



**LANDTAG**  
NIEDERSACHSEN

***WELCOME***  
***to the State Parliament***  
***of Lower Saxony***



Publisher: The President of Lower Saxon State Parliament  
- Department for Public Relations -  
Translations: St. Clair Bull & Partner and Tom Capewell  
Printed by: Landtagsdruckerei, Hanover, August 2010  
Copyright: Niedersächsischer Landtag, 2008

## Content

1. The history of the Parliament building .....	5
2. Lower Saxony - and its statistics .....	7
3. The constitution of Lower Saxony .....	8
4. Elections to the Parliament of Lower Saxony .....	9
5. The status of members of the State Parliament .....	10
6. The parliamentary parties .....	12
7. Constitutional position of the State Parliament .....	12
8. The work of the Land parliament plenum .....	13
9. Parliamentary management committees .....	14
10. How a law is made .....	15
11. The work of the State Parliamentary committees .....	17
12. Dealing with petitions .....	18
13. The State Parliament talks to the public .....	18
14. The State Parliament's international contacts .....	19



## **1. The history of the Parliament building**

The State Parliament of Lower Saxony has had its seat in the Hanover 'Leineschloss' since 1962. It is where elected representatives from all parts of Lower Saxony meet for plenary sessions, committee meetings and party meetings. The members of staff of the various parliamentary parties and the administrative body of the State Parliament also have their offices here. The building is situated on the river Leine and reflects the historical changes of past centuries in a very special way. Unlike any other building it portrays the fate of Lower Saxony, its capital and its people. Today it ranges amongst the most beautiful buildings in Hanover. In a way, the 'Leineschloss' and its more recent history is also a reflection of the changes that Germany has undergone when it comes to the execution of power: once the centre of absolute power of the ruling dynasty, it has become the seat of the democratically elected representative body of the people, the State Parliament of Lower Saxony.

In 1637, during the period of the Thirty Years' War, Duke George of Calenberg, after having chosen Hanover as his residence, ordered the demolition of the old Franciscan monastery of which first mention can be found around 1300. In its place the first 'Leineschloss' was built. It was not designed to be a splendid palace but a practical half-timbered building. From 1680, the annex of the 'Schlossopernhaus', demolished again in 1854, was built by the Elector Ernst August in the exact location of the present plenary chamber. The opera house had 1300 seats, and Hanover was able to boast the most beautiful and magnificent building of its type in Germany at that time. In 1714, the year the Elector George Ludwig became George I of Great Britain and Ireland - the beginning of the personal union between Britain and Hanover - the 'Leineschloss' became a „residence without a regent“ for 123 years. It was used but rarely, and then only for official purposes by the ruling monarchs.

During the French occupation of Hanover from 1803 to 1813 the 'Leineschloss' saw the darkest days of its history up to that point in time. Napoleon's occupational army stripped the castle totally and left the building to rot. During this period the geographical structure of Lower Saxony changed considerably. The Congress of Vienna (1814-15) brought about the restructuring of Europe and definite borders. Prior to the Congress, Hanover had become a Kingdom under George III, who was ruling monarch of Great Britain and Ireland as well as Elector of Hanover. At the time, the Kingdom comprised ten former principalities and earldoms as well as seven provincial state parliaments.

In 1814, the Prince Regent George, son of George III, in his position as representative of the King of Hanover, called a „General Assembly of the Corporations of the Kingdom of Hanover“. In their rules of procedure - referred to as 'regiment', the term 'state parliament' was already used. It was to act as an advisory body on matters concerning the state. Thus, the first representational

assembly of had been formed for the entire state. It could also be seen as a first cautious attempt at establishing a parliamentary system, limited however to the upper classes. The passing of the constitution in 1833 brought about fundamental changes to the rights and the structure of the Assembly of Corporations in favour of the bourgeois and the newly-freed peasants. The budget right, a public purse which originated from a general revenue fund and a royal fund, as well as the right of legislative initiative, made the Assembly of Corporations into a first building block for the present parliamentary democracy.

During the period between 1816 and 1842/51, the 'Leineschloss' underwent basic reconstruction under the management of architect Georg Ludwig Friedrich Laves, one of the most significant representatives of classicism. The façade of the building was of a uniform design, characterized by classicism. The building was supplemented by an impressive portico, which still proudly stands today.

