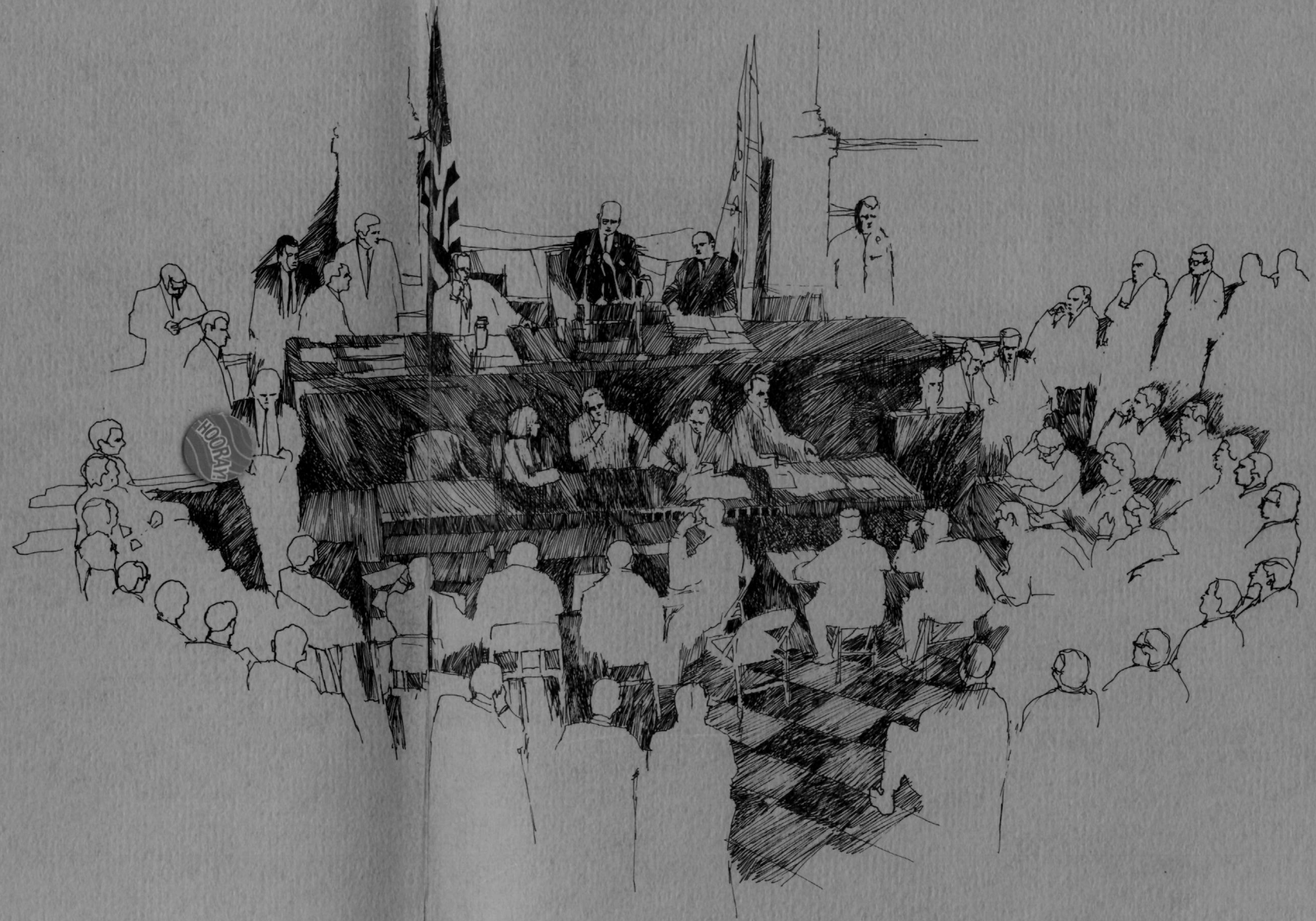


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THE CITIZENS' COMMISSION ON THE GENERAL ASSEMBLY REPORTS TO THE LEGISLATURE AND THE PEOPLE OF MARYLAND

JANUARY, 1967
CITIZENS' COMMISSION ON
THE GENERAL ASSEMBLY
GEORGE S. WILLS, Chairman



HALL OF RECORDS
ANNAPOLIS, MARYLAND

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INTRODUCTION

The citizens of Maryland are losing their political birthright of legislative representation. No one is trying to steal it. Slowly and surely, practices that no modern business would tolerate are weakening the effectiveness of Maryland's representative assembly.

The General Assembly of Maryland faces a choice in 1967, either to continue a decline in power and prestige or to give itself the tools to do a modern legislative job.

The choice would seem clear. But the people of Maryland, too often uninformed about the working of their Legislature, have permitted antiquated practices and procedures to hamper the General Assembly. Within the historic State House where Washington resigned his Continental Army commission, finally sits a reapportioned Senate and House. Reapportionment, however, is no cure-all and will not of itself modernize the Free State's legislative process. In this Report, the Citizens Commission on the General Assembly recognizes that the Legislature has rendered useful service to the State of Maryland, but submits that the framework in which its members operate has restricted that usefulness.

American legislatures have changed much since the founding of the Republic. The Federal Constitution provided for state sovereignty and limited the national government to certain prescribed functions. Consequently, state governments and their legislative branches remained viable during the nineteenth century. But, as the agrarian society was replaced by the urban society, no corresponding development occurred in state government.

The national Government has gradually assumed more of the burdens of modern America while the state governments, particularly their legislative branches, have sunk further and further into a self-pitying morass. State legislatures, where once community leaders proudly served, have faded from the civic consciousness. The result is a decline of federalism, owing to the states' failure to participate effectively in partnership with the national government.

State legislatures were meant to be forums for direct contact between citizens and government, public opinion and political action. Maryland's Legislature has failed to achieve fully this basic goal. In the 1966 election, public lack of confidence in the Legislature was underscored by the rejection of a constitutional amendment to permit legislators to set their own salaries.

Owing to antiquated organization and procedures, the legislative branch of Maryland government has failed to meet the demands placed upon it. The General Assembly has not met the needs of modern Maryland because it operates under

- (a) a system that places 80 per cent of the legislative workload on 2 out of 18 House committees;
- (b) a schedule that permits a complex, comprehensive tax measure to reach the House floor less than 24 hours before adjournment;¹
- (c) a fiscal program which, in effect, denies to the senators and delegates an opportunity to give even cursory examination of a billion dollar executive budget;

¹ The Cooper-Hughes tax reform bill, the product of a 2-year study of the Maryland tax structure, was introduced in the 1966 session of the General Assembly and failed to pass by two votes. Regardless of the merits or demerits of this bill, the Commission submits that existing legislative procedures contributed to its defeat.

(d) a staff and clerical assistance program that fails to provide adequate office space, assistants, and sufficient secretarial help for the individual legislators;

(e) a public relations program that fails to convey in any meaningful way the legislative story to the citizens of Maryland;

(f) a state constitution containing provisions that unnecessarily limit freedom of legislative action;

(g) an archaic preoccupation with local government, which requires the legislators to spend an undue amount of time enacting local legislation;

(h) a procedure for the filing and evaluation of legislation, which makes intelligent decision difficult;

(i) a system of inadequate compensation for legislators whose duties do not end at the close of each session; and

(j) a system conducive to rumors of "land deals", employees who appear only to collect their pay checks and stories of bribes² and misappropriation of public monies, because the financial operations of the Legislature are not always clearly placed on the public record.

This report will attempt to indicate that the Legislature is not victimizing Maryland but that a malfunctioning system is victimizing the Legislature. The General Assembly of Maryland has been effective in the past. It can be effective in the future. This report is presented to the General Assembly and the people of Maryland as one step in achieving that goal.

² Senator Joseph D. Tydings, (D. Md.) revealed in an article for the March 1966 issue of *Harper's Magazine*, and in testimony at the Commission's Capitol Hill hearing (May 1966), that one delegate reported he had been offered \$300 by a well-known lobbyist to leave the House floor during the vote on a bill to ban slot machines.

STATEMENT BY THE CHAIRMAN OF THE CITIZENS COMMISSION ON THE GENERAL ASSEMBLY

In conducting its investigations and submitting its recommendations, the Citizens Commission on the General Assembly has not searched only for reports of legislative inefficiency. The Commission has examined both the good and bad facets of Maryland's General Assembly and hopes that a balanced, fair treatment is the result. Of necessity, this Report analyzes the weaknesses of the Legislature in more detail than its attributes. Although the General Assembly has a constructive record in such areas as fiscal responsibility, modernization and constructive change are needed to improve the entire legislative process.

In examining Maryland's legislative process, the members of the Commission have learned much about their State government. The Commission members expect the General Assembly leaders to evaluate these recommendations, which are not meant to be all inclusive, within the context of their experience and working knowledge of the State's legislative process.

In order to achieve a more effective legislative process, Maryland's bicameral assembly must

- (a) adopt more efficient procedures;*
- (b) place the cost of running the Legislature clearly on the public record;*
- (c) provide more legislative information to the public;*
- (d) adopt a system of realistic budgetary oversight; and*
- (e) encourage the enactment of a new constitution that will leave the Legislature free to develop modern, flexible rules of procedure.*

I would like to thank all the members of the Commission who have participated in our deliberations and review of this Report and particularly those members who have contributed to the drafting of the document: William Bradford; Frank Procter; John A. Lewis; and Kenneth Quinn. The Commission is indebted to two invaluable research associates, Henry H. Whaley and K. Houston Matney.

Without the assistance of Mr. Richard Ross, Mrs. Delores Richardson, Mr. Jeffrey Garson, and student volunteers from Goucher College and The Johns Hopkins University, distribution of advance copies of the Report to Commission members and General Assembly members would have been impossible.

The editorial assistance of Thomas J. Kleis and the secretarial help of Marlaine Helfenbein and Janet Driscoll have greatly improved the quality of this document. And, I would also like to recognize the assistance of Jonathan L. Alpert, Executive Secretary of the Commission, who not only participated in the drafting of the Report, but also assumed many of the mechanical burdens in conducting this study.

On behalf of the Commission, I wish to thank Maryland's legislative and political leaders and government administrators who testified at our public hearings. From the Democratic party, Senate President William James and House Speaker Marvin Mandel gave us the benefit of their long experience in the General Assembly. And, to the leaders of the Republican party, Governor Spiro T. Agnew and House Minority Leader J. Glenn Beall, Jr., we extend our appreciation for their support of this project. I am also grateful to Senator Joseph D. Tydings for his encouragement to undertake this study and to Mr. Clarence W. Miles who offered many helpful suggestions in the drafting of this Report.

It is properly a matter of record that this Citizens Commission was given substantial help by the Citizens Conference on State Legislatures, headed by former Governor John Anderson of Kansas. We especially wish to thank Mr. George H. Morgan, National Field Director, and Mr. C. Alden Baker, Area Consultant. The Conference made available its research facilities and sent us reports from other states. Also, the Commission's work was substantially aided by a Conference grant to assist in the publication of this Report.

Appreciation is extended to seven Maryland donors whose contributions helped defray the costs attendant to publishing this Report. Those who granted the Commission permission to publicly acknowledge their support are—The Equitable Trust Company, The Maryland National Bank, The Monumental Life Insurance Company, and Mr. Truman T. Semans.

The Commission is extremely grateful to the Young Democratic Clubs of Maryland for their financial support of our administrative and mailing costs. We also record our thanks to Maryland's Young Republican Clubs for their participation in the project. And, of course, without the participation of the citizen members of the Commission, a comprehensive report would not have been possible. For their time and interest in studying the final draft, I am most appreciative.

And finally, we thank our consultant, Dr. Robert L. Peabody, Associate Professor of Political Science, The Johns Hopkins University, for his advice and guidance.

The conclusions reached by the Citizens Commission on the General Assembly are those of its members, and we, therefore, assume full responsibility for this Report.

Respectfully submitted,

GEORGE S. WILLS, Chairman
Citizens Commission on the General
Assembly

HISTORY OF THE COMMISSION ON THE GENERAL ASSEMBLY

The history of the Commission on the General Assembly is a story of citizen participation in government. It is also a story of an idea's being translated into action. Organized as a special study by the Young Democratic Clubs of Maryland in March, 1966, the Commission received early encouragement from those State political leaders who believe that the winds of change are moving in state government.

Legislative modernization and reform is predicated upon a belief that, with few exceptions, our states have failed to meet many of the modern needs of their citizens. In the March 1966 issue of *Harper's Magazine*, Senator Joseph D. Tydings (D. Md.) expressed the belief that "these failures, which John F. Kennedy called 'the shame of the states', are primarily responsible for the decline of our federal system." Senator Tydings gave early encouragement to the General Assembly study and was soon followed by the Honorable Marvin Mandel, Speaker of the Maryland House of Delegates, at the Commission's first public hearing on April 16, 1966.

Speaker Mandel presented a series of recommendations on committee organization, legislative budgetary procedures, professional staffing, and salaries that were to be repeated, revised, and expanded upon during the subsequent 17 public hearings held by the Commission. A total of 30 legislators, political leaders, State government administrators, and representatives of industry testified at these hearings. The Commission also held approximately 40 executive sessions and formal drafting meetings.

Shortly after the April 16 hearing, the Commission expanded its membership to include representatives from the State's Young Republican Clubs. In a year when a hard fought election campaign was in progress, the Commission program was a notable example of Democratic-Republican cooperation. In June of 1966, the Commission again enlarged its membership to include a panel of Maryland business, corporate, labor, and civic leaders. This group of distinguished citizens participated in the evaluation and review of the final Report.

