

HB0357S01 compared with HB0357

~~{deleted text}~~ shows text that was in HB0357 but was deleted in HB0357S01.

inserted text shows text that was not in HB0357 but was inserted into HB0357S01.

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.

Representative Jacob L. Anderegg proposes the following substitute bill:

LONGITUDINAL DATA MANAGEMENT ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to state longitudinal data.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{establishes the Utah Data Commission;~~

→ ~~requires the State Board of Education, the State Board of Regents;~~ provides that an individual may submit a request to the Utah Education and Telehealth Network~~;~~ the Utah College of Applied Technology, and the Department of Workforce Services to contribute data to the Utah Longitudinal Database; to have data about the individual removed from the Utah Data Alliance; and

- ▶ directs the Utah ~~{Data Commission to:~~

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- hire an executive director; and
- establish the Utah Longitudinal Database that contains de-identified data from participating state entities;
- ▶ directs the executive director to:
 - hire data scientists, data technology experts, and data security experts; and
 - accept requests from a state government official or a member of the public for a longitudinal data study using the data in the Utah Longitudinal Database;
- ▶ directs the Utah Data Commission to use the fees the commission collects for longitudinal data study requests to cover the commission's costs; and
- ▶ provides a procedure for Education and Telehealth Network to develop a web site that allows an individual to ~~{remove}~~ request removal of the individual's ~~{information}~~ data from the Utah ~~{Longitudinal Database}~~ Data Alliance.

Money Appropriated in this Bill:

- {This bill appropriates in fiscal year 2017:
 - ▶ to the Utah Education and Telehealth Network - Utah Education and Telehealth Network as an ongoing appropriation:
 - from the Education Fund, (\$645,000);
 - ▶ to the State Board of Education - State Office of Education as an ongoing appropriation:
 - from the Education Fund, (\$355,000);
 - ▶ to the Utah College of Applied Technology - Administration as an ongoing appropriation:
 - from the Education Fund, (\$245,000);
 - ▶ to the State Board of Regents - Administration as an ongoing appropriation:
 - from the Education Fund, (\$245,000);
 - ▶ to the University of Utah - Education and General as an ongoing appropriation:
 - from the Education Fund, (\$310,000); and
 - ▶ to the Utah Data Commission - Utah Data Commission, as an ongoing appropriation:
 - from the Education Fund, \$1,800,000.} None

Other Special Clauses:

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~~{ This bill provides a special effective date. }~~ None

Utah Code Sections Affected:

ENACTS:

~~{63F-3-101}~~53B-17-109, Utah Code Annotated 1953

~~{ 63F-3-102, Utah Code Annotated 1953~~

~~63F-3-201, Utah Code Annotated 1953~~

~~63F-3-202, Utah Code Annotated 1953~~

~~63F-3-203, Utah Code Annotated 1953~~

~~63F-3-301, Utah Code Annotated 1953~~

~~63F-3-302, Utah Code Annotated 1953~~

~~63F-3-303, Utah Code Annotated 1953~~

~~}~~

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

Section 1. Section ~~{63F-3-101}~~53B-17-109 is enacted to read:

~~{CHAPTER 3. UTAH DATA COMMISSION~~

~~63F-3-101. Title:~~

~~This chapter is known as "Utah Data Commission."~~

~~Section 2. Section 63F-3-102 is enacted to read:~~

~~63F-3-102. Definitions:~~

~~}~~ 53B-17-109. Utah Data Alliance -- Request for removal.