When the personal union with Britain came to an end and Ernst August became ruling monarch in 1837, Hanover once again became a royal residence. However, construction work on the castle was not continued because the Assembly of Corporations refused to give its consent to the immense costs such an undertaking would incur. Therefore, the 'Leineschloss' was used almost entirely for official purposes. The new construction of the Welf Castle in Herrenhausen by King George V and the annexation of the Kingdom of Hanover by Prussia in 1866 put an end to further plans of reconstruction.

In 1921, the 'Leineschloss', no longer used for the purpose originally planned, became part of the administration of the City of Hanover. Plans were drawn up to house several museums and to utilize parts of it for the storage of artwork. To a certain extent, this plan was realized by the National Socialists towards the end of 1936. The castle was designated as a mixture of a military memorial site and an arms' museum, thus misusing the building for ideological purposes, in order to prepare the nation for an imminent war. During the years of inflation, parts of the building had been utilized as a soup kitchen and day rooms for the needy. On July 26, 1943 the 'Leineschloss' was destroyed almost entirely during an American air raid. For ten years it remained a ruin - only its outer walls had survived partly intact. One wing was used by some Hanoverian companies as emergency quarters during the period after the war.

After World War Two, following „Decree No. 55“ of British military rule, the present state of Lower Saxony was formed from the formerly independent states of Brunswick, Hanover, Oldenburg and Schaumburg-Lippe. After the first elections of the State Parliament on April 20, 1947, the State Parliament of Lower Saxony used the Stadthalle of Hanover as its temporary quarters.

The tender for the new construction of the 'Leineschloss' was won by the Hanoverian architect Dieter Oesterlen in 1954. The 'Leineschloss' was redesigned to become the present Parliament building, following his architectural plans. Building work began in 1957, and the foundation stone was laid in 1958. The State Parliament building was officially opened on September 11, 1962.

The former royal castle of Hanover has long since become the seat of the State Parliament of Lower Saxony - a seat of democracy. The valuable historical structure, as far as intact, has been preserved as a sign of respect to traditional state history. The interior, however, has been redesigned following state-of-the-art architectural and functional aspects.

Today the 'Leineschloss' is Lower Saxony's central location for political analysis as well as political communication. It is a centre which works for the benefit of the people following the ideas of democratic freedom.

## **2. Lower Saxony - and its statistics**

Being at the centre of political debate and the formulation of political demands and objectives in the State of Lower Saxony means fighting for the correct course and the best ideas to ensure a good future for the people. What, briefly, are the special features of this state?

Lower Saxony is one of a total of 16 Länder, or states, that make up the Federal Republic of Germany. Covering an area of around 47,000 km<sup>2</sup> or 13.3% of the total area of the country, Lower Saxony is the second-largest state in the Federal Republic in terms of area, after Bavaria. With a population of approx. 8 million or 9.6% of the total population of Germany, Lower Saxony comes fourth nationally. In statistical terms, there are about 168 people per square kilometre. The proportion of foreigners is currently around 6,5 %. In terms of area, Lower Saxony is bigger than for instance Denmark, the Netherlands, Switzerland or Belgium and its population puts it at almost the level of Austria or Sweden.

Following the reunification of Germany, Lower Saxony found itself playing a more central role geographically. Berlin, the old and new capital of Germany, is only just under 300 km from Hanover. With a view to the European Union and the developing markets of Eastern Europe too, the special significance of Lower Saxony's new central position regarding its economic geography becomes clear. The policy shaped in the Leineschloss has to face these new challenges.

Lower Saxony is a state of many contrasts. It is characterised by businesses which operate worldwide and at the same time by structurally weak areas. It contains important conurbations along with interesting historical towns and cultural gems, and combines numerous high-tech industrial locations with a wealth of landscapes to delight the tourist.

Lower Saxony needs jobs and training facilities with a secure future just as much as unspoiled nature. Its success depends very much on resolving the conflicts between economics and the environment. Its remit is to preserve a rich culture and tradition and, as a „far-sighted state“, to shape the future for the benefit of the people who live there today and also for coming generations.

### **3. The constitution of Lower Saxony**

The first (elected) Landtag, or parliament, of Lower Saxony passed the Provisional Lower Saxony Constitution on 3rd April 1951, i.e. after the Basic Constitutional Law for the Federal Republic of Germany had come into force. It was promulgated on 13th April 1951 and came into force on 1st May 1951. This constitution, deliberately designated „provisional“, was closely derived from the Basic Constitutional Law and did not bother to restate directly applicable provisions of the Federal constitution, such as civil rights. It confined itself to laying the bases for state organisation in Lower Saxony.