Detailed recommendations on legislative modernization have been submitted to the Commission by

J. Millard Tawes, former Governor of Maryland
Spiro T. Agnew, Governor of Maryland
William James, President of the State Senate
Marvin Mandel, Speaker of the House of Delegates
Daniel B. Brewster, Senior U. S. Senator from Maryland
Joseph D. Tydings, Junior U. S. Senator from Maryland
Charles McC. Mathias, U. S. House of Representatives
Samuel Friedel, U. S. House of Representatives
Carlton R. Sickles, U. S. House of Representatives, and candidate
Democratic gubernatorial nomination
Thomas B. Finan, former Attorney General of Maryland and candidate,
Democratic gubernatorial nomination
Clarence W. Miles, candidate, Democratic gubernatorial nomination
George P. Mahoney, Democratic gubernatorial nominee
James Clark, Maryland State Senator
Thomas Hunter Lowe, Chairman, House Judiciary Committee
J. Glenn Beall, Jr., House Minority Leader

Goodloe Byron, State Senator and former Member of the Maryland House of Delegates
Julian Lapidès, State Senator and former Member of the Maryland House of Delegates
Joseph Curran, Maryland State Senator
Charles S. Bresler, former Member of Maryland House of Delegates and Republican candidate for Comptroller
Steny H. Hoyer, State Senator
Harry McGuirk, State Senator and Member of the Governor's Committee on Legislative Automation
Martin Becker, Member of the Maryland House of Delegates
Walter S. Orlinsky, Member of the Maryland House of Delegates
Dr. Carl Everstine, Director, Maryland Legislative Reference Service
Dr. Paul Cooper, Director, Maryland Bureau of Fiscal Research
Mr. Max Baldwin, I.B.M. State and Local Government Division
Mr. C. M. Price, RCA State and Local Government Representative
Hon. John Coleman, Data Processing Division, Office of Comptroller of Maryland
Christopher Pfrommer, candidate, Democratic State Central Committee and administrative assistant, Congressman Clarence D. Long (D. Md.)
Dr. Eugene Weigman, specialist on the Nebraska unicameral Legislature

All witnesses testifying before the Commission have pointed to the following major problems that must be solved by the General Assembly if it is to be a productive branch of government: (1) Committee reorganization, including the establishment of major committees operating on a year-round basis; (2) professional staffs; (3) higher salaries for legislators; (4) improved physical facilities; (5) effective legislative oversight and review of the Administration's budget; (6) length of session; (7) the uses of automation, particularly in the areas of fiscal research and information retrieval on pending bills and enacted legislation; and; (8) examination of the merits and demerits of a unicameral legislature.

In addition; the Commission has cooperated with the Eagleton Institute of Rutgers University, which is preparing another report on the Maryland General Assembly at the request of House Speaker Mandel, made shortly after this citizens group began its work. The Chairman of the Eagleton study, Dr. Donald Herzberg, has also discussed Maryland's General Assembly with the Chairman of the Citizens Commission.

The work of the Commission has been based on the belief that Maryland's General Assembly can be improved and that the State of Maryland can play an active role in partnership with the Federal Government. Without exception, Commission witnesses have shared this belief.

Even after the Commission presents this Report to the General Assembly and the people of Maryland, its work will not be over. The need for citizen study of the problems of state government has been clearly demonstrated in Maryland. This Commission will continue to examine the legislature in Maryland, and it is hoped that the efforts of this and similar groups will help to re-establish the necessary balance between the Federal Government and the states.

THE LEGISLATURE AND THE NEW MARYLAND CONSTITUTION

1. The Commission recommends as a matter of broad policy that the new Constitution remain silent on internal legislative operations.

Article III of the present Maryland Constitution (adopted in 1867), entitled "Legislative Department," contains 61 sections. There are sections in Article III which would more properly be left to legislative enactment, such as the legal rate of interest (Section 57) and urban renewal (Section 61).

In addition, there are obsolete sections such as Section 41 which forbids dueling by legislators and Section 37, which decrees that "The General Assembly shall pass no law providing for payment by this State, for Slaves (sic) emancipated from servitude in this State . . ."

The danger of the proposed new Constitution's becoming rapidly obsolete is increased by technical provisions limiting freedom of legislative action. For these reasons, the Commission

(a) supports the efforts of the Constitutional Convention Commission to modernize the legislative article and

(b) will remain vigilant during the 1967 Constitutional Convention to insure that the mistakes of yesterday will not be adopted as the constitutional language of tomorrow.

2. The Commission recommends that the new Constitution require the Legislature, at its first session following the approval of the Constitution by the voters, to establish mandatory and automatic provisions for legislative reapportionment following each decennial census.

In the present Maryland Constitution there are three sections which provide for legislative apportionment (Article III, Sections 2, 4, and 5), two of which deal exclusively with Baltimore City. These sections are overly specific and do not allow for such factors as population growth and shifts in population centers.

Experience in all of the states has demonstrated the difficulty inherent in requiring legislators to reapportion themselves out of their jobs. Nevertheless, the Commission believes that reapportionment is basically a legislative responsibility and endorses the following procedure for reapportionment of the General Assembly:

Within 30 days following the date of official promulgation of the U.S. decennial census, the Attorney General of Maryland shall deliver a written opinion, addressed to the Governor, the President of the Senate and the Speaker of the House of Delegates, advising such persons whether or not the membership of the General Assembly is then apportioned on the basis of population in accordance with principle of one man - one vote and in conformity with the Constitution of the United States. At the next succeeding regular session of the Legislature following issuance of such an opinion indicating that malapportionment exists, the General Assembly shall formulate and enact a plan of apportionment in conformity with the aforesaid principle.¹

¹See Proposed Alternative 1 (a., lines 1-8), *Report on a proposed Working Draft of a New Constitution for the State of Maryland, Adopted by the Young Democratic Clubs of Maryland, 1964.*

Should the General Assembly fail to enact such a plan of reapportionment during the prescribed legislative session, the Commission recommends that the Governor be required to call a special session at which he shall submit a legislative plan of reapportionment to both houses. If the General Assembly fails to enact this plan as submitted or as amended by the Legislature, the Governor's plan should automatically become law and be enrolled in the statutes of Maryland for the legislative session in which the plan was submitted.

The Commission endorses the procedure recommended by the Committee on the Legislative Department of the Constitutional Convention Commission only after the Legislature has failed to enact a plan.²

3. The Commission recommends that upon the occurrence of vacancies in the General Assembly, each party's appropriate state central committee be required to hold public hearings before making its recommendations to the Governor.

Section 13 of Article III of the present Constitution of Maryland provides that when a vacancy occurs in the Legislature, ". . . the Governor shall appoint a person to fill such vacancy from a person (sic) whose name shall be submitted to him in writing by the State Central Committee of the political party with which the Delegate or Senator, so vacating, had been affiliated . . ."

The weakness of this provision is that it allows the Governor to replace legislators elected by the people with legislators chosen behind closed doors.³ This is a violation of the basic principles of representation.⁴

Although the calling of a special election would be a more democratic process to fill vacancies in the Legislature, such elections are costly and time-consuming. In lieu of a special election, this Committee strongly urges that there be at least some public participation in the selection of Delegates and Senators to fill vacancies.⁵ A public hearing by the appropriate state central committee, plus a require-

² The difficulties surrounding reapportionment are illustrated by the work of the Constitutional Convention Commission, which has considered the problem in its preparatory work for Maryland's Constitutional Convention. Initially the Committee on the Legislative Department recommended to the Commission that reapportionment be determined entirely by the Legislature. The full Commission, at a meeting on July 18, 1966, reversed the Committee recommendation and tentatively adopted a reapportionment section for the new proposed Constitution, which provides for (1) submission of a reapportionment plan by the Governor to the Legislature after each decennial census; (2) legislative approval or amendment of the Governor's plan or adoption of its own plan; and (3) the Governor's plan to automatically become law if the Legislature does not enact a reapportionment plan. *Fourth Report of the Committee on the Legislative Department* (mimeographed), Constitutional Convention, Commission, July 11, 1966, pp. 2-3; *Fifth Report of the Committee on the Legislative Department*, (mimeographed), Constitutional Convention Commission, August 5, 1966, pp. 3-6.

³ Of the total number of members of the 1966 General Assembly, one out of seven of its members (or 15 per cent of the entire body) was not elected by the people, but received his job by gubernatorial appointment upon recommendation of the state central committee. *Files of the Secretary of State of Maryland and statement before the Commission by Christopher Pfrommer, legislative assistant, U.S. Representative Clarence D. Long (D. 2nd Dist., Md.)*.

⁴ Shortly after the 1966 Maryland general election, the Howard County State Central Committee filled vacancies which had occurred by the deaths of two members of that county's newly elected delegation. One vacancy was filled by the unsuccessful candidate with the highest number of votes. The other appointment was the son of one of the deceased legislators. The latter appointee had not been a candidate for office and there was little evidence of public participation in his selection.

ment that that committee reveal the candidates being considered to fill a vacancy, is consonant with one of the Commission's basic goals; legislative responsibility through full public disclosure.

4. The Commission recommends removal of the Constitutional limit upon the length of legislative sessions. The Legislature should limit its annual session to 90 calendar days until such time as the legislative workload requires a longer session.

Since the State's first Constitution was promulgated in 1776, the length of the legislative sessions of the General Assembly has been changed many times by constitutional amendment. Four of these amendments have altered sessions from no time limitations, to termination of legislators' pay after 80 days, to alternating 90- and 30-day meetings, and to the present 70-day session. Constitutional limitations upon the length of sessions tend to be arbitrary and inflexible. Moreover, the uncertainties of, and time consumed in, effecting a change by way of amendment to the Constitution make it difficult for the Legislature to adapt to and meet the ever-increasing demands upon its time.

The testimony of legislators before the Commission indicated general support for a 70- or 90-day session at the present time.⁶ The Commission recommends a 90-day session be established by legislative rule. It further submits that future General Assemblies should establish the length of their sessions at the beginning of the second session of each 4-year term. A session so arranged has unique advantages: (1) a deadline within which the General Assembly's business must be completed (2) flexibility in permitting the establishment of longer sessions as future conditions warrant, and (3) freedom from executive influence.

Many critics of the Legislature have urged the adoption of much longer sessions. It has become clear to the Commission, however, that the solution to legislative inefficiency does not lie in longer sessions.⁷ The Commission's organizational and procedural recommendations, if enacted, should alleviate much of the Legislature's current inefficiency without resorting to sessions longer than 3 month's duration.

⁵ The Constitutional Convention Commission is also fully aware of the problems inherent in the present method of state central committee selection. Its recommendations provide that the Governor fill vacancies in the Legislature by appointment without any provision for public disclosure or consultation with any other person or group. *Fifth Report of the Committee on the Legislative Department*, Constitutional Convention Commission, August 5, 1966, and *Seventh Report*, October 14, 1966. This Commission rejects such a proposal because (1) it does not require any publication of the reasons for such an appointment and (2) because it violates the separation-of-powers principle and subjects the appointed legislator and the Legislature to potential executive influence. The fact that the Governor fills vacancies created by Marylanders in the United States Congress is not analogous—U.S. Senators and Representatives are not serving with their appointer in Annapolis.

⁶ In its April, 1966 meeting, the 29th American Assembly emphasized the importance of a state legislature's power over the length of session ". . . to develop more responsibility in legislative performance, and more independence, legislatures should be continuing bodies, meeting in annual plenary sessions, without limitation of time or subject. Legislatures should be empowered to call themselves into session."

The Commission supports this concept of legislative control over its length of session, but believes that the Maryland Legislature can at this time adequately complete its business in 90 days.

⁷ Massachusetts does not have a constitutional limitation on the length of its session and, in 1964, remained in session a full year before passing the Governor's Budget.

5. *The Commission recommends that the establishment of legislative salaries by constitutional provision be eliminated. A statutory annual salary of \$6,500 coupled with the abolition of per diem payments, should be passed by the General Assembly for its members.*

What is adequate compensation for a member of the Maryland General Assembly? The Commission recognizes the complexity in determining what is a reasonable and adequate salary. The hours a legislature is in session represent a small fraction of the hours a conscientious legislator spends at his job. Research, investigation, study, hearings, both formal and informal, and the constant demands of constituents consume much additional time. Another difficulty in determining adequate compensation is the natural reluctance of legislators to increase their salaries or allowances out of fear of reaction by an electorate that does not always understand the demands and hidden costs of legislative service.

The Commission gathered information relating to legislative compensation from three sources. First, a comprehensive study was made comparing Maryland's legislative compensation with other states and with the salaries of members of Congress and other governmental officials. Second, legislative leaders were questioned on salary recommendations during the Commission's public hearings. Third, a questionnaire was sent to members of the 1966 General Assembly.

Legislative and political leaders who either testified before the Commission or answered the questionnaire varied in their detailed recommendations, but they agreed generally that the present compensation is low in relation to work and hours involved. Their recommendations ranged from \$5,000 to \$10,000 in annual salaries. The figure most frequently named was \$6,500 and lower annual salary recommendations were usually accompanied by support for retaining per diem payments.

The Commission believes that a \$2,400 annual salary⁸ is an anachronism in the modern state legislative process. This present salary is translated into less than \$35 per day for the present 70-day session, to say nothing of the additional time a legislator must devote to constituent services throughout the year.

This Commission endorses the traditional concept of citizen-legislators, but submits that a salary of at least \$6,500, per year is realistic because of the increased demands upon legislators' time by year-round legislative duties and year-round committee meetings, a major recommendation in this Report (see Recommendation #4, *Committee Organization*). In addition, a more realistic salary will hopefully attract to legislative service the qualified men and women who have in the past been precluded from running for financial reasons.