(1) As used in this chapter:

~~(1) "Commission" means the Utah Data Commission.~~

~~(2) "Data" means any information about a person stored in a physical or electronic record.~~

~~(3) "De-identified" section, "Utah Data Alliance" means the longitudinal database housed in the Utah Education and Telehealth Network that contains de-identified data {" means data about a person for which it is impossible for another person or a machine, using only the data, to discover the identity of the person.~~

~~(4) "Director" means the executive director of the Utah Data Commission appointed by the commission under Section 63F-3-202.~~

~~(5) "Legislative office" means:~~

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- ~~(a) the Office of Legislative Research and General Counsel;~~
- ~~(b) the Office of the Legislative Fiscal Analyst; or~~
- ~~(c) the Office of the Legislative Auditor General.~~
- ~~(6) "Longitudinal data" means data that is:~~
 - ~~(a) collected over time;~~
 - ~~(b) aggregated from multiple sources; and~~
 - ~~(c) connected and de-identified.~~
- ~~(7) "Participating entity" means from:~~
 - ~~(a) the State Board of Education;~~
 - ~~(b) the State Board of Regents;~~
 - ~~(c) the Utah Education and Telehealth Network;~~
 - ~~(d) the Utah College of Applied Technology; and~~
 - ~~(e) the Department of Workforce Services.~~
- ~~(8) "State government official" means:~~
 - ~~(a) a representative of:
 - ~~(i) an executive branch agency;~~
 - ~~(ii) an independent entity, as defined in Section 63E-1-102;~~
 - ~~(iii) the State Office of Education;~~
 - ~~(iv) the State Board of Regents; or~~
 - ~~(v) a legislative office;~~~~
 - ~~(b) a member of:
 - ~~(i) the House of Representatives; or~~
 - ~~(ii) the Senate; or~~
 - ~~(c) the governor.~~~~
- ~~(9) "Utah Longitudinal Database" means the data storage facility created in Section 63F-3-301.~~
- ~~Section 3. Section 63F-3-201 is enacted to read:~~
- ~~**63F-3-201. Commission -- Composition -- Appointment.**~~
 - ~~(1) The Utah Data Commission is created.~~
 - ~~(2) The commission described in Subsection (1) is composed of the following members:~~

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~~—— (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 executive director of the Utah Education and Telehealth Network or the executive director's designee;~~

~~—— (d) the president of the Utah College of Applied Technology or the president's designee; and~~

~~—— (e) the director of the Department of Workforce Services or the director's designee;~~

~~—— (2) The commissioners shall designate, by vote, one of the commissioners as chair.~~

~~—— (3) Three members of the commission constitute a quorum for transacting official commission business.~~

~~—— (4) A member of the commission:~~

~~—— (a) except to the extent a member's service on the commission is related to the member's duties outside of the commission, 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.~~

~~—— (5) The University of Utah shall provide administrative support for the commission.~~

~~Section 4. Section 63F-3-202 is enacted to read:~~

~~**63F-3-202. Commission powers and duties.**~~

~~—— (1) The commission shall manage, supervise, and maintain the Utah Longitudinal Database.~~

~~—— (2) The commission shall engage with the participating entities, the governor, and the Legislature to determine longitudinal data research priorities for the state.~~

~~—— (3) The commission shall manage and maintain the Utah Longitudinal Database such that the Utah Longitudinal Database is accessible and resourceful to the general public in Utah.~~

~~—— (4) The commission is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.~~

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~~Section 5. Section **63F-3-203** is enacted to read:~~

~~**63F-3-203. Executive director -- Additional staff.**~~

~~(1) The commission shall appoint an executive director to manage the day-to-day operations of the commission.~~

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

~~(a) data scientists;~~

~~(b) data technology experts; and~~

~~(c) data security experts.~~

~~Section 6. Section **63F-3-301** is enacted to read:~~

~~**63F-3-301. Utah Longitudinal Database.**~~

~~(1) The commission shall establish a database, known as the Utah Longitudinal Database, that contains longitudinal data derived from data contributed by the participating entities.~~

~~(2) A participating entity shall contribute data to the Utah Longitudinal Database within guidelines established by the commission.~~

~~(3) A state executive agency may not establish a database composed of longitudinal data except as part of the Utah Longitudinal Database.~~

~~(4) The commission shall contract with the Utah Education and Telehealth Network for technical operation and storage of the Utah Longitudinal Database.~~

