required for a longitudinal data system to comply with
7 state or federal law.

8 2. Subject to applicable restrictions on the use and disclosure of confidential information
9 required to comply with federal and state privacy laws, any state agency receiving a
10 request for information under subsection 1 shall provide the information at the time
11 and in the manner required by the information technology department.

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

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

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

19 **52-01-03. Disclosure of information.**

20 1. Except as otherwise provided in this section, information obtained from any employing
21 unit or individual pursuant to the administration of the North Dakota unemployment
22 compensation law and determinations as to the benefit rights of any individual must be
23 held confidential and may not be disclosed or be open to public inspection in any
24 manner revealing the individual's or employing unit's identity. Any claimant or
25 claimant's legal representative must be supplied with information from the records of
26 the unemployment insurance division, to the extent necessary for the proper
27 presentation of the claimant's claim in any proceeding under the North Dakota
28 unemployment compensation law with respect to the claim.

29 2. Subject to restrictions as the bureau by rule may prescribe, the information may be
30 made available to any agency of this or any other state, or any federal agency,
31 charged with the administration of any unemployment compensation law or the

1 maintenance of a system of public employment offices, or the bureau of internal
2 revenue of the United States department of the treasury, and information obtained in
3 connection with the administration of the employment service may be made available
4 to persons or agencies for purposes appropriate to the operation of a public
5 employment service. Upon a request, the bureau shall furnish to any agency of the
6 United States charged with the administration of public works or assistance through
7 public employment, and may furnish to any state agency similarly charged, the name,
8 address, ordinary occupation, and employment status of each recipient of benefits and
9 the recipient's rights to further benefits under the North Dakota unemployment
10 compensation law. The bureau may request the comptroller of the currency of the
11 United States to cause an examination of the correctness of any return or report of any
12 national banking association, rendered pursuant to the North Dakota unemployment
13 compensation law, and in connection with the request, may transmit any report or
14 return to the comptroller of the currency of the United States as provided in
15 subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall
16 request and exchange information for purposes of income and eligibility verification to
17 meet the requirements of section 1137 of the Social Security Act. Job service North
18 Dakota may enter into memoranda of understanding with the United States census
19 bureau to furnish unemployment insurance data to the census bureau and for sharing
20 of information with job service North Dakota.

- 21 3. Job service North Dakota may provide workforce safety and insurance, the labor
22 commissioner, the driver's license division of the department of transportation, the
23 department of human services, the department of commerce, the state tax
24 commissioner, and the ~~followup information on North Dakota education and training-~~
25 information technology department for purposes of the statewide longitudinal data
26 system with information obtained pursuant to the administration of the unemployment
27 insurance program, and may enter into interagency agreements with those entities for
28 the exchange of information that will enhance the administration of the unemployment
29 insurance program. Any information furnished pursuant to this subsection or pursuant
30 to interagency agreements authorized by this subsection is to be used only for
31 governmental purposes ~~only~~.

- 1 4. The bureau may provide any state agency or a private entity with the names and
2 addresses of employing units for the purpose of jointly publishing or distributing
3 publications or other information as provided in section 54-06-04.3. Any information so
4 provided may only be used for the purpose of jointly publishing or distributing
5 publications or other information as provided in section 54-06-04.3.
- 6 5. Whenever the bureau obtains information on the activities of a contractor doing
7 business in this state of which officials of the secretary of state, workforce safety and
8 insurance, or the state tax commissioner may be unaware and that may be relevant to
9 duties of those officials, the bureau shall provide any relevant information to those
10 officials for the purpose of administering their duties.
- 11 6. The bureau shall request and exchange information as required of it under federal law
12 with any specified governmental agencies. Any information so provided may be used
13 only for the purpose of administering the duties of such governmental agencies.
- 14 **SECTION 6. REPEAL.** Section 44-04-18.14 of the North Dakota Century Code is repealed.