The achieving of German unity and freedom in 1990 was regarded by the Parliament of Lower Saxony in the twelfth legislative period as the occasion to remove the „provisional“ aspect from the existing constitution. But the time had also come to take stock. There was a need to consider what changes were necessary to meet the challenges of the present and the future.

On the basis of the resolutions recommended by a special committee, the State Parliament then passed the Constitution of Lower Saxony following initial deliberation on 18th March 1993 and then, after further intensive discussion in committee, on 13th May 1993 following the second and third deliberation in plenum.

The new Constitution of Lower Saxony defines the state as a free, republican, democratic, social and - in this respect for the first time making „environmental conservation“ a state objective - as a constitutional state committed to protecting the natural bases of life within the Federal Republic of Germany and as part of the European community of nations. Other state objectives that have since been adopted include the prohibition on discriminating against the handicapped, the obligation to promote sports and to provide the population with suitable living space and work, and also the obligation to respect animals as living beings.

The constitution also lays down that all state authority derives from and is exercised by the people through elections and referendums and through special legislative bodies, the executive power and dispensation of justice.

It contains an acknowledgement of human rights as the basis of the state community, peace and justice. It makes the basic rights established in the Basic Constitutional Law for the Federal Republic of Germany and civic rights part of that constitution.

One very important innovation is the introduction of the so-called plebiscite elements in the form of initiatives, petitions and referendums. An initiative under Article 47, by which the parliament can be asked to give time to particular matters in connection with the formulation of political demands and objectives within the framework of its constitutional authority, requires the signature of 70,000 electors. A petition according to Article 48, directed at getting a law passed, amended or repealed, requires the support of 10% of qualified voters. And by means of a referendum under Article 49, a law can be passed if the majority of those voting and at least one-quarter of qualified voters have approved the draft. The constitution itself can only be changed by referendum if at least half of the electorate agree. A referendum is also held if the parliament does not approve draft legislation submitted under a petition with no essential changes within six months. The State Parliament can also present draft legislation of its own on the subject of the petition to the people for a decision.

## **4. Elections to the Parliament of Lower Saxony**

Every parliamentary election is the expression of the democratic principle of the sovereignty of the people, according to which all state authority proceeds from the people and is exercised by the people through elections and referendums. On the one hand, the election determines the actual make-up and thus the majorities and minorities in parliament, so that parliament reflects society's interests and opinions; on the other hand, by the act of voting the citizens transfer the state authority emanating from them to their parliamentary representatives for a limited time. Elections thus offer the best imaginable protection against uncontrolled exercise of power and arbitrary use of power by minorities or masses. In precisely this respect, elections are the main instrument of democratic control.

Elections give citizens an opportunity to consider how effective „their“ representatives are - in other words, to specifically „take stock“ politically in terms of their work and performance and to exercise influence over the balance of power in parliament at regular intervals.

The legal bases of elections to the Parliament of Lower Saxony are established in the constitution of Lower Saxony and in the state elections law. These provide for the members of the State Parliament to be elected in a general, direct, free, equal and secret ballot. All Germans who have reached the age of 18 and live in the state of Lower Saxony are eligible to vote. Nominations winning under 5% of the votes do not receive a mandate.

The members of the State Parliament of Lower Saxony are elected every five years according to the principles of proportional representation combined with election of individuals. The state is divided into 87 constituencies. Of the total of 135 members of the State Parliament (at the moment 152) to be elected in principle under the Land elections law, 87 members of parliament are directly elected from the individual constituencies and hence from the different regions of the state by a simple majority, and the others through what are known as Land nominations.

Every voter has two votes: a first vote for a constituency nomination and a second vote for a Land nomination, i.e. a party list with a pre-determined order of candidates. Seats in the State Parliament are allocated on the basis of the result of the second vote alone, and therefore the term „second“ vote, if taken to mean „of secondary importance“, is misleading.

Seats are divided up among the individual parties according to what is known as the d'Hondt proportional election procedure. The votes cast for a party are repeatedly divided by 1, 2, 3 etc. until the results produce the same number of maximum figures as there are seats to be allocated. The seats are then assigned to each party in the order of the maximum figures thus determined. From the seats in the State Parliament calculated for each party are deducted the number of mandates that party has won directly in the individual constituencies. The remaining seats go to the candidates on the party's Land nomination not directly elected in the order shown on the nomination.

