

HOUSE BILL 253

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1998 Regular Session
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By: **Delegate Healey (Task Force on Multiracial Designations) and Delegate
Patterson Delegates Patterson, Turner, Bobo, Pendergrass, and Mandel**

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 17, 1998

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring ~~the Records Management Division of the Department of~~
4 ~~General Services to prepare forms that require the~~ a department or independent
5 unit to include certain racial categories in the preparation of a form that
6 requires identification of individuals by race and; requiring a form that requires
7 identification of individuals by race to allow certain respondents to choose more
8 than one racial category; requiring respondents to select their own answers on
9 certain forms under certain circumstances; requiring that the forms provide a
10 separate question for certain respondents of Hispanic or Latino origin;
11 establishing a certain deadline for standards to be implemented on forms; and
12 generally relating to racial ~~classifications~~ identification on State forms.

13 BY repealing and reenacting, with amendments,
14 Article - State Government
15 Section 10-606
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

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

20 **Article - State Government**

21 10-606.

22 (a) The plan shall:

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

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

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

7 (iii) does not impose an undue burden on the individual who is to
8 complete the form;

9 (iv) is as brief, as plainly written, as well designed, and as easily
10 completed as possible; and

11 (v) does not duplicate unnecessarily:

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

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

14 (2) require a register of the forms that the forms management officer
15 approves;

16 (3) require identification of each form in accordance with a standard
17 identification system of the Division;

18 (4) provide for the most economical system by which to prepare,
19 reproduce, and use a form; and

20 (5) require the forms management officer:

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

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

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

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

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

27 (i) develop a proposed plan; and

28 (ii) coordinate the proposed plan with other plans;

29 (3) review each proposed plan;

30 (4) approve each proposed plan that meets the requirements of this
31 section; and

1 (5) monitor and help in the administration of each plan to ensure
2 compliance.

3 (C) (1) IN THE PREPARATION OF A FORM THAT REQUIRES IDENTIFICATION
4 OF INDIVIDUALS BY RACE, THE DIVISION A DEPARTMENT OR INDEPENDENT UNIT
5 SHALL INCLUDE THE FOLLOWING RACIAL CATEGORIES:

6 (1) (I) AMERICAN INDIAN OR ~~ALASKAN~~ ALASKA NATIVE;

7 (2) (II) ASIAN;

8 (3) (III) BLACK OR AFRICAN AMERICAN;

9 (4) (IV) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER; AND

10 (5) (V) WHITE.

11 (D) (2) A FORM THAT REQUIRES IDENTIFICATION OF INDIVIDUALS BY RACE
12 SHALL INCLUDE INSTRUCTIONS THAT MULTIRACIAL RESPONDENTS MAY SELECT
13 ALL APPLICABLE RACIAL CATEGORIES.

14 (E) (3) (1) RESPONDENTS SHALL SELECT THEIR OWN ANSWERS,
15 EXCEPT WHEN IT IS NOT POSSIBLE FOR THE RESPONDENT TO DO SO.

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

19 (F) (4) A FORM THAT REQUIRES IDENTIFICATION OF INDIVIDUALS BY RACE
20 SHALL INCLUDE A SEPARATE QUESTION ABOUT WHETHER A RESPONDENT IS OF
21 HISPANIC OR LATINO ORIGIN, WITH THE QUESTION PRECEDING THE RACIAL
22 CATEGORY QUESTION.

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

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