

The Bavarian State Parliament in the Maximilianeum





Bavaria has the oldest German Parliament. Its representatives advise, decide and resolve in one of the most beautiful parliamentary buildings, the Maximilianeum.

The book at hand provides information about both the Bavarian State Parliament and the Maximilianeum. It will also contribute to the fact that Bavaria's citizens are able to comprehend how their Parliament is put together, what the tasks of the representatives are, and how and where they work. As part of a larger whole, the Free State of Bavaria is integrated in the far-reaching national and worldwide changes and developments which are taking place at present. Against this background the Bavarian State Parliament is facing increasing requirements to effectively represent the concerns and interests of the Bavarian populace. Therein lays its authority.

Only a Parliament that clearly and understandably presents itself to the populace also gains the required attention, recognition and the trust on which a functioning democracy is dependent so that it endures permanently.

I would be delighted if we manage to bring you a bit closer to our Bavarian Parliament in the following pages. I sincerely invite you to do so.

Barbara Stamm
President of the Bavarian State Parliament



The Maximilianeum

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The Maximilianeum

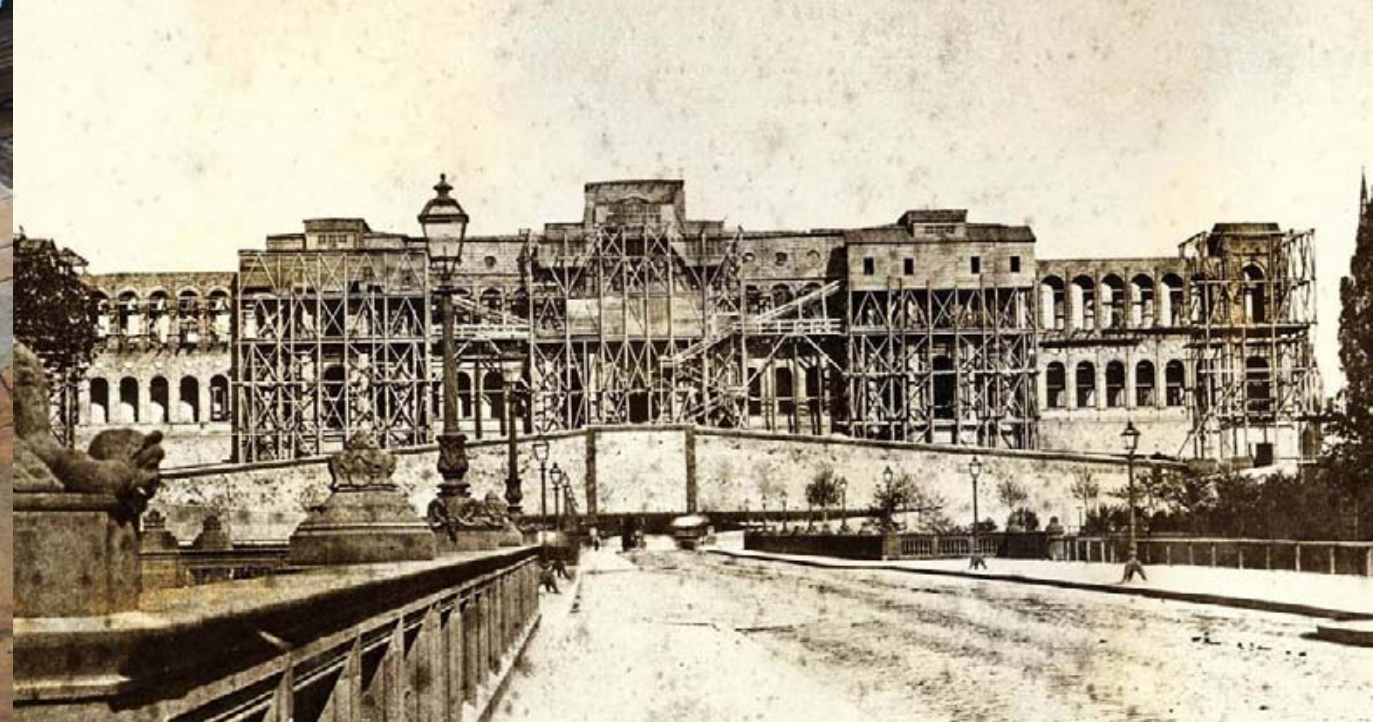
The building

The Scholarship Foundation

The building







Planning and construction history

After his accession to the throne, King Maximilian II (1811 - 1864) wanted to realise a "connection of the city with the Isar River from the New Residence across the Lehel district". These plans took a more concrete form in 1851 when the architect Friedrich Bürklein presented King Maximilian with plans "pertaining to the beautification of Munich", in which this connection between Munich's Old City and Haidhausen is defined for the first time as a sequence of a street, a "forum", bridges and "acropolises". The goal was the creation of an urban boulevard. The construction of the approximately 1,200 m long "Neue Straße" commenced in 1853. Since 1858, it has been officially called "Maximilianstraße", whereby the "forum" planned as a Roman circus evolved more and more from the originally designated park into a greened street. In the north, the street is bounded by the building of the government of Upper Bavaria, and in the south by the Bavarian National Museum (today State Museum of Ethnology). Starting in 1858, Arnold Zenetti (Head of the Municipal Planning and Building Control Office) built bridges over the Isar and the Praterinsel. In order to give the new boulevard a uniform appearance, King Maximilian II commissioned architects with designs of sample facades. In the process, they had to adhere to the so-called "Maximilian style" stipulated by the King: the best of all historic art epochs should be combined with modern construction technique on the basis of Anglo-Saxon Gothic Revival characteristics.

The planning of the Maximilianeum proceeded parallel to the planning of Maximilianstraße. In 1850, King Maximilian II decided to hold an international architectural competition "relating to the completion of a construction plan for an institute of higher education and teaching". The first prize was awarded to the Berlin senior government building surveyor Wilhelm Stier in 1865, but King Maximilian II rejected the design not only due to cost reasons. He unceremoniously commissioned Friedrich Bürklein (1813 - 1872), who through the city beautification plan had proven how well he was able to put the royal ideas into action, and this time he also did not disappoint the King.

Left: King Maximilian II of Bavaria, painting in the Scholarship Foundation

Middle: Panel on the west façade of the Maximilianeum

Right: Construction of the Maximilianeum, around 1860



After the not entirely trouble-free acquisition of property was concluded, King Maximilian II was able to lay the foundation stone on 5 October 1857. The necessary earthworks and the construction of enormous substructures took a long time. In November 1861, the last beam was added in the roof truss of the eastern part of the building reserved for the Scholarship Foundation. In February 1864, shortly before his unexpected death, the King ordered a change of plan due to increasing criticism, although the middle wing of the west building had already progressed beyond the first upper floor: the projected pointed arches had to make way for Neo-Renaissance arches, the pilaster strips for an order of columns. The planning and construction history of the Maximilianeum thus marks the beginning and end of the Maximilian style. Since the project could primarily only be financed with the interest of the foundation capital after the death of the King, who had defrayed the construction costs from his private coffers, the completion was delayed. The last scaffolds on the representative façade were only taken down in 1872. The building was finally completed in 1874. Until 1918, the Maximilianeum also accommodated a historic gallery and the Royal School of Pages in addition to the Scholarship Foundation. Until shortly before the end of the Second World War, the Munich Art Exhibition was staged in the gallery rooms, whereby "Munich's highest café" in the arcades invited guests to enjoy a magnificent

panorama. But two-thirds of the building had been bombed-out by then. So it was a stroke of luck that the Bavarian State Parliament took possession of the Maximilianeum in 1949, for which corresponding changes in the previous gallery rooms were necessary. In order to alleviate the Parliament's shortage of space, wings with office spaces and meetings rooms were added to the east of the building in 1958/59 and 1964/65. A fundamental refurbishment of the Maximilianeum was carried out from 1978 to 1984. An underground garage was built in 1993. Two extension wings were added by October 1994. The access building from the underground garage into the old building was constructed by 1998. In the process, the historic foundation stone of the Maximilianeum was encountered. The found original plans were placed in a new foundation stone. Other objects found – such as gold coins, portraits of the royal founding couple and the model of a locomotive – are exhibited in the Maximilianeum's "Stone Hall". In keeping with the times, the modernised plenary assembly room was reopened on 13 December 2005 after a 15-month renovation period. At the same time, a "Room of Silence" – a room for meditation, composure and retreat – was established underneath the plenary assembly room. In 2007/2008, the "Senate Hall" was converted into a modern, multifunctional room for events, and a separate entrance area was created at the east portal for the numerous visitors to the Bavarian State Parliament.

Above: Refurbishment and reconstruction of the Maximilianeum from 1946 to 1949 after the war destruction

Above right: Opening ceremony on 11 January 1949 to commemorate the Landtag moving in to the Maximilianeum; on the right in the photo: Dr. Konrad Adenauer, President of the Parliamentary Council and later Federal Chancellor

Below: The foundation stone of the Maximilianeum: portrait of King Maximilian II and his wife Marie of Prussia on Nymphenburg porcelain, coins and a model locomotive



Left: The plenary assembly room from 1949 to 2004

Right: The plenary assembly room from 2005





Liberation of Vienna from the Turks under the leadership of the "Blue Elector" Max Emanuel of Bavaria, Charles V, Duke of Lorraine and the King of Poland John III Sobieski – according to painter Feodor Dietz (1813 – 1870), west façade of the Maximilianeum

The exterior construction and its sculptures

Dominating the setting above the eastern shore of the Isar River and effectively accessible through an extensive driveway, the widespread building rises like a glorielette. The flat-roofed representative façade resting on a high foundation consists of a slightly concave middle wing and two straight side wings. The uniform rows of round arches on both floors are bordered on each side by a three-storey open tower. Widely visible, the sculptures of the west façade herald the programme of the original "institute of high education and teaching". For instance, the mosaics on the middle risalit show the founding of Ettal Abbey through Emperor Louis IV as an example of the piety and charity of the Bavarian dynasty and alongside the opening of the University of Ingolstadt and the victors of the poet Wolfram von Eschenbach during the minstrel's contest at Wartburg Castle as an example of the science and art flourishing in Bavaria since time immemorial. The mosaics of the northern risalit depict the Treaty of Pavia dividing the House of Wittelsbach as an exemplary statesman-like achievement. The scientific implements depicted on the side refer to the cycle of frescoes in the hall below. The counterpart on the southern risalit presents the liberation of Vienna from the Turks as a work of warfare. In turn, the war trophies on the side refer to the iconographic programme of the room lying here. The 22 busts above the lower row of arcades portray "benefactors, inventors, sages, men of letters, statesmen and generals" (to the north: from Homer to Francis of Assisi; to the south: from Gustavus Adolphus of Sweden to Pythagoras).

North Tower

North Arcades

North Risalit

Northern Colonnade

Middle Risalit

Southern Colonnade

South Risalit

South Arcades

South Tower



Mosaics

- North Risalit:
- a/c scientific implements
- b Treaty of Pavia
- Northern Colonnade:
- d Minstrel's contest at Wartburg Castle
- Middle Risalit:
- e Founding of Ettal Abbey
- Southern Colonnade:
- f Foundation of the University of Ingolstadt
- South Risalit:
- g/i War trophies
- h Liberation of Vienna from the Turks

Figures

- I Nike
- III – VII Victoria with garlands
- II, VIII, IX, XV Victoria with palm branch
- X – XIV Victoria with garlands

Busts

- 1 Francis of Assisi
- 2 Gregory the Great
- 3 Vincent de Paul
- 4 Socrates
- 5 Confucius
- 6 Cicero
- 7 Leibniz
- 8 Archimedes
- 9 Brutus
- 10 Demosthenes
- 11 Homer
- 12 Gustavus Adolphus
- 13 Caesar
- 14 Hannibal
- 15 Alexander the Great
- 16 Sappho
- 17 Plato
- 18 Solon
- 19 Lycurgus
- 20 Aristotle
- 21 Pericles
- 22 Pythagoras



The interior and its furnishings

Guests entering the Maximilianeum through the main portal in the west are received with a vestibule. A monumental late Gothic crucifix from Chieming and several marble busts appear in the gallery when looking up the stairs. Half way up, the stairs are divided into two flights which lead to the cloister and the open arcades of the Stone Hall. A contemporary historical documentation, nationally unique in this form, is located in the cloister. It includes individually researchable victim biographies of the 316 members of the Bavarian parliaments who suffered under the Nazi dictatorship, and has been retrievable on a computer terminal since January 2008. It complements a commemorative plaque mounted in the cloister in May 2007 (see below). The remembrance of the democratic resistance against the National Socialist dictatorship shall be kept alive.



Left:
The cloister

Right:
The Stone Hall

Two gigantic canvas paintings hang on the side walls of the Stone Hall next to the portrait of young King Maximilian II by Julius Zimmermann and the first Bavarian King Maximilian I Joseph by Moritz Kellerhoven. To the south: "The Imperial Coronation of Charles the Great" by Friedrich Kaulbach (1861), and to the north "The Imperial Coronation of Ludwig of Bavaria" by August von Kreling (1859). They are the vestiges of work commissioned by King Maximilian II once comprising 30 oil paintings featuring events of world history (ranging from the Fall of Man to the Battle of Leipzig). The content of the foundation stone is also visible in the Stone Hall. The model locomotive with trailing tender found in the foundation stone documents the dedicated advocacy of King Maximilian II for technical progress in his country and his personal predilection for the railway (see p. 17). The south-eastern of the four portals to the Stone Hall leads to the plenary assembly room of the Bavarian State Parliament.

The north-eastern portal forms the access to the former plenary assembly hall of the Bavarian Senate. The Senate was abolished in 1998 by referendum and ended its activity effective 31 December 1999. The bronze reliefs of sconces supplied by the Vereinigte Werkstätten (United Workshops for Art in Craft) show the statues of Bavaria and Europa as well as ancient gods and mythological figures with reference to the bodies which were represented in the Senate. One reference to the original utilisation of the hall as a gallery hall is the naval battle between the Greeks and Persians at Salamis depicted by Wilhelm von Kaulbach (1805 -1874) in oil on canvas on the west side. The tableau measures 53.35 square metres. The historical painting by Munich Academy Professor Philipp Foltz (1805 -1877) hangs next to it: "The Humiliation of Emperor Frederick Barbarossa through the Welf Duke Henry the Lion in Chiavenna, 1176". A tapestry with the large Bavarian state coat of arms upheld by two lions, designed by Prof. Hermann Kaspar (1904 -1986) hangs resplendent on the northern front wall of the Senate Hall as a remembrance of the post-war period and the original furnishings of the "old" plenary as-



sembly room. It consists of the Palatinate lion, the Franconian rake, the blue panther of Old Bavaria, the three Staufer lions of Swabia, the Wittelsbach lozenges in the heart-shaped shield and the so-called "People's Crown". Also visible are the coats of arms of Bavaria's regional capitals. From left: Augsburg, Munich, Regensburg, Würzburg, Landshut, Bayreuth, Speyer (for the former Bavarian Palatinate on the left bank of the Rhine River) and Ansbach.

The north-western portal of the Stone Hall opens into the northern ambulatory, the so-called "Presidential Corridor". Its name is derived from the portraits of previous Landtag presidents exhibited there. The corridor leads to the present-day conference room that is used by the Landtag's Council of Elders for festive receptions and meetings. The east wall of the middle room accommodates a fresco created by Engelbert Seibertz, which depicts the Maximilianeum in neo-Gothic forms before to the change of plans in 1864. It represents the imaginary introduction of Alexander von Humboldt to a group



Left: Coronation of the Emperor Charlemagne, painting of Friedrich Kaulbach in the Stone Hall

Right: Naval Battle at Salamis, painting by Wilhelm von Kaulbach in the Senate Hall

of famous men from the realm of art and science. The portrait is complemented by the allegories of "Chemistry", "Truth" and "Architecture" in the arch bays of this side.

Pictures of six "benefactors" and six "inventors" painted by Georg Hiltensperger are arranged on the remaining wall areas. These pictures were intended as a complement to a cycle of busts that once stretched along the northern and southern ambulatory, as in a "Hall of Fame".

The south-western portal of the Stone Hall opens into the southern ambulatory. Two round stone reliefs (see below left) by Fritz Schmoll (referred to as "Eisenwerth") can be found via a door which leads to the plenary assembly room: the busts of the personified "Justice" and "provident planning" are depicted as maxims for the delegates via the entrance to the plenary assembly room. Since the autumn of 2006, the painting "Die waldige Hügellandschaft" ("The sylvan hilly landscape") by Ferdinand Kobell (1740 -1799), an item on loan from the Bavarian State Picture Collections, has been hanging in the southern ambulatory. The adjoining room, which serves the delegates as a reading room, is the counterpart to the conference room, but features pointed arches in contrast. The frescoes on its east wall – which depicted an assemblage of important statesmen at the time of the Congress of Vienna – have been lost. Instead, the oil sketch by Karl Theodor von Piloty depicting the minstrel's contest at Wartburg Castle can be viewed today. The pictures by Friedrich Pecht on the remaining walls represent six European generals and six statesmen.