If one party wins more direct mandates than the number of parliamentary seats to which it is entitled according to its share of the total votes, that party can then keep these seats as „excess mandates“. However, to preserve the relative weighting of votes for all the parties represented in parliament, the total number of seats - which would otherwise be 135 - is increased by twice the number of these „excess mandates“. Mandates are then redistributed to all the parties entering parliament on the basis of the total number of seats thus determined.

## **5. The status of members of the State Parliament**

The elected „members of State Parliament“ bear a very great responsibility towards the population of the state. They have to continuously explain the procedures and results of political actions to the public to allow citizens to understand why political decisions are taken and whether these decisions are in line with their interests or not.

To enable them to discharge this responsibility, members of the State Parliament enjoy special legal status; like every legal relationship, that of member of parliament also involves rights and obligations.

Under the constitution, the members of the State Parliament represent all of the people, not just their own electors. They are not bound by orders and instructions and are answerable only to their own conscience; in other words, they have a „free mandate“. Not being bound by instructions means in this case that no-one can demand that a member of the State Parliament act in a particular political way in a given situation. It should be borne in mind, though, that as members of a particular party, members of parliament have in principle already given themselves their own „instructions“ before the election, namely in the form of the party manifesto on the basis of which the electors ultimately cast their votes. The point is that a party manifesto represents certain political intentions which then have to be translated into specific political actions as the „orders“ from the electors after winning an election.

Upon accepting election, members of the State Parliament acquire protected privileges and participatory rights, though with corresponding obligations, which are laid down in the Parliament Act and the State Parliament rules of procedure. One of the special rights of members of the State Parliament is their entitlement to, as the constitution expressly states, „appropriate remuneration to ensure their independence“ (per diem allowances).

According to the Federal Constitutional Court’s 1975 “emoluments ruling“, the remuneration received by members of parliament during their time in office must provide them with a sufficient basis for living and also recognise the importance of the office, taking into account the associated responsibility and burden and the due status. The underlying image is that of a parliamentarian who is the bearer of a free mandate and representative of all of the people, in other words a member of parliament who is sufficiently remunerated to make him immune to the enticements of extra-parliamentary influences.

Without “per diem allowances“, only those with private means or large incomes could take on a mandate, with the result that less well-off sections of the population - who after all form the majority - would not be represented in parliament.

To resolve the issue of the “appropriateness“ of members’ emoluments, since 1983 the Lower Saxony State Parliament has relied on the controlling expertise of a neutral committee (“per diem committee“). The subsequent decision by parliament thus has as objective a basis as possible.

The members of the committee, who are drawn from all walks of public life, are appointed by the President of the State Parliament in consultation with the presiding committee. This method guarantees that a broad spectrum of expert capabilities will be drawn on. Prior to parliament taking a decision, the committee’s report is published as a State Parliament document to allow general public discussion beforehand. This ensures the decision process is as transparent as possible.

## 6. The parliamentary parties

As the constitution states, the members of the State Parliament can form themselves into parliamentary parties according to the rules of procedure. In this way, parliament as a whole is divided up along political lines. Parliamentary parties are unions of members of parliament with specific parliamentary rights and obligations. Their role lies in the formulation of political demands and objectives within the State Parliament. As a rule, all the members of a parliamentary party are motivated by the common desire to effectively achieve their own party's political aims through the parliamentary party and thus give them real political weight.

Since democracy means a constant battle for majorities, there is a natural need for a political group to present a united front to the outside world. This does not mean that animated debate does not take place within the individual parliamentary parties themselves as to the correct course to follow. The unity of a parliamentary party is thus often the result of lengthy and very heated internal debate. The fact is that even among members of the same „colour“, there can sometimes be big differences of opinion, just as in parliament as a whole. It is therefore important to balance the different interests within a parliamentary party against one another and as far as possible resolve conflict by internal compromise.

To cover their general needs, the parliamentary parties receive monthly allowances, the amount of which is calculated according to the Parliament Act. These may be used only to carry out their parliamentary duties, not for party purposes. The allowances are made up of a basic amount for each parliamentary party, a per capita quota for each member of a parliamentary party and an „opposition allowance“ for each member of an opposition parliamentary party.

