



# *Pacific NorthWest Economic Region*

## PNWER Legislative Leadership Academy

*November 5-7, 2017*

*Victoria, British Columbia*

“Training the Next Generation of  
Cross-Border State and Provincial Leaders”



Alaska



Alberta



British  
Columbia



Idaho



Montana



Northwest  
Territories



Oregon



Saskatchewan



Washington



Yukon

# PNWER 2017 Legislative Leadership Academy

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## 2017 PNWER Economic Leadership Forum

Victoria, British Columbia

November 5-7, 2017

All meetings will be held at the Empress Hotel unless otherwise noted.

**Saturday, November 4**

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8:00 pm - 11:00 pm

**Hospitality Suite** – *Douglas Suite, Mezzanine Level*

**Sunday, November 5**

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8:00 am - 5:00 pm

**Registration**

8:00am - 9:00am

**Executive Committee Breakfast** - open to all- *Rattenbury B Room*

9:00 am - 12:00 Noon

**Executive Committee Meeting**- Review PNWER priorities- *Library Room*

12:00 pm - 1:00 pm

**Welcome Luncheon**- *Rattenbury A Room*

- **Sen. Arnie Roblan**, PNWER President - Welcoming Remarks  
**Presentation on the basic structural differences between the Canadian and US Government Systems**
  
- **Prof. Michael Treleaven**, Political Science, Gonzaga University

1:00 pm - 2:00 pm

**Session #1: Structural difference between the Canadian and U.S. government systems – table discussions with tables split between US and Canadian participants**- *Rattenbury A Room*

- Discussion Questions:
  - How do bills originate?
  - How many bills do you consider in a typical legislative year?
  - How do you function in caucus?
  - Describe your committee structure, and what is the role of legislative committees?
  - Who decides who sits on committees?
  - What is the role of public consultation, interest groups,

	<ul style="list-style-type: none"> <li>lobbyists, media, etc?</li> <li>o Differences in institutional resources?</li> <li>o How does the initiative and referendum process impact the legislature?</li> </ul>
2:00 pm - 3:00 pm	<p><b>Session #2: Facilitated roundtable discussion on the campaigns, elections, and leadership process in both the states and provinces. Moderators leading each table.</b></p> <ul style="list-style-type: none"> <li>• Discussion Questions <ul style="list-style-type: none"> <li>o What are your nomination procedures?</li> <li>o What is the role and power of party leadership in the nomination process?</li> <li>o What does a typical campaign for the legislature cost in your jurisdiction?</li> <li>o How do you fund political campaigns?</li> <li>o How do you monitor ethics and how does the process work?</li> <li>o Do you allow 'independent expenditures' and how are these monitored?</li> <li>o What is the role of advocacy groups and lobbyists?</li> </ul> </li> </ul>
3:00 pm – 3:15 pm	<b>Break</b>
3:15 pm – 4:30 pm	<p><b>Session #3: How do we make laws? And how do government Ministries and State Agencies interact with the Legislative Assembly? <i>Rattenbury A Room</i></b></p> <ul style="list-style-type: none"> <li>o What are the implications of campaigns and elections in our previous session to the day to day legislative process and the making of laws?</li> <li>o How does an MLA get selected to be in the cabinet and what does that mean? How do careers develop?</li> <li>o Compare the fusion of the legislative and executive authorities in Canada with the diffusion and separation of powers in the United States</li> <li>o What is the role of committee chairmen in the legislature vs. Agency Director in the Executive Branch.</li> <li>o How do budgets get authorized?</li> </ul>
4:30 pm - 5:30 pm	<b>Session #4: Discussion on Provincial, Territorial and State and Federal Relations: Roundtable dialogue in small mixed table setting- <i>Rattenbury</i></b>

	<p><i>A Room</i></p> <ul style="list-style-type: none"> <li>• Discussion Questions: <ul style="list-style-type: none"> <li>◦ How do states interface with the US federal government?</li> <li>◦ Who controls tax dollars, and what is the percentage of government services controlled by Washington, DC vs. the state governments? What are the implications of this?</li> <li>◦ What is the role of the province/territory and the federal government in the Canadian system? And what are the practical relationships between the two?</li> <li>◦ What is the constitutional breakdown of responsibilities between a province or territory and the federal government?</li> <li>◦ How is the Canadian Senate different from the US Senate?</li> <li>◦ How do regional priorities get on the national agenda? What is the difference between the process in DC and Ottawa?</li> <li>◦ Federalism - How is the Province's control over land use decisions different than that of a State?</li> <li>◦ What portion of land in a Province is federally controlled, vs the portion in a State?</li> </ul> </li> </ul>
6:00 pm - 8:00 pm	<p><b>Welcome Reception</b> – <i>Bengal Lounge, Empress Hotel. Hosted by FortisBC</i></p> <p><b>First Nation Blessing and Welcome featuring Gary Sam, Elected Counsel for Lekwungen Nation, with Introductions by PNWER Vice President Hon. Larry Doke, Minister Responsible for First Nations, Métis and Northern Affairs</b></p>
9:00 pm - 11:00 pm	<p><b>Hospitality Suite</b> – <i>Douglas Suite</i></p>