The annual salary that each legislator currently receives is supplemented by a \$25 payment for each day the Legislature is in session. These per diem payments add approximately \$1,750 to the \$2,400 established salary. The 20¢ per mile travel allowance (one round trip per session) varies from a Baltimore legislator's annual reimbursement of \$12 to a Garret County Delegate's \$200 per year, and is, in the Commission's view, a reasonable expenditure. Legislators traveling long distances to Annapolis should not be financially penalized because of the extra mileage. Amounts should be standardized, however, by using the most direct route from the home district to Annapolis.

⁸ By constitutional amendment ratified in 1964, the salary of members of the General Assembly was increased from \$1,800 to \$2,400 annually, and at the same time provision was made for annual 70-day sessions.

While most legislators are paid from \$4,150 to \$4,350 each year, members of the Legislative Council receive \$35 per diem payments for attending Council meetings outside the regular session. With these additional per diem payments, the Commission estimates that the annual salary of each Council member amounts to approximately \$5,000.

Present salary arrangements permit Maryland legislators to receive as much as \$5,000 per year, \$2,000 of which is effectively hidden from public view.

Any salary increase to \$6,500 or more must be accompanied by removal of existing per diem payments and a careful re-evaluation of the legislative pension plan approved by the General Assembly during its 1966 session. The Commission submits that per diem payments and large pension benefits have been partially fostered by failure of the electorate to approve a fair salary that represents the total compensation paid each legislator.

The elimination of per diem allotments and other hidden payments should do much to encourage a higher public opinion of legislative service.⁹ In order to solve the need of periodic salary review, the Legislature should by statute permit consideration of salary increase proposals only during the last session of each 4-year General Assembly.

The average compensation of state legislators in the United States in 1965 was slightly over \$7,000 a year.¹⁰ In our neighboring state of Pennsylvania, legislators, with the approval of the Governor, receive an annual salary of \$14,000.¹¹ Maryland's citizens must face the fact that well-qualified people are generally unwilling or unable to serve at a financial loss in the General Assembly. Our State cannot afford to tolerate the implications inherent in payments of inadequate salaries to legislators who oversee the spending of a billion dollars a year. Also, it may be appropriate for the General Assembly to consider the burdens of legislative leadership in evaluating compensation for the Senate President, House Speaker, and major committee chairmen, as compared with a salary for the other legislators.

The Commission believes that a \$6,500 annual salary will not impair the traditional Maryland concept of a citizen legislature with members from many walks of life. If such a legislature is to be truly representative, the level of compensation must be sufficiently high to attract the qualified candidates who might otherwise be unable to make the financial sacrifice.

6. The Commission recommends that the governor's Constitutional convention Commission promulgate a proposal for a unicameral legislature in addition to the existing proposal for a bicameral General Assembly.

Although this Commission supports the retention of Maryland's bicameral legislature, the 1967 Constitutional Convention should have the option of examining the merits and demerits of unicameralism.

⁹ Louis Azrael, "Are You For or Against a Grab?" *The News American*, Thursday, November 3, 1966, p. 13C. Mr. Azrael, while denouncing a recently passed "lush pension plan" for legislators and urging the voters not to vote to remove legislative salaries from the Constitution, stated that \$6,500 pay for legislators did seem reasonable.

¹⁰ John G. Grumm and Calvin W. Clark, *Compensation for Legislators in the Fifty States*, Citizens Conference on State Legislatures, p. 25, September, 1966.

¹¹ Governor William Scranton, address before the annual meeting of the National Municipal League, Boston, Massachusetts, November 14, 1966.

HOUSE AND SENATE ORGANIZATION

1. *The Commission recommends adoption of a consent calendar to provide for automatic referral of noncontroversial bills to final reading after their being reported out of committee.*

The consent calendar, a procedural device, has been used with success in the United States Congress to advance noncontroversial legislation to the Senate and House floors for enactment into law. In a number of states, noncontroversial bills are placed on a special calendar,¹ thereby leaving more time for debate on the major issues. A large percentage of bills passed in the Maryland General Assembly each year are noncontroversial. Although a unanimous vote does not necessarily indicate a routine bill, 75 to 80 per cent of the bills passed by the General Assembly are passed unanimously.² This figure is comparable to that received from an analysis of the New Jersey Legislature and indicates that a rather large number of noncontroversial bills might be placed on a consent calendar.³

The Commission therefore recommends that the General Assembly institute by rule a consent calendar that will reduce end-of-session logjams and expedite passage of noncontroversial bills, thereby increasing the amount of time available for consideration of major pieces of legislation.⁴

2. *The Commission recommends adoption of pre-filing procedures to encourage preparation and drafting of bills before the General Assembly session begins.*

Maryland's Legislature currently has no pre-filing procedures. Legislative Council measures announced before each session are the closest approximation to pre-filed bills. Bills must be introduced during the legislative session, but not during the last 28 calendar days of a session.⁵ This means that the introduction of bills is limited to 42 days out of each year. The result is a legislative logjam at the session's end, which imposes an unnecessary burden on legislators, bill-drafters, and staff.⁶

¹ Florida, Georgia, Minnesota, Mississippi, Nebraska, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia. *The New Jersey Legislature: A Report Submitted by the Eagleton Institute of Politics, Rutgers University, November 15, 1963, p. 15.*

² This percentage was reported by Dr. Carl Everstine, Director of Legislative Reference Service, at a Commission public hearing, May 9, 1966.

³ During a 15-year period, 92.9 percent of the bills passed by the New Jersey Senate and 80.3 per cent of the bills passed by the New Jersey General Assembly were passed unanimously. *The New Jersey Legislature, op. cit., p. 16.*

⁴ Recommendation of the Eagleton Institute, to The New Jersey Legislature: "A potential consent calendar may be prepared from lists of noncontroversial bills submitted by each legislator. These bills may be compiled into one list, and each legislator may be authorized to strike from the compilation any bills he deems to be controversial. Those bills not stricken may be placed on the consent calendar as they are reported out of committee. Under a time schedule incorporated in the rules of each house, these bills would then advance automatically, perhaps from week to week, to final reading." *Ibid.*

⁵ The Maryland Constitution, Article III, Section 27.

Recognizing this procedural defect, which impairs legislative efficiency and responsibility, witnesses testifying at the Commission's public hearings were unanimous in recommending some pre-filing procedure. Pre-filing would not only speed up the legislative process, but more important, it would encourage thoughtful preparation of bills in advance of the session. In testimony before the Commission, Delegate Thomas Hunter Lowe, Chairman of the House Judiciary Committee, aptly expressed the unanimity of support for pre-filing: "Pré-filing would expedite legislative action and help eliminate the serious backlog under rules that permit introduction of bills up to 28 days before the session's end."

An additional advantage of pre-filing is the availability of bills for news media coverage and public discussion prior to the time that the Legislature convenes. As a result, citizen awareness of proposed legislation would be increased.

There are, however, problems associated with any pre-filing procedure.⁷ The problem most frequently mentioned by Commission witnesses was that individual legislators might attempt to make political capital before elections by submitting a mass of pre-filed bills without serious intent of pursuing their enactment. Consequently, this Commission suggests that, during any election year, pre-filing of bills be permitted only between November 15 and the convening of the Legislature. During nonelection years, the General Assembly could appropriately permit earlier pre-filing, perhaps beginning on September 15.

In addition, the Commission suggests that no bill be introduced during the last 35 calendar days of a session. The Commission suggests that this be accomplished by legislative rule and that Section 27 of Article III of the Maryland Constitution be deleted from that document. The Legislature, in adopting a 35-day limitation, might appropriately decide by rule that new bills can be introduced during the last 35 days if two-thirds of the Legislature so determine.

The adoption of this limitation upon an efficiently administered pre-filing system should alleviate the logjam of bills awaiting final action during the last month of session. Such a rule, coupled with pre-filing procedures, should also provide for more thoughtful consideration of pending legislation. Enforcement of this 35-day limitation can come only from the Assembly leadership and membership.

3. The Commission commends the Legislative Council for proposing a modification of House Rule 46 to prevent frivolous amendments from killing legislation.

House of Delegates Rule 46 is an example of a little-known procedural rule that operates to hamper the efficiency and responsibility of the Legislature. The Rule, simply stated, provides that once an amended bill emerges from committee

⁶ The logjam of bills has been recognized as a problem in other states. See *Citizens Advisory Committee Final Report to the Joint Interim Committee on Facilities and Operations of the Washington State Legislature*, November 1, 1966, p. 58. Twelve states now authorize pre-filing of bills. See Eagleton Supplement to Memorandum Relating to the Status of Recommendations for the Improvement of Legislative Processes and Procedures, (January, 1964), p. 7.

⁷ "These problems relate mainly to the practical difficulties of assigning bill numbers and the referral of the bill to the proper committee in advance of organizing the Legislature, and this is particularly troublesome in the House when the presiding officer for the new session would not yet have been chosen." *Report to the Washington State Legislature*, November 1, 1966, p. 58.

This Commission believes that these problems can be solved, particularly under a system of year-round committee meetings. (See Recommendation # 4, *Committee Organization*.)

it must lay over until the next day.⁸ This process can be continued until “after the 65th legislative day of a regular session,” thereby permitting. . .frivolous amendments . . . to delay or kill good bills”¹⁰ because of the heavy volume of legislation towards the end of session.

During its August 1966 meeting, the Legislative Council decided to modify this procedural bill-buster by amending the Rule to provide” . . . if any amendments are offered after a delay of 1 day shall have occurred . . . consideration of the bill or resolution and of the amendments shall be postponed only for a period of 1 hour, or until the conclusion of the call of the third reading calendar, whichever occurs first.”¹¹

This modification of Rule 46, if adopted, should help to reduce the end-of-session logjam and prevent the procedural death of legislation that deserves to be voted upon by the full House membership.

⁸ After a bill has been amended, any member of the House supported by four other members may, upon request, have the bill “lie over for 1 day.” House of Delegates Rule 46. (1966 edition)

⁹ House of Delegates Rule 46. (1966 edition)

¹⁰ Testimony of Senate President William James, Commission Hearing, May 7, 1966.

¹¹ Item 35 (2), Legislative Council Meeting, August, 1966, pp. 3-4.

COMMITTEE ORGANIZATION

INTRODUCTION

Many of the current problems of the General Assembly arise from inefficient committee practices and organization. This Commission has thoroughly examined committee procedures and has come to the conclusion that committee reform is needed. The distribution of bills assigned to committees during the 1966 session is indicative of the chronic imbalance in committee workload assignments:

HOUSE

Committee	Membership	No. of Bills Assigned*	% of Total Workload
Judiciary	32	578	42.8 (79% of House
Ways & Means	35	488	37.0
Education	26	31	2.3
Banking & Insurance	28	48	3.9
Ches. Bay & Trib.	30	35	2.6
Motor Vehicles	27	41	3.6
Ag. & Nat. Res.	26	24	1.7
Metropol. Affairs	25	4	0.6
Alcoholic Bev.	22	62	4.9
Labor	18	8	0.6
Prison Admin.	12	1	0.0
Veterans, Militia & State Police	17	1	0.0
Exec. Nominations	6	0	0.0
Civil Defense	21	0	0.0
Entertainment	16	0	0.0
Juvenile Problems	4	0	0.0

SENATE

Judicial Proceed.	13	519	52.9 (90.1% of Sen-
Finance	15	365	37.2
Education	11	16	1.8
Banking & Insurance	9	37	3.7
Ches. Bay & Trib.	13	26	2.6
Motor Vehicles	9	0	0.0
Ag. & Nat. Res.	11	18	1.8
Aviation, Roads & Transportation	11	0	0.0
Elections	9	0	0.0
Entertainment	4	0	0.0
Exec. Nominations	11	0	0.0
Juvenile Problems	3	0	0.0
Labor	13	0	0.0
Prison Admin.	5	0	0.0
Public Buildings	5	0	0.0
Public Utilities	9	0	0.0
Veterans & Civil Def.	7	0	0.0

*This figure includes bills referred in the house of origin plus bills already passed in the opposite house.

The preceding table clearly demonstrates the inequitable distribution of committee workload. *Two committees in the House, composed of less than 45 per cent of the House membership, carried almost 80 per cent of the committee workload.* Two committees in the Senate, consisting of practically the entire Senate membership, considered over 90 per cent of proposed legislation. (The Commission recognizes, of course, the limitations on the number of committees that can operate efficiently in a Senate of 29 members. Reapportionment should improve this situation.)

The present method of assigning bills employed by the General Assembly leadership has caused an unbalanced distribution of committee workload. This Commission classified 55 House bills during the 1966 session as education bills. Of these 55 bills, only 16, or 29.1 per cent of the total number, were initially referred to the Education Committee. Of these 55 education bills, 43.6 per cent were directly referred to the Ways and Means Committee.

Should all bills relating to education go directly to the Education Committee? This Commission is of the opinion that if a bill requires study principally for appropriations for an established program, assignment to the Ways and Means Committee is justified. This justification does not explain the following interesting examples of what the Commission believes are bills inadequately evaluated in the committee process:

House Bill # 189—Subject: Raise mandatory school age from 16 to 17. Initially referred to Education. Reported out favorably and placed on the docket. Referred back to Ways and Means, never reported out.

House Bill # 380—Subject: Creation of a commission on driver education. Referred immediately to Ways and Means, never reported out.

House Bill # 1081—Subject: Establish educational scholarship program for junior colleges. Referred to Education and reported favorably to the House. Sent back to Ways and Means and never heard of again.

House Bill # 1153—Subject: State aid to kindergartens. Referred directly to Ways and Means, never reported out.

House Bill # 685—Subject: Free scholarships to students in community colleges. Sent directly to Ways and Means, never reported out.