~~(5) Except as otherwise provided by law, the division may only release data from the Utah Longitudinal Database Center in accordance with the procedures described in Section **63F-3-303**.~~

~~Section 7. Section **63F-3-302** is enacted to read:~~

~~**63F-3-302. Commission duties -- Longitudinal data studies.**~~

~~(1) The commission shall prepare a longitudinal data study, using the data contained in the Utah Longitudinal Database, at the request of:~~

~~(a) a member of the commission;~~

~~(b) the executive director;~~

~~(c) a state government official in the executive, legislative, or judicial branch; or~~

~~(d) a member of the public.~~

~~(2) The executive director, with approval by the commission, shall determine the order~~

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~~in which the commission completes the requests described in Subsection (1):~~

~~—— (3) If a member of the public requests a longitudinal data study under Subsection (1), the commission shall:~~

~~—— (a) evaluate the request;~~

~~—— (b) determine a reasonable estimated cost for the request;~~

~~—— (c) provide the member of the public with a cost estimate; and~~

~~—— (d) require, before accepting a request, the member of the public to agree to pay, once the request is complete, the full cost of the request as determined by the commission under Subsection (7):~~

~~—— (4) The commission shall establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:~~

~~—— (a) procedures for making a longitudinal data study request under this section;~~

~~—— (b) criteria to determine how to prioritize longitudinal data study requests; and~~

~~—— (c) minimum standards for information an individual is required to include in a request.~~

~~—— (5) The commission shall post a completed report prepared under this section on the commission's website:~~

~~—— (6) The commission shall de-identify the data in a completed report before the commission posts a completed report on the commission's website under Subsection (5):~~

~~—— (7) The commission shall establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, based on the commission's reasonable cost of labor and equipment, a fee schedule for a longitudinal data study request by a member of the public under Subsection (3):~~

~~—— (8) (a) The commission shall use the fees the commission collects under this section to cover the commission's costs to administer this chapter:~~

~~—— (b) The commission shall deposit any funds not used to cover the commission's costs into the General Fund:~~

~~—— Section 8. Section ~~63F-3-303~~ is enacted to read:~~

~~—— **63F-3-303. Request for removal.**~~

~~—— (1)~~2~~ An individual owns a connected record about the individual contained in the Utah ~~{Longitudinal Database}~~Data Alliance.~~

~~(~~2~~3) An individual may request to have the individual's records removed from the~~

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Utah ~~{Longitudinal Database}~~ Data Alliance.

~~(3)4~~ If an individual submits a removal request described in Subsection ~~(2)3~~, the ~~{commission}~~ Utah Education and Telehealth Network shall remove the individual's records from the Utah ~~{Longitudinal Database}~~ Data Alliance.

~~(4)5~~ The ~~{commission}~~ Utah Education and Telehealth Network shall develop an Internet website that allows an individual to submit the removal request described in Subsection ~~(2)3~~.

~~{~~ **Section 9. Appropriation:**

~~Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2017.~~

To Utah Education and Telehealth Network - Utah Education and Telehealth Network	
From Education Fund	(\$645,000)
Schedule of Programs:	
Statewide Data Alliance	(\$645,000)
To State Board of Education - State Office of Education	
From Education Fund	(\$355,000)
Schedule of Programs:	
Board and Administration	(\$355,000)
To Utah College of Applied Technology - Administration	
From Education Fund	(\$245,000)
Schedule of Programs:	
Administration	(\$245,000)
To State Board of Regents - Administration	
From Education Fund	(\$245,000)
Schedule of Programs:	
Administration	(\$245,000)
To University of Utah - Education and General	
From Education Fund	(\$310,000)

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Schedule of Programs:		
Education and General	(\$310,000)	
To Utah Data Commission		
From Education Fund		\$1,800,000
Schedule of Programs:		
Utah Data Commission	\$1,800,000	
Section 10. Effective date:		
This bill takes effect on July 1, 2016.		

~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~