**Monday, November 6**

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7:30 am - 7:00 pm	<p><b>Registration</b></p>
8:00 am - 9:15 am	<p><b>Session #5: “View From the Speaker’s Chair” featuring The Honourable Darryl Plecas, Speaker of the Legislative Assembly of B.C. and Senator Arnie Roblan, former co-Speaker of the Oregon House of Representatives- <i>Rattenbury A Room</i></b></p> <p>A comparative look at the role and function of the Speaker of the House and the Speaker of the Legislative Assembly</p> <p><b>Discussion Questions:</b></p> <ul style="list-style-type: none"> <li>◦ How does the Speaker exert influence over the process?</li> <li>◦ What is the Speaker’s role, and how do they utilize their role?</li> <li>◦ What is the role of the Opposition?</li> </ul>

9:15 am - 9:30am	<b>Break</b>
9:30 am - 10:30 am	<p><b>Session #6: How do states and provinces collaborate to play a broader role in policy decisions for the region? - Rattenbury A Room</b></p> <p>Discuss the relative power and roles of states and provinces vis-à-vis federal governments when it comes to conflicts in areas of competing, divided, or exclusive jurisdiction.</p> <ul style="list-style-type: none"> <li>○ How do differences in political structure affect this?</li> <li>○ What lessons can be learned from how these issues have been addressed on each side of the border?</li> <li>○ How can a better understanding of our different methods of governance help us as a region more effectively address multi-jurisdictional cross-border issues?</li> <li>○ What are the gaps in governance?</li> <li>○ How does the federal government in Canada consult the Provinces? How does the federal government in the US consult the States? What about the rulemaking process?</li> <li>○ How likely is a Province to sue the federal government? How likely is a State to sue the US federal government? In this situation, what is the role of the courts in influencing policy?</li> </ul>
10:30 am - 11:45 am	<p><b>Session #7: NAFTA - Modernization, Negotiation, or No NAFTA - What are the implications for the Region and for North America?</b></p> <p><b>Featured Speaker: Dan Ujcz, Canada-US International Law Specialist with Dickinson Wright, former Managing Director of the Canada-US Law Institute at Case Western Reserve.</b> This presentation will identify the current status of negotiations, the timeline, the role of Congress in the Trade Promotion Act of 2015, the various possible outcomes, and address some of these questions:</p> <p>In light of the discussions we have been having, how can we as a region influence this process? What happens if there is no agreement? Can the US Administration terminate NAFTA unilaterally? Can Congress intervene? In that case, does the Canada -US FTA continue? What are issues businesses should be preparing for if this is a possibility? Could this impact TN Visas? What about Certificates of Origin for manufacturers?</p> <p>Following Dan’s presentation will be Q &amp; A, and dialogue on what can legislators and stakeholders in the region do to respond to this unfolding situation.</p>

11:45 am - 12:00 pm	<b>Break</b> (If attending Question Period or a policy tour, please come prepared to depart right after lunch)
12:00 pm - 1:30 pm	<b>Luncheon Presentation</b> featuring <b>Consul General Brandon Lee</b> , Consulate General of Canada, Seattle Remarks by <b>Rick Glumac</b> , MLA, BC Legislative Assembly and PNWER Delegate; and <b>Graham Sucha</b> , MLA, Alberta Legislative and PNWER Vice President- <i>Crystal Ballroom</i>
1:30 pm - 3:00 pm	<b>Optional Activities:</b> <ul style="list-style-type: none"> <li>● <b>Visit to the Legislative Assembly during Question Period</b> <ul style="list-style-type: none"> <li>○ Limited space availability. Preference given to U.S. legislators. Sign up at registration desk to attend. Attendees will need to go through security; ID required. Please limit personal belongings. <b>Meet promptly at registration desk at 1:30 pm to walk to the Parliament Building.</b></li> </ul> </li> <li>● <b>Guided Tour of Government House and Gardens with Afternoon Tea</b> <ul style="list-style-type: none"> <li>○ Limited space availability. Sign up at registration desk to attend. Tour is complimentary. <b>Meet at the registration desk at 1:30 pm for bus transport to Government House.</b></li> </ul> </li> <li>● <b>Networking break</b></li> </ul>
3:30 pm - 5:30 pm <i>Coffee break hosted by G7 Generations</i>	<b>Session #8: Facilitated roundtable scenario discussion of case study examples of regional cross-border issues with shared federal/state/provincial responsibility. How can our region work more collaboratively with the federal government?</b> - <i>Rattenbury A Room</i>