Listed below are the kinds of comparatively unimportant bills that go to the Education Committee:

House Bill # 591—Subject: "Mandatory Physical Training Period Before Football Season and Games."

House Bill # 582—Subject: Maryland's Participation in a Compact for Education.

One interesting example in the Senate was *Senate Bill # 421—Subject: "Public Schools; kindergartens. . . raise beer tax."* With the financial provision, the bill went directly to the Finance Committee and was never referred to Education for study of the content and the implications of such a program for public education in Maryland.

It would appear that under the present committee system, substantive bills involving new or substantially altered program evaluation are being sent to finance committees rather than to the appropriate program committee.¹ Perhaps the fact that many of the education bills sent to the Finance and Ways and Means Committees were not reported out can be explained in terms of other major responsibilities of the finance committees or by insufficient time near the session's end. Whatever the cause, the existing distribution of committee workload does not

¹ *Budget and Finance, Recommendation # 2.*

provide the necessary comprehensive study of important legislation. The Commission recognizes that any education program, such as State aid to kindergartens, requires an appropriation and, therefore, review by the "money" committees; but the Commission firmly believes that the taxpayers of Maryland are entitled to a program evaluation undertaken to ascertain whether or not the legislation has merit in and of itself.

Many Senate and House committees meet infrequently or not at all. One response to the Commission's questionnaire is revealing in this connection. A Delegate reported that after his removal from the Judiciary Committee by the House leadership, he was appointed to a committee that had met only once in 3 years. The unhappy legislator was actually incorrect. His new committee had met twice.

1. The Commission recommends that the standing committees in the Senate be reduced from 16 to 5.

The following are the present standing Senate committees:²

- Agriculture and Natural Resources
- Aviation, Roads
- Transportation
- Banking and Insurance
- Chesapeake Bay and Tributaries
- Education
- Elections
- Executive Nominations
- Finance
- Judicial Proceedings
- Labor
- Motor Vehicles
- Prison Administration
- Public Utilities
- Public Buildings
- Rules

The Commission recommends establishment of the following five standing Senate committees:

Finance—Jurisdiction: budget, appropriations, revenues, alcoholic beverages, capital improvements, general fiscal review, fiscal analysis and policy.

Rules—Jurisdiction: assignment of bills, screening of bills to the floor, executive nominations, Senate ethics, consent calendar.

Judicial Proceedings—Jurisdiction: criminal and private civil law, courts and procedures, state police, militia, watchdog over executive orders and administrative directives.

Education, Health and Welfare—Jurisdiction: education, science, state health programs, hospitals, social security, juvenile problems, employment, vital statistics, veterans affairs, civil defense, prison administration.

Economic Development—Jurisdiction: agriculture, metropolitan affairs, labor, transportation, business, public works, public utilities, roads, consumer protection, natural resources.

²Senate Rule 23 (1966 edition)

2. *The Commission recommends that the standing committees in the House be reduced from 16 to 7.*

The following are the present standing House committees:³

- Agriculture and Natural Resources
- Banking, Insurance and Social Security
- Chesapeake Bay and Tributaries
- Civilian Defense
- Claims
- Education
- Entertainment
- Judiciary
- Metropolitan Affairs
- Motor Vehicles
- Prison Administration
- Rules and Organization
- Veterans, Militia and State Police
- Ways and Means
- Labor
- Alcoholic Beverages

The Commission recommends establishment of the following seven standing House committees:

Rules—Jurisdiction: same as Senate Rules.

Judiciary—Jurisdiction: same as Senate Judicial Proceedings.

Ways and Means—Jurisdiction: same as Senate Finance.

Education, Health and Welfare—Jurisdiction: same as Senate Education, Health and Welfare.

Business, Labor and Commerce—Jurisdiction: labor, banking and insurance, public utilities, commerce, consumer protection.

Transportation, Public Works, and Metropolitan Affairs—Jurisdiction: Roads, motor vehicles, public works, prison buildings, urban renewal, metropolitan problems, waterways, harbors and docks, aviation, boating.

Agriculture and Natural Resources—Jurisdiction: Agriculture, conservation and natural resources, Chesapeake Bay and tributaries.

The primary purpose of reducing the number of Senate and House committees is to achieve a more equitable distribution of workload. Ultimately, however, equitable distribution will depend upon a viable rules committee in each house to assign bills to the appropriate committees and to screen bills to the floor. The Commission believes it should be incumbent upon the Rules Committee to assign new or substantially altered programs (whether initiated by the executive or an individual legislator) to the appropriate substantive committee for thorough evaluation.

The Commission wishes to make it clear that its recommendation concerning new committee structure is not meant to be exclusive. Other areas of concern may develop in the future, which would impel the creation of new standing committees, or the General Assembly might decide that some other formal structure is desirable.⁴

³ House Rule 23 (1966 edition)

This Commission however, strongly endorses seven basic principles that should guide any legislative committee system:

- (a) Each member of the General Assembly should serve on one major committee.
- (b) Committee workload should be distributed as evenly as possible, with proposed legislative enactments undergoing substantive committee evaluation.
- (c) Committee procedures should justify and explain acceptance or rejection of major legislation rather than permit automatic passage on the one hand or deal silent death on the other.
- (d) A strong but responsive rules committee in each house should be responsible for the legislative timetable.
- (e) To accomplish thorough analysis of the volume of legislation that citizen-legislators must consider in a limited session, a system of year-round committee activity is essential. (See Recommendation #4).
- (f) Each committee should have its subject-matter jurisdiction distinctly defined by legislative rule.
- (g) Subcommittees, special committees, and joint committees should be established and used on an ad hoc basis as necessary, but the number of standing committees should remain as low as possible. Basic rules of procedure should prevail in all committee operations.

Although the present committee situation in Maryland compares favorably with some other states,⁵ much improvement is possible. Both Commission research and Commission witnesses have indicated that the committee system is indeed "a vital key in the legislative structure." Reduction of the number of committees is an essential first step in improving the legislative process, but such reduction must be accompanied by an improvement in the procedures of those committees.

3. The Commission recommends that the rules committee in each house assume responsibility for assignment of bills.

Presently the Speaker and the President of the Senate, respectively, take major responsibility for assignment of bills to committees. Generally this works well, but there have been errors in assignment. In order to help correct the misassignment of bills, the Commission suggests that a rules committee in each house assume responsibility for the assignment of bills according to substantive committee jurisdiction set forth in the rules.

Assignment could be done by a clerk subject to committee reversal. Rules committee membership could properly include the Senate President, House Speaker, committee chairmen, the minority leader and enough other members of the minority party to insure proportionate representation; the presiding officer of each house should chair the committee.

⁴ The Legislative Council has recently recommended that the House cut its committees to nine rather than the seven suggested by the Commission.

⁵ "... in 1959 four State Houses of Representatives had fifty or more committees, and six Senates had thirty-six or more committees." *American State legislatures in Mid-Twentieth Century*, The Council of State Governments, 1961, p. 16.

⁶ "Improving the Louisiana Legislature." Public Affairs Research Council of Louisiana, Inc. November, 1965, p. 11.

4. *The Commission recommends that House and Senate substantive committees be required to function on a year-round basis.*

The Commission endorses the concept of the citizen-legislator who leaves his business or profession and participates in a limited legislative session at Annapolis. In order to meet the increasing demands of our more complex and technically oriented society, however, a more professional committee system is essential.

Legislative committees meeting throughout the year can more adequately survey problem areas within their legislative jurisdictions and more effectively concentrate upon recommending comprehensive legislation which is both technically and legally correct. It is clearly impossible for the General Assembly to consider adequately in 70 to 90 days anything approaching the total of 1,828 bills that were introduced in the 1966 session. Of the 1,828 bills, 794 were passed by both houses. No Senator or Delegate would suggest that, in 70 days, all of these bills were thoroughly studied. Indeed, assuming a 12-hour legislative day, it is probably that many of the legislators who were passing new legislation at the rate of one bill every hour were unaware of the substance of many bills upon which they were voting.

Further, with the establishment of pre-filing procedures (Recommendation # 2, *House and Senate Organization*), the need for continuing committee evaluation and study of proposed legislation will be magnified. This Commission, therefore, recommends that committees be required to meet at least 8 to 10 times each year when the Legislature is not in session. Subcommittees should obviously meet more often, as needed. Year-round committee meetings will serve to broaden the between-sessions program already conducted by the Legislative Council. More legislators will be able to participate on a year-round basis in the study of current problems and legislation.

5. *The Commission recommends establishment of a joint budget-planning committee. (See Budget and Finance, Recommendation #4.)*

6. *The Commission recommends that the Legislative Council be strengthened in the areas of policy-making and coordination of year-round committee work.*

The Legislative Council, established in 1939, is composed of 20 members, 10 from each house. The Council's functions, as prescribed by law, are

- (a) "to collect information on the government and general welfare of the State,
- (b) to examine the operation of State laws and recommend amendments thereto,
- (c) to study and recommend desirable changes in the rules of procedure of the two houses,
- (d) to supervise the work of interim legislative committees, and
- (e) to prepare and present a legislative program for the consideration of the General Assembly."⁷

Although one commission witness has urged the abolition of the Legislative Council, the Council has in many areas provided constructive leadership for the

⁷ *Annotated Code of Maryland, 1957, 1962 Cumulative Supplement, Article 40.*

General Assembly and the State. With a year-round committee system, the necessity for Legislative Council supervision will increase. The Council, therefore, should continue to direct legislative affairs when the Legislature is not in session. Also, hard political reality dictates a strong Legislative Council responsible to the General Assembly leadership.

This Commission could have urged an abolition of the Legislative Council or a curtailment of its powers under the recommended new committee procedures. Although the legislative Council is thought by some to have lacked foresight in certain areas, a strong Council is necessary to coordinate the year-round committee program recommended by the Commission.

7. The Commission, therefore, recognizing the necessity for strong General Assembly leadership by the Legislative Council, recommends that

(a) the Speaker of the House and the President of the Senate continue to serve on the Council as vice-chairman and chairman, respectively, and each should appoint the other nine members from each house with the approval of each house and with proportionate minority representation. (The Commission assumes that the two minority leaders would be appointed automatically to the Council.),

(b) the Legislative Council should serve as an out-of-session rules committee to route proposed legislation to the appropriate substantive committees,

(c) the Legislative Council should exercise administrative supervision of the legislative post-audit (See Budget and Finance Recommendation #7.),

(d) the Legislative Council should assume over-all supervision of General Assembly employees and administrative agencies, and

(e) the Legislative Council should assume a supervisory role over the activities of out-of-session committees, and upon public showing or probable cause, the Legislative Council should be granted the power to remove committee chairmen and members from committees for malfeasance, misfeasance, or nonfeasance while the Legislature is not in session.

The Legislative Council should be a vigorous group, and should be a guide to the entire General Assembly. In order to achieve this vitality, the Council, like Caesar's wife, must be beyond reproach. To this end, the Commission believes that the Council members should be those Senators and Delegates who possess legislative ability and experience. Members of the rules committees, which operate only during the session, might be among the candidates appropriate for appointment to the Legislative Council.

8. The Commission recommends that legislative committees be given full investigatory powers, including the right to subpoena witnesses, hold hearings, and receive testimony under oath.

Although the Legislative Council already has investigatory powers, General Assembly standing committees do not. The House of Delegates, as a plenary body, does have constitutionally granted investigatory powers,⁸ and there is a Joint Standing Committee on Investigations.⁹

⁸ Maryland Constitution, Article III, Section 24

⁹ Ibid. The Commission recommends that this committee be abolished. If all committees have investigatory powers, there would be no need for a joint investigatory committee as is now constitutionally provided.

These provisions, however, are inadequate to provide the proposed year-round committees with the information necessary to consider intelligently proposed legislation. Further, with the adoption of a legislative budget as an alternative method of studying the executive budget (recommended in *Budget and Finance*), legislative committees should be granted the power to subpoena executive officials and agency employees.

9. The Commission recommends that all committees keep a record of their activities, which would include minutes of all committee meetings and a record of testimony produced in hearings.

Apparently, under current legislative practices, most committees keep no record of their activities.¹⁰ “Consequently”, one writer observes, “when a subject arises from another year, there is often no complete or adequate written record to assist members in recalling past arguments and decisions.”¹¹

In addition, the lack of any legislative committee history makes the work of the courts more difficult in interpreting statutes, and there is a greater possibility of unintended judicial misinterpretation of legislative intent.

No business would attempt to make decisions on policy without prior records of discussion and action on similar proposals. Maryland’s lawmakers, who make some of the most important decisions in the State, cannot be expected to make intelligent judgments without a record of prior decisions at the committee level, where the real legislative work is done.

10. The Commission recommends that sufficient time be allotted during General Assembly sessions for committee meetings.

According to Senate Rule 27 and House of Delegates Rule 27, committees cannot meet while their respective houses are in session “without special leave” of the President of the Senate or the Speaker of the House, as the case may be. Under the Commission’s recommendation for increased committee activity, Rule 27 could present problems unless sufficient time is allotted for committee meetings.

Presently, “the two major standing committees in each house have regular meetings . . . throughout the session . . . in the mornings . . .” on Tuesday through Friday.¹² The Commission recommends that similar procedures be adopted for all of the committees recommended in this Report and that specific times be reserved for delegation meetings and locally oriented committees.

Further, “it frequently happens that meetings of several committees are scheduled at the same time, so that legislators who are on more than one of these groups have conflicting commitments.”¹³

With the greater dispersion of committee authority and increased workload recommended by this Commission, these scheduling conflicts could create real problems unless

¹⁰ George A. Bell and Jean E. Spencer, *The Legislative Process in Maryland*, 1963, pp. 82-83. This was the situation in 1963. If the Legislature has modified the situation since that time, this Commission is unaware of it. Only the Ways and Means and Finance Committees maintain records.

