

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 496 (Delegate Pena-Melnyk, *et al.*)
 Rules and Executive Nominations Education, Health, and Environmental Affairs

No Representation Without Population Act

This bill requires that population counts used to create legislative districts for the U.S. Congress, General Assembly, and county and municipal governing bodies exclude incarcerated individuals who were not State residents prior to their incarceration in either State or federal correctional facilities. It also requires that incarcerated individuals be counted as residents of their last known address before their incarceration in a State or federal facility, if they were State residents prior to their incarceration.

Fiscal Summary

State Effect: General fund expenditures increase by \$50,000 in FY 2011 for the Department of Legislative Services (DLS) to implement the bill’s requirements. There are no out-year costs. No effect on revenues.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	50,000	0	0	0	0
Net Effect	(\$50,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Assuming that county and municipal governments can use the data produced by DLS, they can implement the bill’s requirements with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: The State of Maryland is divided into 8 congressional districts and 47 General Assembly legislative districts, which are redrawn every 10 years based on the results of the decennial national census to ensure equal representation based on the concept of “one person, one vote.” Each General Assembly district elects one senator and three delegates; a district may be subdivided into three single member delegate districts or one single member district and one multimember district.

Geographical size of the districts varies according to population density. Based on the 2000 census, the ideal population of a General Assembly district is 112,691 and the ideal population of a congressional district is 662,061. General Assembly legislative districts are expected to increase to about 120,000 following the 2010 census and congressional districts are projected to grow to 722,425.

The U.S. Census Bureau defines “group quarters” as places “where people live or stay, in a group living arrangement.” The definition includes college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers’ dormitories. Under U.S. Census Bureau guidelines, residents of correctional facilities are classified on the basis of where they reside at the time of the census interview.

The average annual inmate population in State correctional facilities is approximately 27,000; there were 21,746 prisoners as of December 2009. The federal Bureau of Prisons reports 1,503 prisoners in the federal prison in Cumberland. In addition, there are approximately 9,300 individuals in local detention centers, but those facilities are not included in this bill.

State Fiscal Effect: The Department of Public Safety and Correctional Services is currently developing a database that includes the name and last known address of prisoners in State prisons, and expects it to be completed by the time it is necessary for redistricting.

The software vendor used by DLS to assist in redistricting has experience allocating college dormitory residents in Kansas to their home addresses. However, the vendor advises that the administrative records for that endeavor are well maintained and reliable, which may not necessarily be the case with prison records. The vendor estimates that, to the extent this bill’s requirements are feasible given available data, it would cost approximately \$50,000 to allocate prisoners to their last known addresses. Although DLS historically has not played a role in redistricting councilmanic districts for local governments, it would make the resulting database available to local jurisdictions at no charge to assist them in developing councilmanic districts.

Local Fiscal Effect: To the extent local governments can use the data made available by DLS, they can implement the bill's requirements with existing resources. In some cases, however, local expenditures may increase to hire their own software vendors if they do not have the technology necessary to use the DLS data.

Additional Information

Prior Introductions: None.

Cross File: SB 400 (Senator Pugh, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Public Safety and Correctional Services, Department of Legislative Services

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