<p>3:30 pm - 4:15 pm</p>	<p><b>Discussion Scenario 1:</b> Wildland and Forest Fire Response. What have we learned from the devastating fires of 2017? What lessons can we implement? We will look at Montana’s worst year on record, and Oregon’s success story of continuing coverage with Lloyd’s of London insurance for forest fires.</p> <p><b>Sen. Arnie Roblan, Oregon</b>  <b>Rep. Mike Cuffe, Montana</b></p> <ul style="list-style-type: none"> <li>• What are steps that can be taken today by states and provinces to reduce their financial impacts from wildfires in the region?</li> <li>• What federal assistance is available to help states and provinces? How should the region encourage more federal support to assist them in recovery? Is there current or proposed federal legislation that the region could endorse or develop?</li> <li>• What long term innovative resourcing and budgeting strategies should the region identify as best practices to mitigate, prepare, respond, and recover from wildfires impacting communities and infrastructure? Should jurisdictions mandate fire retardant building materials and <i>Firewise/Firesmart</i> programs in high risk areas?</li> </ul>
<p>4:15 pm - 4:50 pm</p>	<p><b>Discussion Scenario 2:</b> Cross-border workforce training and mobility. With the recent focus on the ‘Cascadia Innovation Corridor’ what ways can the region analyze skills gaps and encourage the training of our future workforce, and how can we encourage the mobility necessary for the region to better compete globally? What have other countries and regions done to address the skills gap in our globally competitive marketplace?</p> <ul style="list-style-type: none"> <li>• <b>Shana Peschek</b>, Director, Construction Center of Excellence, Washington State</li> </ul>
<p>4:50 pm - 5:30 pm</p>	<p><b>Discussion Scenario 3:</b> Preclearance.</p> <p><b>Overview of current status of US-Canada preclearance</b></p> <p><b>Michael Brown</b>, Vancouver Port Director, U.S. Customs &amp; Border Protection  <b>Donovan Delude</b>, Victoria Port Director, U.S. Customs &amp; Border Protection</p> <p>Preclearance in our region will help enhance tourism and business travel opportunities. Currently a bill must be passed in the Senate in Canada before the agreement can be fully implemented. Tourism in the PNWER region is valued at \$62 billion dollars and employs more than 742,000 workers. Currently 34% of all long haul international visitors to Canada land first at a U.S. Port. Similarly, Canada is a huge source market of international travelers for the U.S. Preclearance gives our region an</p>



	<p>opportunity to expand and enhance the tourism sector.</p> <ol style="list-style-type: none"> <li>1. How can Industry and government work to build a model to fund preclearance to a material level such that it will become a driver for tourism growth.</li> <li>2. What collaborative signal can industry and government work on today in order to send a positive investment signal to the business community?</li> <li>3. Can we tell operators and investors how, once pre-clearance is approved, industry and government will work together to get from a theoretical state of approved legislation to a point of on-the-ground implementation in key ports and border crossings?</li> <li>4. If success is dependent on public/private sector pilot projects coming forward for approval and funding, is there a defined approval path for such projects and are there technical specifications that such pilots should adhere to for technology, shared spaces or mobile inspection teams?</li> <li>5. Is there a simple funding model or plan going forward for both the U.S. and Canadian governments to invest in preclearance infrastructure? How dependent is this development on private sector investment? How about state/provincial funding?</li> <li>6. What aspects of ongoing operational costs are expected to be covered by the new facility operators. What creative funding models might be explored to cover these costs?</li> </ol>
6:00 pm - 8:00 pm	<p><b>Reception at B.C. Parliament Building Rotunda</b> – All BC Members of the Legislative Assembly are invited to meet PNWER Delegates.</p> <p>Delegates are welcomed to walk to the Parliament Building on their own; see map in the program. Guests will go through security.</p> <p><i>Hosted by the Cement Association of Canada.</i></p>
9:00 pm - 11:00 pm	<p><b>Hospitality Suite</b> <i>Hosted by the Canadian Engineering and Geoscience Regulators</i> – Empress Hotel Bengal Lounge</p>

**Tuesday, November 7**

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7:00 am - 5:00 pm	<b>Registration</b>
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7:20 am - 9:30 am

### **Breakfast and Working Waterfront Boat Tour of Victoria Harbour**

Boarding is between 7:20 am - 7:30 am sharp at Ships Point. See map on page 29 for directions for 7 minute walk to the dock.

All aboard by 7:30am for a greeting by Victoria Mayor Lisa Helps, followed by a Harbour tour with breakfast plenary highlighting the industry, activities, and policy that make Victoria's harbor work.