¹¹ *Ibid.*

¹² *Ibid.*, p. 79

¹³ *Ibid.*, p. 80

(a) the leadership follows the general principle of appointing each legislator to only one committee, and

(b) systematic scheduling of committee meetings is adopted.

These problems of committee meetings are not unique. The Indiana Study Committee on Legislative Operations reported on many of the same defects in that state, where committee meetings "often are unannounced."¹⁴ Procedures to combat such problems in Maryland, as in Indiana, can be established. The Commission would submit, therefore, that membership and scheduling problems be anticipated before they occur under the enlarged and expanded substantive committee powers recommended in this Report.

11. The Commission recommends that committees and the Legislative Council adopt a policy of holding public hearings with adequate public notice so that interested members of the public may attend.

It is a positive good to permit the public the fullest information about their Legislature as possible. Interested citizens should be given access to committee deliberations. To this end, committees and the Legislative Council should hold open hearings of which advance notice has been given. Such advance notice should be published and readily available, giving time and place of hearing and subject matter of legislation to be considered. This should in no way be construed as to deny either the Legislative Council or legislative committees the right to hold closed or executive sessions.

On the other hand, it has been noted that it is

"... a positive mischief to the public weal to deny to legislative committees any opportunity at all for closed or executive session. Accommodation and compromise are inherent in all phases of the political process. A recognition of this fact does not imply impairment of legislative responsibility; it merely makes workable the legislative forum for the adjustment of public issues. All duly constituted legislative committees should have the right—the prudent exercise of which the parent body can review from time to time—to exclude press and public when necessary."¹⁵

12. The Commission recommends that Senate and House substantive committees hold joint hearings whenever possible.

This Commission's recommendations for the reorganization of House and Senate committees are partially founded on the idea that there should be, as far as practical considering the disparate size of the two bodies, parallel substantive committees so that joint committee hearings can be held. The primary purpose of joint hearings is efficient use of time.

Maryland's limited legislative session makes time a vital factor. Finding the time to thoroughly consider all proposed legislation has been an impossibility in the past. With a system of year-round committee meetings, joint committee hearings, and the other procedural measures discussed in this Report, the major problem of "time to legislate" may be closer to solution than in the past.

¹⁴ "Report of Study Committee on Legislative Operations Indiana" p. 6.

¹⁵ "American State Legislatures in Mid-Twentieth Century," The Council of State Governments, April 1961, pp. 17-18.

BUDGET AND FINANCE

THE GENERAL ASSEMBLY AND THE EXECUTIVE BUDGET

INTRODUCTION¹

The preparation of the annual State Budget is conducted by the Director of the Department of Budget and Procurement in accordance with the provisions of Article 15A of the Annotated Code of Maryland (1951 Edit.). Section 17 of that Article requires him "to continuously study and analyze the needs of the several departments, boards that receive any funds appropriated by the State for any purpose whatsoever; and to continuously study and analyze the current progress of revenue receipts in relation to such needs." This function is accomplished through employment of a number of budget analysts who are assigned responsibility for the various agencies.

Section 21 of Article 15A requires the Budget Director "to prepare a tentative budget and report for the assistance of the Governor in the preparation of his budget bills for submission to the Legislature." In order to accomplish this, agencies are required to submit their requests for appropriations to the Budget Bureau about September 1 for each year. Hearings, to which representatives of the Fiscal Research Bureau are invited, are then scheduled by the Budget Bureau for each agency. Through this process the tentative budget is developed, presented to the Governor, and modified as he may desire.

The Budget, as finally submitted, is the Governor's Budget. Maryland has what is termed an "Executive" budget, the fundamental requirements of which are spelled out in Article III, Section 52 of the Maryland Constitution. The Governor is required therein to submit the budget on the third Wednesday in January in each year, except in the case of a newly elected Governor. In the case of a new Governor, budget presentation may be delayed 10 days after the convening of the General Assembly, or longer, if the General Assembly extends the time. Along with the Budget, he is required to submit a "budget bill" which the presiding officer of each house must cause to be introduced promptly. Normally, Bill No. 1 in each house is the operating budget bill and the second bill is the capital improvements bond bill.

Section 52 of Article III of the Constitution prohibits the General Assembly from amending the Budget to increase any items except those relating to the General Assembly or the judiciary. With certain exceptions, it may strike out or reduce other items. In general, then, the Legislature may reduce the Governor's Budget but may not increase it.

Subsection (8) of Section 52 is of particular significance. It prohibits either house from considering other appropriations (supplementary appropriations bills) until after the budget bill has been finally acted upon in both houses. Thus, any new legislation requiring the appropriation of revenues beyond those provided in the budget bill can only be introduced in either house and referred to a committee, and cannot be reported out until the budget bill has passed both houses. Should passage of the budget bill not occur until the last few days of the session, the time remaining may be insufficient for action upon major legislation. The Constitution does not specify when the Budget must be acted upon, but does provide that if it

¹ See *The General Assembly, The Budget and State Finances*, report prepared by the State Fiscal Research Bureau, November, 1966. The Introduction to this section consists of the descriptive material, pp. 9-10 of that report.

has not been accomplished 3 days before the expiration of the session, "the Governor may, and it shall be his duty to issue a proclamation extending the session for some further period." During this extended time, no other matter may be considered.

Question No. 13, passed by the electorate on November 8, 1966, changes this provision. Section 52 (8) of Article III of the Constitution was thereby amended to allow either house to consider other appropriations, but *both* houses cannot finally act upon them until passage of the budget bill. In other words, they can be considered in committee, reported out to either house, be finally passed in one house, and reach the point of final passage in the other.

1. The General Assembly and the Executive Budget — the Commission recommends that the State of Maryland retain the "balanced budget" provision of the Constitution and the authority to borrow on bonded capital improvements. The debt service on such improvements should, however, be appropriated from general revenues.

The Budget, except for capital improvements, should provide the tax revenues for all expenditures. Some witnesses before the Commission recommended use of deficit financing, and others suggested program budgeting with surplus carried over from year to year. Deficit financing at the state level, where employed, has often been unsatisfactory, however, and sometimes disastrous. As the issuer of money and regulator of credit through the Federal Reserve Board and other agencies, the national government can employ deficit financing without endangering its own credit, whereas states must sell their debt instruments in the open market place without the corresponding ability to expand the credit system. The national government also exerts a stronger influence over the economy than does any one state.

The Commission believes there is merit in excluding bonded capital improvements from the Executive Budget balanced budget requirement because of the great long-term cost of many of these projects. However, State property taxes should be abolished, and the funds required to service debt should be appropriated from general revenues, rather than from taxes on local real estate. To the extent that use charges are proper, they should continue to pay for improvements. The right to tax property for protection of the State's credit must, of course, be preserved.

2. Committee jurisdiction — money bills — the Commission recommends that the General Assembly not adopt a dual authorization-appropriation system. However, in view of the committee structure recommended in this report, (see Committee Organization) legislation, or portions of the budget authorizing new programs or substantially altered programs, should be initially referred to and studied by a substantive committee for program evaluation, then presented to the Ways and Means Committee (House) or Finance Committee (Senate) for appropriation evaluation.

The Commission has reported its findings on a limited legislative session and salaries. (See *The Legislature and the New Constitution*.) Within the framework of the Commission's proposed 90-day session, adoption of a dual authorization-appropriation system similar to that employed by the United States Congress is

impractical. This dual system is one of the principal reasons for the almost year-round sessions of Congress. Under such a system, a bill first is reported from a substantive committee and then voted upon by the entire Senate or House. A separate bill providing funds for this program, emanating from a money committee, goes through the same process. The dual system is too time-consuming in a 90-day bicameral legislative session, although in a unicameral assembly, it might provide the desired "double look."

The Commission submits that its proposed committee organization will support this recommendation of a single bill's program evaluation by substantive committees. Under this partial dual authorization-appropriation system, the substantive committee could appraise new programs and the operation of substantially altered ones.

The Rules Committee should exercise its authority in implementing this recommendation by assigning legislation to the appropriate substantive committees.

3. Subcommittees — joint hearings — the Commission recommends that the House Ways and Means and Senate Finance Committees appoint joint subcommittees for the purpose of considering designated areas of the Executive Budget and that these subcommittees hold joint hearings on their budget section. The areas of consideration by these subcommittees should correspond with broad executive areas of budget consideration.

In the past the House Ways and Means and Senate Finance Committees have occasionally assigned subcommittees to hold budget hearings. The Commission submits that joint subcommittee study should be adopted as a standard procedure to promote more thorough analysis of each part of the Budget and thereby provide the full committees with better information for action on the Executive Budget. A greater utilization of budget subcommittees to study and make recommendations in such areas as education, transportation, etc., would allow more intensive budget analysis. This kind of analysis is increasingly important as the scope of State governmental activity expands and becomes more complicated. Joint hearings would also enable the Budget to be considered earlier on the floor of the House and Senate.

4. Joint Budget-Planning Committee and Bureau of Fiscal Research— the Commission recommends that a Joint Budget-Planning Committee be established and that the State Fiscal Research Bureau provide fiscal analysis and research for that committee. It is further recommended that members of this Joint Budget-Planning Committee be selected from the Senate Finance and House Ways and Means Committees.

The State Fiscal Research Bureau presently provides fiscal information for the Governor, General Assembly, and Legislative Council.² Although the Director of Fiscal Research is appointed by the Director of the Legislative Reference Service, the Bureau and its director operate without direct accountability to a single agency or committee. In other states, (e.g., California, Utah), special joint committees have been established to supervise the office of legislative budget analysis.³ The Commission also believes that the lines of legislative responsibility for the Bureau

should be clearly fixed in order to free that agency from duties that have the appearance of being more executive than legislative in nature.

The Commission has recommended that the Bureau perform its primary service for the Joint Budget-Planning Committee by preparing a legislative report on the State Budget. Legislative study of the Budget can best be achieved through independent study and submission of this "legislative budget." The Joint Budget-Planning Committee, aided by the Fiscal Research Bureau, should conduct its budgetary analysis well in advance of the legislative session. Presentation of this document before the session convenes should provide the General Assembly with a valuable tool in analyzing the Governor's Budget.

Being primarily an out-of-session committee, the proposed Budget-Planning Committee should (1) ascertain facts and make recommendations concerning the State's revenues and expenditures, (2) assist the Senate Finance and House Ways and Means Committees in their study of the Executive Budget immediately prior to and at the beginning of each legislative session, and (3) provide all other interim committees with useful budgetary research information.⁴ Again, the Commission emphasizes that the Joint Budget-Planning Committee should have completed its budgetary analysis before the beginning of each session and prior to review of the Executive Budget by the area subcommittee of the Finance and Ways and Means Committees (see Recommendation # 3).

The Commission recognizes the existence and work of the Taxation and Fiscal Committee of the Legislative Council. However, a Joint Budget-Planning Committee designated as such will place the necessary high priority on legislative oversight of the Executive Budget.

In conducting fiscal research for the Joint Budget-Planning Committee, the Fiscal Research Bureau should be apprised of executive budgetary planning. An increased number of research analysts should be authorized for Maryland's Fiscal Research Bureau.⁵ If an adequate committee organization, such as that recommended in this Report, is established, the Bureau staff can logically be enlarged to serve the year-round Joint Budget-Planning Committee and the finance committees.

The Commission believes that the Fiscal Research Bureau must maintain its position as a fact-finding agency for the Joint Budget Planning Committee and the General Assembly, without reference to parties or politics. The heart of its research should be the "legislative budget" prepared for the Joint Budget Planning

² Annotated Code of Maryland, Article 19, Section 35-41. *The General Assembly, The Budget, and State Finances*, report prepared by the State Fiscal Research Bureau, November 1966, pp. 4-5.

³ Chapter 1667, California Statutes of 1951: "The Budget Committee shall ascertain facts and make recommendations to the Legislature . . . concerning the State Budget, the revenues and expenditures of the State, the organization and functions of the State, its departments, subdivisions, and such other matters as may be provided for in the Joint Rules of the Senate and Assembly."

⁴ See A. Alan Post, *California's Joint Legislative Budget Committee and Office of Legislative Analyst, June 1966* (mimeographed).

⁵ *Ibid.*, p. 5, "For the past several years the staff (of the office of the Legislative Analyst, California) has included approximately 30 technicians and 11 clerical positions."

The Commission does not recommend a specific increase in the number of Fiscal Research Bureau personnel, but submits that the Bureau could not perform the duties outlined in this recommendation without more trained research analysts.

Committee. That budget should (1) point out Executive Budget items previously denied by the General Assembly and those programs where the long-range cost is greater than it appears, (2) analyze portions of the budget wherein operating economies might be achieved, and (3) recommend alternative programs, including their costs and effects. The Bureau should also provide independent revenue and cost estimates of proposed programs not in the Executive Budget.

By recommending a Joint Budget-Planning Committee, supported by the budgetary analysis of the Fiscal Research Bureau, the Commission envisions increased legislative awareness of Maryland's financial programs. Legislative oversight should become a reality through comparison of the Executive Budget with independent analysis by the Joint Budget-Planning Committee.

5. Fiscal Notes — The Commission recommends that the General Assembly require that presentation of the Budget, or other legislation affecting appropriations or revenues, be accompanied by fiscal notes, showing the long-term cost budget impact of new or expanded programs. These fiscal notes should include brief explanations of the advantages from any increased expenditures and new or expanded programs. The Commission also recommends that a summary of the Executive Budget, with an index to the full sections, be made available to members of the General Assembly and the public.

