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Date: (Filing No. H-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1199, L.D. 1610, “An Act To Promote Equity in Policy Making by Enhancing the State's Ability To Collect, Analyze and Apply Data”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 1 MRSA c. 14-B is enacted to read:

CHAPTER 14-B

DATA GOVERNANCE PROGRAM

§547. Data governance program established

The Secretary of State, or the secretary's designee, and the Chief Information Officer shall establish a data governance program.

- 1. Implementation.** Implementation of a data governance program must include:
 - A. Establishing data project priorities;
 - B. Ensuring data privacy compliance and that best practices are followed;
 - C. Developing data structure policies that ensure the best data quality, alignment and availability across systems; and
 - D. Establishing data-sharing policies and agreements.
- 2. Program requirements.** The data governance program must:
 - A. Support decision making and improve citizen access to government services;
 - B. Promote consistent collection of racial and ethnic demographic data;
 - C. Use evidence-based strategies to improve data collection;

COMMITTEE AMENDMENT

1 D. Address technology barriers that restrict the ability of state agencies to share data
2 between agencies;

3 E. Create models for sharing data with the public and for developing policies to reduce
4 disparities and increase equity;

5 F. Include records management capabilities and compliance; and

6 G. Ensure that data sharing and usage complies with state and federal laws, rules and
7 regulations.

8 **3. Consultations.** Within 30 days of the effective date of this chapter, and at least
9 quarterly thereafter, the Secretary of State, or the secretary's designee, and the Chief
10 Information Officer shall consult with:

11 A. The Permanent Commission on the Status of Racial, Indigenous and Tribal
12 Populations established by Title 5, section 12004-J, subsection 19 to discuss how racial
13 equity will be incorporated in the data governance program as well as in all projects
14 related to the program. The consultation must include discussion of methods for
15 building racial equity considerations into every aspect of the data life cycle, including
16 planning, data collection, data access, algorithms, statistical tools, data analysis,
17 reporting and dissemination; and

18 B. The State Archivist, or the archivist's designee, regarding the development and
19 implementation of the data governance program and to generate a records management
20 and retention plan and program in compliance with Title 5, section 95-C.

21 **4. Report.** The Secretary of State, or the secretary's designee, the Chief Information
22 Officer and the Permanent Commission on the Status of Racial, Indigenous and Tribal
23 Populations established by Title 5, section 12004-J, subsection 19 shall jointly report on
24 the status of the program and the consultations under subsection 3 to the joint standing
25 committee of the Legislature having jurisdiction over state and local government matters
26 annually by February 15. The committee may report out a bill based on the report during
27 the legislative session in which the report is received.

28 **Sec. 2. 5 MRSA §282, 2nd ¶**, as amended by PL 2011, c. 655, Pt. I, §3 and affected
29 by §11, is further amended to read:

30 The commissioner may employ such other deputies, division heads, assistants and
31 employees as may be necessary, subject to the Civil Service Law. In addition, the
32 commissioner may employ a Director of Compliance to carry out departmental
33 responsibilities related to: Labor relations and labor contract compliance; human rights
34 and affirmative action compliance; and audit guidelines and other 3rd-party compliance
35 requirements. The Director of Compliance serves at the pleasure of the commissioner. In
36 addition, the commissioner may employ an Associate Commissioner for Tax Policy to
37 supervise and direct the tax policy analysis, guidance and communications activities of the
38 Office of Tax Policy within the Bureau of Revenue Services. The Associate Commissioner
39 for Tax Policy serves at the pleasure of the commissioner. In addition, the commissioner
40 may employ a State Economist to provide economic and demographic data and analysis.
41 The State Economist has the authority to hire staff.

42 **Sec. 3. 5 MRSA §282, sub-§11**, as enacted by PL 2017, c. 284, Pt. GG, §3, is
43 amended to read:

1 **11. Economic and demographic analyses.** To conduct studies and continuing
 2 economic and demographic analyses of the state economy, including economic and
 3 demographic forecasting, and collect, collate and analyze all pertinent data and statistics
 4 relating to those studies and analyses to assist the Governor, the Legislature and the various
 5 state departments in formulating economic goals and programs and policies to achieve
 6 those goals. The commissioner shall make these data and statistics available to the
 7 Legislature upon request. All state agencies shall cooperate with the commissioner
 8 regarding implementation of the provisions of this subsection. In implementing this
 9 subsection, the commissioner may use secondary data made available to the commissioner
 10 by other state agencies or other organizations.

