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~~{deleted text}~~ shows text that was in SB0194 but was deleted in SB0194S01.

Inserted text shows text that was not in SB0194 but was inserted into SB0194S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jacob L. Anderegg proposes the following substitute bill:

UTAH DATA RESEARCH CENTER ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to data research.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the Utah Data Research Center as a division within the Department of Workforce Services;
- ▶ directs the executive director of the Department of Workforce Services to appoint a director of the Utah Data Research Center;
- ▶ requires the State Board of Education, the State Board of Regents, the Utah College of Applied Technology, the Department of Workforce Services, and the Department of Health to contribute data to a data research program used by the Utah Data

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Research Center;

- ▶ directs the executive director of the Utah Data Research Center to hire data scientists, data technology experts, and data security experts; and
- ▶ directs the Utah Data Research Center to:
 - hire an executive director;
 - establish or contract with a private entity or with another state government entity for the creation of a data research program that contains de-identified data from participating state entities;
 - accept requests from a state government official or a member of the public for a data research request using the data from the data research program;
 - create a prioritized list of data research requests for the state;~~{ and }~~
 - use the fees the center collects for data research requests to cover the center's costs~~{ }~~; and
 - report annually to the Education Interim Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

35A-1-202, as last amended by Laws of Utah 2016, Chapters 271 and 296

ENACTS:

35A-14-101, Utah Code Annotated 1953

35A-14-102, Utah Code Annotated 1953

35A-14-201, Utah Code Annotated 1953

35A-14-202, Utah Code Annotated 1953

35A-14-203, Utah Code Annotated 1953

35A-14-204, Utah Code Annotated 1953

35A-14-301, Utah Code Annotated 1953

35A-14-302, Utah Code Annotated 1953

35A-14-303, Utah Code Annotated 1953

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-1-202** is amended to read:

35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils, Child Care Advisory Committee, and economic service areas.

(1) There is created within the department the following divisions:

(a) the Workforce Development Division to administer the development and implementation of employment assistance programs;

(b) the Workforce Research and Analysis Division;

(c) the Unemployment Insurance Division to administer Chapter 4, Employment Security Act;

(d) the Eligibility Services Division to administer public assistance eligibility;

(e) the Division of Adjudication to adjudicate claims or actions in accordance with this title;

(f) the Housing and Community Development Division, described in Sections 35A-8-201 and 35A-8-202; [~~and~~]

(g) the Utah State Office of Rehabilitation, which is described in Section 35A-13-103[~~;~~]; and

(h) the Utah Data Research Center described in Section 35A-14-201.

(2) In addition to the divisions created under Subsection (1), within the department are the following:

(a) the Workforce Appeals Board created in Section 35A-1-205;

(b) the State Workforce Development Board created in Section 35A-1-206;

(c) the Employment Advisory Council created in Section 35A-4-502;

(d) the Child Care Advisory Committee created in Section 35A-3-205; and

(e) the economic service areas created in accordance with Chapter 2, Economic Service Areas.

Section 2. Section **35A-14-101** is enacted to read:

CHAPTER 14. UTAH DATA RESEARCH CENTER

Part 1. General Provisions

35A-14-101. Title.

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This chapter is known as "Utah Data Research Center."

Section 3. Section **35A-14-102** is enacted to read:

35A-14-102. Definitions.

As used in this chapter:

(1) "Advisory board" means the Utah Data Research Advisory Board created in Section 35A-14-203.

(2) "Center" means the Utah Data Research Center.

(3) "Data" means any information about a person stored in a physical or electronic record.

(4) "Data research program" means the data maintained by the center in accordance with Section 35A-14-301.

(5) "De-identified data" means data about a person that cannot, without additional information, identify the person to another person or machine.

(6) "Director" means the director of the Utah Data Research Center appointed by the executive director under Section 35A-14-204.

(7) "Participating entity" means:

(a) the State Board of Education;

(b) the State Board of Regents;

(c) the Utah College of Applied Technology;

(d) the Department of Workforce Services; and

(e) the Department of Health.

Section 4. Section **35A-14-201** is enacted to read:

Part 2. Utah Data Research Authority Governance

35A-14-201. Utah Data Research Center -- Creation.

The Utah Data Research Center is created as a division within the department.

Section 5. Section **35A-14-202** is enacted to read:

35A-14-202. Utah Data Research Center -- Powers.

The center may:

(1) employ staff necessary to carry out the center's duties;

(2) purchase, own, create, or maintain equipment necessary to:

(a) collect data from the participating entities;

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(b) connect and de-identify data collected by the center;

(c) store connected and de-identified data; or

(d) conduct research on data stored or obtained by the center; or

(3) contract with a private entity, another state or federal entity, or a political subdivision of the state to carry out the center's duties as provided in this chapter.

Section 6. Section **35A-14-203** is enacted to read:

35A-14-203. Utah Data Research Advisory Board -- Composition -- Appointment.