The Executive Budget sets forth (1) contemplated expenditures for the coming fiscal year, and (2) estimated revenues accompanied by prior years' revenue and expenditures in detailed form. Several states presently require fiscal notes accompanying bills or budget items affecting appropriations or revenues. Other states have similar systems or are considering them. Under such a system, appropriation requests must contain at least a brief explanation of their budget impact; and to be useful, such analysis must show the impact over several years' time. Programs may show a small initial cost, but this may result in large expenditures after the program is fully operating.⁶ Likewise, appropriations for programs that incorporate matching Federal funds should be accompanied by figures showing the estimated future financial impact, particularly since appropriations for Maryland's participation in such matching programs are not provided for by an earmarked State tax. Where possible, fiscal notes should show extent of present and probable future Federal matching funds and the conditions of such grants, including deadlines for the State to qualify.

Two additional items of fiscal information will further aid the General Assembly in performing its budgetary functions: (1) improvements or benefits accruing from new or expanded programs, and (2) reasons for increased projected costs in existing programs.

The Fiscal Research Bureau now provides some fiscal notes, but the size of its staff limits its ability to provide that supporting information. However, if the requesting executive departments could prepare fiscal notes to accompany the Budget and supplementary budget, intelligent legislative consideration of appropriations would be greatly facilitated.

⁶ Hon. Charles S. Bressler, (R. Montgomery) in testimony presented before the Commission on August 25, 1966, stated that long-range cost of programs is one of the least understood areas in legislative study of the Budget.

6. Floor consideration of Budget—the Commission recommends that the Budget be considered on the floor for final reading not later than 15 to 20 days prior to the end of the regular session.

At the present time, the Budget is presented by the Executive to the General Assembly early in the session and must be considered on the floor within 3 days of the close of the session. Many items, including capital improvement programs, must await passage of the Budget. The result is a logjam of legislation until the last 3 days when round-the-clock sessions and a circus-like atmosphere predominate. This end-of-session problem is among the primary reasons for public indifference toward the work of the General Assembly. Although last-minute budget presentation on the floor has been used as a device to kill “bad” legislation, an even distribution of workload among major committees should be more effective in preventing such legislation from reaching the floor.

7. Legislative Auditor—the Commission recommends creation of the office of Legislative Auditor under the supervision of the Legislative Council and that the Auditor with his staff be solely controlled and paid by the General Assembly out of its administrative budget.

Many state legislatures, as well as the United States Congress, conduct a post-audit of their respective executive departments through a Legislative Auditor.⁸ It is essential that an office solely responsible to the General Assembly and without executive functions be established, and, with appropriate staff, be empowered to conduct in-depth audits of all executive departments. The Legislative Auditor should ascertain (1) whether sums appropriated are being expended in accordance with legislative intent, (2) whether the state is obtaining quality products and services for its money, (3) whether the State departments are following accepted governmental accounting procedures, and (4) in what areas operating economies or more efficient administration is needed. The Auditor and his staff should be selected on a nonpartisan, merit basis. He should be a licensed Certified Public Accountant.

The audit is presently conducted by the State Auditor, an executive official. The Commission does not wish to see this function diluted but submits that it is necessary to have an audit of State affairs conducted under legislative supervision as part of the traditional “oversight” function. However thorough an executive audit, a legislative audit, conducted with a different rationale, is more suited to the separation of powers concept. That rationale includes the natural inclination by the Legislature to examine closely the financial operations of the executive branch. Such examination is justified so long as it is responsible.

The staff of the Legislative Auditor’s office should consist of competent full-time professionals plus an appropriate number of clerks.

The Auditor should be under the supervision of the Legislative Council. He should coordinate his review of agency expenditures with the Bureau of Fiscal Research. Joint Audit Subcommittees of the Council should logically be established to provide working policy guidelines for the Auditor. In accordance with these

⁷ Maryland Constitution, Article III, Section 52, Subsection 8.

⁸ “However, only 27 states have a post-auditing service primarily responsible to the legislature; 17 of these states have legislative committees supervising the post-audit program.” *A Study of Legislative Services in the Fifty States*, Citizens Conference on State Legislatures, 1966; pp. 51-52.

guidelines, the Auditor should submit his written report for the preceding fiscal year to the Committee 30 days prior to the beginning of each legislative session. The Committee could then hold hearings and institute legislative corrections in the operation of State departments if and where deemed desirable.

The Commission recognizes that two financial audits—one executive and one legislative—may create some duplication, but submits that an audit of one branch of government by another branch is different from an “in-house” examination. The legislative audit should, of course, be a matter of public record.

8. State Treasurer—the Commission recommends that the Constitution be amended to transfer the appointment of the State Treasurer to the Governor, and that a member of the General Assembly or an appropriate representative, serve on the board of public works.

The present Maryland Constitution requires appointment of the State Treasurer by the General Assembly.⁹ The Treasurer also serves on the Board of Public Works, a powerful board in the Maryland State Government structure. (It is apparent that the Treasurer was envisioned as (1) a legislative check on the Comptroller and (2) a legislative representative on the Board of Public Works.) However, the Treasurer inevitably has become a creature of the Executive, since his function of disbursing funds, is, to a large extent, executive. He is paid by the Executive and works in the office of the Comptroller. Despite the fact that Maryland has been fortunate in having exceedingly able officials in this office, the Treasurer has not been a representative of the General Assembly.

The appointment of the Treasurer by the Governor will remove the fiction that the Treasurer is a legislative official. At the same time, the General Assembly should have a truly legislative representative on the Board of Public Works. The President of the Senate and the Speaker of the House in alternate years could easily occupy this position, or the General Assembly could elect some other one of its members to serve on the Board. The Director of the Fiscal Research Bureau should serve as an advisor to the legislative representative on that Board.

9. Ways and Means, Finance Committees' staff—although the Bureau of Fiscal Research performs many important functions for the Ways and Means and Finance Committees, these committees need additional competent staff, including at least two researchers (majority and minority) and a committee clerk together with secretaries to work on taxation, capital improvements and other items of committee business not relating directly to the budget.

Staff and facilities are analyzed separately in this report. The Commission, believes it appropriate to emphasize, however, the necessity for research assistance for the General Assembly's two money committees.

⁹ Maryland Constitution, Article 6, Section 1.

LEGISLATIVE STAFF, FACILITIES, AND AUTOMATION

INTRODUCTION

The ability of the General Assembly to meet present and future legislative demands will be determined, in large part, by the skill and size of the professional staff that assists Maryland part-time lawmakers. As the Citizens Conference on State Legislatures has observed, "Knowledge is the stuff from which sound legislative action is molded."¹ Recognizing this need, the Commission endorses the recent decision of the General Assembly to place the research program of the Legislative Reference Service fully at the disposal of the Legislature, thereby ending the research work performed by that agency for the Baltimore City Council. Much more than redistribution of existing services, however, is required.

The Legislative Reference Service presently has 12 staff members. The Director, Assistant Director, two legislative analysts, one research analyst, and seven clerks provide professional assistance for the Legislative Council and General Assembly. Even though extra bill drafters are added to the staff of Legislative Reference during the session, the inadequacy of the present staff system is illustrated by the fact that, within about 40 days of each year, 8 to 10 people must research and prepare almost 2,300 individual pieces of legislation. This figure does not include the numerous bills that never reach the floor and the innumerable amendments to bills that are voted upon.

Understaffed and underfunded, the State Fiscal Research Bureau is faced with problems similar to those of the Legislative Reference Service. The staff of this fiscal agency consists of five administrative analysts, three secretarial or clerical assistants, and the Director. These two agencies, as presently constituted and organized, cannot be expected to provide all of the services that a modern legislature demands.²

The quantitative staff deficiencies in Legislative Reference and Fiscal Research are compounded by serious defects in the General Assembly organization itself, which includes deficiencies in staff and facilities. For example, major committees lack permanent research assistance. Even the legislative leadership is left without administrative or legislative staff. In testimony before the Commission, House Minority Leader, J. Glenn Beall, Jr., expressed the belief that "each major committee needs both professional research analysts and political staff. The majority and minority leaders require the same. Permanent staff will attract better people and facilitate committee meetings between sessions."

Mr. Beall reported that the lack of administrative support for legislators had reached the point where, during the 1966 session, "Republican House members got together, chipped in out of their own pockets and hired their own staff man."

Committee rooms are inadequate, and the average legislator has virtually no privacy in which to conduct his business. Even restroom facilities, according to informal reports this Commission has received, are inadequate. (The construction of a new legislative office building, currently in the planning stages, should do much to alleviate space problems.) If the citizens of Maryland want a responsible

¹ *A Study of Legislative Services in the Fifty States*, 1966 (Draft, Citizens Conference on State Legislatures, p. 4.)

² See *The General Assembly, The Budget and State Finances* (mimeographed,) State Fiscal Research Bureau, November, 1966.

and effective General Assembly, they must be willing to adopt a modern attitude toward legislative staffing, research and facilities. If the Legislature is given the tools, it can do the job. If it is not, the State of Maryland can continue to expect a decline in the quality of State government and, consequently, greater concentration of power in Washington.

1. The Commission recommends that two full-time, year-round, professionally trained, career staff members (majority and minority) and one secretary be employed for each major committee of the Senate and House.

Although Legislative Reference Service staff research is available in the Legislative Council throughout the year and the major committees during the session, this assistance is insufficient and does not meet the demands of an expanded Council and committee program. Under a system of year-round committee activity and responsibility, permanent staff is a necessity. Staff assistance for year-round committees, strengthened by direct accountability to those committees, is a relatively new concept in state legislatures, but such professional help has proved successful in other states.³

A research staff to assist committee members in preparation for regularly scheduled meetings throughout the year will provide a new degree of professionalism in Maryland's legislative process. Committee staffs can profitably maintain close liaison with the Legislative Reference Service, but they should be directly accountable to their respective committee chairmen. Subject to the General Assembly's determination that funds are available, each committee should have the flexibility to adjust the size of its research and clerical staff in accordance with the volume of its committee business.

In maintaining the concept of the citizen-legislator, a concept under which the United States Congress was founded but which has since been rejected, this Commission believes that a permanent professional staff is essential to the conduct of legislative business in Maryland. Such a staff can provide the information Senators and Delegates need to study intelligently today's complex, technical legislation.

Under the system of committee organization recommended in this Report, (see *Committee Organization*) the Commission has classified as "major" the proposed five Senate and seven House committees. This recommendation of an increased staff applies to each of those committees. The Commission recognizes, however, that although the Rules Committee is classified as a major committee, it may not require two research staff members.

2. The Commission recommends that one legislative or administrative assistant be employed during the session for each of the following leaders: the President of the Senate, the Speaker of the House, and the majority and minority leaders of each house. These assistants should serve in a legislative, advisory, and political capacity, and their appointments should be made directly by the appropriate leader.

³ See A. Alan Post, Legislative Analyst, *California's Joint Legislative Budget Committee and the Office of Legislative Analyst* (mimeographed) June 13, 1966.

3. The Commission recommends that each of the Legislative leaders mentioned in Recommendation #2 be empowered to employ a permanent secretary year-round.

The need for an adequate staff for the legislative leadership has been made obvious to this Commission during the course of its study of the Legislature. General Assembly leaders must continue their leadership duties after a session ends. With the adoption of year-round committee meetings, their out-of-session workload will increase.

Even under the present legislative system, there is need for permanent staffs for the legislative leaders.⁴ At least eight states now have professional staff for legislative leaders during sessions. The New York leadership has 18 staff assistants; Hawaii has 14; California has 11; Massachusetts has 6; Connecticut has 3; Florida has 3; and Ohio has 2.⁵

The Commission's proposal would provide for a total of six administrative assistants during the sessions and six permanent secretarial positions.⁶ This would seem to provide a reasonable solution to the pressing problem of help for Maryland's legislative leadership.

4. The Commission recommends that the staffs of the Legislative Reference Service and the State Fiscal Research Bureau be increased so that they will be capable of fulfilling their statutory functions.

The need for staff increase in both agencies was analyzed in the introduction to this section. The Commission will delay its recommendation concerning a specific number of staff positions until the effect of its other recommendations has been ascertained. Larger research and fiscal advisory staffs are justified when they serve reorganized committees capable of using an increased flow of research. It is clear that each agency will require additional staff positions immediately to serve a reorganized Legislature. Administrative flexibility should permit subsequent changes as necessary.

The Commission also recommends that serious consideration be given to staff increases, where necessary, in the offices of the Chief Clerks and Journal Clerks of both houses. These important clerical offices bear a great responsibility for maintaining an efficient routine in the General Assembly.

5. The Commission recommends that the Legislative Reference Service establish a legislative intern program. Qualified graduate research associates should be employed through private foundation assistance and in cooperation with Maryland's colleges, universities and law schools.

⁴ House Speaker Marvin Mandel in testimony before the Commission, April 16, 1966. Speaker Mandel specifically mentioned the offices of President of the Senate, Speaker of the House, and Chief Clerks of both houses as needing additional staff. This Commission believes, however, that the floor leaders of both parties also need assistance.

⁵ *The New Jersey Legislature* (Eagleton Report), November 15, 1963, p. 57.

⁶ *Ibid.* Secretarial positions are *not* included in the figures given for each of the states. Thus, in comparison with the other states, Maryland would have only six professional assistants, who would be employed only during the legislative session.

The intent of this recommendation is to provide additional research assistance during the legislative session. The Ford Foundation has such a program operating in the Indiana General Assembly in which the Foundation and the Legislature each pay one-half of the intern's salary.⁷ Recently, Maryland conducted negotiations with the Ford Foundation to establish a similar program, but the Legislative Reference Service declined participation.

