

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 713

(Senator Madaleno, *et al.*)

Rules

**Task Force on Democracy and Representative Government in Maryland for the
21st Century**

This bill establishes the Task Force on Democracy and Representative Government in Maryland for the 21st Century. The task force must study and evaluate the General Assembly's structure, organization, and process, and make specified recommendations. The School of Public Policy of the University of Maryland, Baltimore County; the School of Public Policy of the University of Maryland at College Park; and the Department of Legislative Services (DLS) must provide staff for the task force. The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2014.

The bill terminates December 31, 2014.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DLS and the University System of Maryland are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must study and make recommendations regarding (1) changes to the redistricting process that provide for more efficient and less political

drawing of boundaries for State legislative and congressional districts; (2) changes to the legislative structure and process that enhance the ability of the General Assembly to address the State's problems promptly and decisively; and (3) changes that would improve the public's perception of the General Assembly.

A member of the task force may not receive compensation, but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background:

Redistricting Process

The Maryland Constitution requires the Governor to present a legislative districting plan to the General Assembly by the first day of session in the second year following the decennial census and after public hearings. If the General Assembly does not pass an alternative plan before the forty-fifth day of session, the Governor's plan becomes law.

State legislative district boundaries are required under the Maryland Constitution and federal case law to be redrawn every 10 years after the decennial census to adjust for population changes. The Maryland Constitution provides for 47 legislative districts. Article III, Section 4 requires that State legislative districts consist of adjoining territory, be compact in form and of substantially equal population, and that natural boundaries and the boundaries of political subdivisions be given due regard. Legislative districts can be subdivided for the purpose of electing one or two delegates from a subdistrict. Creation of legislative boundaries falls under the requirements of the U.S. Constitution's fourteenth amendment, which requires districts to be equally populated.

Under federal case law, congressional district boundaries must be redrawn every 10 years after the decennial census to adjust for population changes; they must also conform to the requirements of the Voting Rights Act of 1965 and related case law. Congress has left to the states the task of redrawing congressional boundaries. The Governor has traditionally introduced a congressional map along with the State legislative district plan that is required by the State Constitution. The General Assembly may pass its own congressional plan in lieu of the Governor's, but unlike with the legislative plan, there is no deadline set in statute for this to happen.

Article III, Section 5 of the Maryland Constitution requires public hearings to be held before the Governor prepares a legislative redistricting plan. Public hearings address both legislative and congressional redistricting.

State Legislatures

According to the National Conference of State Legislatures, legislative assemblies in the United States differ widely in organizational patterns. For example, they vary in size from 49 to 424 members, may have one or two chambers, and have sessions that may be extremely short or virtually unlimited. Each legislature may also establish its own rules of procedure.

State Fiscal Effect: The University System of Maryland advises that one adjunct faculty member would need to be hired for 15 months at a cost of \$162,500. DLS disagrees with this estimate and believes staffing requirements can be absorbed within existing resources.

Additional Information

Prior Introductions: HB 1250 of 2004 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): University System of Maryland, National Conference of State Legislatures, Department of Legislative Services

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ncs/lgc

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