## 7. Constitutional position of the State Parliament

The Lower Saxony State Parliament, i.e. all the elected members as a body, is the highest constitutional organ of the state. It is the elected representative of all the people („representative organ“). It incorporates the different opinions and interests into its own formulation of political demands, objectives and opinion-forming, and implements them through corresponding resolutions in legally or politically significant government decisions („implementing organ“). The State Parliament's main duties under the constitution are to exercise legislative authority, decide on the Land budget, elect the Prime Minister, participate in the formation of the government and control executive authority according to the constitution.

What this specifically means is that through its position as „legislative organ“, the State Parliament is authorised to pass mandatory laws establishing, amending or repealing rights and

obligations. As an „elective organ“, the State Parliament is authorised to elect the Prime Minister in a secret ballot without discussion; besides, the Land government formed by the Prime Minister has to be ratified by the State Parliament before taking office. Furthermore, all the members of the state tribunal and their deputies are elected by parliament, likewise without discussion and in principle by a majority of two-thirds of members of the State Parliament present, but at least by a majority of members.

To perform its increasingly important role of „control organ“ with respect to the executive authority (government and overall administration), the State Parliament essentially has the following means at its disposal:

- right of investigation
- right to demand information and to pose questions
- special sessions on topical issues

Besides legislating, as mentioned at the beginning of this chapter, one of the State Parliament's most important tasks is deciding on the Land budget. The parliamentary „budget right“, i.e. the power to decide how much money should be spent on what, is traditionally regarded as the „sovereign right“ of any democratically elected parliament. This comprises annual examination, amendment and approval of the draft budget drawn up by the government. The draft budget may be regarded as the government programme translated into figures. After all, most political projects cost money. In this respect, a budget expresses a government's objectives in „euro and cent“.

## **8. The work of the Land parliament plenum**

The full assembly of all members of the State Parliament is the „State Parliament plenum“. This is where balances of power and interests are reflected, and its task is to develop prospects for the future of the state and its citizens. The plenum of the Lower Saxony State Parliament is not a „debating circle“, but a working forum. It meets monthly as a rule, usually for a three-day session, except in the customary two-month parliamentary recess. The parliament operates on the majority principle. The State Parliament takes its decisions on a majority by passing resolutions. As a rule, a majority of votes cast suffices (= relative majority). Only certain decisions, such as the election of the Prime Minister or a 'constructive' vote of no confidence, constitutionally require a majority of the statutory number of State Parliament members (= absolute majority). Election of members of the state tribunal or for instance a resolution to dissolve the State Parliament in fact require a (qualified) majority of two-thirds of members of the State Parliament present and at least the majority of all the members. A law amending the constitution can only be passed at all if two-thirds of the members of the State Parliament vote in favour. In case of doubt, what is known

as a „division“ takes place: the members of the State Parliament leave the plenary chamber by the side doors and then return to it through special „Yes“ and „No“ doors. They are counted aloud as they do so.

## **9. Parliamentary management committees**

The prime representative of the Lower Saxony parliament and hence the representative of all the members is the President of the State Parliament. His role is to represent the state in State Parliament matters, to exercise domestic authority and keep order on the State Parliament premises, to manage the administration of the State Parliament and to exercise power under service regulations.

The role of the State Parliament administration is to assist the State Parliament with their considerable volume of work, as well as the various parliamentary committees, and also the individual members and parliamentary parties, who incidentally have their own staff.

The State Parliament administration is headed by the Director of the Lower Saxony State Parliament, who thus represents the President within the administration. The State Parliament administration comprises an administrative and a parliamentary department as well as the legislative and advisory service.

At its first, „constitutive“ session after the start of the electoral period, the State Parliament elects not only the President but also his deputies and the secretaries, who together make up the “Presidium”.

The role of this committee is to support the President in administrative matters and to take part for example in preparing the draft budget for the State Parliament or in important personnel decisions.

Another management function within the Lower Saxony State Parliament is performed by the so-called „Council of Elders“.

Its remit is mainly to assist the President in parliamentary matters. The Council advises in particular on the annual timetable of business and - normally one week before the start of a particular session - on the agenda for the individual sittings of the State Parliament. It also decides on the seating order in the plenary chamber at the beginning of an electoral period.

## 10. How a law is made

One of the most elementary tasks of the State Parliament is legislating. This is how state authority intervenes very perceptibly and often directly in the life of the people. The State Parliament's legislative powers are restricted by the Federal Ordinance.