MC: **Ian Robertson**, CEO, Greater Vancouver Harbour Authority

#### **Greeting and Address from Mayor Lisa Helps**

#### **Greetings from Esquimalt Nation and Songhees Nation**

#### **Aerodrome/Harbour to Harbour and International Service**

- **Randy Wright**, Harbour Air; **Todd Banks**, Kenmore Air

#### **Belleville International Terminal and Preclearance**

- **Ryan Malane**, Blackball Ferries; **Tobias Haack**, Clipper Ferries

#### **Tourism and Marina Properties/Cruise Industry/Ogden Point and Terminal Development**

- **Ian Robertson**, Greater Victoria Harbour Authority

#### **Expanding Access to Marine Trades & Overview of Naval and Industrial Activities in Esquimalt Harbour**

- **Alex Rueben**, SkillSource BC

#### **Key Activities & Regional Importance of Victoria's Marine Industry**

- **Joseph O'Rourke**, Seaspan / Victoria Shipyards

#### **Importance of Harbour Governance, Safety and Operational Compliance**

- **Alois Schonenberger**, Harbour Master, Transport Canada

#### **Key Activities & Regional Importance of Victoria's Marine Industry**

- **Gary Leibel**, Ralmax Group

*Hosted by The Butchart Gardens and Black Ball Ferry Line*

9:45 am - 10:45 am

*Coffee Hosted by Tourism Victoria*

### **Tourism Plenary [Rattenbury A. Empress Hotel]**

Co-chair: **Rep. Gael Tarleton**, Washington Legislature

**Dave Cowen**, CEO, The Butchart Gardens

#### **PNWER Tourism Dashboard**

Size and impact of PNWER's tourism industry - Why state/provincial tourism marketing matters and how uniquely branded destinations can collaborate within the PNWER region

- **Paul Nursey**, CEO, Tourism Victoria

	<p><b>Best Practices for Destination Development and Tourism Planning Areas</b></p> <ul style="list-style-type: none"> <li>● <b>Grant Mackay</b>, Vice President of Destination Management &amp; Industry Development, Destination BC</li> </ul> <p><b>Economic Impact of Cruise Industry and Building the Alaska and NW Cruise Corridor</b></p> <ul style="list-style-type: none"> <li>● <b>Ian Robertson</b>, CEO, Greater Victoria Harbour Authority</li> </ul> <p><b>Update on Harbour to Harbour Seaplane Service between Vancouver, Victoria, and Seattle</b></p> <ul style="list-style-type: none"> <li>● <b>Todd Banks</b>, President, Kenmore Air</li> <li>● <b>Randy Wright</b>, President, Harbour Air</li> </ul>
<p>10:45 am - 12:15 pm</p>	<p><b>Transportation Plenary</b> <i>Rattenbury A Room. Hosted by Andeavor.</i> Co-chairs: <b>Sen. Chuck Winder</b>, Idaho Legislature <b>Bruce Agnew</b>, Director, Cascadia Center</p> <p><b>Long term vision for high-speed rail</b></p> <ul style="list-style-type: none"> <li>● <b>Charles Knutson</b>, Executive Policy Advisor, Office of Governor Jay Inslee, Washington</li> </ul> <p><b>ACES (Automated Connected Electric Share Vehicles)</b> Autonomous Vehicle Plan for the I-5 Seattle/Vancouver B.C. Corridor</p> <ul style="list-style-type: none"> <li>● <b>Scott Kuznicki</b>, Director, Safety and Mobility Solutions, Transpo Group</li> </ul> <p><b>Electrification and Changing Infrastructure</b></p> <ul style="list-style-type: none"> <li>● <b>Anthony Harrison</b>, Director, Public Policy and Government Relations, ChargePoint</li> </ul> <p><b>Tech solutions to speed up border clearances while enhancing security</b></p> <ul style="list-style-type: none"> <li>● <b>Gerry Bruno</b>, Vice President, Federal Government Affairs, Vancouver International Airport</li> <li>● <b>Solomon Wong</b>, Executive Vice-President, InterVISTAS Consulting Inc</li> </ul>
<p>12:30 pm - 1:45 pm</p>	<p><b>Luncheon Keynote</b> - <i>Crystal Ballroom. Hosted by Microsoft.</i> Data Privacy and Cybersecurity - Emerging tech issues legislators need to know. How are states and provinces ensuring vital information is secure in light of recent breaches like Equifax?</p> <p>Featuring <b>Alex Alben</b>, Chief Privacy Officer for Washington State and <b>Commissioner Drew McArthur</b>, Office of Information and Privacy for British Columbia.</p>