Fresco in the conference room: The imaginary introduction of Alexander von Humboldt to a group of famous men from the realm of art and science, depicted by Engelbert Seibertz; from left to right:

- 1 Ignaz von Döllinger, Catholic theologian, historian and professor (1799 – 1890)
- 2 Friedrich von Hermann, economist, privy councillor and professor (1796 – 1868)

- 3 Leo von Klenze, knight, royal construction director (1784 – 1864)
- 4 Joseph von Fraunhofer, optician, professor (1787 – 1826)
- 5 Lorenz von Westenrieder, priest, pedagogue and historian (1748 – 1826)
- 6 Johann Georg von Lori, professor of law and founder of the Bavarian Academy of Sciences (1722 – 1786)

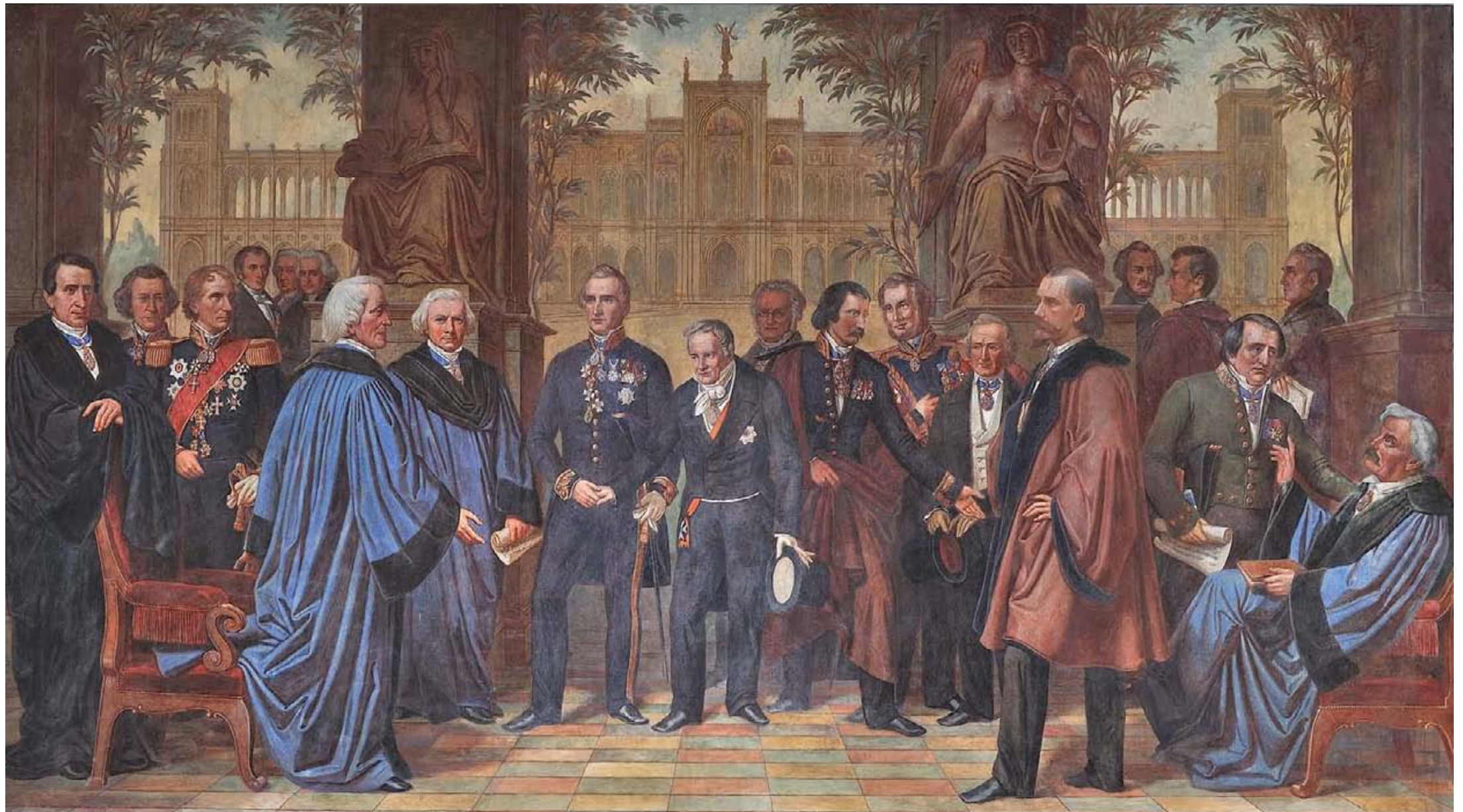
- 7 Friedrich von Thiersch, classicist, privy councillor, professor and President of the Bavarian Academy of Sciences (1784 – 1860)
- 8 Friedrich Wilhelm von Schelling, philosopher, professor (1775 – 1854)
- 9 Justus von Liebig, chemist, professor, President of the Bavarian Academy of Sciences (1803 – 1873)

- 10 Alexander von Humboldt, naturalist, Berlin (1769 – 1859)
- 11 Carl Ritter, geographer, Berlin (1779 – 1859)
- 12 Wilhelm von Kaulbach, historical painter and professor, President of the Bavarian Academy of Fine Arts (1805 – 1878)

- 13 Wilhelm von Doenniges, historian and political scientist (1814 – 1872)
- 14 Leopold von Ranke, historian, Berlin (1795 – 1886)
- 15 Emanuel von Geibel, poet (1815 – 1884)
- 16 Ludwig von Schwanthaler, sculptor and professor (1802 – 1848)
- 17 August Graf von Platen-Hallermünde, poet (1796 – 1836)

- 18 Franz Lachner, composer and general music director (1803 – 1890)
- 19 Franz Xaver von Baader, philosopher, naturalist, chief mining councillor and professor (1765 – 1841)
- 20 Franz von Kobell, mineralogist, professor and dialectal poet (1803 – 1882)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20





STIFTUNG
MAXIMILIANEUM
ERRICHTET
IM JAHRE 1852
DURCH
MAXIMILIAN II
KÖNIG
VON BAYERN



Handwritten notes or a small poster on the central pillar.

THE OXFORD WORLD'S CLASSICS



THE OXFORD WORLD'S CLASSICS



King Maximilian II of Bavaria had already conceived the plan to construct a large national building on the hillside Isarhöhe near Munich "for improvement of the monarchical national spirit of the people" as Crown Prince. In addition, this was soon combined with the notion of an "athenaeum", an institution with the goal of making it easier for talented Bavarian youths (irrespective of class) to attain any level of scientific and intellectual education required for solution of the higher duties of civil service". In 1852, the "athenaeum" – which has been definitively named "Maximilianeum" after the benefactor – was provisionally accommodated in an apartment building. Six high school graduates from Bavaria and the Palatinate – who were able to study jurisprudence and political science without material worries – were selected as scholarship holders.

King Maximilian II was no longer able to experience the completion of the institutional building, and the foundation also only obtained the juridical form under his son, King Louis II. In accordance with the certificate from 1876, the Maximilianeum building as well as a gallery with historical paintings and marble busts still belong to the foundation to this day. Following the end of the monarchy in 1918, the protectorate status concerning the Maximilianeum was transferred to Ludwig Maximilian University of Munich. This status has remained so to this day.



Inflation used up the foundation assets so quickly that the gallery's entrance fees remained as the only sparse source of income. The financial situation only improved when the bombed-out Bavarian Parliament moved into the Maximilianeum in 1949. The Landtag pays an annual rent and interest on building rights, and bears the maintenance obligation for the building. Since 1980 the "Wittelsbacher Jubiläums-Stiftung" ("Wittelsbach Anniversary Foundation") has also enabled a scholarship for talented young women from Bavaria. For instance, approximately 800 students have enjoyed the advantages of both foundations since the founding of the institution. All scholarship holders – at present 50, among them 17 women – are accommodated together with the Bavarian State Parliament under the auspices of the Maximilianeum. Famous "Maximilianeers" were, among others, the Minister Presidents Eugen Ritter von Knilling (1865 -1927) and Franz-Josef Strauß (1915 -1988) as well as the Nobel Laureate for Physics, Werner Heisenberg (1901 -1976) and the writer Carl Amery (1922 - 2005).

Left: Scholarship holders of the Maximilianeum Scholarship Foundation and the Wittelsbach Anniversary Foundation

Right: View of the dining room for the foundations



The Bavarian State Parliament

The state election in Bavaria

The tasks of the Bavarian State Parliament

The bodies

The state election in Bavaria





Landtagswahl

am 28. September 2008

Landeshauptstadt München

Stimmbezirk
Wahlurne 2

0802

Wahl-/Stimmbezirk 802



Election posters for the 2008 state election

Before the state election

*"Bayern ist ein Volksstaat" ("Bavaria is a democracy")
(Article 2 paragraph 1 of the Bavarian Constitution – BV)*

This sentence at the beginning of the Bavarian Constitution is an expression of democracy as the central basis of Bavarian statehood. In addition, Article 2 of the Constitution states: "The People are the bearers of state authority". And: "The People make their will known through elections and votes". The Constitution thereby stipulates that Bavaria is a representative democracy, even if the citizens of the Free State are also directly able – in petitions for a referendum and referendums – to exercise their authority under certain conditions. Nevertheless, the central constitutional body in such a governmental regime is the Parliament elected by the People: Bavarian State Parliament.

Constituency proposals, candidates

Parties and organised groups of voters participate in the state election for implementation of their political objectives. They want to be represented in the Parliament, and if possible to be able to exert influence in the government. The members of parties or organised groups of voters elect their candidates for the election directly or indirectly (via delegates). These are presented together with the political programme in the election campaign.

In 2008, 14 parties with 1,754 candidates (2003: 1,527) stood for election:

- Christlich-Soziale Union in Bayern e.V.
(Christian Social Union in Bavaria) (CSU)
- Sozialdemokratische Partei Deutschlands
(Social Democratic Party of Germany) (SPD)
- Bündnis 90/Die Grünen
(Alliance 90/The Greens Party) (GRÜNE)
- FW Freie Wähler Bayern e.V (Independent Voters) (FW)
- Freie Demokratische Partei (Free Democratic Party) (FDP)
- Die Republikaner (The Republicans) (REP)
- Ökologisch-Demokratische Partei/
Bündnis für Familien (Ecological Democratic Party/
Alliance for Families) (ödp)
- Bayernpartei (Bavaria Party) (BP)
- Bürgerrechtsbewegung Solidarität
(Civil Rights Movement Solidarity) (BüSo)
- Bürger-Block e.V (Citizen Block) (BB)
- Die Linke (The Left) (DIE LINKE)
- Die Violetten – für spirituelle Politik
(The Violets – for spiritual politics) (DIE VIOLETTEN)
- Nationaldemokratische Partei Deutschlands
(National Democratic Party of Germany)..... (NPD)
- Rentnerinnen und Rentner Partei (Retiree Party) (RRP)

Approximately 27 percent (475 candidates) of the candidates were women. The average age of candidates was 49 years (2003: 48 years).

CSU election campaign for the 2008 state election



SPD election campaign for the 2008 state election



FW election campaign for the 2008 state election

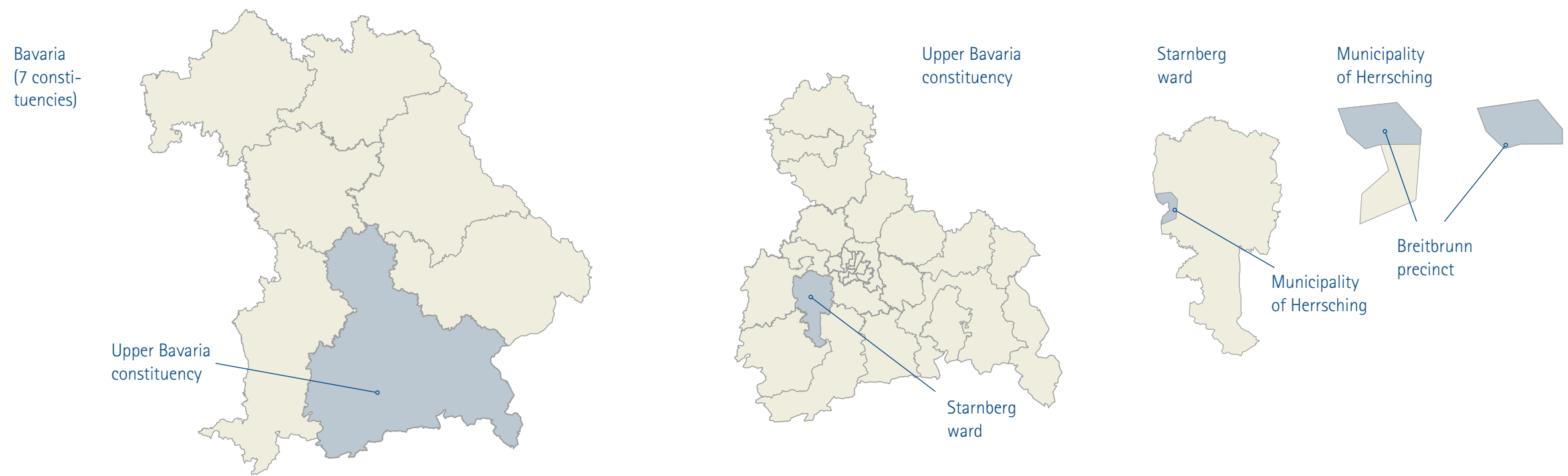


Election campaign by Bündnis 90/Die Grünen for the 2008 state election



FDP election campaign for the 2008 state election





The electoral territory of the Free State of Bavaria

Bavaria is divided into seven constituencies, which correspond to the administrative regions. As a general rule, wards are the individual administrative districts and urban districts (independent cities); for organisational reasons they are subdivided into precincts.

The constituency

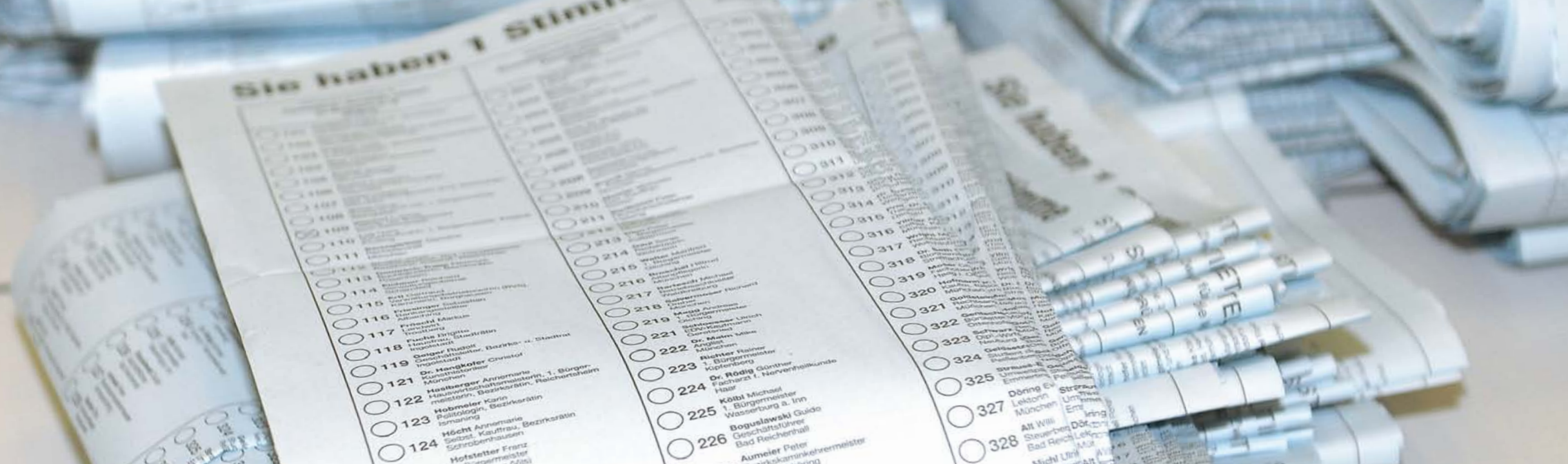
The constituencies in a state election are identical with the seven administrative regions. Parties and organised groups of voters form lists with their candidates for the constituencies. The constituents of a constituency give their second vote to a candidate from these lists. The constituents do not have to heed the order on the lists designated by the parties and organised groups of voters, but they can also elect a candidate from a part list position, for instance. The order of all constituency candidates ensues on the basis of the total number of votes from first votes (insofar as a candidate also stood for election in a ward) and second votes. Anyone who has achieved a place within the number of seats to be allocated overall can enter Parliament. A total of 89 representatives can be designated via the constituencies. For reasons of electoral fairness, the number of total seats to be allocated in a constituency depends on the number of inhabitants: Upper Bavaria 29, Lower Bavaria 29, Upper Palatinate and Upper Franconia 8 each; Middle Franconia 12, Lower Franconia 10 and Swabia 13.

The ward

For the election to the Bavarian State Parliament, the Free State of Bavaria is divided into 91 wards, of which the following are allocated: 29 to Upper Bavaria, 9 each to the Upper Palatinate and Upper Franconia, 12 to Middle Franconia, 10 to Lower Franconia 10 and 13 to Swabia. The parties and organised groups of voters put forward one candidate for every ward. Then the constituents in this ward can elect one of these candidates with their first vote. Whoever receives the majority of the first votes in a ward enters the Bavarian State Parliament (prerequisite: the ward winner's party has to have received a total of at least five percent of all valid votes cast Bavaria-wide). For the sake of electoral fairness it is important that the total population is roughly the same size in all wards. A ward encompasses an average of approximately 125,000 inhabitants. The term "inhabitants" is to be understood as the German main residential population. Since the wards in every constituency may deviate upwards or downwards by no more than 25 % from the respective constituency average, some administrative districts are intersected by ward boundaries. Yet this frequently holds true: a ward corresponds to an administrative district or an urban district.

The precinct

The precinct constitutes the smallest spatial unit in the organisation of the state election. It is usually part of a municipality.



The state election

The electoral law and the electoral system

The representatives are elected in a general, equal, direct and secret ballot procedure (Art. 14 BV) for a legislative period of five years by approximately 9.3 million citizens who are eligible to vote. "General" means that as a matter of principle every citizen is eligible to vote (and eligible to stand for election!). The right to vote is solely restricted through a stipulated age limit which currently lies at 18 years of age. The constituents are equal to the number of votes which they may cast ("one person, one vote"). In Bavaria, all eligible voters have two votes (see p. 48/49: "The electoral territory of the Free State of Bavaria"). The constituents receive a polling card from their municipality. They also have the opportunity to have postal voting documents sent to them in order to cast the ballots by mail. One speaks of a direct ballot because the constituents can directly elect the candidates standing for election, i.e. there are no electors as intermediaries (for instance, compare the American presidential elections). And casting a secret ballot in the polling booth ensures that the election can actually take place free from external coercion. These constitutionally guaranteed principles guarantee a truly fair, democratic election.

The 180 representatives of the Bavarian State Parliament are elected in a so-called "improved proportional representation system". That is to say: The competing parties or organised groups of voters principally receive as many seats in the Parliament as it corresponds to their percentage of votes. However, this only applies to those who attain at least five percent in the total of all valid ballots cast (five percent hurdle). This proportional representation system is "improved" because at any rate the constituents can elect individuals with their two votes, not just parties or organised groups of voters.

With the first vote one elects a candidate from their ward, whereas the second vote can be given to a candidate from the lists which the parties or organised groups of voters compile before the election for the seven constituencies (= administrative regions). This electoral procedure offers two advantages: It is fair because the distribution of seats in the Parliament is calculated according to the percentage of votes of the parties and organised groups of voters. And it is citizen-oriented because with both votes one can elect individuals, not only lists. This special feature of the Bavarian electoral law, which allots two votes for every citizen eligible to vote, can – as after the 2008 state election – lead to the fact that more than 180 representatives enter the Bavarian State Parliament. The so-called "overhang mandates" are the reason for this.

Overhang mandates (and possibly compensatory mandates (compensatory seats) as their consequence) emerge if one party or organised group of voters in the constituency gains more ward mandates (so-called direct mandates) than seats (mandates) they are entitled in accordance with their total percentage of votes (total of all first and second votes allocated to them in the constituency). These overhang mandates cannot be taken from the ward winners (see details on pages 56/57).



Election Day

The polling station is open from 8 am to 6 pm on Election Day. After the end of the day at 6 pm, the election committees in the polling stations and the postal voting committees ascertain the election results for their precincts, assess these results and report them via the municipality to the State Election Supervisor in his administrative office, the Bayerisches Landesamt für Statistik und Datenverarbeitung (Bavarian State Office for Statistics and Data Processing) in Munich.

The State Election Supervisor assesses the preliminary results when all of the approx. 17,000 election committees have reported the results.



Preparation and implementation of the state election require the successful cooperation of many offices and individuals. Well over 100,000 voluntary helpers in the approximately 13,700 polling stations and 3,600 postal voting districts work on Election Day in the Free State of Bavaria. Many law enforcement officers are on duty to safeguard the voting and the counting of votes. In addition, there are many colleagues in the municipalities, administrative district offices, the ward and constituency leaders and the State Election Supervisor's team from the State Office for Statistics and Data Processing, who supervise the organisational and technical preparation as well as the evaluation of the election.

Election Night in the Maximilianeum

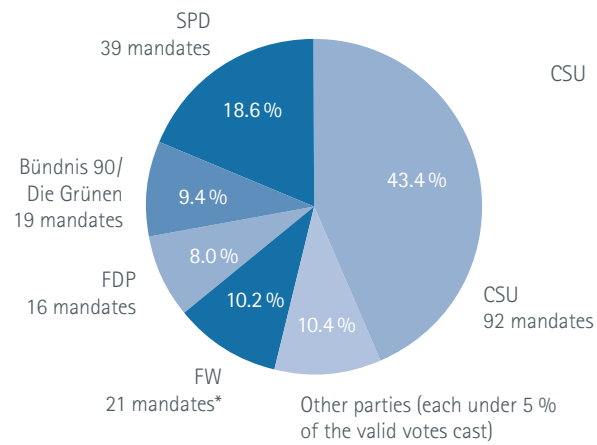
On the day of the election of a new Landtag (the last election of a Landtag in Bavaria took place on 28 September 2008), the President of the State Parliament invites politicians and media representatives to "Election Night" in the Maximilianeum. This involves an informative event which serves as a reciprocal exchange of views for the guests and gives them the opportunity – with the help of the State Election Supervisor and his colleagues – to find out the respective provisional results and finally at midnight the preliminary final results of the state election.

