



*Pacific NorthWest  
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*The Pacific Northwest Economic Region Presents:*

# **Legislative Academy:**

**An Overview of the Canadian & U.S.  
Systems of Government and  
the Legislative Process**

**Wednesday, November 15 | 10:00am-11:00am**



# Session 2:

## An Overview of the Canadian and U.S. Systems of Government and the Legislative Process

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# Constitutional Systems



The United States formed between 1776-83 during the War of Independence from Britain.

Canada formed in 1867 following negotiations by the British North American (BNA) colonies and the passage of the BNA Act by the British Parliament.

The U.S. is a Republic. The elected President is also the head of state.

Canada is a constitutional monarchy, with the King of England head of state.

What separates American and Canadian legislatures are the conventions of Westminster government, an array of unwritten, but very important rules and understandings, outside of statutory law.

# Two paths to Nationhood

- Americans won their democracy at gunpoint – Notion of conquering heroes
- Canadians earned theirs through negotiations by politicians – Confederation bargain
- In a Republic, the U.S. President as head of state takes on heightened stature – “Commander in Chief”
- In a Constitutional Monarchy, the Prime Minister as head of Government, is just another politician
- Exalted status given to the President magnifies their personality
- Prime Minister is a “first among equals”, you might say “dispensable”

**“A Canadian is an American who rejects the Revolution”**

# Differences & Similarities in the Canadian & American systems of government, federal & provincial, state and territorial

Canada governed by **responsible** party governments - by cabinets of ministers **accountable** to, and must have the voting support of, the majority in the legislature.

America governed by systems of **separation of powers**, of elected, fixed termed offices, and **checks and balances** between branches of government institutions.

Both countries prize legislative, representative authorities, **rights and freedoms**, **political party competition** in a **one-person, one-vote** electoral process

# A Key Difference

- Power ultimately rests not with the Prime Minister and cabinet, but with the House of Commons they are accountable to. They must survive an open, adversarial and transparent debate

When prime ministers or provincial premiers speak to legislatures, they speak from the floor, as **first among elected equals**. Presidents, in their annual **State of the Union Address**, literally speak down to the legislators from the Speaker's chair in the House of Representatives.

<https://www.youtube.com/watch?v=7FYDDiPELrw>

<https://www.youtube.com/watch?v=CyCHwf8M9wU>



# Basic Structural Differences:

## Canada

- The **largest party** in the legislative assembly forms the government
- Governments are comprised of premiers and other ministers of the Crown, who are **elected members** of the assembly
- Other members of the governing party caucus support the executive

6

Thus, a melding (but not unity) of legislative and executive; a **less distinct separation of powers** than in America





# Melding of Powers v. Separation of Powers

## USA

- Governors (and Presidents) are **elected** independently of the legislature
- Governors lead by **bargaining and forming coalitions** with their own and other parties/members in the assembly
- Cabinet secretaries, **appointed**, not elected
- Strong committee systems, independent elections, and constitutional reinforced separation of branches **mean legislators are more entrepreneurial** and often less encumbered by party discipline than are Westminster legislators





# ● ● ● Eight Essentials

In the Provincial Assemblies:

1. The **executive alone** proposes money bills
2. The executive largely **controls** the assembly's business
3. The executive is made up of **elected members** of the assembly
4. The executive holds Crown authority, but **answers to the assembly** ("Responsible Government")

In the State Legislatures:

5. **All members** may/do propose money bills
6. Business is set by **leadership, party, caucus, committees, interest groups**
7. The executive's officers may **not be legislators**, and legislators may not be in executive office
8. Assembly powers are distributed into **multiple committees**



# Consequences

## In provincial parliaments:

- **Budgets** are prepared by the executive, and passed by the assembly
- Ministers answer MLA questions, daily during sittings (**Question Period**)
- Sessions are briefer
- If the **house defeats** a Government bill, a dissolution and an election might ensue

## In state legislatures:

- Budgets are amended/re-written by **legislative majorities** [As in both countries, most spending is essentially off the table, not truly discretionary.]
- Executive officers may be **invited to committees**; no concept of Question Period
- Sessions are much longer, some more **infrequent**
- Many, many more bills are passed into law



# State Assemblies & Bureaucracies

- May/do exercise management, policy direction over departments, agencies
- Often must give **consent** to gubernatorial appointments
- May **investigate** any state agency
- May **write laws**, other directions to impact particular agencies
- Assembly committees may have **marked autonomy** from the assembly and directly influence state agencies

10





# Provincial Assemblies and Bureaucracies

- May question, object to executive direction of agencies
- Have little to no say over appointments by the executive
- Nearly all bills of law accepted are Government bills
- Assembly committee systems are mostly weak; generally lack power to veto/alter legislation<sup>11</sup>
- Agencies, departments receive **direction** only from ministers of the Crown





# Provincial Assemblies and the Parties

- Parties either support the Government or oppose it
- Party discipline is high (mostly)
- Party leaders rely on caucus support
- MLAs are expected to support party leaders publicly (but see Australia)
- Party associations in ridings decide candidates
- Party leaders must sign nomination papers; adds to their control over party