	<p>Moderated by <b>Rep. Jeff Morris</b>, Chair of the House Technology and Economic Development Committee, Washington Legislature</p>
<p>2:00 pm - 3:30 pm <i>Coffee Hosted by Northwest Cement Council</i></p>	<p><b>Opportunities for Smart Infrastructure Plenary</b> <b>Energy savings and greenhouse gas reductions: Research results for the Roadmap to Ultra-Low Energy, Resilient Buildings in the Pacific Northwest.</b></p> <ul style="list-style-type: none"> <li>● <b>Andrew Pape-Salmon</b>, P.Eng., MRM, FCAE, Executive Director, Building and Safety Standards Branch, Office of Housing and Construction Standards, Ministry of Municipal Affairs and Housing, Government of British Columbia</li> </ul> <p><b>Infrastructure Resilience</b> <b>Welcome from Michael McSweeney, President and CEO, Cement Association of Canada</b></p> <p>Lessons learned from fire and flood recoveries. How do we design for resilience, and actually implement lessons learned?</p> <ul style="list-style-type: none"> <li>● <b>Christine Arthurs</b>, Director of Resilience and Infrastructure, City of Calgary</li> <li>● <b>David McGown</b>, Senior Vice-President, Strategic Initiatives, Insurance Bureau of Canada</li> </ul> <p>Moderated by <b>Rep. Gael Tarleton</b>, Washington Legislature</p>
<p>3:30 pm - 4:45 pm</p>	<p><b>Innovation Plenary</b></p> <p>Highlights on the Ocean Network Canada, with ocean floor sensors, robotics, and data analytics to provide early detection and warning for earthquakes</p> <ul style="list-style-type: none"> <li>● <b>Kate Moran, President &amp; CEO, Ocean Network Canada</b></li> </ul> <p>Insights on XR tools used in the bioscience to improve doctor and patient education</p> <ul style="list-style-type: none"> <li>● <b>Ross Drake, Co-Founder &amp; CEO, Pyrus Medical</b></li> </ul> <p>Moderated by <b>Sen. Maralyn Chase</b>, Washington Legislature</p>
<p>4:45 pm - 5:00 pm</p>	<p><b>Wrap Up - Looking ahead to 2018</b></p> <ul style="list-style-type: none"> <li>● <b>Senator Arnie Roblan</b>, PNWER President</li> </ul> <p><b>Looking ahead to the 2018 Summit in Spokane, Washington.</b> What do you want to see in Spokane?</p> <ul style="list-style-type: none"> <li>● <b>Rep. Gael Tarleton</b>, Washington</li> <li>● <b>Rep. Bruce Chandler</b>, Washington</li> </ul>
<p>5:00 pm</p>	<p><b>Closing Hospitality Suite and Networking opportunity</b> - Douglas Suite</p>



**PNWER Legislative  
Leadership Academy**  
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Victoria, British Columbia





# GOVERNING the PNWER REGION An Introduction to the Constitutional Systems

Pacific Northwest Economic Region  
2017 Legislative Academy

Michael Treleven, Ph.D.  
Chair and Associate Professor  
Political Science Department  
Gonzaga University, Spokane, Washington

