



## **The Landtag - Role and Functions**

The Landtag is the land (i.e. state) parliament of Rhineland-Palatinate. It is situated in Mainz - the land capital. The Landtag is made up of 101 elected representatives of the people. They represent the entire population of the land, act according to their own conscience, and are not bound by any directives.

Since the beginning of the 12th Landtag in 1991, its legislative term has been increased to 5 years. The members of the Landtag elect a President from among their own ranks, as well as four Vice-Presidents and the secretaries for the duration of the legislative term.

The 2011 elected 16th Landtag consists of three parliamentary groups (SPD, CDU, BÜNDNIS 90/DIE GRÜNEN).

## **Legislative and Elective Functions of the Landtag**

Beside the election of the Prime Minister and the approval of Ministers, other important duties of the Landtag include legislation and the monitoring of the government and the administration.

Legislation is, however, only one aspect of the overall work of the parliament. The many elective functions include the election of the Prime Minister, who is elected without prior debate. After the Prime Minister has appointed his Ministers, the government requires the express confirmation of the Landtag before it can commence business. The Landtag is entitled to withdraw its confidence from Ministers. In addition, the Landtag also elects the members of the Land Constitutional Court, which monitors observance of the Land Constitution.

## **Budgetary Power**

One of the most important parliamentary rights is the right to approve the budget. All income and expenditure of the Land has to be included in the budget plan. The budget plan is drawn up in line with the Budget Act. The budget plan has to be submitted to the Landtag for discussion and approval.

## **Monitoring Function**

A further important duty of the Landtag is the parliamentary monitoring of the Land (i.e. state) government; the executive branch. To this end, the parliament has a number of monitoring instruments at its disposal, some of which can be activated by individual members, others only by parliamentary groups or at least eight members.

The individual members can monitor the work of the Land government by means of written and oral questions.

Whereas written questions are replied to in writing, oral questions can be used to demand explanations and statements from the Land government in plenary session. Oral questions may be followed by debate.

The following important monitoring option can only be initiated by a motion of a parliamentary group or by at least eight deputies:

- Outside the context of the legislative process, the Landtag can exercise an influence on political developments through resolutions by requesting the Land government to take certain measures, to bring in certain bills or to develop planning concepts.
- Interpellations are normally aimed at monitoring the political course adopted by the government in questions of fundamental importance; interpellations, therefore, concern problems of particular political significance. These interpellations are replied to in writing by the Land government. If a corresponding motion is introduced, both question and answer are discussed in a Landtag session or in an open committee meeting.
- The so-called "topical hour" is used to debate on a political topic of general current interest in plenary session of the Landtag. It was introduced to make parliamentary work more lively and to ensure that an opportunity was provided to discuss questions of immediate importance.

The Landtag administration supports the President of the Landtag in all internal affairs, for example by helping to organize plenary sessions and committee meetings, by non partisan legislative and reference services etc. Head of administration is the Secretary General (Direktor) of the Landtag.

## **Committees**

The wide variety and sheer amount of political work to be performed requires a certain division of labour. For this reason, the Landtag calls specialist committees into being at the beginning of each legislative term. As a rule, the committee sessions are open to the public.

The most potent "weapon" of parliamentary control is the right to call an Committee of Inquiry into being. These committees have the task of looking into matters whose clarification is in public interest. The Committees of Inquiry can collect evidence - just like a court in criminal proceedings - in particular by hearing witnesses. These committees generally convene in public session. A Committee of Inquiry must be set up whenever one-fifth of the members of the Landtag so demand. This also means that a minority in the Landtag is able to make use of this monitoring instrument.

The Landtag can also demand that the Prime Minister or individual Ministers appear before the Landtag or its committees and answer for his, her or their actions; the Landtag has the further possibility of disapproving of the policy in question and can even withdraw its confidence from the Prime Minister or his Ministers. In the latter event, the Prime Minister or Minister concerned must resign.