(1) There is created the Utah Data Research Advisory Board in accordance with this section.

(2) The Utah Data Research Advisory Board is composed of the following members:

(a) the state superintendent of the State Board of Education or the state superintendent's designee;

(b) the commissioner of higher education or the commissioner of higher education's designee;

(c) the commissioner of technical education or the commissioner's designee;

(d) the executive director of the Department of Workforce Services or the executive director's designee; and

(e) the director of the Department of Health or the director's designee.

(3) The executive director shall serve as chair.

(4) A member of the board:

(a) except to the extent a member's service on the board is related to the member's duties outside of the board, may not receive compensation or benefits for the member's service; and

(b) may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 7. Section **35A-14-204** is enacted to read:

35A-14-204. Director -- Additional staff -- Administrative support.

(1) The executive director shall appoint a director to manage the day-to-day operations of the center.

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(2) The director may, with the department's approval, hire staff, including:

- (a) data scientists;
- (b) data technology experts; and
- (c) data security experts.

Section 8. Section **35A-14-301** is enacted to read:

Part 3. Data Research Program

35A-14-301. Data research center.

(1) The center shall establish a data research program for the purpose of analyzing data that is:

- (a) collected over time;
- (b) aggregated from multiple sources; and
- (c) connected and de-identified.

(2) The center may, in order to establish the data research program described in Subsection (1):

- (a) acquire property or equipment in order to store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or
- (b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or with a state government entity to:

- (i) store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or
- (ii) utilize existing aggregated, connected, and de-identified data maintained by a state government entity.

(3) A participating entity shall contribute data to the data research program described in Subsection (1) within guidelines established by the center.

(4) The center may only release data maintained by the center in accordance with the procedures described in this chapter.

(5) The data research program is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Section 9. Section **35A-14-302** is enacted to read:

35A-14-302. Center duties -- Data studies.

(1) The center shall use data that the center maintains or that a participating entity

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contributes to the data research program under Section 35A-14-301 to conduct research for the purpose of developing public policy for the state.

(2) The director, with consultation by the advisory board, shall create a prioritized list of data research for the center to conduct using the data research program each year.

(3) (a) In developing the list described in Subsection (2), the center shall accept data research requests from:

(i) a legislative committee or a legislative staff office;

(ii) the governor or an executive branch agency;

(iii) the State Board of Education; ~~and~~

(iv) the State Board of Regents~~;~~ and

(v) the Utah College of Applied Technology.

(b) The department shall begin accepting the data research requests described in Subsection (3)(a) on July 1, 2017.

(c) The center shall report the list described in Subsection (2) to the Education Interim Committee before December 1 of each year.

(4) In addition to conducting data research in accordance with the prioritized list described in Subsection (2), the center may use additional resources to prepare data research at the request of:

(a) a state government entity;

(b) a political subdivision of the state;

(c) a private entity; or

(d) a member of the public.

(5) The director, with approval by the board, shall determine, for a data research request described in Subsection (4):

(a) whether the center has the resources to complete the data research request;

(b) the order in which the center shall complete the data research request, if at all; and

(c) a reasonable estimated cost for the request.

(6) The center, after evaluating a request under Subsection (5), shall:

(a) provide the person that requested the data research with a cost estimate; and

(b) require, before accepting a data research request, that the person that submitted the data research request agree to pay, once the data research is complete, the full cost of

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completing the data research request as determined by the center under Subsection (5).

(7) The center shall make available to the public, on a website maintained by the center, any data research request that the center completes under this section.

(8) The center shall ensure that any data contained in a completed data research request is de-identified.

(9) The center shall:

(a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act:

(i) procedures for submitting a data research request under this section;

(ii) criteria to determine how to prioritize data research requests; and

(iii) minimum standards for information a person is required to include in a data research request; and

(b) create a fee schedule in accordance with Section 63J-1-504 for completing a data research request.

(10) In addition to submitting a data research request under Subsection (4), a participating entity, executive branch agency, or legislative staff office may request, and the center may release, a data set from the program if the data set is:

(a) connected;

(b) aggregated; and

(c) de-identified.

(11) (a) The center shall use any fee the center collects under this section to cover the center's costs to administer this chapter.

(b) The center shall deposit any fee the center collects under this section not used to cover the center's costs into the General Fund.

Section 10. Section 35A-14-303 is enacted to read:

35A-14-303. Reporting.

(1) The center shall report to the Education Interim Committee:

(a) before July 1 of each year regarding the center's:

(i) research priorities for the year; and

(ii) completed research from the previous year; and

(b) before December 1 of each year, the center's ongoing data research priority list

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described in Subsection 35A-14-302(2).

(2) The Education Interim Committee shall provide the center ongoing input regarding the center's data research priorities.

Section ~~{10}~~11. **Effective date.**

This bill takes effect on July 1, 2017.

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Legislative Review Note

Office of Legislative Research and General Counsel