

HOUSE BILL 80

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2001 Regular Session  
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(PRE-FILED)

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By: **Chairman, Commerce and Government Matters Committee**  
**(Departmental - Higher Education Commission)**

Requested: October 26, 2000

Introduced and read first time: January 10, 2001

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 6, 2001

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CHAPTER 185

1 AN ACT concerning

2 **State Government - Forms Management - Higher Education**

3 FOR the purpose of altering the implementation date for the applicability of certain  
4 standards for data collection forms for institutions of higher education and the  
5 Maryland Higher Education Commission; and generally relating to forms  
6 management and data collection forms.

7 BY repealing and reenacting, without amendments,  
8 Article - State Government  
9 Section 10-606  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2000 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Chapter 459 of the Acts of the General Assembly of 1998, as amended by  
14 Chapter 91 of the Acts of the General Assembly of 2000  
15 Section 2

16 BY repealing and reenacting, with amendments,  
17 Chapter 459 of the Acts of the General Assembly of 1998, as amended by  
18 Chapter 91 of the Acts of the General Assembly of 2000  
19 Section 3

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Government**

2 10-606.

3 (a) The plan shall:

4 (1) ensure that the forms management officer approves the use of a form  
5 by the department or independent unit only if the form:6 (i) is needed for the effective or efficient operation of the  
7 department or independent unit;8 (ii) requests information that is needed for or relevant to a lawful  
9 purpose of the department or independent unit;10 (iii) does not impose an undue burden on the individual who is to  
11 complete the form;12 (iv) is as brief, as plainly written, as well designed, and as easily  
13 completed as possible; and

14 (v) does not duplicate unnecessarily:

15 1. another form of the department or independent unit; or

16 2. a form of another department or independent unit;

17 (2) require a register of the forms that the forms management officer  
18 approves;19 (3) require identification of each form in accordance with a standard  
20 identification system of the Division;21 (4) provide for the most economical system by which to prepare,  
22 reproduce, and use a form; and

23 (5) require the forms management officer:

24 (i) to review periodically each form that has been approved to  
25 determine whether the officer still approves the form; and

26 (ii) if not, to remove the form from the register.

27 (b) In addition to any duties set forth elsewhere, the Division shall:

28 (1) develop a standard identification system to identify forms;

29 (2) help each department and independent unit to:

30 (i) develop a proposed plan; and

- 1 (ii) coordinate the proposed plan with other plans;
- 2 (3) review each proposed plan;
- 3 (4) approve each proposed plan that meets the requirements of this  
4 section; and
- 5 (5) monitor and help in the administration of each plan to ensure  
6 compliance.

7 (c) (1) In the preparation of a form that requires identification of  
8 individuals by race, a department or independent unit shall include the following  
9 racial categories:

- 10 (i) American Indian or Alaska Native;
- 11 (ii) Asian;
- 12 (iii) Black or African American;
- 13 (iv) Native Hawaiian or other Pacific Islander; and
- 14 (v) White.

15 (2) A form that requires identification of individuals by race shall  
16 include instructions that multiracial respondents may select all applicable racial  
17 categories.

18 (3) (i) Respondents shall select their own answers, except when it is  
19 not possible for the respondent to do so.

20 (ii) In the event that a respondent is not able to select an answer,  
21 an observer, such as a family member or friend, may select the answer on behalf of  
22 the respondent.

23 (4) A form that requires identification of individuals by race shall  
24 include a separate question about whether a respondent is of Hispanic or Latino  
25 origin, with the question preceding the racial category question.

26 **Chapter 459 of the Acts of 1998, as amended by Chapter 91**  
27 **of the Acts of 2000**

28 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in  
29 Section 3 of this Act, the standards enacted under this Act shall be applicable to a  
30 data collection form that is created or revised after the effective date of this Act, and  
31 the standards shall be applicable to all data collection forms no later than January 1,  
32 2002.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the standards shall be  
34 applicable to all data collection forms for:

1 (1) schools, school systems, and the State Department of Education no  
2 later than July 1, 2003; AND

3 (2) INSTITUTIONS OF HIGHER EDUCATION AND THE MARYLAND HIGHER  
4 EDUCATION COMMISSION, NO LATER THAN JANUARY 1, 2005 AND CONSISTENT WITH  
5 THE SCHEDULE ESTABLISHED BY THE UNITED STATES DEPARTMENT OF EDUCATION  
6 FOR INSTITUTIONS OF HIGHER EDUCATION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2001.