
By: **Delegate Healey (Task Force on Multiracial Designations) and Delegate
Patterson**

Introduced and read first time: January 28, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Forms - Racial Designation**

3 FOR the purpose of requiring the Records Management Division of the Department of
4 General Services to prepare forms that require the identification of individuals
5 by race and allow respondents to choose more than one racial category;
6 requiring that the forms provide a separate question for certain respondents of
7 Hispanic or Latino origin; establishing a certain deadline for standards to be
8 implemented on forms; and generally relating to racial classifications on State
9 forms.

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 10-606
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1997 Supplement)

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

17 **Article - State Government**

18 10-606.

19 (a) The plan shall:

20 (1) ensure that the forms management officer approves the use of a form
21 by the department or independent unit only if the form:

22 (i) is needed for the effective or efficient operation of the
23 department or independent unit;

24 (ii) requests information that is needed for or relevant to a lawful
25 purpose of the department or independent unit;

- 1 (iii) does not impose an undue burden on the individual who is to
2 complete the form;
- 3 (iv) is as brief, as plainly written, as well designed, and as easily
4 completed as possible; and
- 5 (v) does not duplicate unnecessarily:
- 6 1. another form of the department or independent unit; or
7 2. a form of another department or independent unit;
- 8 (2) require a register of the forms that the forms management officer
9 approves;
- 10 (3) require identification of each form in accordance with a standard
11 identification system of the Division;
- 12 (4) provide for the most economical system by which to prepare,
13 reproduce, and use a form; and
- 14 (5) require the forms management officer:
- 15 (i) to review periodically each form that has been approved to
16 determine whether the officer still approves the form; and
- 17 (ii) if not, to remove the form from the register.
- 18 (b) In addition to any duties set forth elsewhere, the Division shall:
- 19 (1) develop a standard identification system to identify forms;
- 20 (2) help each department and independent unit to:
- 21 (i) develop a proposed plan; and
22 (ii) coordinate the proposed plan with other plans;
- 23 (3) review each proposed plan;
- 24 (4) approve each proposed plan that meets the requirements of this
25 section; and
- 26 (5) monitor and help in the administration of each plan to ensure
27 compliance.
- 28 (C) IN THE PREPARATION OF A FORM THAT REQUIRES IDENTIFICATION OF
29 RACE, THE DIVISION SHALL INCLUDE THE FOLLOWING RACIAL CATEGORIES:
- 30 (1) AMERICAN INDIAN OR ALASKAN NATIVE;

- 1 (2) ASIAN;
- 2 (3) BLACK OR AFRICAN AMERICAN;
- 3 (4) HAWAIIAN OR PACIFIC ISLANDER; AND
- 4 (5) WHITE.

5 (D) A FORM THAT REQUIRES IDENTIFICATION OF RACE SHALL INCLUDE
6 INSTRUCTIONS THAT MULTIRACIAL RESPONDENTS MAY SELECT ALL APPLICABLE
7 RACIAL CATEGORIES.

8 (E) (1) RESPONDENTS SHALL SELECT THEIR OWN ANSWERS, EXCEPT WHEN
9 IT IS NOT POSSIBLE FOR THE RESPONDENT TO DO SO.

10 (2) IN THE EVENT THAT A RESPONDENT IS NOT ABLE TO SELECT AN
11 ANSWER, AN OBSERVER, SUCH AS A FAMILY MEMBER OR FRIEND, MAY SELECT THE
12 ANSWER ON BEHALF OF THE RESPONDENT.

13 (F) A FORM THAT REQUIRES IDENTIFICATION OF RACE SHALL INCLUDE A
14 SEPARATE QUESTION ABOUT WHETHER A RESPONDENT IS OF HISPANIC OR LATINO
15 ORIGIN, WITH THE QUESTION PRECEDING THE RACIAL CATEGORY QUESTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the standards enacted
17 under this Act shall be applicable to a data collection form that is created or revised
18 after the effective date of this Act, and the standards shall be applicable to all data
19 collection forms no later than January 1, 2002.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 1998.