Brisk activity prevails in the halls and corridors of the Maximilianeum during the exciting hours of "Election Night". In 2008, more than 1,300 print media, radio and television journalists reported on the happenings in the Maximilianeum. Their observations and election analyses were published in the newspapers; radio and television stations broadcasted live and had set up studios for this purpose. In this way, all interested citizens were informed about the happenings during Election Night directly from the Maximilianeum.



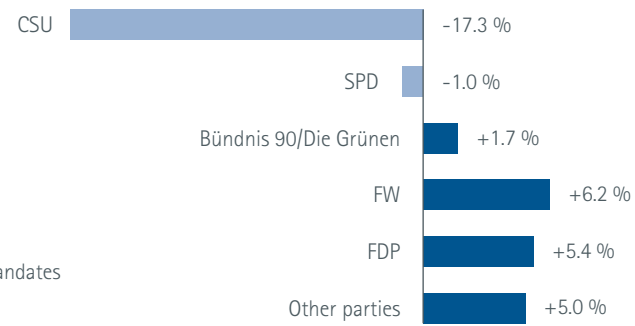


The result of the state election on 28 September 2008



* Since June 2009: FW 20 mandates, 1 mandate independent

The change of 2008 election results in comparison with 2003



The voter turnout amounted to 57.9 percent (= 5,398,356 constituents).

The modified distribution of seats under consideration of overhang and compensatory mandates

Administrative region	Mandates in accordance with original distribution of seats	Overhang mandates	Compensatory mandates	Mandates including overhang and compensatory mandates
Upper Bavaria	58	3	3	64
Lower Bavaria	18			18
Upper Palatinate	17	1*)		18
Upper Franconia	17			17
Middle Franconia	24			24
Lower Franconia	20			20
Swabia	26			26
Sum total	180	4	3	187

*) No compensatory mandate is allocated, since with an increase of mandates the CSU had to be reconsidered by way of calculation.

Calculating the distribution of seats

The calculation of seats occurs according to the Hare-Niemeyer method. The conversion of votes into mandates (seats) takes place as follows:

$$\text{number of seats} = \frac{\text{total number of Seats to be allocated} \times \text{the party's number of votes}}{\text{total number of votes of all parties over 5 percent}}$$

In the result, the number before the decimal point indicates how many seats the respective party or organised group of voters receives at the minimum. Then the remaining seats to be allocated will be allocated according to the quantity of the fractional percentages behind the decimal point.

Example: state election on 28 September 2008 in the Upper Bavaria constituency. Due to its population the Upper Bavaria constituency is proportionately entitled to 58 seats of the overall (principally 180) mandates in the Bavarian State Parliament. Of these 58 seats, 29 will be allocated as direct mandates and 29 mandates as list mandates.

If one now calculates the distribution of seats on the basis of the total number of votes received according to the legally prescribed "Hare-Niemeyer" method, this merely results in a percentage of 25 seats for the CSU:

$$\frac{58 \text{ (seats to be allocated)} \times 1,421,917 \text{ (total number of votes for the CSU in Upper Bavaria)}}{3,274,119 \text{ (total number of votes for all parties above 5 \% in Upper Bavaria)}}$$

But with 28 CSU ward candidates the voters directly decided that these candidates are entitled to a mandate. All those elected in this manner may enter Parliament. Therefore three mandates (overhang mandates) must be additionally allocated to the CSU. The state electoral law provides for establishment so-called "compensatory mandates" for a fair distribution of seats so that the other successful parties or organised groups in Upper Bavaria will not be placed in a worse position in proportion to the overall result. Their calculation also takes place on the basis of the abovementioned formula.

In the process, the numerical value for the total mandates in Upper Bavaria (originally 58 seats) is gradually increased so long by the value 1, and a new calculation of the distribution of seats is always made until 28 seats ensue for the CSU (the party which captured three overhang mandates, instead of the originally entitled 25 seats received according to the total number of votes). Due to this new figure for the total seats in Upper Bavaria (in the case at hand: 58 + 3 overhang mandates + 3 compensatory mandates = 64), for the remaining parties and organised groups of voters the formula already presented will be utilised to ascertain which party or organised group of voters are entitled to how many mandates on account of the new situation. Here is another calculation example:

$$\frac{64 \text{ (new seats to be allocated)} \times 697,742 \text{ (total number of votes for the SPD in Upper Bavaria)}}{3,274,119 \text{ (total number of votes for all parties above 5 \% in Upper Bavaria)}}$$

Two compensatory mandates ensue for the SPD, which instead of the originally calculated 12 seats now receives 14 seats.

The number of seats they are entitled to will also be calculated for the other parties and organised groups of voters with the same formula (with multipliers modified depending on the concerned party's number of votes). In Upper Bavaria, Bündnis 90/Die Grünen also receive a compensatory mandate as a result. The "imbalanced" created through the CSU overhang mandates is thereby rebalanced.

The CSU also gained so many direct mandates in the Upper Palatinate that an overhang mandate falls to them.

The abovementioned table shows the modified distribution of seats under consideration of the overhang mandates and the compensatory mandates contingent upon them. In this way the increase of the number of mandates from 180 to 187 (for Upper Bavaria + 6 mandates and Upper Palatinate + 1 mandate) is explained.

The tasks of the Bavarian State Parliament

Bayerisches Gesetz- und Verordnungsblatt

München, den 14. Dezember

Nr. 28

Inhalt

Datum

10.12.2007	Gesetz über das Verbot der Zweckentfremdung von Wohnraum (ZwE) 2330-11-I
10.12.2007	Gesetz über den Vollzug der Freiheitsstrafe, der Jugendstrafe und der sches Strafvollzugsgesetz - BayStVollzG) 312-2-1-J
10.12.2007	Gesetz zur Aufhebung des Bayerischen Sammlungsgesetzes 2185-1-I
10.12.2007	Gesetz zur Änderung des Bayerischen Rundfunkgesetzes und des B 2251-1-S, 2251-4-S
5.12.2007	Bekanntmachung des Staatsvertrages zum Glücksspielwesen in D 2187-4-I
30.11.2007	Verordnung zur Sicherstellung der Personalvertretung anlässlich sidiums München in das Polizeipräsidium München (neu) 2035-15-I





The establishment of Parliament

The newly elected Parliament meets for the first time in a plenum of all representatives at the latest on the 22nd day after the state election. The (still from the last legislative period) incumbent President of the State Parliament invites the newly elected representatives to this constituent session. The opening of the first session of the House is traditionally the privilege of the oldest member of the Landtag ("Father/Mother of the House"). Under the leadership of this individual the representatives first of all elect a new President of the State Parliament by secret ballot. The President (since 20 October 2008: Barbara Stamm, CSU) takes over leadership of the session immediately after his/her election. Afterwards the Vice-Presidents and the Secretaries will be elected in further ballots. Together these ten individuals constitute the Steering Committee of the Bavarian State Parliament.

The Bavarian State Parliament is once again fully capable of acting with the election of the parliamentary Steering Committee from the entirety of 180 representatives (16th legislative period: 187 representatives), the appointment of the Council of Elders and the establishment of its committees.

Multifaceted and important political activities take place in the weeks after Election Sunday. The parliamentary parties of the Bavarian State Parliament are at the centre of these activities. The parliamentary parties elect their chairpersons and other members of the parliamentary party's executive committee, they discuss and decide on important personnel issues, and they determine the political "line of approach" for the first months after the state

election. As a matter of course in parliamentary practice, the majority parliamentary party in the Landtag first has to nominate their candidates for the office of the President of the State Parliament before the parliamentary election can then take place. Furthermore, within the parliamentary parties it is determined who shall lead a committee or a working group. The establishment of Parliament in the first session only takes place after these and other internal decisions are made.

A particularly important procedure before the establishment of Parliament is the formation of a coalition comprised of two or more parties or organised groups of voters. Coalitions are necessary if no party or organised group of voters achieves the sole majority of seats in the Parliament during the election. In the 16th legislative period, the CSU and FDP formed a coalition.

Left: Constituent session on 20 October 2008 in the plenary assembly room

Right: "Mother of the House" Barbara Rütting congratulates Barbara Stamm on her election to President of the State Parliament.

Below: Signing of the coalition agreement from 2008 to 2013 between CSU and FDP on 27 October 2008 (from left to right): Georg Schmid (CSU Parliamentary Party Chairman), Horst Seehofer (CSU Chairman), Sabine Leutheusser-Schnarrenberger (FDP Bavaria Chairperson) and Martin Zeil (FDP Parliamentary Party Chairman)





Above: Members of the Landtag voting by secret ballot to elect the Minister President

Below: Swearing-in of Minister President Horst Seehofer through President of the State Parliament Barbara Stamm

The formation of government

The Bavarian State Parliament forms the new government at the beginning of the legislative period. The Minister President is elected by secret ballot with a simple majority of the ballots cast at the latest one week after the first constituent session (Art. 44 BV). After the newly elected head of government has accepted the election, he (or she) takes the oath of office before the President of the State Parliament.

In the following session of Parliament the Minister President ultimately introduces his cabinet. The 17 (at most) ministers of state and state secretaries also require approval by the majority of Parliament (Art. 45 BV). As a general rule, the formation of government occurs at the beginning of a legislative period. But the new election of a Minister President can also be necessary between two election dates, for instance after the resignation or the death of the previous incumbent. In these cases the new head of government is merely elected for the rest of the parliamentary legislative period. The resignation of the entire cabinet is also always associated with a change at the top of state government. This is why the following also applies to the election of a new Minister President during a legislative period: his or her new cabinet requires majority approval by the Parliament. The majority of the House always has to give their approval with regard to the number and designated responsibilities of the ministries. And finally: the Minister President also requires a concurring majority in Parliament for the dismissal of a member of the state government. Should the election of the Minister President not come about within four weeks, the President of the State Parliament has to dissolve the Landtag (Art. 44 par. 5 BV). Parliament would then have to be newly elected by the citizens eligible to vote.



Appointment of the members of the state government as well as appointment of the Deputy Minister President on 30 October 2008 in the plenary assembly room of the Bavarian State Parliaments.

Left:

Minister President: Horst Seehofer (CSU);

from right to left:

Minister of State for Economy, Infrastructure, Transport and Technology

and Deputy Minister President: Martin Zeil, MdL (FDP);

Minister of state as Head of the State Chancellery: Siegfried Schneider, MdL (CSU);

Minister of State for Federal and European Affairs in the State Chancellery:

Emilia Müller (CSU);

State Minister of the Interior: Joachim Herrmann, MdL (CSU);

State Minister of Justice: Dr. Beate Merk, MdL (CSU);

Minister of State for Science, Research and Art: Dr. Wolfgang Heubisch, MdL (FDP);

Minister of State for Education and Cultural Affairs: Dr. Ludwig Spaenle, MdL (CSU);

State Minister of Finance: Georg Fahrenschon (CSU)

Minister of State for Environment and Health: Dr. Markus Söder, MdL (CSU);

Minister of State for Nutrition, Agriculture and Forestry: Helmut Brunner, MdL (CSU);

Minister of State for Labour and Social Affairs, Family and Women:

Christine Haderthauer, MdL (CSU);

State Secretary in the State Ministry of the Interior: Dr. Bernd Weiß, MdL (CSU);*

State Secretary in the State Ministry for Education and Cultural Affairs:

Dr. Marcel Huber, MdL (CSU);

State Secretary in the State Ministry of Finance: Franz Josef Pschierer, MdL (CSU);

State Secretary in the State Ministry for Economy, Infrastructure, Transport

and Technology: Katja Hessel, MdL (FDP);

State Secretary in the State Ministry for Environment and Health:

Melanie Huml, MdL (CSU);

State Secretary in the State Ministry for Labour and Social Affairs,

Family and Women: Markus Sackmann, MdL (CSU).

* Resignation on 14 October 2009; successor: Gerhard Eck, MdL (CSU)



DIE GESETZGEBENDE GEWALT STEHT AUSSCHLIESSLICH DEM VOLK UND DER VOLKSVERTRETUNG ZU

Artikel 5 Absatz 1 Bayerische Verfassung (BV)

Legislation

A core element of our democracy is unequivocally regulated in the Bavarian Constitution (Art. 5 par. 1): legislation is the matter of the People! This is why not only the parliamentary legislative body – the Bavarian State Parliament (the representation of the people) – holds the legislative power. The citizens themselves can also be legislatively active by means of so-called “plebiscitary legislation”, i.e. via petitions for a referendum and referendum. The representative democracy (popular government) with the elected Parliament as central location of legislation is complemented by an element of direct democracy.

“Laws” are frequently complained about – about their large number, the so-called “deluge of laws” as well as many textual regulations. At the same time there is often talk of bureaucracy, the restriction of personal freedom or also the alleged despotism of the legislative body. All of these complaints may have their justification to a certain extent, but basically they bypass the reality of modern polity – i.e. the complex societal and governmental structures require exactly this plethora of – often complicated – provisions to that human coexistence functions. If one asks about the tasks of laws for our society, it quickly becomes clear how important laws are for our life. For instance, they have a safety function for the citizens: they ensure the protection of life and limb by punishing violence against others with penalties.

In addition, laws have a so-called regulatory function: For instance, who seriously believes that they could do without traffic regulations?

And last but not least, laws also fulfil a performance function, for instance if they regulate the distribution of state funds to the needy (social welfare, Federal Training Assistance Act [BAföG]) or stipulate the allocation of subsidies (e.g. in housing construction or in agriculture). In short: one needs laws. Of course they occasionally constrict personal freedoms, but they basically protect and ensure these freedoms. Resolved by the representation of the people, they are in the best sense democratically legitimised in order to regulate the coexistence of all people in a state.

And then there is another aspect: laws allow the citizens to take legal action should they feel treated unjustly. Laws make governmental action comparable and verifiable, namely through the so-called “judiciary”, the administration of justice independent from the legislative body. They are the written foundation of the constitutional state as it were. Incidentally, the right to legal verifiability of governmental action granted to the citizens is an essential reason for the vast number of laws and other regulations which determine daily life.



The parliamentary method of legislation

Legislative initiative

Legislative proposals (bills) are introduced by the Minister President in the name of the state government or from amongst members of the Landtag (Art. 71 BV). All bills are submitted by the President of the State Parliament and placed on the plenary agenda.

First reading

Only the basic principles of a bill are discussed in the first reading in the plenum. Motions for amendment cannot be proposed in this situation. If the bill is not rejected, the plenum refers it to the lead committee for further treatment.

The committees

The consultative committees directed by the lead committee discuss the legislative proposals at length, and pass resolutions which go to the plenum as "proposed resolutions".

Second reading

The second reading in the plenum starts at the earliest on the third day after the final deliberation of the Consultative Committee for Constitution, Law, Parliamentary Issues and Consumer Protection. A general debate normally takes place. An individual deliberation of all provisions of the bill or an individual vote only occur if this is requested by a Member of the Landtag (MdL) or a parliamentary party. Motions for amendment can be proposed up until conclusion of the second reading.

Third reading

It only occurs by special motion. The resolutions of the second reading are the basis.

Final vote

After completion of the second (and possibly third) reading, a vote is held on the acceptance or rejection of the bill. As a general rule, a law is passed if – in the presence of at least half of the members of the Bavarian State Parliament – it receives the majority of votes cast.

Execution, publication and commencement

The constitutionally established laws are executed (signed) by the Minister President and published with a week in the Bayerisches Gesetz- und Verordnungsblatt (Bavarian Law and Ordinance Gazette). The day on which it comes into effect must be designated in every law (Art. 76 BV).

Left: Public session of the Committee for Education, Youth and Sports

Right: Plenary session

Below: Execution of a law by Minister President Horst Seehofer





The forms of voting

Simple vote

Subjects of discussion are basically voted on in simple form. The most frequent form in this connection is the vote by shows of hands through the representatives. But the simple vote can also take place through standing up or remaining seated. A cross-check is made in all cases.

Roll-call vote

In this form of voting, which can only be requested by a parliamentary party or at least 20 Members of the Landtag, representatives hand over an official coloured voting bearing their names – and which indicates their respective voting behaviour – to the Secretaries or employees of the Landtag Office to insert in the ballot boxes provided for this purpose. After the voting procedure, which normally lasts five minutes, the sitting Steering Committee determines the voting result, which the incumbent President announces. This form of voting is obligatory for certain legally regulated cases, e.g. during the final vote on legislative proposals amending the constitution. Roll-call votes are also often requested in order to be able to determine later whether and possibly with which vote a Member of the Landtag took part in the vote. Roll-call votes are not held in the committees.



Vote by division

If the voting result appears questionable to the President leading the session or one of the Secretaries, the so-called "Hammelsprung" (vote by division) occurs. For this purpose the Members of the Landtag leave the assembly hall in order to eventually enter again through a door corresponding to their voting behaviour marked with "yes", "no" or "abstention". While doing so, they are counted by Secretaries or colleagues of the Landtag Office. The German language designation "Hammelsprung" harks back to an image over one of the voting doors of the old Berlin Reichstag. The image depicts the Cyclops Polyphemus, a mythological Greek figure who allowed his sheep to run between his legs in order to count them. There is no vote by division in the committees.

Left: Public session of the Committee for Education, Youth and Sports

Right: Roll-call vote and vote by division

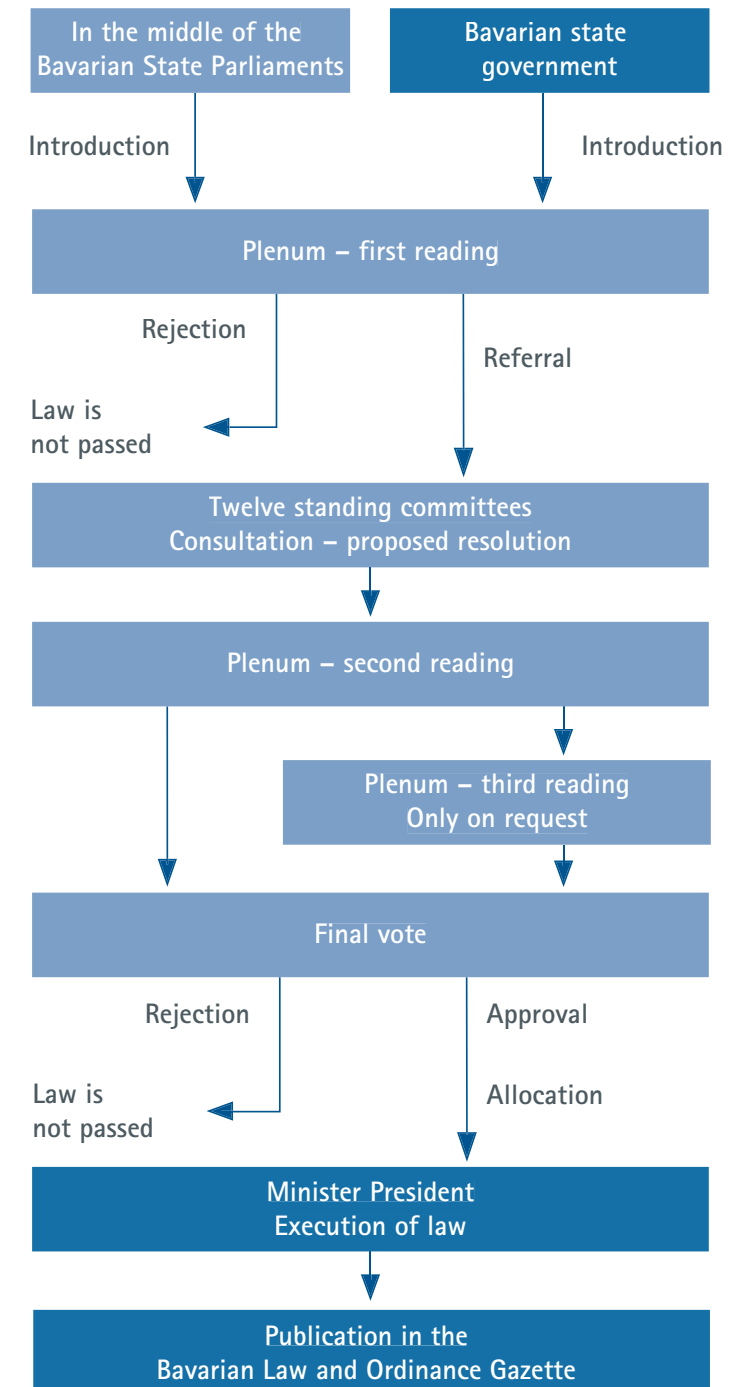


Other stakeholders in the legislative process

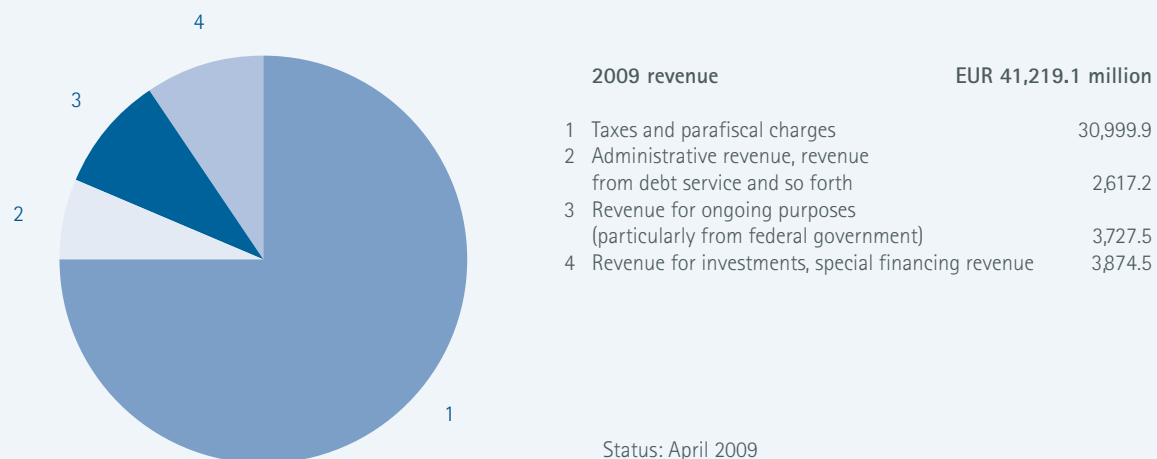
The diagram (right) shows the formal path of legislation in the Parliament. This process is more complex in political practice. For instance, a bill by the state government usually already has a long treatment process behind it if it is submitted for parliamentary deliberation with the President of the State Parliament. Such a wording of the law is edited by technically experienced civil servants in the responsible state ministry until it meets with the approval of the minister of state. Afterwards the entire cabinet deliberates on the draft bill in order to eventually introduce it to the Landtag.