In order to prepare decisions on wide-ranging and important matters, the Landtag can also set up so-called Study Commissions. Persons who are not members of the parliament may also serve on these commissions. Examples from the 12th and 13th legislative period are the Study Commissions on Constitutional Reform, on Parliamentary Reform, and on Reform of Public Administration.

### **Council of Elders**

As a central coordination and steering committee, the Council of Elders manages the internal affairs of the Landtag. It is composed of the President, the Vice-Presidents and members of the Landtag appointed by the parliamentary groups in proportion to their size.

The Council ensures that agreement is reached among the parliamentary groups, for instance on the Landtag's agenda for plenary sessions and on the speaking time for every item on it. Furthermore, the Council of Elders assists the President in the performance of his duties concerning internal affairs of the Landtag.


### **Petition Committee and Ombudsman**

Both the Basic Law (i.e. the federal constitution) and the Constitution of Rhineland-Palatinate give every individual the right to address written requests and complaints to the appropriate agencies and directly to the Parliament by submitting petitions. The Landtag sets up a Petition Committee that deals with the petitions submitted to the Landtag. The Petition Committee is supported by the  Ombudsman (Bürgerbeauftragter). Rhineland-Palatinate has had an Ombudsman since 1974. His job is to strengthen the position of the individual in his dealings with authorities. Primarily he tries to arrive at agreeable solutions in conjunction with the responsible authorities. The Ombudsman informs the Petition Committee whether such a solution is achieved. If not, the decision then lies with the Petition Committee, the Ombudsman proposing the method of solving the problem.

The Ombudsman is in a strong position. As the Petition Committee's permanent authorised agent, he is by law entitled to request information, access to files and general access. People can even turn directly to the Ombudsman with their requests and complaints.

The institution of the Ombudsman has provided the citizens with considerable assistance in his dealings with authorities. In two-thirds of the cases he could help (by mediation or by providing information, etc.).

### **Commissioner for Data Protection**

With information technology comes the risk of encroachment upon the rights and freedom of the individual. The Rhineland-Palatinate Landtag was one of the first parliaments to adopt data protection legislation in 1974. In 1991, the position of  Commissioner for Data Protection (Landesbeauftragter für den Datenschutz) was created, and Professor Dr. Walter Rudolf was elected for an eight-year term of office. He was reelected 1999.

The Commissioner for Data Protection monitors observance of the regulations of the Data Protection Act, informs the competent supervisory authorities about violation, and submits proposals on the improvement of the data protection system. The Commissioner for Data Protection has an eight-year term of office.

A Commission made up of seven Landtag-appointed members and one Land government-appointed member assists the Commissioner for Data Protection in the performance of his duties.

### **The parliamentary groups**

Deputies elected to the Landtag who belong to the same political party can join together to form a parliamentary group (Fraktion).

The parliamentary groups elect an executive, made up of a chairperson, deputy chairpersons and further members. The respective chairpersons are responsible for the political leadership of the parliamentary groups and have a major influence on the formulation, implementation and portrayal of the work of the parliamentary groups.

### **The 16th Landtag consists of three parliamentary groups:**

SPD (42 Members)	CDU (41 Members)	BÜNDNIS 90/DIE GRÜNEN (18 Members)
Chairman: Hering	Chairman: Klöckner	Chairman: Daniel Köbler

The parliamentary groups are the bearers of the political opinion-forming process. This is where political questions are discussed and the policy of the parliamentary groups are

laid down. The sessions - particularly those of the big parliamentary groups - are prepared by special working groups.

According to article 79 paragraph 2 of the Land constitution, members of Parliament are not bound by orders and instructions. Nevertheless, members of the same parliamentary group vote almost always unanimously for or against any motion. This obligation to vote in line with party policy is a consequence of the parliamentary system of government. In order to have a stable government, the majority in Parliament has to back it - at least in public, whereas the opposition has to criticize it.