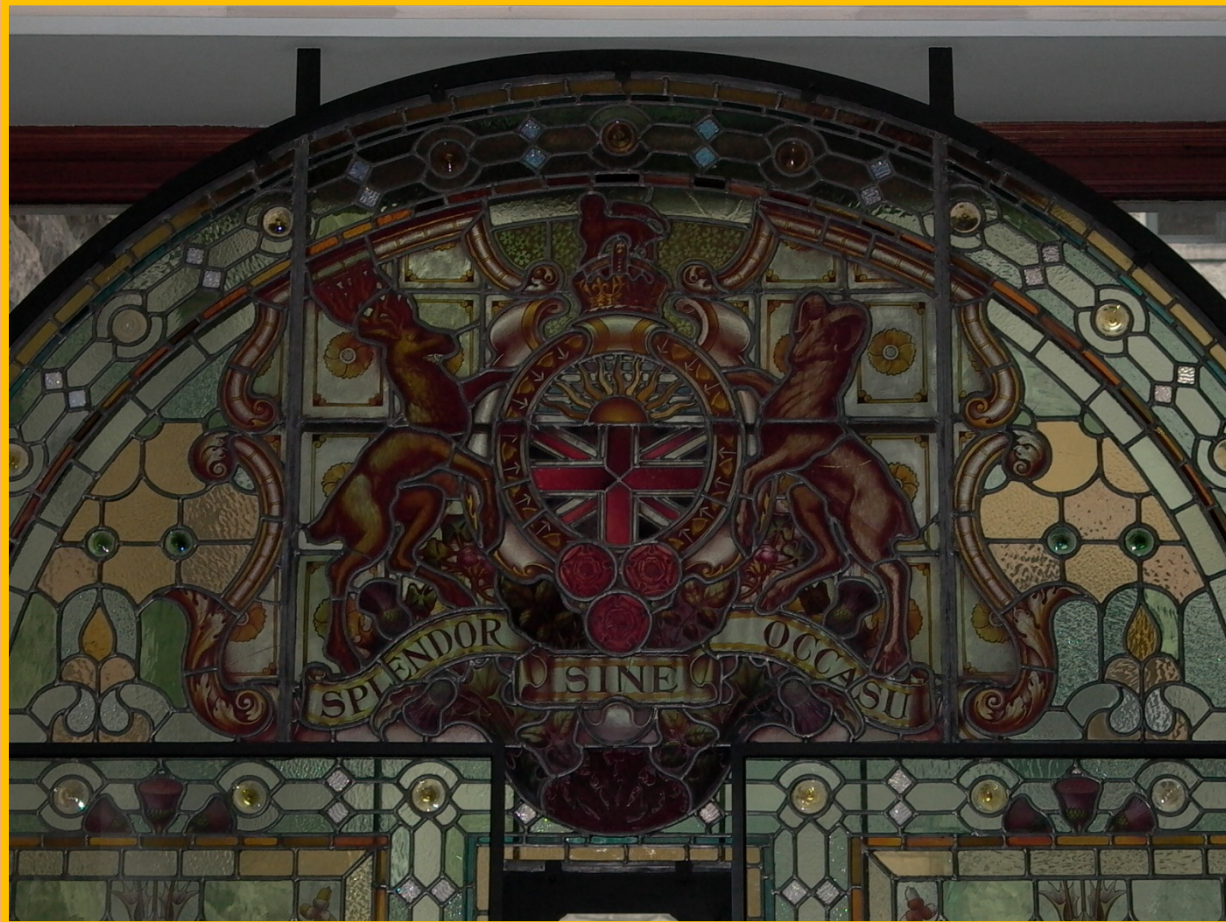




*Moreover, the King has over him a court, that is to say the earls and barons; for the earls, as their name (comites) implies, are the companions of the King, and he who has a colleague has a master.*

*-- Henri de Bracton, c. 1210 – c. 1268, in his commentaries on the laws of England. Cited by Kenneth Mackenzie. 1963. The English Parliament, page 9.*

Her Honour, the Lieutenant-Governor of British Columbia, Judith Guichon, OBC, with the new ministry led by the Hon. John Horgan, premier, swearing-in day, 18 July 2017.



Above all, 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. By these conventions, and only by them, is it so that legislative elections lead to a new premier and cabinet.

Today the Queen reigns but does not rule. The Queen is the only source of executive authority. The British Columbia legislature consists of its elected members and the lieutenant governor, the Queen's representative. The executive authority is held by the monarch and is delegated to her ministers. No member of the Executive Council is elected to that body; all are appointed.

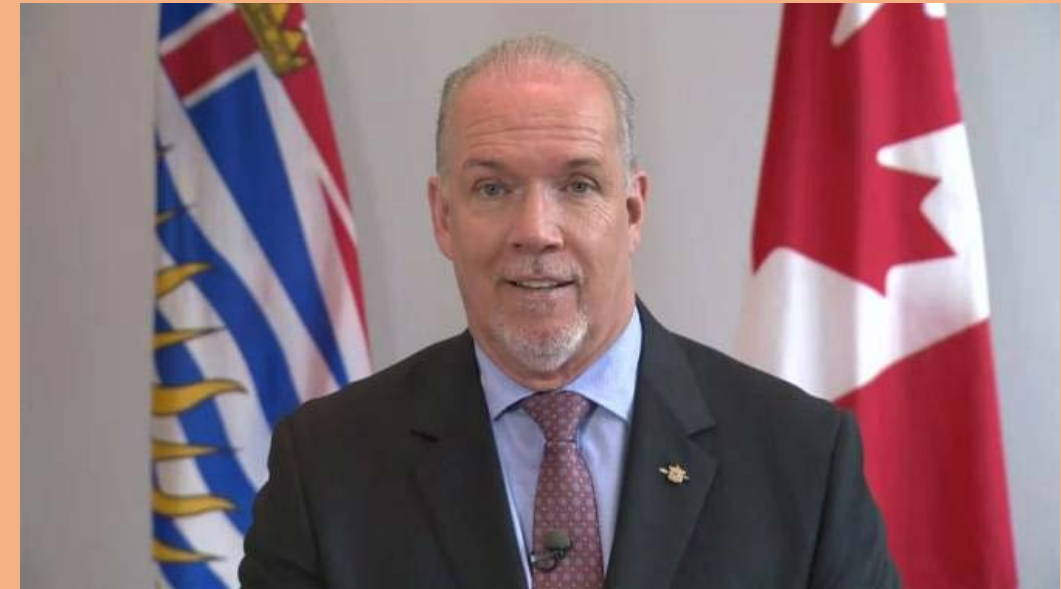
By convention, the Queen's representative appoints to the Executive Council those in the assembly who can gain from the assembly laws and funds by which government can be conducted.

"The Government derives its authority from the Crown *and* is responsible to the House and the electorate." *Eugene Forsey*

"The authority of the Government is not delegated by the House of Commons; the authority of the Government is received from the Crown... His Majesty's advisers are sworn in as advisers to the Crown. The Government is responsible to Parliament..." *J.L. Ilsley, minister of Justice & Attorney General of Canada, circa 1948*



Only conventions sorted out the lieutenant governor's decision to ask Mr. John Horgan, MLA to form a government, this past July. The electorate had not given any party a majority in the assembly.



Weeks of vote counting, casting about for options, then one MLA agreeing to be speaker, gave the lieutenant governor enough weight of convention to end the Liberal Party government and bring in the NDP ministry.

**Differences &  
Likenesses in the  
Canadian & American  
systems of government,  
federal & provincial,  
and territorial**

Canada is largely governed by responsible party governments, that is by cabinets of ministers who are accountable to, and must have the voting support of the majority in the legislature.

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

Both countries prize legislative, representative authorities, rights and freedoms, political party competition, and political science professors.