In addition, several other stakeholders are involved in this phase of draft planning: representatives of interest groups are consulted in due time and asked for opinions. And frequently the representatives are also integrated in the formation of a draft even before the legislative deliberation in the Landtag – be it that they are informed or consulted by the state ministry, or be it that they themselves obtain information from this ministry. Last but not least, the citizens not only also exert indirect (for instance, via certain pressure groups) influence, but can also personally introduce: with petitions to the Parliament, but also in conversation with “their” MdL, or perhaps with demonstrations. The involvement of citizens or even protest has frequently led to the modification or dispensation with them in the run-up to planned laws. The described political processes also accompany the legislation during the ongoing parliamentary process. And the media with their coverage also play a significant role in this complex process.

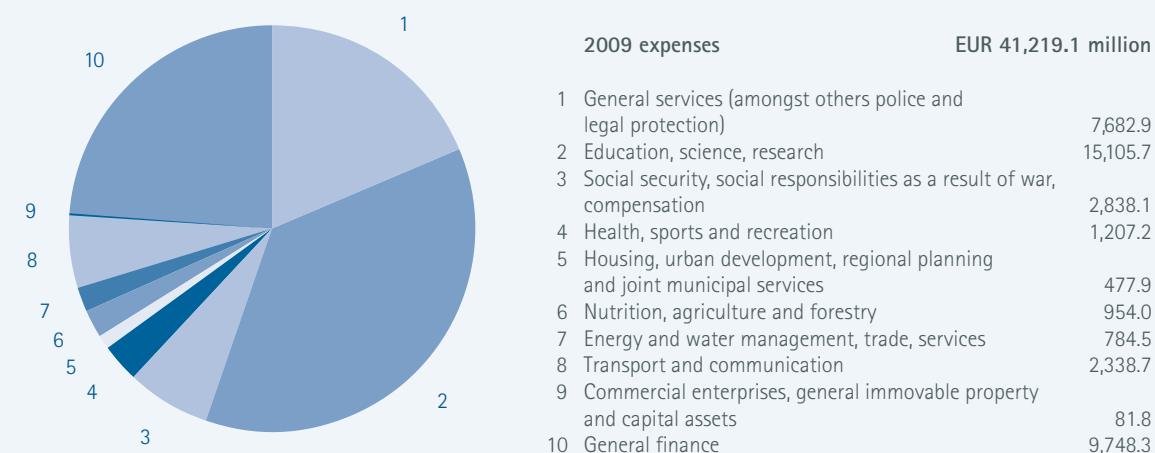
The parliamentary legislative process



Free State of Bavaria revenue in the 2009 fiscal year — breakdown by types of revenue

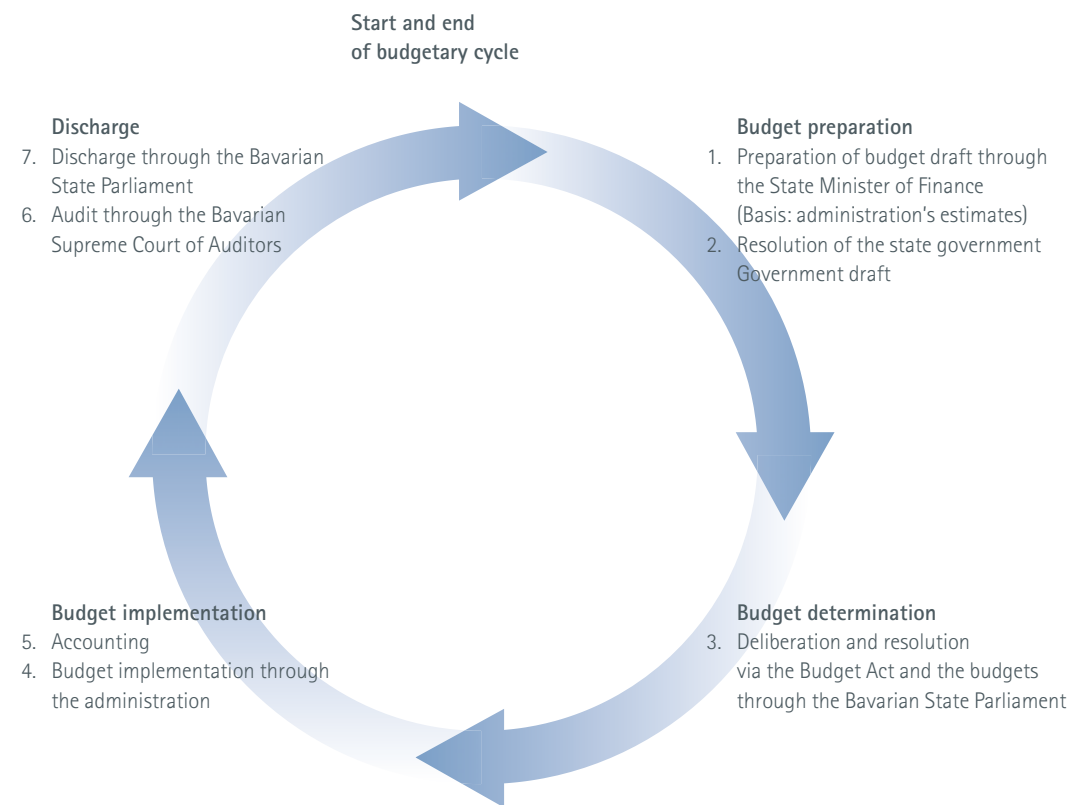


Free State of Bavaria expenses in the 2009 fiscal year — breakdown according to areas of responsibility



The state budget: the most exclusive legislative right of Parliament

The Budget Act holds a prominent position amongst the laws the Bavarian State Parliament has to discuss and decide on. It creates the financial basis for the activities of the state government and the administration for the duration of two years (biennial budget). A referendum on the state budget is excluded by the Bavarian Constitution. This also illustrates the special importance of budgetary right for the Bavarian Parliament. Three-fourths of the revenues of the Free State are generated from taxes and para-fiscal sources which are apportioned amongst the German federal government, states and municipalities according to a complicated process. For instance, administrative fees or ongoing allocations (e.g. from the EU) play only a subordinate role in comparison. In 2007 it was possible to start with the repayment of prior debt and without incurring new debt — a fiscal achievement which no other federal state had managed up to this point in time. In the meantime, the global financial crisis is also currently jeopardising these consolidation successes in the Free State.





The Bavarian State Parliament as legislative body: a historical review

Bavaria's path from an agrarian state to a high-tech location at the beginning of the 21st century can also be understood in the reflection of the Landtag's legislation since 1945. In the first post-war decade, the Parliament primarily attended to food and heating fuel for the population, the so-called "denazification", reconstruction, particularly housing construction ("emergency contribution"), the integration of refugees and expellees, a new basis for municipal autonomy, free tuition in public schools or the press law. Cultural and educational policy came to the fore in the end of the 1950s with the alleviation of hardship and the "economic miracle". A Primary School Law and a Scholarship System Law were adopted, and the foundations for the establishment of new Bavarian universities and advanced technical colleges were laid. The Agricultural Promotion Law rendered a variety of remedies for farmers.

Under the impression of social processes of change the Bavarian State Parliament developed legislative activity in the legislative period from 1970 to 1974 which can be definitely compared with the political spirit of optimism on the federal government level. At the same time, the vast number and the spectrum of laws reflect the higher demands of citizens vis-à-vis the state, but also its strong (financial) capability. For instance, state laws pertaining to vocational schools, kindergartens, waste management, preservation of historical monuments, nature conservation, universities, hospitals, adult education and forests were passed in addition to many other laws in this 8th legislative period (1970 -1974).

A renewed trend reversal has been observed in the past decades against the background of economic crises since the mid-1970s and the exacerbating situation of public budgets. For example, it is expressed in the legislative activity regarding consolidation and reorganisation of the Bavarian state budget. The austerity policy of the 15th legislative period since 2003 is only the latest example of this trend, which quite early indicated – for instance in the privatisation of state holdings ("State Offensive for the Future of Bavaria") that the Parliament approved for the first time in 1994, but above all in the amendment of the Bavarian Budget Ordinance in December 2000 – in which the Landtag stipulated by law that governmental new indebtedness has to be reduced to nil by 2006. In addition, other focal points characterised parliamentary legislation in the past decades, for which the following can be mentioned by way of example: environmental protection (inclusion in the Constitution following Landtag resolution per referendum in 1984), the realm of fundamental and civil rights (e.g. the Law on Gender Equality in 1996 or the Law on Equality, Integration and Participation of People with Disability in 2003) and educational policy (e.g. introduction of the six-stage secondary modern school in 1999).

1961 "... the Bavarian Landtag is the first state parliament to pass a law on public oral vaccination against polio."



1969 "... the Bavarian Landtag establishes by law the first national park in the Federal Republic of Germany."



1973 "... the Bavarian Landtag Parliament provides for protection and maintenance of 80,000 monuments in Bavaria with a law."



1992 "... the Bavarian Landtag Parliament enacts the legal foundation for private radio and television stations with the Media Law (BayMG):"



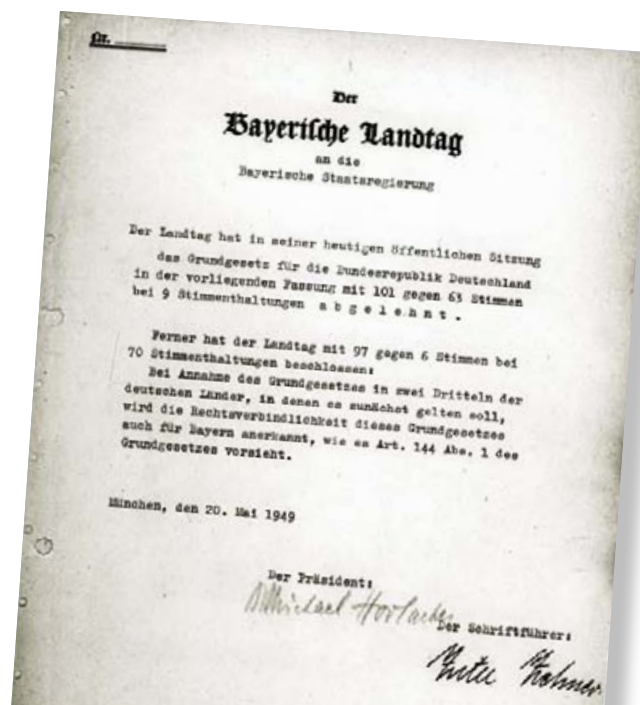
Legislation und legislative body in six decades – a conclusion

Since 1946 the legislation of the Free State has exhibited a remarkable qualitative continuity. The perennial state political topic areas (education, university, police issues, environmental protection and much more) as well as events typical of the time are reflected. An analysis of recent legislative action may disprove that the Bavarian State Parliament "only" has to be concerned with amendments and executions of federal laws or with the implementation of EU guidelines. On the contrary: since commencement of "Federalism Reform I" the legislature of the federal states has experienced a new impulse. For instance, the Bavarian Law on Assembly, the Bavarian Penal Law or the Bavarian Health Protection Law are direct consequences of these newly gained competencies of the State Parliament.

The governmental and opposition political parties have to contribute equally to quality of legislation in the Bavarian State Parliament, even if in different roles. Admittedly, it is parliamentary custom that many laws come about against the vote of the opposition. Because for the political parties represented in Parliament it is important to unequivocally present their differing standpoints. According to parliamentary practice, the opposition therefore rejects bills if their own further wishes and notions cannot be incorporated. But this does not mean that oppositional thoughts are neglected during the deliberation of laws. On the contrary, they often enhance the quality of legislation.

Incidentally: out of 183 laws enacted in the 15th legislative period, 73 (!) – i.e. approximately 40 percent – were passed by Parliament unanimously or without dissenting votes! This demonstrates the high percentage of mutual positions among the parliamentary parties. These circumstances are often overlooked in the public perception because the differences between the political camps in parliamentary events and their communication in the media take centre stage.

*Bottom left:
19 / 20 May 1949: The Landtag rejects the Basic Law (GG). The decision is made after 15 hours of debate in the early morning hours with 101 votes to 63, with nine abstentions. At the same time the legal obligation of the Basic Law is affirmed with 97 Yes votes to only six No votes with 70 abstentions.*



Amendment
of Bavarian University Act



Amendment
of Bavarian Forest Act



Bavarian Child
Education and Childcare Act



Health Protection Act



Legislation in the 15th legislative period (2003 – 2008)

The following figures illustrate the intensive work of the Bavarian Parliament in the last legislative period: a total of 245 legislative initiatives were started, which ultimately led to 183 enacted laws. In terms of content, the legislation was characterised by the state government's goal of presenting a balanced budget, an accordingly tight austerity policy in the first half of the legislative period and a vast number of reform projects which are reflected in the legislation.

Important legislative resolutions of the Landtag in the 15th legislative period:

- Court Dissolution Act 2004
(Abolition of the Bavarian Supreme Court)
- Amendment of Bavarian Education and Instruction Act 2004
(Introduction of 8-year G 8 secondary school [Gymnasium])
- Amendment of Bavarian University Act 2005
(Among other things: introduction of tuition fees, strengthening the autonomy of universities, introduction of Bachelor and Master's degrees etc.)
- Bavarian Child Education and Childcare Act 2005
- Amendment of Bavarian Forest Act (forest reform) 2005
- Budget Act for 2005/2006 Biennial Budget 2005
(A budget without new indebtedness is achieved for the first time in 2006)
- Amendment of Police Organisation Act 2005/2007
- Civil Service Act, civil service reform, pension fund 2007/2008
- Health Protection Act (among other things, non-smoker protection) 2008
- Law on Assembly 2008
- Amendment of Law on Equality of People with Disability) 2008
- "Nursing and Living Quality Law 2008
- Amendment of Law on Protection of the Constitution 2008
(Among other things, online search)

Working balance of the Bavarian State Parliament's 15th legislative period:

Plenary sessions.....	130
Sessions of Standing Committees.....	1,279
Landtag printed papers.....	11,391
Legislative proposals.....	245
Petitions.....	14,082
Ordinances.....	4
Accords.....	2
Treaties.....	23
Interpellations.....	10
Oral inquiries (up to the end of 2006).....	1,097
Plenary inquiries (from January 2007).....	468
Minister Questionings.....	21
Written inquiries.....	1,934
Question Times.....	65
Motions.....	3,586
Constitutional complaints.....	98

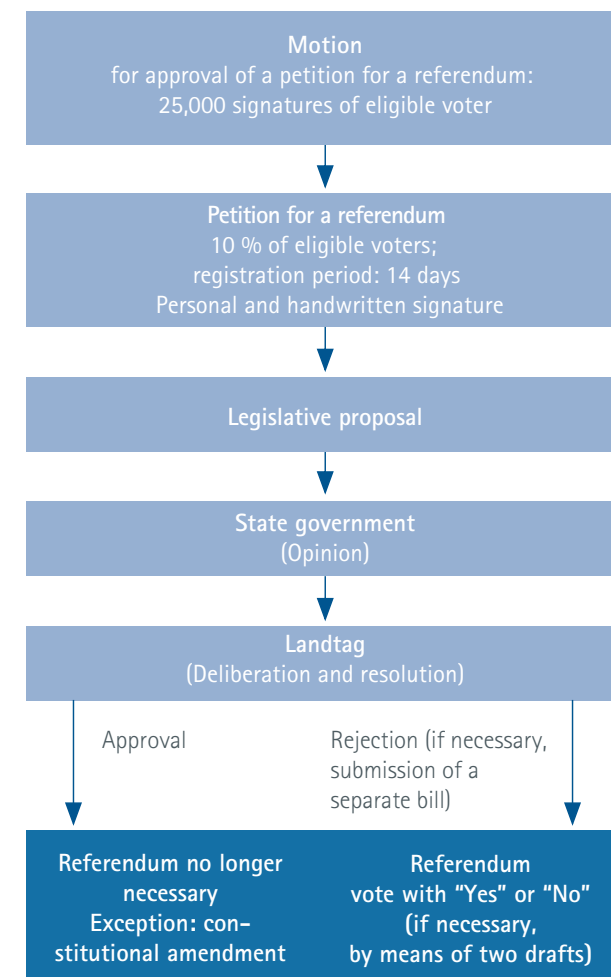


Plebiscitary legislation

Article 2 of the Bavarian Constitution (BV) proves Bavaria to be a representative democracy in which the Bavarian State Parliament takes up the pivotal role of representation of the people. But this fundamental stipulation of the Constitution of a representative, a parliamentary democracy in the Free State is complemented by elements of direct (plebiscitary) democracy: by petitions for a referendum and referendum. The Bavarian Constitution (Art. 72 - 75 BV) stipulates in detail how the People can accomplish legislative proposals by direct means (legislative initiatives per petitions for a referendum) and decide per referendum. At the same time, the founders of the Constitution provided several "hurdles" in order to prevent the abuse of plebiscitary legislation. For instance, a referendum on the state budget is impermissible. The Constitution may also not be amended in a way that contradicts its democratic fundamental ideas.