The Commission suggests that such a program would be a worthwhile investment by the General Assembly, provided that the interns are carefully screened and directed to do the practical research work demanded by committees and legislators.

6. The Commission recommends that a comprehensive study be immediately undertaken by the Legislature to determine needs for physical facilities, directed toward supplying each Senator and Delegate and each committee with adequate working space.

All of the Commission witnesses decried the presently inadequate office space now enjoyed by legislators and committees. This problem is not confined to Maryland alone.⁸

Presently, according to Commission witnesses, committees have inadequate meeting rooms and, in fact, it appears that much of Maryland's legislative business is conducted out of briefcases. Maryland senators are provided individual offices, but delegates must share a meeting room with legislators from the same city district or county. As a result, there is little privacy in which to study pending legislation or to meet constituents. The legislative office building now under discussion should help alleviate the problem. But, until the optimum of individual office space is achieved, the Commission endorses the concept of permanent office space for each House delegation (the counties and Baltimore City) in its home area⁹ and at least some provision for adequate office space in Annapolis while the Legislature is in session.

A workable solution while the Legislature is in session would be to provide the large House delegations with meeting rooms divided into partitioned offices for the individual legislators. In the legislator's home county or district, a delegation office with a permanent secretary to take messages and answer mail should be sufficient for out-of-session legislative activity. Although many legislators have their own private business offices, their legislative duties—including committee work and constituent services—should not be handicapped by the absence of secretarial help or office space. Legislators may have to share administrative assistants and offices between sessions, but such an arrangement is better than only the use of their private business facilities.

⁷ *Indiana, Report of the Study Committee on Legislative Operations, 1966.*

⁸ Final Report to the Washington State Legislature, November 1, 1966, pp. 65-75. The Washington Report emphasized "... the necessary privacy that a legislator should have to do his most effective work." p. 68; "Minutes of the Meeting of the Commission on the Organization of the General Assembly of the State of Illinois," June 22, 1966, pp. 2-4.

In addition, it appears that most other states have the same problem. The Washington Commission chairman and his research associates toured several state capitals where facilities improvements had been made or were being completed.

⁹ Such office space might well be provided by making use of existing state facilities. The Legislature should thoroughly examine this possibility.

The Legislature should set for itself the goal of providing optimum working space for its members and their committees and should act to achieve this goal as quickly as possible. The Legislature, however, should achieve this goal with minimum cost to the taxpayer by making use of existing facilities where possible and by providing for the year-round use of the planned Annapolis office facilities that will be needed by legislators only when the Legislature is in session.

7. This Commission recommends that the General Assembly begin a study to determine the feasibility of adapting automation procedures to Maryland's legislative needs.

This Commission conducted a special hearing to determine the feasibility of adapting automated procedures to the needs of the General Assembly.¹⁰ Several state legislatures now use automation to varying degrees.¹¹

There are apparently some long-range dollar savings that can be achieved. But, the primary purpose of automation is to better inform legislatures, particularly through the use of statutory information retrieval and bill status reporting.

Currently, Maryland maintains various computer operations which are not effectively coordinated. These computers should be used on a 24-hour basis. However, because of the difficulties in obtaining and keeping competent personnel and the lack of central coordination, they are insufficiently utilized.¹²

The Comptroller's Office now has two computer centers, which will be consolidated in Annapolis. John K. Coleman, Supervisor of the Data Processing Division of the Comptroller's Office, reported to the Commission that "the Comptroller's planned computer center could be used easily by the Legislature."¹³

Recognizing that legislative automation is not useful unless it is fully understood by the legislators themselves, this Commission plans to hold an Automation Conference for legislators in Annapolis under the sponsorship of business and industry and the Citizens Conference of State Legislatures.

¹⁰ The hearing was on August 13, 1966. Testifying were Mr. Max Baldwin, IBM Marketing Manager, State and Local Government; Mr. C.M. Price, RCA Special Representative for State and Local Government; Hon. Harry J. McGuiirk, then member of the House of Delegates; Hon. John K. Coleman, Chief Gasoline Sales Tax Division and Supervisor of the Data Processing Division of the Comptroller's Office.

¹¹ Just two examples are Pennsylvania and Florida. The former uses automation procedures to retrieve statutory information while the latter has a much more elaborate system that includes, in addition to statutory retrieval, keeping the bill calendar and printing the journal after the session.

¹² Commission Hearing, August 13, 1966

¹³ *Ibid.*

LOCAL LEGISLATION AND HOME RULE

1. The Commission commends the General Assembly for the impetus it has given home rule and recommends that the General Assembly adopt multi-optional home rule and legislative home rule in a concerted effort to relieve the Legislature of the burden of enacting local legislation.

Before the 1965 session, the first annual 70-day session, Maryland's Legislature, in odd-year sessions, spent an inordinate amount of time and effort considering and passing local legislation to the detriment of full consideration of State problems. In fact, during odd-year sessions, between one-third and one-half of the total number of bills introduced were of purely local character.¹ In even-numbered years, "when any law enacted of local nature would be unconstitutional unless it deals with an 'acute emergency' ",² the rules committees of the two houses met to determine whether or not the Legislature had jurisdiction.³ This was a waste of legislative time and energy. In addition to the time consumed in considering local legislation, there is a serious question of legislative competency to enact purely local bills and make purely local decisions.⁴

Local county governments in Maryland fall into three different categories where home rule powers are concerned:

(a) *Non-Home Rule Counties*. This is probably Maryland's most unique political institution. There are virtually no prohibitions against control by the State Legislature of the 19 non-home rule counties. The Maryland Legislature can pass local legislation for non-home rule counties at will and, in fact, the county delegation to the State Legislature tends to sit as an *ad hoc* county council for the county in most cases.

The major problem with the non-home rule counties is that they tie up the Legislature with local government problems when it would better be spending its time on questions of statewide importance. In fact, almost 50 per cent of the bills considered by the Legislature during any given session are local in nature rather than being genuinely statewide.

(b) *Local Home Rule Counties (including Baltimore City)*. This is one area in which there are strong prohibitions against the Legislature's passing purely local legislation for individual counties. The Legislature is forbidden by the Constitution to pick out a single home rule county and pass legislation for it alone.

¹ Bell and Spencer, *The Legislative Process in Maryland*, 1963, p. 86.

² *Ibid.*, p. 76

³ This is the reason why there are rules committees under the present committee system. The rules committees "rarely" meet in odd-year sessions. *Ibid.*

⁴ Under current practices, the General Assembly is the liquor licensing board for the counties of Maryland. In order to receive liquor licenses, restaurants must have legislative approval. A classic illustration of the legislature's lack of contact with local bills is an apocryphal story of a Frederick County restaurant's application for a liquor license. A legislator, who had received the mistaken impression that the Hood College dining hall was applying for the permit, delivered an impassioned appeal against the evil effects of John Barleycorn on young ladies of tender sensibilities. As a result of this plea, the request for the license was defeated by the House of Delegates.

The major problem with home rule county government is the great difficulty of adopting a home rule charter. The present Constitution provides that a county can become a home rule county only by the long and difficult procedure of electing a charter board, having the charter board draw up a proposed charter, and then having this charter adopted by the voters of the county in an election 2 years later. Not only is this process lengthy, but the formation of a charter board is often viewed by the incumbent county government as an attempt to throw it out of office.

Charter government has become a politically controversial institution in many Maryland counties whose incumbent county governments resist it strongly. For this reason, the Commission supports multi-optional home rule and legislative home rule because they would make it possible for non-home rule counties to adopt a charter without going through the long, difficult, and politically controversial charter board process.

(c) *Home Rule for Code Counties.* The third type of home rule government currently available to the counties of Maryland was added to the Constitution by the voters in the November 1966 general election. The Code Home Rule Amendment provides that a county can adopt home rule government simply by having the existing county government submit an appropriate resolution to the voters. If the resolution is passed at a referendum, the structure of the code county government is decided by the existing county government, which now has the power to enact or repeal any of the laws previously enacted for the county by the State Legislature. The unique characteristic of code home rule is that there is no basic charter of government setting out the rights and privileges of the citizens against the county government.

The Commission supports the concept of code home rule and believes that it will accomplish the goal of getting local legislation out of the State Legislature in Annapolis and into the county court houses where it belongs. The Commission believes that this is not enough, however, and therefore supports the adoption of multi-optional home rule in addition to code home rule.

(1) *Multi-optional Home Rule.* Through this procedure, the State Legislature provides many routes — rather than just the charter board route — by which non-home rule counties can adopt a charter and become full-fledged home rule counties. Under multi-optional home rule, an existing home-rule county government could submit a charter to the voters *without the election of a charter board*, or else appoint its own charter board. The latter course eliminates the need for a special charter election.

(2) *Legislative Home Rule* permits the General Assembly to adopt a series of charters for county governments. Any one of these suggested charters could be submitted to a referendum of county voters for adoption, either by a resolution of the existing county government or upon the presentation of a petition signed by a specified percentage of the county's voters.

The Commission recommends that the details of multi-optional home rule and legislative home rule be left to the General Assembly to decide. The principle involved is quite clear, however. Only by making it as easy as possible for non-home rule counties to become charter counties can the State Legislature be freed of the burden of local legislation — and it is only by removing local legislation that the State Legislature can devote the necessary time and attention to solving critical statewide problems.

CONFLICTS OF INTEREST AND LOBBYING

1. The Commission recommends the enactment of a strong, viable conflicts-of-interest law applicable to members of the General Assembly.

Much of the public's lack of confidence in its elected representatives stems from a belief that legislators are enriching themselves at public expense while paying lip-service to civic responsibility. Rumors of legislative land deals, bribes, and misappropriations of public funds harm our State's government. One of the primary reasons for allegations of legislative malfeasance and misfeasance is the inadequate conflicts-of-interest statute now on the books.¹

The present law exempts, among others, members ". . . of the General Assembly . . . when such members . . . are performing the duties attendant to . . ." that body. Further, the law fails to prohibit profits made by members of the General Assembly as a result of prior knowledge of State plans.

In most cases, a violation of the present law is only a misdemeanor, and this Commission is unaware of any actions instituted by the Attorney-General's office against any legislator under the Maryland conflicts-of-interest statute.

A strong conflicts-of-interest statute is necessary to prevent a perversion of the legislative process and its possible control by special interests. The Commission commends the Legislative Council and its Judiciary Committee for approving a conflicts-of-interest law to submit to the 1967 General Assembly. Any proposed statute should be thoroughly studied before being enacted into law, and as guideposts to such a study, the Commission recommends that —

- (a) the law specifically cover members of the General Assembly.
- (b) the law prohibit legislators from using knowledge gained in the Legislature to sell land for a profit to the State or private agency.
- (c) legislators (such as accountants, attorneys, insurance agents and brokers) be prohibited from representing clients before the General Assembly, its committees and any State agencies, except courts.
- (d) legislators be required to file a detailed schedule of their assets (and those of their spouses and minor children) and a statement of their income by source with the Secretary of State. These reports should be available to the public.
- (e) the law provide a method, similar to that of the Internal Revenue Service, of checking the correctness of reports filed.
- (f) the law provide appropriate penalties for violations, and that it should be a felony to accept a bribe or fail to report the offer of a bribe.
- (g) the law also prohibit any other possible illicit financial gain resulting from legislative service.

2. The Commission recommends that the Attorney-General's office be specifically empowered to advise members of the Legislature individually on ethical questions and that a board of ethics, under Legislative Council supervision, be established to act on complaints of alleged violations.

It has become clear to the Commission that all ethical questions may not have the clarity of black and white. It is, therefore, necessary that the Attorney-General's office be empowered to specifically advise individual legislators on ethical questions. The Commission also recommends that the Legislative Council establish a

board of ethics and empower it to receive complaints or charges against members, officers, and employees of the General Assembly concerning violations of a "code of ethics" to be established by the General Assembly; that the Council investigate such complaints and make appropriate reports and recommendations to the General Assembly concerning such charges; and that the Council render opinions and recommend further legislation concerning ethical conduct to the General Assembly.

3. The Commission recommends strict enforcement of Maryland's lobbying laws, including (a) filing of all amounts expended directly or indirectly for conducting lobbying activities, (b) submission of complete information upon registration, (c) prohibition of lobbying on the floors of the Senate and House Chambers, and (d) a code of ethics to govern the conduct of all registered lobbyists.

¹ Annotated Code of Maryland (1951 Edit.) Article 19 A.

GENERAL ASSEMBLY COSTS

INTRODUCTION

Many of the problems that beset the General Assembly can be traced to that proverbial root of all evil: money. Costs for the 1966 Session were:¹

	<u>Senate</u>	<u>House</u>
Communications	\$ 1,560	\$ 6,005
Travel	52,686	254,891
Contractual Expenses ²	34,750	10,750
Supplies	\$800	3,625
Operating Total	<u>\$89,796</u>	<u>\$275,271</u>
Wages and Salaries	134,080	430,030
Total	<u>\$223,876</u>	<u>\$705,301</u>

General Legislative Expenses:

Communications	\$25,300
Contractual Expenses	\$153,115
Supplies	\$12,450
Equipment Replacements	\$3,000
Contributions, Subsidies, Grants	\$101,000
Operating Total	<u>\$296,865</u>
Salaries	\$29,790
Total	<u>\$326,655</u>
Total Legislative Expenses:	<u>\$1,255,832</u>

The Report of the Comptroller of the Treasury of Maryland did not provide complete itemization of the above costs. However, a few examples of other relevant information the Commission was able to obtain are worth noting:

(a) A secretary to the House Entertainment Committee, which rarely if ever meets, and never considers any legislation, was paid \$840 for "work" during the 1965 session.