# Basic Structural Differences: Fusion of Powers v Separation of Powers

- **Canada:**
  - The largest party in the provincial 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
  - Thus a fusion melding (but *not unity*) of legislative and executive; a less distinct separation of powers than in America
- **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
  - 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



Coat of Arms, in the British Columbia  
parliament buildings mtphoto



# 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 must be 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, & legislators may not be in executive office
8. Assembly powers are distributed into multiple committees



In the Saskatchewan parliament building, 2009 mtphoto

# Consequences

## In provincial parliaments:

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

## In state legislatures:

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



Saskatchewan assembly mtphoto



# Assemblies & the Bureaucracies

## State Assemblies

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

## Provincial Assemblies

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



# Assemblies & the Parties

## Provincial assemblies

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



Capitol building, Olympia, Washington mtphoto

## State Assemblies

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

# Elections

- In the states:
  - Terms of office and election dates determined by state law
  - Bicameral legislatures, but for Nebraska
  - The senior house, the senate has longer terms and fewer members
  - The junior house, representatives have shorter terms, often 2 years
  - Governors have 4 year terms
- In the provinces and territories
  - Unicameral legislatures
  - 9 provinces and 1 territory now have laws setting assembly elections as four years apart (Constitution Act, 1982 sets upper limit of five years)
  - Premiers may ask the lieutenant governor for earlier elections



*At the Capitol grounds, Helena, Montana  
mtphoto*



# Direct Democracy

- In many states are found systems of direct democracy, wherein interest groups may and do 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
- BC and other provinces have weaker, more limited laws for direct democracy
- BC voters rejected the Harmonized Sales Tax, for example



# 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 an only provincial existence



# Sources of America's centralization

- 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
- Senators build careers in part by working on national issues
- House & Senate members influence on federal budgets



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*

Both federations are –  
and should be –  
“unfinished businesses”.

Still, the 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.

To govern well today is an arduous task. The representation of the people is more complex than perhaps ever before. In the short few terms most legislators limits of time much constrain wanted policy work. Few citizens outside the assemblies even guess at the demands made on their representatives. Criticism, whether or not deserved and helpful, can be abundant. Certain knowledge that a policy will best serve society is seldom at hand. We give allegiance to ideologies, right or left, that are apt to be blinding as much as *only possibly* enlightening. Responsibilities are great, while capacities are undeveloped. Long term dangers may be left untended in favour of lesser, but immediate expectations. Members of the legislative assemblies of Canada and of America are, for all this, quite likely the most important servants of free and democratic societies. You are called to be conservers of ordered liberties, of sound government, of instruments of progress and justice, of accountability to citizens, and agents of the dignity of all persons in your societies.

It is an honour to be again with the PNWER Legislative Academy, in this 2017 session. Whether your views and mine agree or disagree, for sure I respect the service you give and am grateful to be here with you.

-- Michael Treleaven, associate professor, Political Science, Gonzaga University, AMDG

# **Legislative Academy Discussion #1**

## **Wildland and Forest Fire Response**

### **Challenges and Opportunities**

The U.S. federal government spent more than \$2 billion on fires from Florida to Washington nationwide as of October 1, 2017. State and federal lawmakers across the country are looking back on a record fire season and asking whether there's a way to better prepare financially for major wildfires. The two largest wildfires in B.C. this summer caused more than \$127 million in insured damage according to the Insurance Bureau of Canada. The 2016 Fort McMurray wildfire had insured damage estimated to have reached \$3.58 billion CAD according to the Insurance Bureau of Canada (IBC) and Catastrophe Indices and Quantification Inc., making it the most expensive disaster in Canadian history.

### **Discussion Questions**

- What are steps that can be taken today by states and provinces to reduce their financial impacts from wildfires in the region?
- What federal assistance is available to help states and provinces? How should the region encourage more federal support to assist them in recovery? Is there current or proposed federal legislation that the region could endorse or develop?
- What long term innovative resourcing and budgeting strategies should the region identify as best practices to mitigate, prepare, respond, and recover from wildfires impacting communities and infrastructure? Should jurisdictions mandate fire retardant building materials in high risk areas?

# Legislative Academy Discussion #2

## Industry Engagement in Workforce Training

### Challenges and Opportunities

The demand for technically skilled workforce in the U.S. and Canada is a continuous challenge to the economic well-being of the region. It is necessary to develop homegrown talent to ensure the economic sustainability of both rural and urban communities. Industry needs to invest and partner with educational leaders. Demand for specialized talent continues to grow and our workforce needs to be flexible to meet the needs of Industry. The education system needs to align programming to economic opportunity and workforce demand by working with industry needs.

### Insights from the Workforce training model in Switzerland and around the region

Overview of a Swiss model of education: What works well and what can the region learn?