The support of ten percent of eligible voters is also required in the petitions for a referendum (at present this is approx. 940,000 citizens) so that a referendum can come about. But conversely it is also clear how important plebiscitary legislation is in Bavaria. For instance, the Constitution can never be amended solely by the Bavarian State Parliament. On the contrary, the approval of the population per referendum (so-called "obligatory constitutional referendum") is also always necessary for such a constitutional amendment, whereby the Bavarian Constitutional Court has additionally specified a so-called "quorum": a constitutional amendment per referendum has to be affirmed by 25 % of eligible voters insofar as it has not already been decided on by the Bavarian Landtag beforehand by two-thirds of its members.

In the over 60-year history of Bavarian democracy after the Second World War, plebiscitary legislation been tried and tested without questioning the fundamental position of Parliament as the central body of legislation.





Petitions for a referendum in Bavaria since 1967

School supplies (three demands)	1967
Democratic territorial reform*	1971
Freedom of broadcasting (Art. 111a BV)	1972
Free provision of learning materials*	1977
Composition of the Senate*	1977
Waste Management Act	1990
Local referendum	1995
Abolition of the Bavarian Senate	1997
Marking genetically unmodified products from Bavaria*	1998
Education and instruction as well as school financing*	2000
Organisation of Constitutional Court*	2000
Amendment of Article 100 of the Constitution of the Free State of Bavaria - embodiment of bioethical principles*	2003
Amendment of the Forest Act*	2004
Amendment of the Education and Instruction Act*	2005
Amendment of the Building Code and State Development Programme*	2005
Health Protection Act	2009

Referendums in Bavaria since 1946

Bavarian Constitution (BV)**	01.12.1946
School supplies (Art. 135 BV)	07.07.1968
Voting age in the Bavarian Constitution (Art. 7 and 14 BV)**	24.05.1970
Freedom of broadcasting (Art. 111a BV)	01.07.1973
Landtag Electoral Law (Art. 14 BV)**	01.07.1973
Environmental protection (Art. 3, 131, 141 BV)**	17.06.1984
Waste Management Act	17.02.1991
Local referendum	01.10.1995
Reform of the Landtag and state government, further development in the realm of fundamental rights and state objectives (among other things, downsizing the Landtag)**	08.02.1998
Bavarian Senate	08.02.1998
Two amendments of the Constitution of the Free State of Bavaria (among other things, Parliamentary Information Act, principle of connexity)**	21.09.2003
Health Protection Act	04.07.2010

* Petition
for a referendum failed

** Only constitutional
amendments (without
petitions for a referendum)

Source: Bavarian State
Office for Statistics
and Data Processing;
status: July 2010

Control tasks

Another particularly important task of parliamentarians in a democracy is their control task with respect to state government and public administration. It is an essential right of Parliament in order to prevent and expose abuse of power, or – more generally expressed – in order to safeguard the interests of citizens vis-à-vis the state. Who should otherwise do this if not the Parliament? A number of institutions and instruments of the Bavarian State Parliament serve to safeguard these control tasks. For instance, investigation committees, which can also be established by a minority of representatives, are particularly well-known. But the Minister's Questions in the plenum as well as the instrument of interpellation (a major inquiry to the state government about particularly important matters) also help to control the government. The so-called "quotation right" ultimately ensures that the Parliament (plenum as well as committees) can request the appearance of the Minister President or members of the state government. The right to petitions and complaints is particularly meaningful for the everyday life of citizens. The Landtag specifically scrutinises the action of public administration with the intense deliberation of such citizen complaints. The Parliament frequently helps citizens to exercise their rights in this manner. However, petitions and complaints against decisions of courts are not possible. After all, the independence of the judiciary is inviolable in a democratic constitutional state.





Investigation committees

Investigation committees (Art. 25 BV) help to control the administration. They are the sharpest control instrument of Parliament. Subject matter and scope of the investigation are determined through a resolution of the Landtag. The investigation has to be in the public interest. The investigation committees have to hear the essential evidence within this framework. The provisions of the code of criminal procedure are appropriately applicable for this purpose. In particular, the committee has a right to presentation of documents with respect to government, authorities and courts. Investigation committees are counted among the minority rights, since a fifth of the Landtag's members can enforce their appointment. The minority also has a right to hearing of evidence: permissible motions to hear evidence are to be granted at the request of one fifth of the members of the investigation committee. Investigation committees can only deal with finalised administrative procedures (so-called ex-post control) within the framework of parliamentary control competence, so that they may not intervene in the government's ongoing negotiations and preparations for decision-making. The Law on the Investigation Committees of the Bavarian State Parliament specifies the details of the procedure. Since 1946 there have been a total of 55 investigation committees (status: March 2010).

Plenary inquiries

During the weeks in which Minister's Questions take place in the plenum, every Member of the Landtag is entitled to make a brief written inquiry to the state government. The inquiry is quickly answered in writing by the responsible ministry and published as Landtag printed matter.



Question Time

A debate in the plenum on the current occasion of a topic to be alternately determined by one of the parliamentary parties that is of general interest and falls under the responsibility of the state is called Question Time.

Minister's Questions

Minister's Questions take place at regular intervals in the plenum, during which a minister of state or state secretary has to justify themselves with regard to a topic alternately determined by the parliamentary parties.

Written inquiries

Every Member of the Landtag (MdL) has the right to submit more comprehensive written inquiries to the state government during the Landtag session, which will then be answered in writing within four weeks and published as Landtag printed matter at the request of the MdL.

Interpellations

Interpellations are a major inquiry to the state government about particularly important matters. They can only be introduced by a parliamentary party or 20 representatives.

Parliamentary Participation Act

With the Parliamentary Participation Act (PBG) and the agreement made between the Landtag and the state government, the state government is obligated to inform the Landtag in due time, for instance about legislative proposals, intended treaties and, as long as it concerns topics of considerable state political importance, about Bundesrat matters and about matters of the European Union. The state government has to give the Landtag an opportunity to comment and to take these opinions into consideration.

Left: Session of the BayernLB / HGAA investigation committee (since 24.02.2010, 16th legislative period)

Right: Minister's Questions

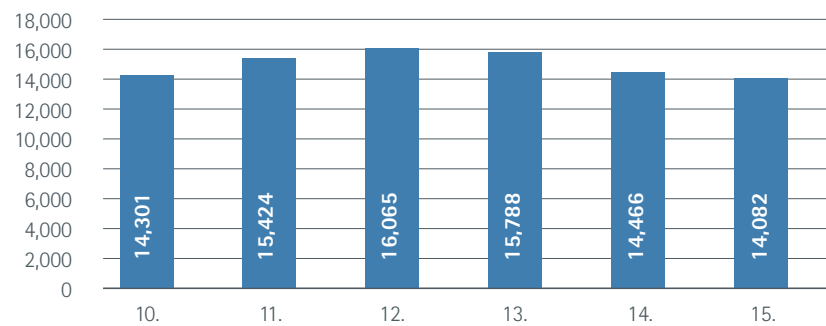


The fundamental right to petitions and complaints

*"All of Bavaria's inhabitants have the right to approach the responsible authorities or the Landtag in writing with petitions or complaints."
(Article 115 paragraph 1 Bavarian Constitution)*

Democracy means "popular government". Our Bavarian democracy is such a popular government. Its most important institution is the Bavarian Landtag, the Parliament. In the Parliament, 187 representatives make important decisions for all of Bavaria. The representatives observe these tasks on a vicarious basis: citizens have elected the representatives to be "representatives of the people". And the citizens also have the authority to decide again after every legislative period. Yet a feeling of unease with politics occasionally prevails among the population: lack of transparency, the marginal scope of influence between the election dates or political "remoteness from the citizens" are complained about. The representatives take this criticism seriously and try to find a remedy. A "hotline" from the People into the Parliament helps in this connection: the fundamental right to petitions and complaints guaranteed in the Constitution.

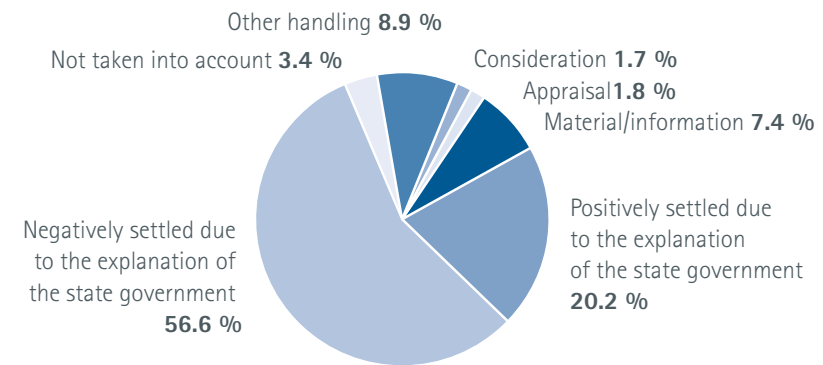
Number of petitions in the respective legislative period



About 14,000 "petitions" (literally earnest requests, demands) have reached the Bavarian State Parliament in the past legislative period. Behind this number are more than 400,000 people who also support these concerns. Every petition is scrutinised and treated in the Parliament. The petitions mean a lot to the representatives because they enable direct contact between the population and politics. They offer an effective possibility of direct influence through the population in the matters which are particularly important to them. And they often very clearly show the representatives what is on the mind of the people!

The fundamental right to petitions and complaints (right to petition) is anchored in the Bavarian Constitution of 1946. But the Bavarian Constitution only rudimentarily renders the comprehensive effect of the right to petition. The Bavarian Petition Act from 1993 ("Law on the treatment of petitions and complaints to the Bavarian State Parliament according to Article 115 of the Bavarian Constitution") provides further information. This law specifies that the right to petitions and complaints also applies to people who do not reside in the Free State. It can be utilised by all Germans, but also by people of foreign origin. It is open to adults as well as minors to address a petition to the Bavarian State Parliament. Detainees, legally incapacitated persons and persons under guardianship or care as well as legal entities will also be granted the opportunity of a lodging a complaint with Parliament. The Bavarian right to petition is even "generous" in another manner: for instance, it allows that complaints can also be formulated and submitted on behalf of other people such as the disabled, people in need of care or small children. The procedure is free of charge for the petitioners.

Decisions via petitions in the 15th legislative period



The fundamental right to petitions and complaints is not ultimately bound to an individual. It repeatedly happens that citizens collectively address petitions to the Bavarian State Parliament. From time to time proper mass petitions find their way to Parliament. The Bavarian Constitution and Petition Act also explicitly allow this. The concerns of tens of thousands of citizens are actually behind the approx. 2,800 annual petitions and complaints. It is clear: people can approach their representatives directly via the right to petition. The importance of a petition ranges from the expectation of legal advice to a sheet anchor in a seemingly hopeless situation. Conversely, the representatives can grasp moods and anxieties in the population very precisely with the help of incoming complaints. They learn how the laws enacted by them actually function in practice. And they can exert their control task with respect to government and administration in very specific ways.

The submission of a petition

There are several possibilities. A petition can be submitted in writing as a letter or as a fax with name and address as well as signature. A petition can also be transmitted to the Parliament per e-mail. In the event of an electronic petition, the form on the webpage of the Bavarian State Parliament is to be utilised.

Postal address:
Bayerischer Landtag
Maximilianeum
D-81627 München

Fax +49 (0) 89 4126-1768
E-mail dispatch with form provided:
www.bayern.landtag.de → Parlament → Petitionen

Prerequisites for the submission of a petition

The Bavarian Parliament deals with all petitions and complaints which pertain to Bavarian laws and authorities. But petitions which are directed at public bodies (e.g. municipalities, universities) are also subject to scrutiny by the Landtag as long as the state supervision extends to these bodies. A petition which requires an action by state authorities or other bodies of public administration is only to be handled if an appropriate request has been submitted to the responsible agency beforehand.

Conversely, the Bavarian State Parliament is not the point of contact for complaints if, for instance, the petition is directed at authorities of other federal states or the federal government. The Petitions Committee of the German Bundestag (postal address: Deutscher Bundestag, Petitionsausschuss, Platz der Republik 1, D-11011 Berlin; E-mail: vorzimmer.peta@bundestag.de) or the respective federal state is responsible in such cases.

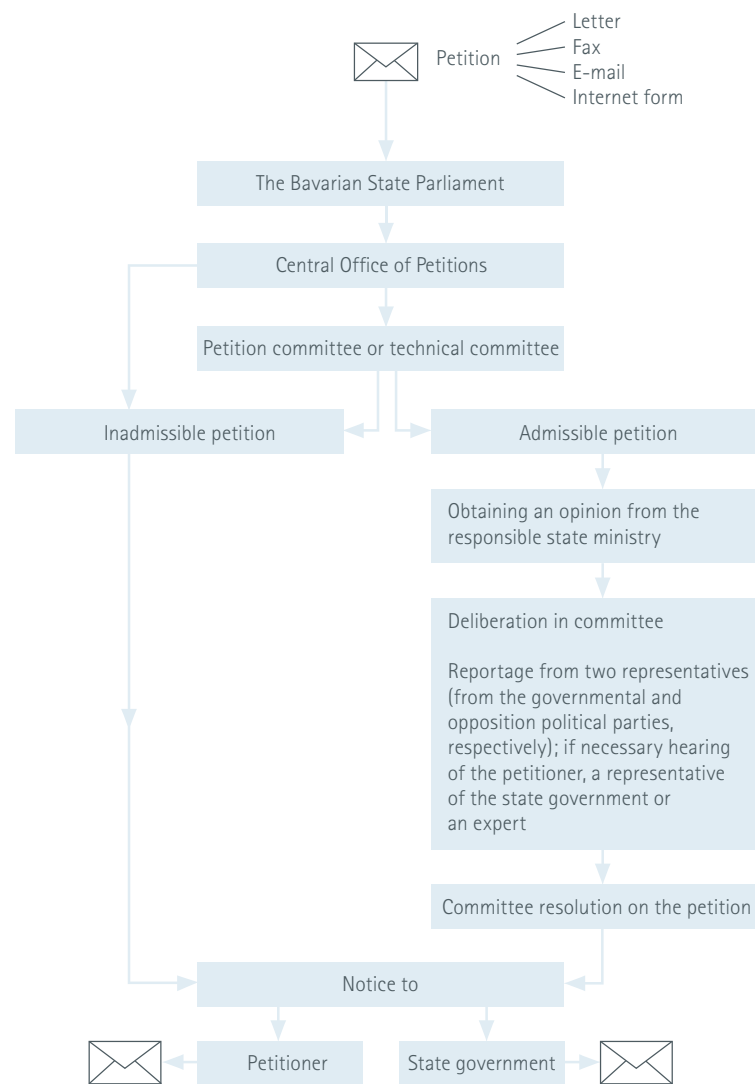
Petitions against court decisions are not permissible. The reason for this: the Bavarian Constitution and the Basic Law for the Federal Republic of Germany guarantee the independence of the administration of justice. Court decisions and orders can only be scrutinised by means of designated appeal procedures.

Mass petition on the topic "primary school": 60 folders with over 100,000 signatures are handed over to Barbara Stamm, President of the State Parliament.





Above: Session of the Committee for Petitions and Complaints



The parliamentary method of a petition

The Landtag Office refers the petition to the Committee for Petitions and Complaints, or – depending on factual responsibility – to one of the other technical committees in Parliament. Before it is handled in the committee, the President of the State Parliament passes it on the responsible state ministry for opinion. Then the treatment of the petition can start: two representatives (so-called “rapporteur” and “co-rapporteur”) of the responsible committee appointed by the chairperson – each from the camp of the governmental parliamentary parties and the opposition parliamentary parties – accept the petition. They inform themselves, report to the committee and submit a proposal for a decision. Even before the committee deliberation the representatives in the working groups of their parliamentary parties have addressed the petition, so that they do not deal with unknown facts in the committee. From time to time not only the opinion of the responsible state ministry is required to be able to evaluate the petition. The Petition Act also gives the Parliament and its committees various possibilities of clarification. For instance, committee concerned with the petition can request the state government to submit files of subordinate authorities for petition in order to get their own idea of previous administrative procedures. Moreover the petitioner(s) themselves or officially recognised experts can be heard for petition. Clarifications can also occur during the treatment in the responsible committee. And the Petition Act also allows on-site visits for definitive clarification, in which the complainants, the responsible representatives of the attending committee and the representatives of authorities take part.



The committee's decision options

During the treatment of the petition the committee will first of all thoroughly scrutinise how it complies with the requested opinion of the state government. If the representatives endorse the written or oral explanation of the responsible ministry, the committee's vote is as follows:

Settled due to the explanation of the state government

This can mean two different things: If the request was rejected in the opinion of the state government, the procedure has come to a negative end. And conversely: if the state government has advocated the petition, the request is taken into account. If the attending committee does not align itself with the opinion of the state government regarding the petition at hand, it has various possibilities of resolution:

Transition to the agenda

The committee considers the petition to be ill-founded or cannot recognise a serious request. In this case the petition has failed.

Information

The committee does not consider the petition to be ill-founded. But at present there is no reason for further or repeated scrutiny of the petition by the state government. Even so, they receive the petition for information, for instance in order to come back to it again in a subsequent context.



Left: Members of the Landtag inform themselves on the scene about a petition

Right: Voting in the Committee for Public Service Issues

Material

The petition is transferred to the state government as "material". Thereby the committee expresses that it considers the petition to be suitable for consideration within the framework of a future bill, an ordinance or a ministerial decision.

Appraisal

If the committee transfers the petition to the state government with this "appraisal", the chances of success are good. The representatives thereby express that the responsible ministry should further or once again scrutinise the case and that in their eyes this provides several reasons for a positive decision.

Consideration

The responsible committee considers the request to be fully justified and feasible. If it transfers it to the concerned state ministry with "consideration", it anticipates that the petition will be granted as soon as possible. If the government does not see itself as able to do so, a renewed treatment of the affair takes place in the committee. If this committee retains the positive resolution, and if the Committee for Constitution, Law, Parliamentary Issues and Consumer Protection also confirms the legitimacy of this position, the plenum of the Bavarian State Parliament will deal with the petition.



Left: Old Town of Regensburg, since 2006 a World Cultural Heritage Site

Above: Trausnitz Castle, Landshut

The right of participation in elections to other state bodies

Participation in advisory committees and other bodies

In addition to the three indispensable tasks of the Bavarian State Parliament, other important functions correspond to them within the framework of the political order in the Free State.