In matters where the federal state has „sole legislative authority“, such as foreign affairs, defence, civil defence, citizenship, currency and monetary matters, customs and foreign trade, the State Parliament „has no business“. These are areas that by their nature have to be dealt with uniformly at federal level in the interests of the state as a whole and its citizens.

In the areas of „concurrent legislation“, for instance civil law, criminal law, employment law, economic law, traffic law, law concerning foreign nationals, etc., the Länder are basically permitted to pass laws - though only if and insofar as the Federal Parliament has not exercised its own legislative powers. This may take place if the Federal Parliament considers it necessary in order to establish equivalent living conditions throughout the country or to preserve legal and economic unity in the interests of the federal state as a whole.

Under these conditions the Federal Government can lay down policy rules - which can be and need to be fleshed out - for state legislation in certain areas (legal status of people in Land and local authority service, general principles of the higher education system, general legal status of the press, nature and landscape conservation, regional planning and water resources, etc.).

On the other hand, the State Parliament has legislative powers of its own, upon which the Federal Government is not entitled to encroach in the following areas:

Regional constitutional law and associated areas such as electoral law, the law relating to members of parliament and ministers and budget law;

- Local authority constitution, financing rules and rates;
- Rights and duties of civil servants in fulfilment of the Federal General Act governing the public service;
- Administrative procedures and administrative organisation;
- Public law and order, including the important area of police law;

- Education law, higher education law (in accordance with the federal basic university status Act), adult education;
- Protection of monuments;
- Nature conservation, water and waste law (in fulfilment of general federal law or to supplement federal law);
- Building regulations law;
- Certain areas of the law of professional rules and regulations, e.g. those pertaining to architects and engineers.

Under the new constitution of Lower Saxony, laws are passed by the State Parliament or following a referendum. Bills can be tabled by the State Parliament itself, by the state government, or through an initiative or a petition.

Before a draft law comes before parliament, discussions with specialists, local authorities and bodies concerned will already have taken place as a rule. The bill tabled is distributed as a State Parliament document. To ensure it is examined from every conceivable point of view and to avoid rash decisions, the State Parliament deals with every bill in at least two deliberations.

At the request of those tabling the bill, the President at once refers it to a committee. In this case the first deliberation by the plenum of the State Parliament which would normally be the first stage is bypassed.

Instead, deliberation of the bill by the committee is preceded by a „public discussion“ by the coordinating committee. This therefore takes the place of the general discussion of the principles of the proposed new legislation (known as the „general debate“) that would otherwise take place in the plenum.

Laws constitutionally passed following a corresponding „final vote“ have to be signed by the President of the State Parliament without delay and promulgated by the Prime Minister in the official gazette. Upon coming into effect they then become „law in force“ and are binding upon the executive power, court decisions and also all the citizens.

It should also be mentioned in connection to this that the representatives of the opposition parliamentary party or parties often introduce very important points of view into the committee deliberations of a bill, which now and then are taken into account in the final version of the law. This is

very important in a democratic parliamentary culture. The more consideration given to minority concerns in the preceding discussion, the greater the acceptance of majority decisions.

## **11. The work of the State Parliamentary committees**

In order to structure parliamentary work efficiently, parliament as a whole forms subdivisions. These subdivisions of parliament, formed on a technical and specialist basis, are the (technical) committees.

They prepare the State Parliament's deliberations and resolutions and thus, as so-called „parliamentary workshops“, do a very important part of the work of parliament. The tasks and subject areas which the State Parliament has to deal with are so comprehensive and diverse that the plenum as a single body would have too big a workload if it were to try to deal with every single matter in detail. Another consideration is that many specialist political issues are so complex that experts fully familiar with the details and particular features of their own areas are needed. Accordingly, the main role of the committees is to deliberate the matters referred by parliament, such as bills, budget plans and other petitions, in full detail.

In order to obtain the necessary information and clarify complex issues from various points of view, committees often hold public hearings. Experts, lobbyists and informants are invited to state their case and answer questions. In addition, committees are given detailed advice by the legislative and advisory service of the State Parliament administration, which is neutral with respect to any political party and whose members enjoy discretion similar to that of judges in producing reports and giving legal opinions.