(b) Ten doorkeepers received a total of \$7,000 during the 1965 session. Their duties are not clearly outlined in the public record.

(c) The Chairman of the House Committee on Claims received a bonus of \$150. The Committee on Claims rarely conducts any business.

(d) In the Senate during the 1965 session, a Chief Page and three other pages received a total of \$3,500. In the House during the 1965 session, a Chief Page, an Assistant to the Chief Page, 10 pages, and an assistant page received a total of \$9,140. Thus, during the 1965 session, 17 variously titled pages received a total of \$12,640 of the Taxpayers' money. The foregoing does not include the four mes-

¹ *Report of the Comptroller of the Treasury of Maryland*, (1966 Edit.).

² Approximately 90 per cent of these costs are printing expenses. This is the breakdown that this Commission was able to obtain.

sengers for the Finance and Judiciary committees in both houses, who received another \$2,800.

This Commission is not suggesting that the expenses listed above are ipso facto unjustified, but submits that the Legislature owes a duty to the public to make the reasons for all expenditures clear and to provide adequate justification for legislative expenses.

1. The Commission recommends that all costs of running the Legislature be clearly enumerated on the public record with justification for such expenses.

The need to place all legislative expenditures on the public record has been analyzed by the introduction to this section. The Commission submits that a "General Assembly Budget Book" or a similar publication should be printed by the Fiscal Research Bureau. Copies should be sent to all public libraries in the State and be available to interested citizens. A publication devoted entirely to itemizing the operating costs of the General Assembly will more clearly identify those costs than is presently done in *The Report of the Comptroller of the Treasury of Maryland*. Such a publication should include a complete breakdown of all monies spent in maintaining the Legislature together with an explanation of each expense.

All public funds expended by the Legislature or legislators should be clearly enumerated on the public record. It has been brought to the attention of the Commission by several sources that contingency funds exist in the Legislature. Estimates of the amounts of these funds have varied from \$50,000 to \$200,000. As the public record does not disclose the existence of such funds, obviously no financial statement or accounting of expenditures is available for public scrutiny. The Commission is not charging any misappropriation of taxpayers money. But, if such funds exist, they should be a matter of public record and clearly identified.

2. The Commission recommends that sufficient monies be allocated to the legislators to cover additional expenses in year-round committee meetings. Travel allowances should be continued. All such monies spent should be clearly placed on the public record, and each legislator should be required to account for any such monies used.

3. The Commission recommends that adequate funds be appropriated to maintain the new legislative programs and procedures recommended in this report.

An old adage states that "You get what you pay for." When considering the legislative process, this is strikingly correct. This Report has documented instance after instance where the expenditure of adequate amounts of money would improve Maryland's General Assembly: Committee journals must be kept, adequate staff and office space must be provided, genuine legislative review of the executive operations will need more money.

Certainly the State of Maryland cannot afford to spend all that could be spent. The improvements recommended by this Commission require the expenditure of funds, but are not extravagant in proportion to the vast sums of money allocated for various State programs. Many recommendations in this report do nothing more than bring the Legislature up to the level of efficiency now employed by

administrative agencies in Maryland. And the Commission suggests that long-term savings can result from the adoption of these recommendations. It might be appropriate for the Eagleton Institute, or a qualified management consultant firm, to conduct a thorough cost analysis of the improvements recommended in this Report. Technical and financial expertise should be at the core of such a study.

The Commission will not equivocate on one central point. Marylanders face a clear choice—between giving the Legislature the monetary tools to do the job or face increased Federal involvement in the internal affairs of Maryland. And such Federal activity will not be less costly to the people of Maryland because ultimately the taxpayers must pay the piper; it is merely a question of who is to call the tune.

In 1891, the eminent British scholar James Bryce, following a lengthy visit to the United States, wrote his great classic, *The American Commonwealth*. In that book he observed:

“There is in state legislators . . . a restlessness which, coupled with their limited range of knowledge and undue appreciation of material interests, make them rather dangerous. Meeting for only a few weeks in the year or perhaps 2 years, they are alarmingly active during those weeks and run measures through whose results are not apprehended till months afterwards . . . The meeting of the legislature is looked forward to with anxiety by the ‘good citizens’ in these communities and its departure hailed as a deliverance.”³

By wise expenditure of adequate funds and the requirement that all such funds be placed plainly in public view, the citizens of Maryland can view the General Assembly with less alarm than state legislatures were viewed by Bryce in 1891. Although expenditure of money to implement the recommendations of this Report cannot alone guarantee responsibility and efficiency, it would help to begin the process of legislative modernization.

³Harold Katz, “Challenge, Opportunity” *National Civic Review*, September, 1966, p. 428.

LEGISLATIVE INFORMATION

INTRODUCTION

This Commission has experienced difficulty in obtaining comprehensive facts and statistics about Maryland's legislative operation, although no person or agency has been unresponsive to inquiries about Maryland's General Assembly. In fact, the members of this Commission were accorded every courtesy by the agencies interviewed. The difficulty in researching legislative practices and procedures lies instead in

- (a) the scarcity of "public information",
- (b) the careless manner in which recorded data are filed, and
- (c) the absence of a complete source of information.

The Commission is disturbed by the nonprofessional procedures of some of the administrative arms of the Legislature. Vital data, necessary to an understanding of Maryland's General Assembly, are never recorded. Committee hearings as has been illustrated, are not documented. The data that are recorded primarily concern status and movement of bills. More frequently than not, any meaningful data available are found not in the central files of the Legislature and its administrative agencies, but in the records and files of a conscientious legislative analyst.

Gathering technical data about the General Assembly, in large measure, requires original research and personal interviews with the more experienced administrative personnel. That research is often confined to compiling raw statistics without the benefit of accompanying Legislative Reference Service analysis.

As far as the Commission has been able to determine, no one person in or connected with the General Assembly is fully acquainted with the details of its operation. Furthermore, there appears to be no formal repository of data previously gathered from specialized task forces or different areas under legislative study. The Legislative Reference Service has done a fine job with its available resources, but the Commission urges that agency to collect and file systematically and completely, the statistics and data necessary to describe Maryland's legislative process. Such an enumeration would more fully tell the public and the Legislature where the General Assembly has been, what it has and has not accomplished, and where it is going. The Commission recommends that the legislative leadership consider establishing a research library, under the supervision of the Legislative Reference Service, as one solution to inadequate research facilities.

The dismaying fact is that information that should be part of the public record is not readily accessible to trained researchers, much less to the voting public. These administrative bottle-necks should not continue in the future.

1. The Commission recommends that the Eagleton Institute, which has received a board of public works grant and is now beginning its study of the General Assembly, develop comprehensive recommendations for the modernization of the Legislative Reference Service and the Fiscal Research Bureau.

2. The Commission recommends that the Legislature provide adequate facilities for the news media covering legislative sessions in Annapolis.

One of the persistent problems mentioned by Commission witnesses, and particularly Governor Agnew,¹ was the Legislature's poor image in the press of Maryland.

Part of the reason for this seems to lie in the fact that facilities for newsmen are inadequate in Annapolis. At the very least, the Legislature needs to provide for a press lounge equipped with typewriters and telephones and a briefing room adequate for press conferences and interviews.

Although the initial cost of constructing these facilities should be provided by the state, operating expenses such as telephone bills, should be borne by the individual newspaper, TV station, radio station, and wire service for which the legislative reporter works.

Further, newsmen should be quickly and accurately supplied with information concerning proposed legislative actions. The administrative assistants mentioned in Recommendation # 2, *Legislative Staff, Facilities, and Automation*, should serve as liaison with the press.

¹ Commission Hearing, July 30, 1966.

THE VIEW FROM WITHIN—ANALYSIS OF THE MARYLAND GENERAL ASSEMBLY BY ITS SENATORS AND DELEGATES

As part of its research in preparing this Report, the Commission submitted a questionnaire to Maryland's legislators, the people best qualified to analyze the operations of the General Assembly and to recommend appropriate improvements. Fifty-four per cent of Maryland's Senators and Delegates responded to the Commission's inquiries. The unusually large response is testimony to their interest in legislative modernization and their concern about the inefficient procedures under which the General Assembly now operates. The large response to the questionnaire indicates a truth that some political scientists have not put into practice: actual participation in the political process will gain the respect of practical politicians so necessary for accurate research.

The concern of legislators about existing defects in the Maryland General Assembly is best expressed by the following observations reported from two questionnaires:

1. "I heartily concur that legislative streamlining is a 'must'. The public and the taxpayer are not receiving proper representation under present conditions, both physical and fiscal. The 1965 General Assembly was like a Model-T Ford operating in a Cadillac age. It's out of date and it's time for change."
2. "The Legislature needs the benefit of extensive fiscal research—in other words, people responsible *only to the Legislature* to audit each and every State agency year round to cut the fat and waste out of the budget."

The legislators answered the Commission inquiries with candor and perceptive analysis. The consensus to the questions posed is as follows:

1. "Do you presently believe there is sufficient physical space in which to perform routine legislative responsibilities? Do you believe this creates a major or minor hindrance to the performance of your legislative duties?"

The majority of legislators emphasized that lack of physical space creates a major hindrance in the performance of their legislative duties.

2. "In your opinion, should each Senator and Delegate have individual office space?"

The consensus was that each Senator definitely should have individual office space. Three or four Delegates could share a large office, provided sufficient privacy existed for meeting constituents.

3. "Do you believe that your office contains the basic equipment and facilities necessary for the performance of your legislative duties?"

A majority of legislators reported that their offices are lacking equipment, including typewriters, telephones for large delegations, cabinets, and annotated codes.

4. "Do you find that annotated codes and research materials are readily available for your use?"

Although Maryland legislators expressed satisfaction with the availability of research materials and praised the quality of information provided by the Legislative Reference Service, they urged expansion of the research program directed by Dr. Carl Everstine. Specific recommendations include having research personnel available during committee hearings and annotated codes located in committee rooms.

5. "Do you believe it is necessary for each committee to maintain an individual meeting place?"

All legislators deplored the lack of individual committee rooms and emphasized that poor scheduling of hearings resulted.

6. "Would you be willing to meet with your committee outside of regular sessions if provided compensation?"

(The Commission deems the answer to Question # 6 highly relevant to its recommendations on Committee Organization.)

Every legislator who responded to the questionnaire expressed willingness to meet with his committee throughout the year, provided there was adequate compensation through increased salary. The 100 per cent support of out-of-session committee meetings also included emphasis on continuing committee research and oversight as one of the most vital components of an improved legislative process in Maryland.

7. What do you consider to be an adequate salary for your legislative duties?

\$6,000 was the average salary recommended by the legislators who responded to the questionnaire, provided some form of per diem payments were authorized. Several legislators recommended diminution or removal of per diem funds.

8. How well are you kept informed by the leadership of legislative developments?

The majority of Senators believed they were well informed. However, a large percentage of House members replying to the questionnaire believed they were poorly informed.

CONCLUSION

The Citizens Conference on State Legislatures recently revealed some evidence of the imbalance present in the federal system of government: "The legislatures in our 50 states spent \$168,274,000 in the 1964-65 biennial period on the legislative branch. This provided salaries for 7,782 *legislators*, paid for the operation of the legislative branch, and maintained all the programs of legislative assistance. This contrasts with the \$316,681,000 spent by Congress during the same period to support 535 *national legislators*.

"Why is it that Congress spent twice as much for its support as all the 50 state legislatures put together? Certainly the complexity of the congressional task is greater than that of the average state legislator, and the congressman undoubtedly requires more assistance. Still, this does not explain the vast difference in the financial support provided to the legislative branches of the two levels of government. Although some might maintain that Congress spends too much on itself, a more reasonable conclusion would be that, in light of modern needs, state legislatures spend too little."¹

Maryland's Legislature is spending too little on itself and, therefore, inadequately provides for its own needs. This condition, as *The Report of the Citizens Commission on the General Assembly to the Legislature and the People of Maryland* indicates, does not need to be permanent.

If the organizational and procedural changes recommended in this Report are adopted, the Legislature can modernize itself and once more become a truly representative body, responsive to the State's needs.

The necessity for legislative change has already been recognized by Maryland's legislative leadership. Shortly after House Speaker Marvin Mandel testified before the Commission—and upon his recommendation—the Board of Public Works commissioned the Eagleton Institute, Rutgers University, to conduct a study of the General Assembly.

This Commission anticipates a productive working relationship with the Eagleton Institute. It is hoped that these recommendations will be useful to any group that will study the Legislature in the future. *The Commission submits that one of its most important duties will be a continuing analysis of General Assembly operations and the submission of future reports as the need arises.*

Throughout this Report runs the theme that only by revitalizing state government can further encroachment by the national government into state problems be prevented. While this generalization is correct, the Commission submits that the fundamental question is how to create and enhance the power of state government.

Is power created through mere efficiency? The Commission believes not, because the ultimate strength of a state's government and its legislature lies in the power to enact creative programs for economic development, education, health, and equitable taxation. State executive and legislative leaders cannot be content merely to react to the infusion of Federal funds into their cities and small communities.

It is time for a searching analysis of the allocation of powers between the executive, legislative and judicial branches of state government. The states must "pull themselves up by their bootstraps" and readjust the balance of power with the national government.

¹ *A Study of the Legislative Services in the Fifty States* (Draft), Citizens Conference on State Legislatures, September, 1966, p. 2.

Legislative modernization, which is part of our State's responsibility, will be come a reality only if the citizens of Maryland want it. And, public understanding is the key to that public endorsement.

The Citizens Commission on the General Assembly has presented this report in the interest of increasing public awareness of the State's legislative process through public discussion of needed legislative changes. It is hoped that the end product will be a more vigorous government for Maryland in a strong Federal system.

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