The Parliament elects the members of the Bavarian Constitutional Court, the highest court within the judiciary in the state. In addition the appointment of the President of the Bavarian Supreme Court of Auditors and the State Data Protection Officer are amongst the Landtag's most exclusive legislative tasks. Apart from that, individual representatives take part in a whole series of advisory committees and state or public bodies due to legislative provisions, such as:

- Advisory Committee of the State Agency for Political Education
- Prison Advisory Committees
- State Sports Council
- Broadcasting Council
- Media Council
- State Health Council
- State Monuments Council

The bodies



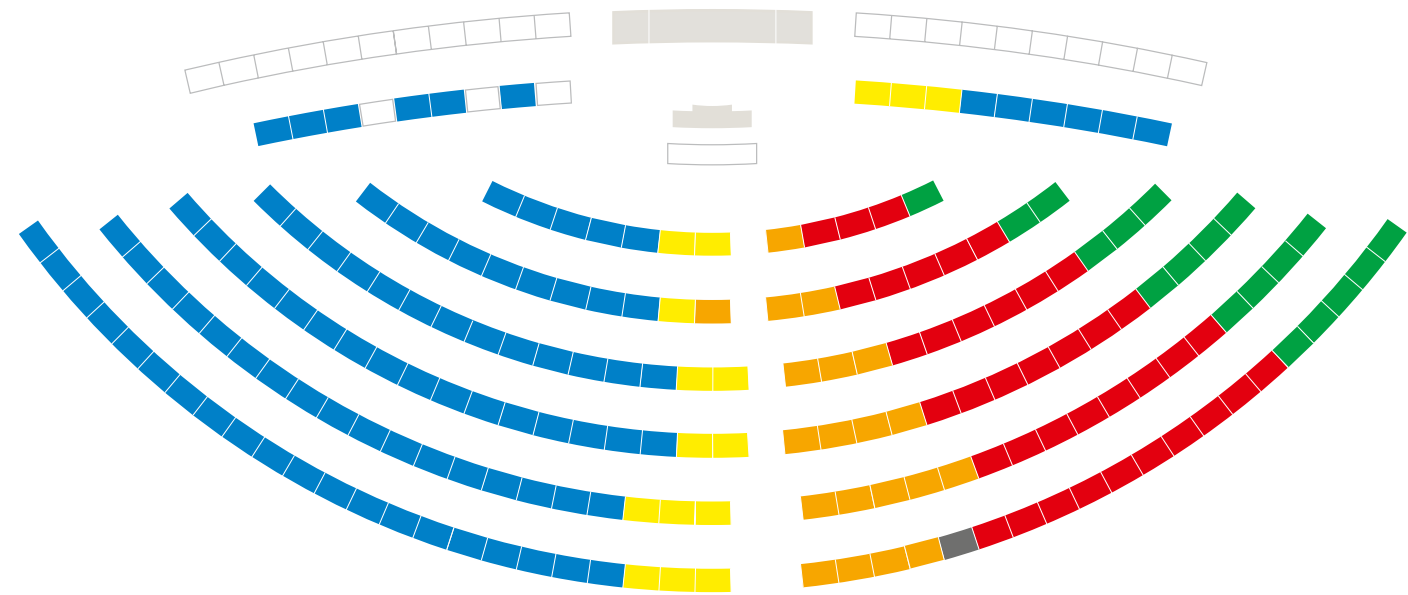
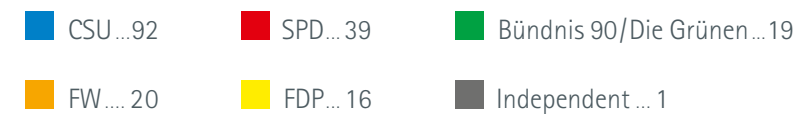




The plenum (plenary session)

The plenum is the heart of the Bavarian State Parliament. The representatives assemble in it for deliberations and to pass resolutions. Its site is the plenary assembly room. It basically convenes in public – this is also a feature of representative democracy. After all, all citizens should know what their representatives resolve. This is why the stenographers also draw up minutes, which are then published – also in the Internet – as official minutes of the Landtag. The final decisions are made in the plenum following often intensive debates. Typical forms of deliberation are, for instance, the so-called "readings" – these are the debates about bills – or the treatment of "motions" by representatives with regard to certain issues. But Question Times or Minister's Questions also take place here. The plenum is the "showcase" of Parliament. It provides the citizens the opportunity to inform themselves about the positions of the parliamentary parties on all current political issues. The multifaceted forms of producing publicity (coverage through the media, live broadcasts in the Internet, possibility of attending a session etc.) emphatically underscore this.

The seating arrangements in the plenary assembly room





The Steering Committee

The Landtag elects a Steering Committee from its members consisting of the President, the Deputies (Vice-Presidents) and the Secretaries (Art. 20 par. 1 BV). The President runs the operations of the Landtag and represents the state in all legal transactions and legal disputes of the Landtag. He/she exercises domiciliary rights and police powers within the Landtag building. The President heads the sessions of the Landtag's plenum and supervises the employees of the Landtag Office and the State Data Protection Officer. The Vice-Presidents support the President in his/her administration of office and represent him/her if this is agreed upon with him/her or if he/she is impeded. The Secretaries (they are representatives, not stenographers) assist the incumbent President in the leadership of the plenum. The Steering Committee is an advisory and decision-making body in the administrative matters of the Landtag. In particular, it prepares the Landtag's budget, decides on building measures and the spatial allocation in the Landtag building and deals with the fundamental personnel matters of the Landtag Office employees. The Steering Committee also conducts the ongoing transactions of the Landtag between two sessions.

The members of the Steering Committee (ten members, see photo on page 104):
 Barbara Stamm, President of the State Parliament (CSU)
 Reinhold Bocklet, 1st Vice-President (CSU)
 Franz Maget, 2nd Vice-President (SPD)
 Peter Meyer, 3rd Vice-President/Secretary (FW)
 Christine Stahl, 4th Vice-President/Secretary (Bündnis 90/Die Grünen)
 Jörg Rohde, 5th Vice-President/Secretary (FDP)
 Reserl Sem, Secretary (CSU)
 Sylvia Stierstorfer, Secretary (CSU)
 Christa Steiger, Secretary (SPD)
 Walter Nadler, Secretary (CSU)



The Council of Elders

The President of the State Parliament and appointed representatives of the parliamentary parties (among others, currently the five Vice-Presidents) belong to the Council of Elders. It supports the President in the performance of his/her official duties and is an advisory and coordinating body in parliamentary matters. The Council of Elders determines the Landtag's session schedule, the seating arrangements in the plenary assembly room and the agenda with procedure of plenary sessions. In contrast to the committees, it does not meet in public. The designation "Council of Elders" has nothing to do with age.

The members of the Council of Elders (17 members):
 Barbara Stamm, President of the State Parliament (CSU)
 Reinhold Bocklet, 1st Vice-President (CSU)
 Franz Maget, 2nd Vice-President (SPD)
 Ulrike Gote (Bündnis 90/Die Grünen)
 Harald Güller (SPD)
 Petra Guttenberger (CSU)
 Konrad Kobler (CSU)
 Bernd Kränzle (CSU)
 Thomas Kreuzer (CSU)
 Peter Meyer, 3rd Vice-President (FW)
 Eduard Nöth (CSU)
 Jörg Rohde, 5th Vice-President (FDP) Georg Schmid (CSU)
 Tanja Schweiger (FW)
 Christine Stahl, 4th Vice-President (Bündnis 90/Die Grünen)
 Tobias Thalhammer (FDP)
 Johanna Werner-Muggendorfer (SPD)

Left: The President's workplace in the plenum

Right: Session of the Council of Elders

The committees

Standing committees responsible for specific fields of expertise are appointed for the duration of a Landtag's legislative period. The committees prepare the negotiations and decisions of the plenum and decide conclusively in urgent matters. They also discuss the petitions and complaints of citizens and generally decide conclusively about them.

The sessions of the committees, like those of the plenum, are basically open to the public.

The Landtag determines the number of members in a committee. The composition depends on the size of the parliamentary parties. The appointment and dismissal of their members in the committees is incumbent upon these parliamentary parties.

Every committee can appoint subcommittees with specific tasks from among its members for preparation of its work. For instance, the Committee for Social Affairs, Family and Labour established a Children's Commission as a subcommittee in the 16th legislative period. For children and adolescents in Bavaria, the Children's Commission is regarded as their advocacy group in Parliament and as point of contact for the associations, organisations and institutions which address the concerns of children and adolescents.

The parliamentary Control Committee for supervision of the activity of the State Office for the Protection of the Constitution is comparable to a standing committee.



Committee for State Budget and Financial Issues

Chairman -left-:
Georg Winter (CSU)

Deputy Chairman -right-:
Volkmar Halbleib (SPD)

22 members

Committee for Constitution, Law, Parliamentary Issues and Consumer Protection

Chairman:
Franz Schindler (SPD)

Deputy Chairwoman:
Petra Guttenberger (CSU)

22 members

Committee for Communal Issues and Internal Security

Chairman -right-:
Joachim Hanisch (FW)

Deputy Chairman -left-:
Christian Meißner (CSU)

20 members

Committee for Economy, Infrastructure, Transport and Technology

Chairman -left-:
Erwin Huber (CSU)

Deputy Chairman -right-:
Alexander Muthmann (FW)

16 members

Committee for Nutrition, Agriculture and Forestry

Chairman -left-:
Albert Füracker (CSU)

Deputy Chairman -right-:
Adi Sprinkart
(Bündnis 90/ Die Grünen)

16 members

Committee for Social Affairs, Family and Labour

Chairwoman:
Brigitte Meyer (FDP)

Deputy Chairman:
Joachim Unterländer (CSU)

16 members

In addition to the standing committees, investigation committees can also be formed. They serve the control of the administration and are the sharpest control instrument of the Parliament. Investigation committees are among the minority rights, since one-fifth of the Landtag's members can compel their appointment.

The Landtag can also appoint enquiry committees for preparation of decisions on comprehensive and important matters that fall under the responsibility of the Free State of Bavaria. They consist of Landtag members and external experts. The plenum assigns such committees their task.

In addition to the standing committees and the already mentioned bodies, there are committees for ongoing tasks in the Landtag such as the Committee for the Selection of Judges and the Data Protection Committee. Additional committees can be appointed for further tasks, such as the "Committee for parliamentary accompaniment of crisis management at the Bavarian State Bank (BayernLB)" at the beginning of the 16th legislative period.

Pursuant to Article 10 of the Basic Law and the federal law enacted for this purpose, a body to be appointed by the Parliament is responsible for the review of the restrictions of postal and telecommunication secrecy instead of the courts. Pursuant to the "Implementation Act for Article 10 of the Basic Law", this is the so-called "G 10 Committee" in the Bavarian State Parliament. It is appointed by the plenum at the beginning of a legislative period and consists of three members, generally from among the members of the Bavarian State Parliament. The Interim Committee is a largely unknown committee of the Bavarian State Parliament. It is appointed by the Landtag for safeguarding of its rights vis-à-vis the state government and for handling urgent state affairs for the period beyond the session and after completion of the legislative period as well as after the dissolution or the dismissal of the Landtag up until assembly of the new Landtag. The members (generally one-fourth of the statutory number of Landtag members) are appointed upon proposal by the parliamentary parties in the last plenary session of the legislative period. The composition is governed by the relative strength of the parliamentary parties.



**Committee for Universities,
Research and Culture**

Chairman:
Bernd Sibler (CSU)

Deputy Chairwoman:
Isabell Zacharias (SPD)

16 members

**Committee for Education,
Youth and Sports**

Chairman -right-:
Hans-Ulrich Pfaffmann (SPD)

Deputy Chairman -left-:
Georg Eisenreich (CSU)

20 members

**Committee for Public
Service Issues**

Chairwoman:
Ingrid Heckner (CSU)

Deputy Chairman:
Stefan Schuster (SPD)

16 members

**Committee for Petitions
and Complaints**

Chairman:
Hans Joachim Werner (SPD)

Deputy Chairwoman:
Sylvia Stierstorfer (CSU)

16 members

**Committee for Federal
and European Affairs**

Chairwoman:
Prof. Ursula Männle (CSU)

Deputy Chairman:
Thomas Dechant (FDP)

16 members

**Committee for Environment
and Health**

Chairman -left-:
Dr. Christian Magerl
(Bündnis 90/Die Grünen)

Deputy Chairman -right-:
Dr. Otto Hünnerkopf (CSU)

20 members



The CSU parliamentary party in the Bavarian State Parliament



The parliamentary parties

The importance of the parliamentary parties in the Bavarian State Parliament has already been addressed. Parliamentary parties are associations vested with their own rights and obligations, to which members of the Bavarian State Parliament have affiliated. Their legal status and their financing are stipulated in detail in the Bavarian Parliamentary Party Act. The pivotal importance of parliamentary parties as political stakeholders in parliamentary events lies above all in the political decision-making process:

The representatives of a parliamentary party already attempt to agree on a mutual position in the run-up to parliamentary decisions under one chairperson (with Bündnis 90/Die Grünen: two) and other members of the parliamentary party's executive committee. This objective – to pursue political intentions as unified as possible – ensues from a fundamental principle of parliamentary democracy, the principle of majority rule. Majorities must often be found in the course of intense discussions, internal votes or compromises. The parliamentary parties are the place for this. They prepare opinions, develop bills and specify their respective position in the committees and in the plenum. Like the Parliament overall, the parliamentary parties are also organised on the basis of division of labour: the representatives of a parliamentary party specialise in working groups and working parties in order to live up to the variety and complexity of parliamentary work in the Bavarian State Parliament.

The CSU constitutes by far the largest parliamentary party in the Bavarian State Parliament with 92 representatives. Our work is characterised by the love for the Bavarian homeland and the responsibility for our state.

The representatives of our parliamentary party see themselves in the service of the Bavarian citizens. They regard themselves as contacts and advocates of the people in Bavaria, who by means of discussion with their representatives are able to introduce their concerns directly in the work of the parliamentary party and the Landtag. Closeness to citizens and rooting in the ward as well as in all of Bavaria's regions are a matter of course for us. Our parliamentary party directly represents nearly all wards. The CSU parliamentary party in the Bavarian State Parliament, together with the state government led by the CSU, has decisively characterised Bavaria in more than the past five decades. It has contributed important ideas and impulses in the work of the Landtag. And it more and more constructively accompanies the state government, and also critically where it is appropriate.

In the coming years we also want to shape and characterise Bavaria together with its citizens. We are proud of what we have achieved, but we will also gladly face the challenges which the coming years have in store for us. I would like to thank the citizens of our state for their confidence and ask you to shape the future of our state together with us so that Bavaria also remains successful and liveable in the future.



Georg Schmid, MdB; Chairman of the CSU Parliamentary Party in the Bavarian State Parliament

The SPD parliamentary party in the Bavarian State Parliament



Bavaria's constituents have entrusted the SPD parliamentary party with the leadership of the opposition in the Bavarian State Parliament. We fulfil this task constructively – not only in the democratic control of government and bureaucracy, but also with our own concepts and legislative proposals.

The core concern of our action in all policy areas is justice. We want a strong Bavaria that combines economic success with social balance. Because the value of a society depends on how we deal with those who are dependent on solidarity. We advocate an efficient, caring social state that safeguards against existential risks such as illness, need for care, unemployment and old age. Because as it is said in the Bavarian Constitution drafted by Social Democratic Minister President Wilhelm Hoegner, the state "serves the common weal". We want to ensure equal living conditions in all parts of the state, focus on an active promotion of all regions, and we want to endow the cities and municipalities – the guarantors of general-interest services – on a better financial basis.

Families are the key players of our society. They need better promotion so that parents can reconcile children and profession with each other. Educational opportunities must not be dependent on origin and pocketbook. We want to safeguard and create jobs in an economically successful Bavaria, retain a strong middle class, preserve our environment and strengthen the civil rights and liberties of the people in Bavaria. Bavaria is the heartland of Germany and Europe. As advocates of its citizens we focus on the model of a "Europe of regions", in which our homeland remains strong, cosmopolitan and optimistic



Markus Rinderspacher, MdL; Chairman of the
SPD Parliamentary Party in the Bavarian State Parliament

The Independent Voters parliamentary party in the Bavarian State Parliament



The Independent Voters provide 15 out of 71 district administrators and 800 out of 2,000 mayors in Bavaria. With this local strength we are also a calculable and citizen-oriented power on the state level, which as the third strongest grouping managed the move into the Bavarian State Parliament with 10.2 percent in 2008. The Independent Voters do not accept any corporate donations in order to keep the influence of lobbying on political decisions as low as possible.

Citizen-oriented topics mean a lot to the Independent Voters, without losing sight of the overriding whole while doing so. For instance, we focus on provision with broadband connections, need-based childcare and smaller school classes. On the other hand, family policy, educational policy or rural areas are topics which are also of the utmost national political importance. The Independent Voters understand politics in the Landtag as a concrete creative mission and not as a talk show in which the policy is simulated. The 20 women and men of the Landtag parliamentary party – ranging from farmer and master craftsman to physician and local politician – can talk openly and unbiased with all political camps due to the factually-oriented approach to problems. As a result, political paralysis is overcome and parliamentarianism is strengthened. Trust, authenticity, closeness to citizens and a grip on reality are decisive factors for the Independent Voters in the political competition. We focus on a policy with common sense that takes people seriously, no matter whether they are workers or salaried employees, civil servants or self-employed. The citizens want to be and should be included in decision-making processes. This is why we call for more direct democracy, for instance plebiscites on large-scale projects. After all, democracy lives from the participation of citizens.



Hubert Aiwanger, MdL; Chairman of the FW Parliamentary Party
in the Bavarian State Parliament

The Bündnis 90/Die Grünen parliamentary party in the Bavarian State Parliament



Ecological, modern and cosmopolitan: the 19 representatives of Bündnis 90/Die Grünen do a great deal for a lasting and sustainable policy in the Bavarian State Parliament under this leitmotif.

Our aspiration is to also help shape Bavaria from the opposition role. Since 1986, as Die Grünen entered the Landtag for the first time, we see ourselves as a driving force that brings the topics of the future onto the agenda. From the utilisation of new energy sources to better childcare, from a modern policy of integration to genetically unmodified agriculture – many topics which are a matter of course for the majority of citizens nowadays were initiated by Die Grünen and stubbornly expedited over many years. Because we span the horizon of our work far beyond the duration of a legislative period: we position ourselves for a Bavaria in which everyone can feel at home – for a Bavaria that also preserves its treasures for the generations after us. We are the political force for people with their own mind, who think for the others at the same time. We have aspirations to think outside the box and not to be satisfied with simple answers. And we also have the courage to represent and convey uncomfortable insights. To be able to implement these objects we look forward to stimulus and suggestions from citizens, initiatives and associations. A successful policy in the Landtag is only possible through the close cooperation with dedicated people everywhere in Bavaria. In this spirit we would like to cordially invite you to enter into a dialogue with us.



Margarete Bause Thomas Mütze

Margarete Bause, MdL, Thomas Mütze, MdL
Chairpersons of the Bündnis 90/Die Grünen
Parliamentary Party in the Bavarian State Parliament

The FDP parliamentary party in the Bavarian State Parliament



After 14 years of absence, the constituents brought the FDP back into the Maximilianeum on 28 September 2008 – with the best result in the history of the Bavarian Liberals. Moreover, the FDP was once again entrusted with governmental responsibility for the first time since 1962. Both electoral mandates are an opportunity and obligation for us: now we are able to make Bavaria a bit more liberal. The work of the FDP parliamentary party is the guarantee for a new beginning in Bavarian politics. The FDP made an advance payment with the liberal signature of the coalition agreement. Now it is our task in the Landtag to ensure that concrete parliamentary initiatives emerge from political avowal of will: for a genuine reform of tax structure so that the citizens will be noticeably relieved. We advocate early childhood education, smaller classes and more permeability of school types in order to also create more equal opportunities in Bavaria. And we also advocate a return to a domestic and legal policy with a sense of proportion that ensures the security of people without taking their freedom from them. The FDP in the Bavarian State Parliament stands for a new beginning in terms of contents, but also in terms of style. We want a new cooperation, the collective struggle for the best solution as well as more openness and transparency. This is why we have participated, and for this purpose we stand as a partner in the coalition government. In order to safeguard Bavaria's economic power and thereby the prosperity of its citizens, the FDP parliamentary party is relying on the renewal of our social market economy. With clear rules we want to create the framework in which everyone can build their personal happiness. While doing so, we rely on the power of freedom; Liberals reject paternalism, culture of prohibition and nationalisation of personal areas of life. Our work in the Bavarian State Parliament also follows this spirit – so that the "Liberalitas Bavariae" not only enriches the treasure trove of quotes, but also determines the life of people in Bavaria.