Topics for deliberation are referred to committees by the plenum. The parliamentary parties in the State Parliament have to be represented on the committees according to strength and by at least one member in an advisory capacity. The Lower Saxony State Parliament currently has 11 standing committees, 3 standing subcommittees and 6 special committees. The standing committees have 17 members.

Some standing committees that may be mentioned are the Committee on Legal and Constitutional Matters, with a Subcommittee entitled „Detention and Help for Delinquents“, the Committee on Internal Administration, Sport and Integration, the Budget and Finance Committee with a Subcommittee called „Management Account Auditing“, the Education Committee, the Committee for Environmental Issues and Climatic Protection and the Committee on Federal and European affairs and Media (which to a certain extent is concerned with such things as co-operation between the Land and the Federal government, other states, the European Community and their respective organs at parliamentary level). The special committees include for example the Committee

on Election Supervision, the Committee on Matters pertaining to Protection of the Constitutional Order and the Committee on Control of Special Police Investigations.

Although in principle the formulation of political demands and objectives in parliament is supposed to take place „in front of everyone“, the requirement of public debate does not apply to the sessions of the parliamentary committees, except for the „public discussion“ above mentioned of a bill or motion for resolution instead of the first deliberation by the plenum of the State Parliament. As part of this process it has to be possible to reach compromises requiring concessions on both sides - something which is easier to do in a closed session rather than an open one, as a rule.

## **12. Dealing with petitions**

Under the Basic Constitutional Law of Germany, every citizen has the right to submit requests or petitions, individually or in association with others, to the proper authorities and to parliament. For their part, the people of Lower Saxony are making increasing use of this right of petition.

In the last electoral period, nearly 8.000 petitions concerning specific cases were presented. Petitions form a direct, living link between the population and parliament. They allow members of parliament to find out what is „bothering“ people or which legislation may not be worth adopting in a particular case.

The State Parliament itself is responsible for processing requests and petitions addressed to it, and it refers to the appropriate petitions committee according to the rules of procedure to help prepare its decisions. In autonomous matters which are the business of the local authorities, rural districts and other institutions in public law, supervision by the Land government and hence also monitoring by the State Parliament is limited to a legal check.

For reasons of constitutional law, the courts are not subject to State Parliament control, and the State Parliament is therefore not permitted to intervene in legal proceedings. Petitions are thus no substitute for possible appeals.

## **13. The State Parliament talks to the public**

One of the core tasks of the State Parliament is to implement the citizens' political opinions in the form of state decisions, balancing up legitimate individual concerns with important general interests. This formulation of demands and objectives is a constant mutual communication process, in other words an ongoing dialogue. The more time and effort members of the State Parliament

devote to the people in their constituency and to liaising with them, the better they are able to look after and represent people's interests and concerns.

Constituency work is often the main source of feedback for the political decisions which members of parliament have to take. The parliamentary committees give them a forum of their choice to focus the discussion on the special features and characteristics of their constituencies and get them recognised. The constituency role of a member of parliament is thus very varied. It involves holding surgeries, taking part in local party and association life, visiting officials, assisting with administrative matters, visits to and meetings at old people's homes, nurseries, factories and public institutions and, lastly, attending public events.

Press, radio and television have a great influence on the dialogue between the representatives and the people. They play a dual go-between role in the opinion-forming process: on the one hand, they reflect public opinion and on the other, they „make“ opinion. The importance of the work of the State Parliament of Lower Saxony can at any rate be gauged from the constant media interest.

The „State Press Conference“ offers politicians an important forum in which to present political plans generally and of course their own aims in particular to the public. In Lower Saxony, the „State Press Conference“ - now a registered and thus totally independent association in law - is 60 years old.

This autonomous institution meets regularly on Wednesdays and Fridays in a room in the Leineschloss specially provided for the purpose by the State Parliament administration and has a secretariat at the State Parliament. About 100 journalists are represented at the State Press Conference, reporting on state policy in Lower Saxony for regional and national newspapers, magazines, agencies and correspondents and radio and television stations.

## **14. The State Parliament's international contacts**

The Lower Saxony State Parliament maintains close relations of partnership with the cantonal parliament of the canton of Berne, Switzerland (since 1980), the provincial parliament of Styria, Austria (since 1988), the House of Representatives and the Senate of the State of Oregon, USA (since 1990), the province of Jilin, China (since 1994), the legislative assembly of the Perm region, CIS (since 1994) and the regional Duma of Tjumen region, CIS (since 1997).