11 **Sec. 4. Appropriations and allocations.** The following appropriations and
 12 allocations are made.

13 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 14 **Office of the Commissioner - Administrative and Financial Services 0718**

15 Initiative: Establishes one Public Service Coordinator I position and one Public Service
 16 Coordinator II position within the Office of the State Economist to conduct demographic
 17 analyses and provide the capacity to make data accessible to the public.

18	GENERAL FUND	2021-22	2022-23
19	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
20	Personal Services	\$0	\$213,154
21			
22	GENERAL FUND TOTAL	\$0	\$213,154

23
 24 **ADMINISTRATIVE AND FINANCIAL**
 25 **SERVICES, DEPARTMENT OF**
 26 **DEPARTMENT TOTALS**

26		2021-22	2022-23
27			
28	GENERAL FUND	\$0	\$213,154
29			
30	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$213,154

31 **SECRETARY OF STATE, DEPARTMENT OF**
 32 **Administration - Archives 0050**

33 Initiative: Establishes one Management Analyst II position within the Maine State Archives
 34 to oversee a records management program for data created by state departments and
 35 agencies.

36	GENERAL FUND	2021-22	2022-23
37	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
38	Personal Services	\$0	\$89,793
39			
40	GENERAL FUND TOTAL	\$0	\$89,793

41 **Bureau of Administrative Services and Corporations 0692**

1	Initiative: Establishes one Data Governance Architect position within the Department of		
2	the Secretary of State to advance data governance policies and programs including design		
3	and implementation of necessary database and system architecture and facilitate		
4	accessibility, equity, privacy and security.		
5	GENERAL FUND	2021-22	2022-23
6	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
7	Personal Services	\$0	\$118,328
8			
9	GENERAL FUND TOTAL	\$0	\$118,328
10			
11	SECRETARY OF STATE, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2021-22	2022-23
13			
14	GENERAL FUND	\$0	\$208,121
15			
16	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$208,121
17	STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS,		
18	PERMANENT COMMISSION ON THE		
19	Racial, Indigenous and Tribal Populations Z319		
20	Initiative: Establishes one Public Service Coordinator I position within the Permanent		
21	Commission on the Status of Racial, Indigenous and Tribal Populations to coordinate the		
22	commission's ongoing consultative role in establishing and enhancing the data governance		
23	program.		
24	GENERAL FUND	2021-22	2022-23
25	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
26	Personal Services	\$0	\$106,577
27			
28	GENERAL FUND TOTAL	\$0	\$106,577
29			
30	STATUS OF RACIAL, INDIGENOUS AND		
31	TRIBAL POPULATIONS, PERMANENT		
32	COMMISSION ON THE		
33	DEPARTMENT TOTALS	2021-22	2022-23
34			
35	GENERAL FUND	\$0	\$106,577
36			
37	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$106,577
38			
39	SECTION TOTALS	2021-22	2022-23
40			
41	GENERAL FUND	\$0	\$527,852
42			
43	SECTION TOTAL - ALL FUNDS	\$0	\$527,852

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. It requires the Chief Information Officer and the Secretary of State to develop a data governance program to enable effective use of data and systems to support decision making and improve citizen access to government services. It requires the Chief Information Officer and the Secretary of State to consult with the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations within 30 days of the effective date of this legislation, and thereafter at least 4 times each year, to discuss how racial equity will be incorporated in the data governance program. It requires the Chief Information Officer and the Secretary of State to consult with the State Archivist to generate a records management and retention plan and program in compliance with the Maine Revised Statutes, Title 5, section 95-C. It codifies the State Economist position within the Department of Administrative and Financial Services. As codified, the State Economist is responsible for providing economic and demographic data and analysis and has the authority to hire staff. It requires the Chief Information Officer, the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to jointly file an annual report with the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15. The committee has the authority to report out a bill during the legislative session in which the report is received. It creates 2 positions within the Office of the State Economist, 2 positions in the Department of the Secretary of State and one position within the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations.

FISCAL NOTE REQUIRED

(See attached)