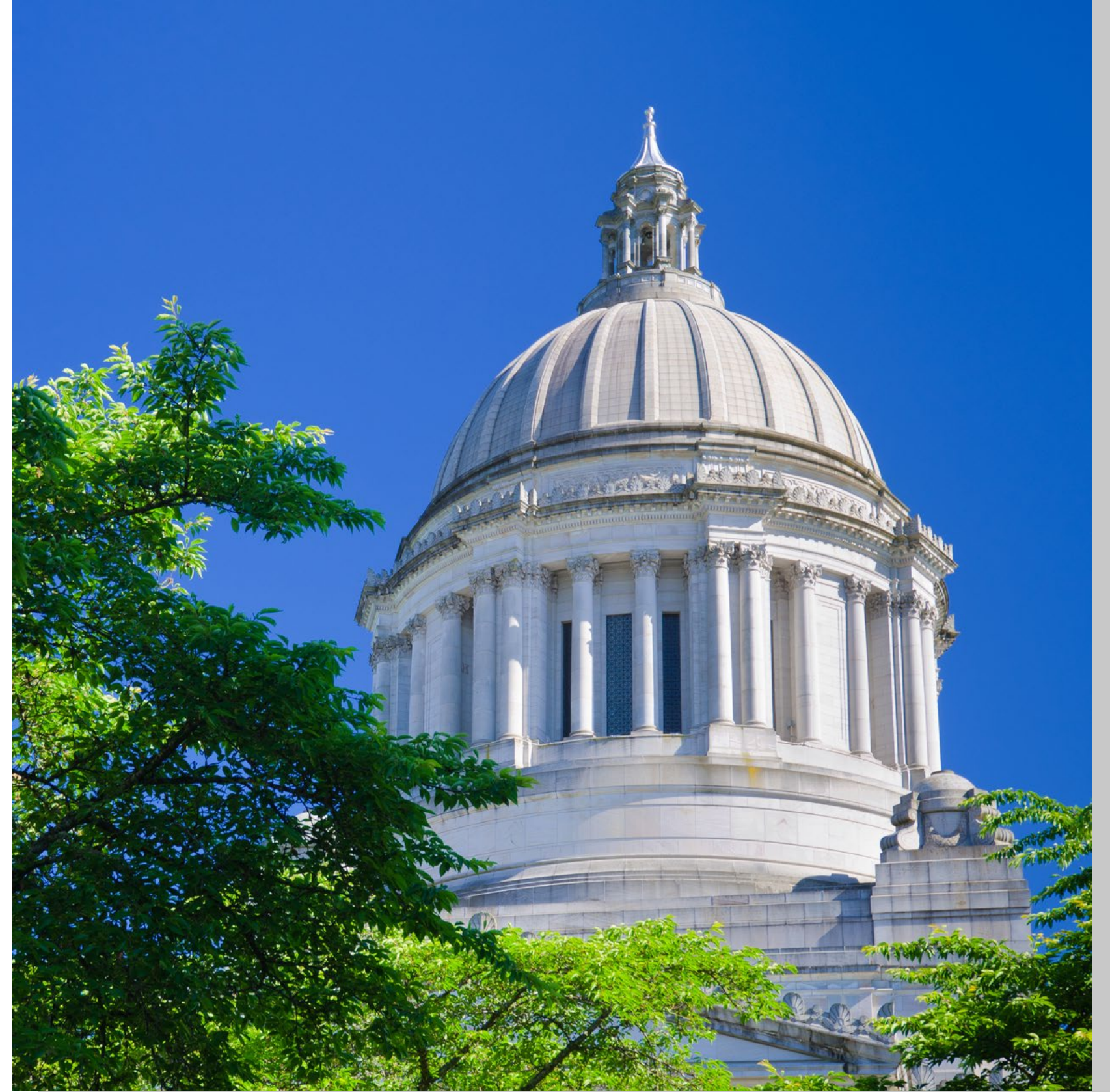
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# State Assemblies & the Parties

- Parties in the assembly **separated** from the executive
- Party discipline is much **less**; members are **individual entrepreneurs**
- Leaders rely on **caucus support**, but bargain for it
- Legislators may/do **publicly reject leaders'** views, decisions, compete against them
- **Primary elections** decide party candidates







# Direct Democracy

- Many states have systems of direct democracy - **interest groups** can go outside the representative system to seek a **general voter approval or rejection** of laws
- There are now **businesses specializing** in producing such measures
- In many states, the legislature/governor have **only power to modify laws** enacted by citizens; main recourse is another initiative
- Many provinces have **weaker, more limited laws** for direct democracy
- One example, BC voters rejected the Harmonized Sales Tax

14



# Sources of Canada's Decentralization

- Senate weakness
- Constitution on natural resources, on social policy
- Language/ Quebec
- Centre v regions/ Ontario, Quebec
- 'Strong' provincial governments, cabinet/premier dominance
- Two-level party system/some parties have only provincial existence

15





# Sources of America's Centralization

In the U.S. Constitution:

- The supremacy clause
- Inter-state commerce clause
- Income taxation;
- Regulating, mandating state activities for national goals, e.g. No Child Left Behind

- Unitary, national executive (the presidency – not the ministry)
- Elected Senate, two per state, regardless of population
- State governments are **NOT** represented, voters are
- Interest groups, national as well as state, gather around U.S. senators<sup>16</sup>
- Senators build careers in part by working on national issues
- House & Senate members influence on federal budgets





# Conclusion

Both our nation are federations but ...

- Institutions, origins, conventions, and histories of America and Canada are qualitatively distinct from one another
- Westminster government has shaped Canada, and will continue to do so
- Madisonian separations of powers are locked into place in America





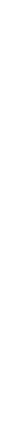
# Questions

- How do bills originate? How many bills are considered in a typical legislative year?
  - How do you function in a caucus?
  - Describe your committee structure, and what is the role of legislative committees?
  - Who decides who sits on committees and who chairs the committee?
  - What are the implications of campaigns and elections on the day-to-day legislative process and the making of laws?
  - How does an MLA/Legislator get selected to be in the cabinet and what does that mean? How do careers develop?
  - What is the relationship between the Executive Branch, departments and U.S. State Legislative committees?
  - How does the House and Senate work together to pass legislation? Both Houses must pass identical legislation? How does that work?
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Thank You!







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