

two days for an 80-40 house and senate or a unicameral legislature. Of the other five that were in the majority, I find three who are sending minority reports that are presently before you or coming before you, and of the remaining five or the remaining four who are listed in the minority report, they also are on the minority reports.

I think one factor is clear: there has been no unanimity in the Legislative Branch Committee about what the size of the legislature should be, and there certainly is no unanimity that the size shall be frozen for all time in the Constitution of Maryland.

The Minority Report, members of the Committee, addresses itself to two questions: what shall the size of the legislature be, and who shall decide what the size of the legislature should be.

Let us take a look for a moment at what other states do.

It is certainly clear from the information that I will give you that there is no unanimity in other states with respect to size. They range from sizes in the Senate, for example, of 18 members in Delaware, to 67 in Minnesota. They range in the lower house from 35, also in Delaware, to 400 in New Hampshire.

There is another fact that should be considered by the members of the Committee of the Whole and that fact is that there was no unanimity with respect to size as it relates to population within the states. For example, let us take two states that are approximately the same size as Maryland—and here I must use the 1960 census figures, because no other is available—Minnesota, with 3.4 million people and Alabama with 3.3 million people. Minnesota has a Senate of 67 members and a House of 135. Alabama has a Senate of 35 members and a House of 106.

Those are on the medium-sized states. Let us take the larger states.

California has a 40-80 ratio which has been in effect for a long time. California, with 15 million people, as compared with New York's 16 million people has a Senate of 40. In New York the Senate has 57 members. In the lower house, the House in California has 80 members and in New York, 151 members.

Who is to decide what is the right size for what kind of state? Is it a group of delegates to this Convention who have studied this proposition for a period no

longer than two months when these designations have great consequence?

Let us look at some of the other states and the changes that have taken effect since the Supreme Court decisions of 1962 and 1964.

Sixteen states of the union prescribe the precise number of members of the lower house in their constitutions, and 19 prescribe the number of members of the senate. Twelve states provide that there shall be a maximum, and that there shall not be a minimum of members in the house. Ten states prescribe there shall be a maximum but no minimum in the upper chamber of the senate.

A number of states have gone into a solution of the problem by putting a maximum and a minimum range. In that category, there are seven states which provide for a range of upper and lower limits in the house. For the senate there are only five states. Three states put the proportion of members of the house in relation to the number of members of the senate. Two states put the proportion of the members of the senate in relation to the number of members in the house. Six states have an apportionment formula for the lower house; four states for the senate.

One state apportions the lower house with respect to the number of counties. In the senate there are six states that apportion the members of the senate by their counties. There are two states that provide by law for the lower house, and one provides by law for the upper chamber.

I think that it is clear from those brief recitations that there absolutely is no uniformity in the other 49 States, and I exclude here, of course, Nebraska, which has a unicameral legislature, with respect to how you deal with this problem.

Turning next to the question of sizes of state legislatures, and the effect that has taken place since 1962 and 1964, it is fundamental to an understanding of this provision that at least 45 of the 50 states have reapportioned their legislatures since those decisions. Another three states are in the process of doing so.

I do not think it can be safely challenged that ever in the history of the country has so much been done in so little time with respect to apportioning state legislatures. There has been a tremendous change.

During this period, of all these tremendous changes, sizes, numbers, and where