Thomas Hacker

Thomas Hacker, MdL; Chairman of the FDP Parliamentary Party
in the Bavarian State Parliament



The Free State of Bavaria,
the Federal Republic of Germany
and the European Union

Bavaria – separate state and part
of the Federal Republic of Germany
Bavaria in the European Union

Bavaria – separate state
and part of the
Federal Republic of Germany







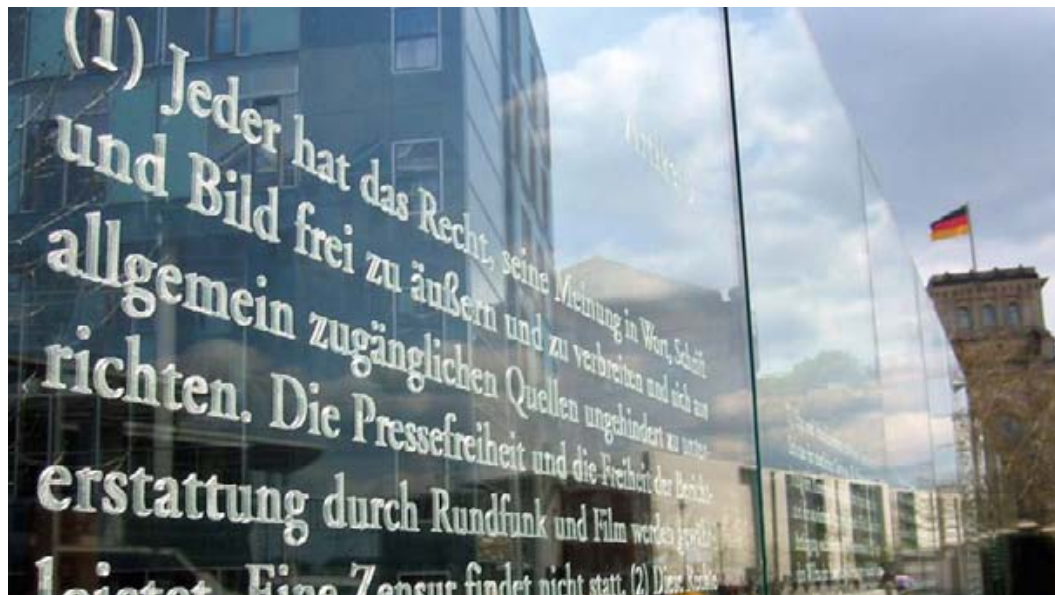
*Bavarian delegation
in Berlin*

The Federal Republic of Germany is – as the name already implies – a federation of 16 federal states. This federal structure of Germany guarantees the individual federal states sovereignty, i.e. a separate constitution, separate state bodies and in many areas separate laws and finances.

Bavaria can thereby look back as the only federal state on a historic national territory and on political structures that have evolved over the course of centuries.

A Duchy of Bavaria has been known since the early Middle Ages. The Wittelsbach family, regents in Bavaria since 1180, were comrades-in-arms on the European stages of the Middle Ages and the early modern times. The Franconian and Swabian territories in present-day Bavaria also have a historical tradition dating back to the early Middle Ages. Bavaria became a constitutional state as early as 1818. It has been called "Free State" (i.e. „republic“) since the end of the monarchy in 1918.

Therefore it is no wonder that the Free State of Bavaria proudly and self-assuredly insists on its sovereignty even after the accession to the purview of the Basic Law in 1949, particularly since the "State of Bavaria" was founded long before the Federal Republic of Germany after the end of the Second World War. The Bavarian constitution already came into effect in December 1946.



Distribution of responsibilities between federal government and federal states

The distribution of responsibilities between federal government and federal states is precisely regulated through the Basic Law (GG), the Constitution of the Federal Republic of Germany. Whereas the federal states can decide relatively independently with regard to enforcement of laws, the federal government principally dominates in the realm of legislation. (It is imperative: "Federal law takes precedence over state law"). Nevertheless, the federal states have legislative powers.

Since the so-called "**Federalism Reform I**" from the autumn of 2006, a differentiation has been made in several fields in which the Free State of Bavaria (as well as all other German federal states) can be active as a legislative body:

- The field of exclusive legislation of federal states (cf. Art. 70 par. 1 GG)
- The field of competing legislation (Art. 72 und 74 GG), including the field of so-called "divergent legislation" (Art. 72 par. 3 GG)

It fundamentally applies: The federal states then have the exclusive right of legislation if the Basic Law does not assign this to the federal government, i.e. to all the fields which are not mentioned in the Basic Law



Right: Session of the Federal State Committee on Federalism Reform in the plenary assembly room of the Bundesrat in Berlin

Competing legislation between federal government and federal states refers to where the federal states have the legislative jurisdiction as long as and insofar as the federal government does not exert its own jurisdiction. However, in certain areas (e.g. commercial law, food law) the federal government may then be legislatively active if the establishment of equal living conditions or the preservation of the legal and economic unit necessitates a national solution in the overall national interest.

"Divergent legislation" refers to where the federal government has already been legislatively active, but then the Basic Law allows the federal states to make statutory regulations diverging from this.

From March 2007 to March 2009, a committee comprised of 16 members from the federal level (members of the German Bundestag and members of the federal government), 16 members of the Bundesrat (mostly the Minister Presidents of the federal states) as well as (without voting right) four representatives of the state parliaments and three representatives of municipalities worked on the modernisation of the financial relations between the federal government and the federal states (so-called "**Federalism Reform II**"). In particular, a basic prohibition of new indebtedness for the federal states, an indebtedness limit for the federal government as well as an early warning system were agreed upon in order to recognise in due time the drift of public budgets in a crisis situation.

Bavarian Landtag



Exclusive legislation of the federal states

- Culture
- Police
- School and education system
- General press matters
- Right of assembly
- Penal system
- Home nursing care law
- Municipal code, administrative district code
- Salary and maintenance of state civil servants and judges
- Catering trade law

Bundestag



Competing legislation between federal government and federal states

Without Necessity Clause

- Civil law
- Criminal law
- Civil status
- Law of association
- Labour law

With Necessity Clause

- Right of residence for foreign citizens
- Food law
- Commercial law
- Road traffic

Divergent legislation

- University admission and degrees
- Land distribution and regional planning
- Hunting
- Water supply
- Nature conservation and landscape preservation

Bundesrat



Exclusive legislation of the federal government

- Foreign affairs
- Defence, civil defence
- Citizenship
- Passport, registration and identification system
- Currency and monetary system
- Customs duties and foreign trade
- Federal railways and air traffic
- Post and telecommunications system
- Generation and utilisation of nuclear energy

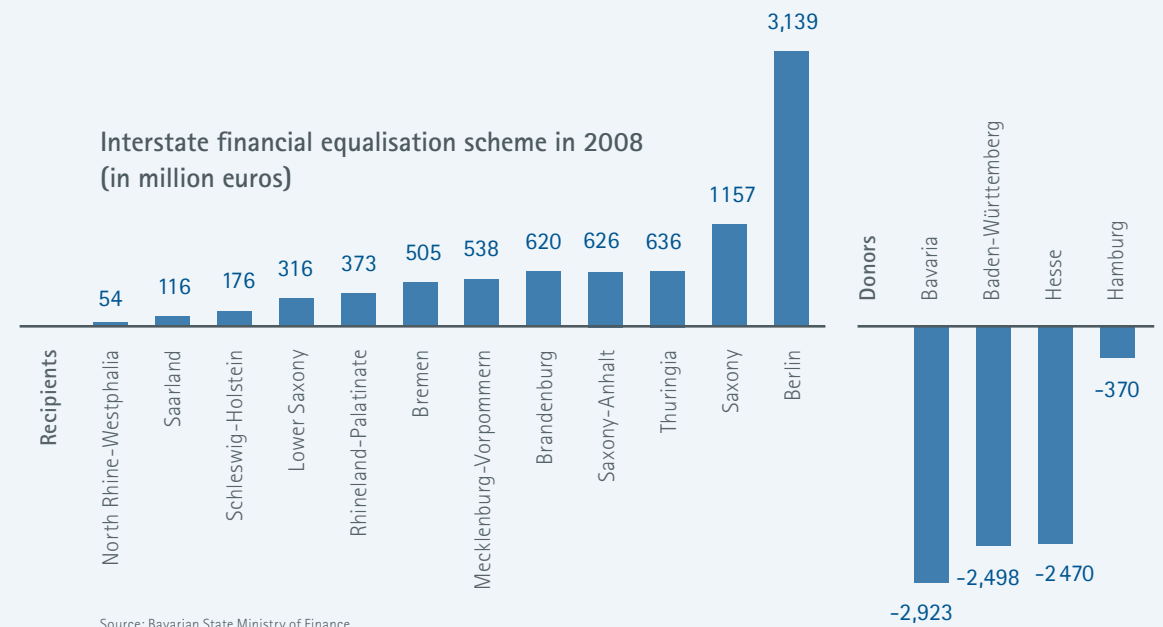


Participation of federal states through the Bundesrat

The federal states are involved in the legislation of the federal government through their representatives in the Bundesrat. This federal state representation – in addition to the Bundestag, the "second chamber" of the German federal parliamentary system – comprises a total of 69 members. Depending on population, the 16 federal states delegate between three and six members of their state governments to the Bundesrat in Berlin.

For instance, the six representatives (subject to directives) of the Bavarian state government vote on laws which have been resolved beforehand by the Bundestag. Depending on the legislative area, the Bundesrat can file an objection against legislative projects of the federal government or also withhold approval. An objection lodged by the Bundesrat can be rejected by the Bundestag with so-called "objection laws" (e.g. from the areas "foreign policy" or "defence"). An approval of the Bundesrat is a prerequisite for the establishment of the law, especially with regard to laws that require approval, i.e. such laws concern the interests and finances of federal states, as well as with regard to constitutional amendments.

Interstate financial equalisation scheme in 2008
(in million euros)



Source: Bavarian State Ministry of Finance

Distribution of financial resources between federal government and federal states – interstate financial equalisation scheme

An essential guarantee for the functioning of the federal system is that the financial resources are adequately apportioned between the federal government and federal states. Both levels have separate tax sources. The federal government is entitled to important consumption taxes, particularly such as energy tax (formerly mineral oil tax), insurance tax, tobacco tax and recently motor vehicle tax. In particular, the federal states and their municipalities receive the revenue from the land transfer tax, inheritance tax and trade tax. On the other hand, the considerable taxes on earnings (payroll and income tax, corporate tax) and value-added tax – so-called "community taxes" – represent the lion's share of tax revenue. These revenues – with respective legally stipulated proportions – flow into the coffers of the federal government, federal states and their municipalities.

The guarantee for a balanced financial distribution between the federal government and federal states and among the federal states offers a sophisticated system of federal financial equalisation. This ranges from the distribution of the federal state proportion of value-added tax via the interstate financial equalisation scheme (see graphic above) to supplementary allocations of the federal government to inefficient federal states.

Left: Bundesrat session
(front): Minister President
Horst Seehofer and Minister
of State Emilia Müller
Second row: Minister of
State Helmut Brunner



Bavaria in the European Union



The European Parliament, Strasbourg

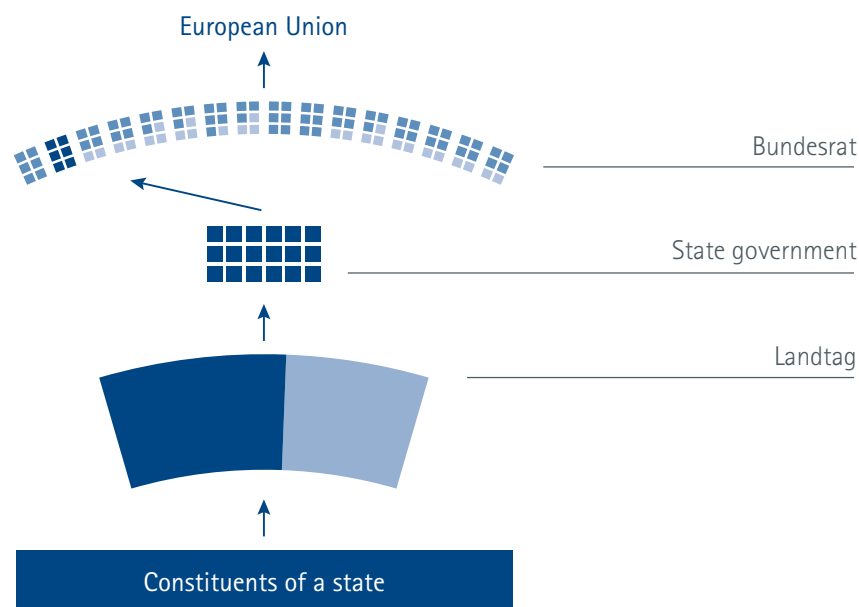
Of course, the membership of the Federal Republic of Germany in the European Union also extends to the 16 German federal states. Bavaria – located precisely in the centre of the European Union territory – profits in many areas from the freedoms of the internal market, but is also under the influence of pan-European decisions.

About half of our federal and state laws are directly or indirectly codetermined by the European Union (EU). The EU influence is even approx. 80 % with regard to legal acts in the areas of economy, agriculture and environment. What does this mean for the legislation, for the politics in Bavaria overall? First of all: Bavaria and Germany need the EU! Global challenges such as the worldwide financial crisis, climate change or the threat through international terrorism require collective action. Only if the EU stands together as a large community of solidarity we and our neighbours are assured peace and prosperity. This is why Bavaria's policy is pro-European. The principle of subsidiarity is thereby a guiding principle for Bavaria. Whatever can be regulated on a municipal, regional or national basis should also be regulated there. Issues which the nation states can no longer resolve alone should be reserved for the EU level. The Free State of Bavaria emphatically advocates and still advocates (successfully!) the adherence to this fundamental principle with the EU. In this spirit Bavaria has a direct and indirect influence on the state government and the Bundesrat (also under participation of the Landtag). Because the application of the principle of subsidiarity signifies, Europe – with all integration – can preserve everything that makes it a special living space: linguistic, cultural, economic and political diversity in the entity.





Bavaria influences EU policies by various means: together with the governments of other federal states, the Bavarian state government can influence the decisions of the EU in the Bundesrat. The Bundesrat is directly informed by the European Commission – from which the proposals generally stem – about EU projects. If interests of the federal states are concerned, the federal government has to take the Bundesrat's recommendations and resolutions into consideration. In certain cases the Bundesrat can also pass on its resolutions directly to the European Commission, the executive branch of the EU.



The Bavarian State Parliament and the Bavarian state government have agreed upon a special procedure for subsidiarity control so that the principle of subsidiarity is also observed on the European level. Since 1987 the Free State of Bavaria has maintained its own advocacy group in Brussels in order to be informed on the scene and to be able to represent Bavarian interests. This "Bavarian delegation" attempts to influence European decisions in the Bavarian spirit, informs the state government and Landtag about EU projects in due time, or supports the Bavarian economy by means of contacts with the European Union, for instance. The representatives from Bavaria, who have been elected to the European Parliament as representatives of the Free State, also function as representatives of Bavarian interests. The Committee of the Regions (AdR) is an important body of the EU for introducing Bavarian interests and objectives on the European level. This advisory committee with 344 members at present (24 of them from Germany and in turn one of them from Bavaria) gives a voice to the special concerns of the regions (particularly the German federal states) and municipalities in the EU. It comments on EU projects with regional reference and is heard by the Council of Ministers, European Commission and the European Parliament. The Committee of the Regions can take legal action against EU legal acts which violate the principle of subsidiarity.

*Left:
The Bavarian delegation
in Brussels*

*Right:
Prof. Ursula Männle, MdL
(CSU), in a session of the
Committee of the Regions
in Brussels*



Data and facts

The Landtag Office

The Landtag Office is directly subordinate to the President of the Bavarian State Parliament and is led by the Director of the Landtag. It is divided into two departments.

The Bureau of the President (BP1 and BP2) and the Press Spokesperson (PS) are directly subordinate to the President of the State Parliament as staff units. BP1 coordinates the President's appointments, deals with the concerns of citizens, associations and organisations and incorporates protocol tasks. BP2 is responsible for basic topics and speech material. The Press Office is the Landtag's point of contact for various media. The Press Spokesperson provides information about the work of Parliament, arranges interviews with the President and together with the Public Relations department (see below) is responsible for the Landtag's daily press review, for which nearly 40 regional and national newspapers are evaluated.

Department P

The "Parliamentary Services" department deals with matters pertaining to the plenum, the Council of Elders, committees, investigation committees, enquiry committees and other parliamentary bodies. This particularly pertains to the organisational preparation and follow-up of sessions as well as supporting the leadership of the session. Assessments are compiled with regard to parliamentary law, rules of procedure and the Constitution as well as other legal issues. Parliamentary initiatives, i.e. bills, motions of representatives, interpellations, written inquiries and plenary inquiries are scrutinised for their permissibility pursuant to the rules of procedure as well as formal accuracy. The representatives receive information documents for reportage in the committees. The proposed resolutions of the committees are prepared for plenary deliberation, and plenary resolutions are passed on to the state government. Petitions are also handled administratively in Department P. Opinions of the responsible ministries are obtained for this purpose. The result of the deliberation is communicated to the petitioner(s) and the responsible state ministry. Investigation committees are looked after like the standing committees, and then there is the request for the concluded evidence.

The Stenographic Service records the proceedings in the plenary sessions verbatim, and produces discussion and summary minutes of the committee sessions.

The Public Relations department provides written, visual and audio information about the work of Parliament, for instance in the Internet and with the online magazine "Maximilianeum" (www.maximilianeum-online.de). It organises exhibitions in the Maximilianeum and touring exhibitions. The Visitor's Service takes care of groups and school classes. The department is also responsible for lecture series and events.

Department Z

The "Central Services" department has the task of ensuring the structural, technical and financial framework conditions for an effective parliamentary operation. The department fulfils this service task for all those who work in the Bavarian State Parliament: representatives, Landtag Office employees, parliamentary party offices and the Landtag press. The acquisition and support of qualified personnel in the department is an important prerequisite. Building maintenance and operating technology for the listed Maximilianeum, the property management and economic management for the Parliament (among other things the draft and execution of the budget), the session and caretaker service as well as various other services such as the technical and organisational support of numerous events in the Maximilianeum in cooperation with the Public Relations department and the protocol also lie within the department's sphere of responsibility. The area of responsibility also includes the Landtag library, which holds more than 70,000 volumes of specialist literature. All Landtag printed matter and protocols are evaluated in the Archive/Documentation department so that with EDP support it is available in hard copy as well as in the Internet. Department Z also provides modern information and communication technology for representatives, administration and the general public. In the meantime, an extensive electronic information system is available; this is retrievable worldwide via the Internet: www.bayern.landtag.de. The Media Technology department provides the plenary sessions live in the Internet by means of web TV as well as documentation. Department Z is also responsible for the preparation and follow-up of the Landtag Steering Committee's sessions.

The State Data Protection Officer

The State Data Protection Officer is under the supervision of the Landtag President (according to Art. 33 a Paragraph 3 Clause 2 BV). The Data Protection Officer is independent in the performance of his duty and only subject to the law. The Data Protection Officers office is set up by the Landtag, whereby the Landtag Office takes care of the office's administrative matters.

History of the Bavarian Parliament

The Bavarian State Parliament is one of the oldest German and European parliaments. Its origins date back to the beginning of the 14th century. The first steps for this took place in Lower Bavaria.

The Ottonische Handfeste (Ottonian Charter) from 15 June marks this beginning of Bavaria's parliamentary history. The Wittelsbach Duke Otto II of Lower Bavaria/Landshut urgently required money. The Lower Bavarian aristocracy approved a new tax for this purpose, but confirmed its own rights at the same time (e.g. "low justice"). This document became the basis for the liberties of the three Estates of the Realm to include aristocracy, the clergy and cities. These Estates were also called "Landschaft" (territory).

In the beginning of the 16th century, the duchies of Upper and Lower Bavaria reunited. Since that time the Estates of Bavaria had held meetings together. They achieved their goal – a greater right to a say – with the declared Landesfreiheit (Freedom of the Land) from 1508. This became the Basic Law of the Constitution of the Bavarian Estates for 300 years.

The era of royal absolutism repressed the power of the Estates. However, this process had already been initiated during the long regency of Elector Maximilian I. The Old Bavarian "Landtag" assembled for the last time in 1669. It has never been convened since then. Only a "Standing committee" continued to conduct business until the beginning of the 19th century. But the rights and liberties of the Estates were nominally retained.

