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Date: (Filing No. H-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1252, L.D. 1948, “An Act to Amend the State’s Data Governance Program Regarding Proprietary Data”

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the State's Data Governance Program'

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

'Sec. 1. 1 MRSA §547, as enacted by PL 2021, c. 717, §1, is amended to read:

§547. Data governance program established

The Secretary of State, or the secretary's designee, and the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, 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;
 - D. Address technology barriers that restrict the ability of state agencies to share data between agencies;

COMMITTEE AMENDMENT

1 E. Create models for sharing data with the public and for developing policies to reduce
2 disparities and increase equity that take into consideration the norms and expectations
3 of the diverse populations of the State;

4 F. Include records management capabilities and compliance; ~~and~~

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

7 H. Adhere to the records retention schedules developed by the State Archivist pursuant
8 to Title 5, section 95-C.

9 **3. Consultations.** ~~Within 30 days of the effective date of this chapter, and at least~~
10 ~~quarterly thereafter, the~~ The Secretary of State, or the secretary's designee, and the Chief
11 ~~Information Officer~~ Commissioner of Administrative and Financial Services, or the
12 commissioner's designee, shall consult at least quarterly with:

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

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

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

31 **5. State agency designee.** Each state agency shall designate an employee with the
32 responsibility to oversee the agency's compliance with the data governance program
33 established pursuant to this section.

34 **6. Inventory.** The Commissioner of Administrative and Financial Services, or the
35 commissioner's designee, shall work with the state agency designees under subsection 5 to
36 inventory the collection and availability of demographic data fields by the state agency,
37 including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship,
38 socioeconomic status, education, sexual orientation, veteran status, disability status and
39 age. This inventory is distinct from the definitions and standards developed pursuant to
40 subsection 7 and is not itself data collection.

41 **7. Definitions and standards.** The Commissioner of Administrative and Financial
42 Services, or the commissioner's designee, shall develop a definition and standard for certain
43 demographic data fields, including, but not limited to, gender, location, race, ethnicity, birth
44 sex, citizenship, socioeconomic status, education, sexual orientation, veteran status,

1 disability status and age. The definitions and standards must be developed in consultation
2 with the Department of the Secretary of State and the Permanent Commission on the Status
3 of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J,
4 subsection 19.

5 **8. Stakeholder group.** To the extent resources are available, the Commissioner of
6 Administrative and Financial Services, or the commissioner's designee, shall work with the
7 Department of the Secretary of State and the Permanent Commission on the Status of
8 Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J,
9 subsection 19 to convene a stakeholder group at least once each year to review progress in
10 developing and implementing the data governance program. When inviting members to the
11 stakeholder group, consideration must be given to racial, ethnic, gender, socioeconomic
12 and other demographic diversity.'

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

15 SUMMARY

16 This amendment, which is the majority report of the committee, replaces the bill,
17 changes the title and makes the following changes to the laws governing the data
18 governance program for State Government.

19 1. It replaces references to the Chief Information Officer with references to the
20 Commissioner of Administrative and Financial Services, or the commissioner's designee.

21 2. It requires that the data governance program established pursuant to the Maine
22 Revised Statutes, Title 1, section 547 adhere to the records retention schedule developed
23 by the State Archivist pursuant to Title 5, section 95-C.

24 3. It requires each state agency to designate an employee with the responsibility to
25 oversee the agency's compliance with the data governance program.

26 4. It requires the Commissioner of Administrative and Financial Services, or the
27 commissioner's designee, to work with the state agency designees to inventory the
28 collection and availability of demographic data fields by the state agency, including, but
29 not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status,
30 education, sexual orientation, veteran status, disability status and age.

31 5. It requires the Commissioner of Administrative and Financial Services, or the
32 commissioner's designee, to develop a definition and standard for certain demographic data
33 fields, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship,
34 socioeconomic status, education, sexual orientation, veteran status, disability status and
35 age.

36 6. It requires that the definitions and standards be developed in consultation with the
37 Department of the Secretary of State and the Permanent Commission on the Status of
38 Racial, Indigenous and Tribal Populations.

39 7. It requires the Commissioner of Administrative and Financial Services, or the
40 commissioner's designee, to the extent resources are available, to work with the Department
41 of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous
42 and Tribal Populations to convene a stakeholder group at least once each year to review
43 progress in developing and implementing the data governance program.