Bavaria was on the brink of state bankruptcy during the Napoleonic Wars. In order to guarantee the unity of the state and orderly finances with a modern constitution and with a parliament, King Maximilian I Joseph enacted a constitution on 1 May that granted certain fundamental civil rights. The old Landschaft was dissolved. However, the planned national representation was not carried into effect.

The King granted a new constitution. In accordance with the English model, it specified an Assembly of Estates with two chambers. The 1st chamber – that of the "Imperial Councillors" – consisted of members by virtue of birth, possessions, office or royal appointment. Elected (partially indirectly) representatives – comprised of aristocracy, the clergy, bourgeoisie and peasantry – sat in the 2nd chamber.

The King opened the first Assembly of Estates on 4 February. The session periods were called "Landtag". The main task of this 1st Landtag was to arrange the state finances and to adopt the budget.

1311

1508

1669

1808

1818

1819

1849 The Bavarian Parliament was now officially designated as the "Landtag". The Landtag was located at Haus Prannerstraße 20 (near Promenadenplatz) in Munich from 1819 to 1934.

1881 The secret ballot of Landtag representatives was introduced.

1907 The entire Chamber of Representatives was directly elected for the first time. Only men aged 25 or older were eligible to vote.

1918 The end of the First World War also brought about the end of the constitutional monarchy. The republic in Bavaria was proclaimed during the "Night of Revolution" on 7/8 November. King Louis III fled. Kurt Eisner, formerly of the Independent Social Democratic Party of Germany (USPD), became the first Minister President of the new republic.

1919 The Bavarian People elected a sovereign Landtag for the first time on 12 January. The right to vote now also applied to women. When rioting broke out in Munich after the assassination of Kurt Eisner, the Landtag and government retreated to Bamberg. It only provided for one chamber, the Landtag. The Landtag now became the responsible body for the "Sovereignty of the People" for the first time.

1933 The Bavarian State Parliament convened for the last time on 28 and 29 April. National Socialists had already taken over power in Berlin.

1934 A "Reich law" enacted on 30 January abolished all state parliaments.

1946 After the Second World War, democratic parties were permitted again by the American military government. A "Consultative State Committee" met as a preliminary parliament in the auditorium at University of Munich on 26 February. Dr. Wilhelm Hoegner (SPD) was appointed as Minister President by the military government at this time. For the first time in Bavaria's history, a constituent state assembly was elected on 30 June. It included members from the CSU, SPD, FDP, WAV and KPD (Communist Party of Germany). The Bavarian tradition of a bicameral system re-established with the creation of the Bavarian Senate. The People approved the new constitution on 1 December and elected a new Landtag at the same time. Since the old Landtag building on Prannerstraße was completely destroyed, the newly elected Parliament initially met at the University of Munich, the theatre Brunnenhoftheater at the Residence and in the Sophiensaal (hall) of the regional tax office.

1949 The Bavarian State Parliament and the Bavarian Senate were able to move into the renovated Maximilianeum in January. "Maximilianeum" and "Bavarian Parliament" have been synonymous since then.

The gallery of presidents

Barbara Stamm is the tenth President of the Bavarian State Parliaments since 1946.

An unwritten task of the President is to enhance the image of parliamentary democracy and to smoothly arrange the working routine of Parliament. The Presidents are the straightforward brokers between the political forces in the Parliament. The portraits of former Presidents of the State Parliaments are located in the northern ambulatory of the Maximilianeum.



Dr. Michael Horlacher
1946-1950



Dr. h.c. Georg Stang
1950-1951



Dr. Dr. Alois Hundhammer
1951-1954



Dr. Hans Ehard
1954-1960



Rudolf Hanauer
1960-1978



Dr. Franz Heubl
1978-1990



Dr. Wilhelm Vorndran
1990-1994



Johann Böhm
1994-2003



Alois Glück
2003-2008

State coat of arms

The Bavarian State Parliament resolved the "Law on the coat of arms for the Free State of Bavaria" on 5 June 1950. The large Bavarian state coat of arms consists of squared shield with a heart-shaped shield.

The first field, above left, shows the golden, erect Palatinate lion armoured in red. Bavarian Duke Louis was awarded the fief of the Palatinate Earldom in 1214. Today the Palatinate Lion is reminiscent of the Upper Palatinate administrative region.

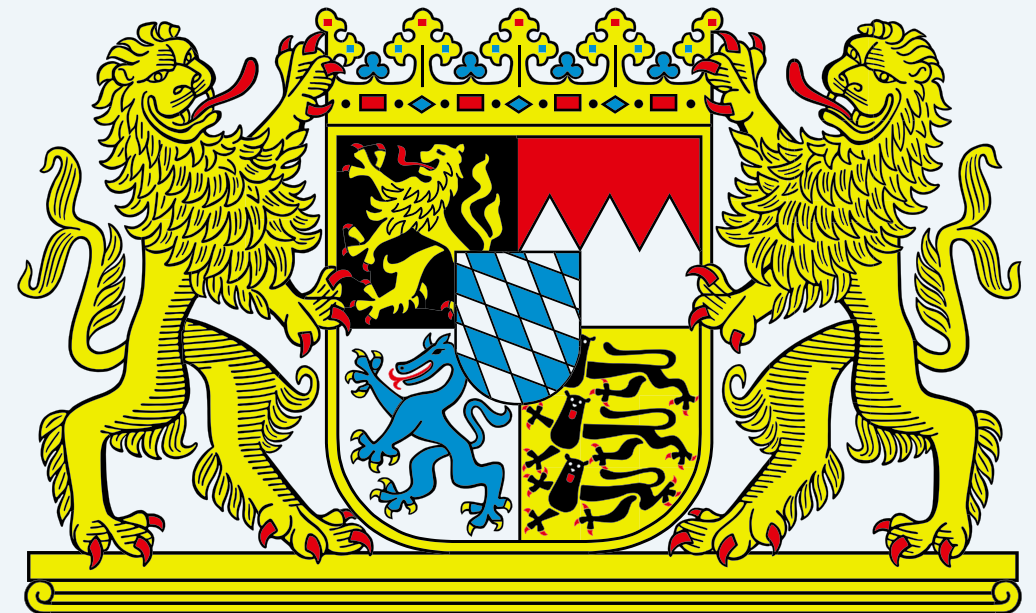
The second field, above right, is halved by intermeshed, red-white (silvery) areas. These red-silvery "Rakes" are derived from the coat of arms of the once independent Prince-Bishopric of Würzburg. It stands for the three Franconian administrative regions.

The third field, below left, shows a blue, gold armoured, erect panther on a white (silvery) background. The Blue Panther, originally the heraldic animal of the Dukes of Carinthia, had been adopted by Duke Henry of Lower Bavaria when he purchased the vast possession of the dukes of Carinthia in Lower Bavaria in the year 1259. The Blue Panther represents the administrative regions Lower and Upper Bavaria.

The fourth field, below right, depicts three black, red armoured lions arrayed above each other on a gold background. The lions turn their heads towards the viewer. The lions are adopted from the old coat of arms of the Hohenstaufen dynasty, former dukes of Swabia. They refer to the Swabia administrative region. The heart-shaped shield – featuring lozenges slanted to the right in white (silver) and blue – is the blazon shield of the Wittelsbach dynasty, which were initially dukes (from 1180), later electoral princes (from 1623) and finally kings of Bavaria (1806 to 1918). The rakes, originally called Wecken, were formerly the coat of arms of the counts of Bogen, which the Wittelsbach dynasty took over in 1242.

The blazon shield is held by two golden, red armoured lions.

The "People's Crown" above the shield in lieu of the former royal crown has been an expression of the sovereignty of the people since 1923.



The Hymn of Bavaria

The "Hymn for Bavaria" was already widespread since the second half of the 19th century before it became the official hymn of the Free State through initiatives of the Bavarian State Parliament. Munich teacher Michael Öchsner, publisher of the first periodical of the Bavarian Teacher's Association, was the poet of the original version. The composer was Konrad Max Kunz, professor at the Munich Conservatorium (today the Academy of Music), choir director in the Royal Opera (today State Opera) and member of the Bavarian Chorale Society. Öchsner and Kunz collaborated in the old Munich Bürger-Sänger-Zunft ("Citizens-Singers-Guild"), and dedicated the hymn "For Bavaria". It quickly spread among clubs in which Öchsner, Kunz and their friends from the singers' guild participated (marksman clubs and the gymnastics clubs, Bavarian Teacher's Association and Bavarian Chorale Society newly established in the years since 1860).

When the national anthem of the Weimar Republic had been designated as the hymn of the Federal Republic of Germany in 1952, the Bavarian State Parliament unanimously decided that the German national anthem and the hymn "For Bavaria" should be taught in the schools and utilised together by Bavarian Broadcasting (BR). The Bavarian state government at that time (large coalition comprised of CSU and SPD) executed the Landtag resolution on 3 March 1953. Since the responsible interior ministry advised against a statutory regulation of the "hymn issue" in 1964, it was subsequently regulated through a publication of the Minister Presidents. The "Bayernlied", which has been officially called "hymn" since 1964, enjoys the protection of § 90a StGB (penal code), which forbids the denigration of national anthems and state anthems.

In the original version from 1860 there was a third stanza, the so-called "King's Stanza". Its first verse was: "God be with him, the Bavarian King! Blessing over his dynasty!" This stanza was erased in most songbooks in 1918. The Bavarian poet Josef Maria Lutz composed a new third stanza in 1946. It starts with the words: "God be all the people who faithfully protect and preserve the holy law!"

Minister President Franz Josef Strauß ended discussions about varying textual configurations with a publication on 19 July 1980. It specifies that the two-stanza text, which essentially corresponds to the original version, will be utilised during official occasions.

*Gott mit dir, du Land der Bayern,
Deutsche Erde, Vaterland!
Über deinen weiten Gauen
ruhe seine Segenshand!
Er behüte deine Fluren,
Schirme deiner Städte Bau
und erhalte dir die Farben
seines Himmels, weiß und blau!*

*Gott mit dir, dem Bayernvolke,
dass wir, unsrer Väter wert,
fest in Eintracht und in Frieden
bauen unsres Glückes Herd!
Dass mit Deutschlands Bruders-
stämmen einig uns ein jeder schau
und den alten Ruhm bewähre
unser Banner, weiß und blau!*

*God be with you, Land of the Bavarians,
German soil, fatherland!
Over Your wide area
rule your merciful hand!
He shall protect your meadows,
Shield the buildings of your towns
and lift up for you the colours
of His Heaven - white and blue!*

*God be with you, the people of Bavaria,
that we, with our fathers' worth,
fixed in harmony and in peace
build our own fortunes!
That with bonds of German brotherhood
we are united our foes we show
and the old splendour stands the test
our banner, white and blue.*

Election results

for the legislative periods after 1946 and for the parties elected in the Landtag

Legislative period	CSU Votes %	SPD Votes %	FW Votes %	GREENS Votes %	FDP Votes %	BP Votes %	GB/BHE Votes %	Other Votes %
1st 1946/50	1,593,908 52.3	871,760 28.6	- -	- -	172,242 5.7	- -	- -	WAV 225,404 7.4
2nd 1950/54	2,527,370 27.4	2,588,549 28.0	- -	- -	653,741 7.1	1,657,713 17.9	1,136,148 12.3	- -
3rd 1954/58	3,691,954 38.0	2,733,946 28.1	- -	- -	703,924 7.2	1,286,937 13.2	990,109 10.2	- -
4th 1958/62	4,192,904 45.6	2,839,300 30.8	- -	- -	512,344 5.6	742,424 8.1	793,628 8.6	- -
5th 1962/66	4,663,528 47.5	3,465,168 35.3	- -	- -	577,836 5.9	469,877 4.8	- -	- -
6th 1966/70	5,074,342 48.1	3,968,973 35.8	- -	- -	- -	- -	- -	NPD 781,813 7.4
7th 1970/74	6,344,599 56.4	3,742,760 33.3	- -	- -	624,560 5.6	- -	- -	- -
8th 1974/78	7,001,551 62.1	3,520,065 30.2	- -	- -	586,533 5.2	- -	- -	- -
9th 1978/82	6,782,091 59.1	3,599,479 31.4	- -	- -	711,348 6.2	- -	- -	- -
10th 1982/86	7,091,433 58.3	3,876,970 31.9	- -	- -	- -	- -	- -	- -
11th 1986/90	6,333,734 55.8	3,119,124 27.5	- -	854,353 7.5	- -	- -	- -	- -
12th 1990/94	6,093,514 54.9	2,882,008 26.0	- -	712,101 6.4	573,338 5.2	- -	- -	- -
13th 1994/98	6,163,888 52.8	3,506,620 30.0	- -	713,732 6.1	- -	- -	- -	- -
14th 1998/2003	6,447,764 52.9	3,501,900 28.7	- -	692,456 5.7	- -	- -	- -	- -
15th 2003/08	6,217,864 60.7	2,012,265 19.6	- -	793,050 7.7	- -	- -	- -	- -
16th 2008/13	4,603,960 43.4	1,972,437 18.6	1,085,896 10.2	999,111 9.4	847,227 8.0	- -	- -	- -

Overall election results

from 1950 to 2008

Election year	Total eligible voters	Voters	Voter turnout %	Invalid votes	Valid votes
1950	6,026,641	4,813,528	79.9	383,851	9,237,840
1954	6,102,799	5,030,235	82.4	325,782	9,724,178
1958	6,254,214	4,787,763	76.6	353,397	9,203,820
1962	6,599,417	5,051,684	76.5	285,545	9,816,377
1966	6,717,225	5,416,375	80.6	290,604	10,540,680
1970	7,253,205	5,765,850	79.5	287,197	11,243,107
1974	7,415,892	5,765,145	77.7	249,858	11,278,586
1978	7,651,716	5,863,069	76.6	256,781	11,468,095
1982	7,962,090	6,212,329	78.0	256,100	12,167,201
1986	8,265,474	5,797,523	70.1	235,974	11,354,399
1990	8,583,278	5,652,294	65.9	200,050	11,098,912
1994	8,743,532	5,926,503	67.8	182,026	11,669,881
1998	8,846,155	6,175,848	69.8	161,755	12,186,909
2003	9,108,516	5,205,073	57.1	160,479	10,248,735
2008	9,321,417	5,398,356	57.9	183,729	10,612,275

BP	Bayernpartei (Bavaria Party)
CSU	Christlich-Soziale Union in Bayern e.V. (Christian Social Union in Bavaria)
FDP	Freie Demokratische Partei (Free Democratic Party)
FW	Freie Wähler (Independent Voters)
GB/BHE	Gesamtdeutscher Block / Block der Heimatvertriebenen und Entrechteten (All-German Block / Block of Expellees and People Deprived of their Rights)
GRÜNE	BÜNDNIS 90 / DIE GRÜNEN (Alliance 90 / The Greens Party)
NPD	Nationaldemokratische Partei Deutschlands (National Democratic Party of Germany)
SPD	Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
WAV	Wirtschaftliche Aufbau-Vereinigung (Union for Economic Reconstruction)

Parliamentary party strengths

after den Landtag elections from 1946 to 2008

Legislative period	CSU Votes In %	SPD Votes In %	FW Votes In %	GREENS Votes In %	FDP Votes In %	BP Votes In %	GB/BHE Votes In %	Other Votes In %	Total Votes In %
1st 1946/50	104 57.8	54 30.0	- -	- -	9 5.0	- -	- -	WAV 13 7.2	180 100.0
2nd 1950/54	64 31.4	63 30.9	- -	- -	12 5.9	39 19.1	26 12.7	- -	204 100.0
3rd 1954/58	83 40.7	61 29.9	- -	- -	13 6.4	28 13.7	19 9.3	- -	204 100.0
4th 1958/62	101 49.5	64 31.4	- -	- -	8 3.9	14 6.9	17 8.3	- -	204 100.0
5th 1962/66	108 53.0	79 38.7	- -	- -	9 4.4	8 3.9	- -	- -	204 100.0
6th 1966/70	110 53.9	79 38.7	- -	- -	- -	- -	- -	NPD 15 7.4	204 100.0
7th 1970/74	124 60.8	70 34.3	- -	- -	10 4.9	- -	- -	- -	204 100.0
8th 1974/78	132 64.7	64 31.4	- -	- -	8 3.9	- -	- -	- -	204 100.0
9th 1978/82	129 63.2	65 31.9	- -	- -	10 4.9	- -	- -	- -	204 100.0
10th 1982/86	133 65.2	71 34.8	- -	- -	- -	- -	- -	- -	204 100.0
11th 1986/90	128 62.7	61 29.9	- -	15 7.4	- -	- -	- -	- -	204 100.0
12th 1990/94	127 62.3	58 28.4	- -	12 5.9	7 3.4	- -	- -	- -	204 100.0
13th 1994/98	120 58.8	70 34.3	- -	14 6.9	- -	- -	- -	- -	204 100.0
14th 1998/2003	123 60.3	67 32.8	- -	14 6.9	- -	- -	- -	- -	204 100.0
15th 2003/08	124 68.9	41 22.8	- -	15 8.3	- -	- -	- -	- -	180 100.0
16th 2008/13	92 49.2	39 20.9	21 11.2	19 10.2	16 8.5	- -	- -	- -	187 100.0

Percentage of women

after the Landtag elections from 1946 to 2008 – Status: June 2009

Election year	CSU	SPD	FW	GREENS	FDP	Independent	DG	Women's seats	In %	Total seats
1946	2	1	-	-	-	-	-	3	1.7	180
1950	1	4	-	-	1	-	1	7	3.4	204
1954	2	3	-	-	1	-	-	6	2.9	204
1958	3	3	-	-	1	-	-	7	3.4	204
1962	6	4	-	-	1	-	-	11	5.4	204
1966	4	3	-	-	-	-	-	7	3.4	204
1970	10	3	-	-	3	-	-	16	7.8	204
1974	11	4	-	-	1	-	-	16	7.8	204
1978	7	7	-	-	1	-	-	15	7.4	204
1982	9	7	-	-	-	-	-	16	7.8	204
1986	10	8	-	9	-	-	-	27	13.2	204
1990	11	12	-	6	2	-	-	31	15.2	204
1994	14	22	-	8	-	-	-	44	21.6	204
1998	17	23	-	9	-	1	-	50	24.5	204
2003	28	16	-	9	-	-	-	53	29.4	180
2008	19	18	5	10	5	1	-	58	31.0	187

Occupational statistics of representatives

Status: April 2009

Self-employed / dependant / freelance professions

Lawyer	25
Notary	1
Farmer/forester	15
Entrepreneur	15
Craftsperson	1
Research/science	3
Physician	9
Architect, engineer	6
Journalist, editor	8
Tax consultant	3
Other	11
Total	97

Public service

civil servant

worker

Administration	17	4
Education/research/science	18	7
Justice	5	–
Municipality	1	1
Police, armed forces	2	–
Total	43	12

Employee in economy/associations

Economy	13
Parties	–
Associations/organisations	3
Trade unions	2
Churches	3
Total	21

Housewife/househusband 3

Municipal/electoral official 7

Worker 1

Other 3

Age structure of representatives

16th legislative period (2008–2013) – Status: 17 June 2009

Age groups	CSU	SPD	FW	GREENS	FDP	Independent	Insgesamt
1927 - 1930	-	-	-	-	-	-	-
1931 - 1935	-	-	-	-	-	-	-
1936 - 1940	-	1	-	-	-	-	1
1941 - 1945	13	1	1	-	1	-	16
1946 - 1950	15	3	3	-	4	-	25
1951 - 1955	22	11	3	6	1	-	43
1956 - 1960	15	9	2	5	1	1	33
1961 - 1965	12	10	7	5	-	-	34
1966 - 1970	7	4	2	2	5	-	20
1971 - 1975	7	-	1	-	2	-	10
1976 - 1980	1	-	1	1	2	-	5
1981 - 1985	-	-	-	-	-	-	-
Total	92	39	20	19	16	1	187



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