- **Shana Peschek**, Director, Construction Center of Excellence, Washington State

### Discussion Questions

- With the recent focus on the 'Cascadia Innovation Corridor' what ways can the region analyze skills gaps and encourage the training of our future workforce, and how can we encourage the mobility necessary for the region to better compete globally?
- As we work to develop our talent locally, what have other countries and regions done to address the skills gap in our globally competitive marketplace?
- How can jurisdictions encourage partnerships with industry in the education? How do we move beyond the recent graduate skills gap to industry needs?
- K-TEC in Northern Idaho is an example of Industry partnership in education. What other examples for Industry partnerships exist in the region?

# Legislative Academy Discussion #3

## Preclearance

### Discussion Questions

- It is a reality that international visitors wish to visit the U.S. and Canada in a packaged itinerary. In fact, on the order of 34% of all long haul international visitors to Canada land first at a U.S. Port. Similarly, Canada is a huge source market of international travelers for the U.S. Therefore, how do we reconcile the industry and legislative imperatives for preclearance against the reality that U.S. Customs and Border Patrol is understaffed and is focused on maintaining current levels of service? If Industry and government are able to build a model to fund preclearance to a material level such that it will become a driver for tourism growth, will the officers be there in time for our customers? Is there a plan to achieve this?
- Given that:
  - A. Tourism in the PNWER region is valued at \$62 billion dollars and employs more than 742,000 workers
  - B. Preclearance will help grow the U.S. and American tourism economies
  - C. Tour operators work at least two years out in terms of planning and investment
  - D. Legislation is not yet passed in Canada

What collaborative signal can industry and government work on today in order to send a positive investment signal to the business community? Can we tell operators and investors how, once pre-clearance is approved, industry and government will work together to get from a theoretical state of approved legislation to a point of on-the-ground implementation in key ports and border crossings? Is it a case-by-case matter to describe progress and opportunities or is there a high level message about an approved model or process that can be sent to industry about the good news of preclearance?
- From a bilateral national level, what are the key milestones to be achieved such that when they are achieved both industry and government can demonstrate material success to stakeholders?
  - What does success look like and is there a target goal? e.g. Is it 5 key preclearance ports by 20XX?
  - If success is dependent on public/private sector pilot projects coming forward for approval and funding, is there a defined approval path for such projects and are there technical specifications that such pilots should adhere to for technology, shared spaces or mobile inspection teams?



- Is there a simple funding model or plan going forward for both the U.S. and Canadian governments to invest in preclearance infrastructure? How dependent is this development on private sector investment?
- What aspects of ongoing operational costs are expected to be covered by the new facility operators? If there isn't clarity on this as yet, would we look at a case by case basis and the unique circumstances of each facility (for example - shared costs with grandfathered sites in Victoria.)
- Is there an openness to implementing pre-clearance in a staged process in newer locations, as the market is tested and as industry presence / demand changes?



# From the Speaker's Chair

## The Speaker

Each day the proceedings of the Legislative Assembly open when the Sergeant-at-Arms calls “Order, order! Mr. Speaker!” and leads a procession into the Chamber. Following the Sergeant-at-Arms is the Speaker, wearing traditional parliamentary robes. The Speaker takes the chair at the head of the Chamber and referees the Assembly’s daily business.

Like all other Member of the Legislative Assembly Speakers are first elected to represent one of the province’s constituencies. In order to be considered for the role of Speaker, a Member must be nominated by another Member. From those nominated, a Speaker is then elected by secret ballot at the beginning of the first legislative session following a provincial election. Once elected, Speakers become servants of the Assembly. In this role they must be impartial, and all MLAs must accept their authority.

### *A Colourful Past*

The history of Speakership dates back to the earliest parliaments of Great Britain. The first person to be called the Speaker was Sir Thomas Hungerford in 1377. In those days the Speaker’s job was to tell Parliament the monarch’s wishes and, in turn, to advise the monarch of Parliament’s resolutions. If these resolutions angered the monarch or threatened the monarchy’s power, which they often did, the monarch sometimes took revenge by killing the Speaker. In parliamentary history no fewer than nine Speakers lost their lives because of what they considered to be the performance of their public duties. Some historians even think that the original purpose of the opening procession was to provide Speakers with bodyguards to protect them from harm as they entered the Assembly Chamber.

*At one time the Speaker’s job could be very dangerous. Our modern parliaments remember that history: the Premier and the Leader of the Opposition “force” a newly elected Speaker to the chair; seemingly against his or her will.*



Although early Speakers in Great Britain were the mouthpieces of Parliament, they were not always the servants of Parliament as they are now. In fact, the first Speakers were appointed by the monarch, not by Parliament. The Speaker’s role changed as the parliamentary system evolved. Parliament first came into being because people resented being taxed and having no control over how the monarch spent their money. Over many centuries monarchs empowered Parliament, particularly the House of Commons, to levy taxes, spend tax dollars, and make laws.

Due to that shift of power the Speaker’s loyalty soon shifted from the monarch to the House of Commons. In 1629 King Charles 1 ordered Speaker Sir John Finch to adjourn a session of the House. When Speaker Finch rose to obey the king’s order, angry members of Parliament tried to force him to remain in chair, reminding him that he was supposed to be their servant, not the king’s.

Speaker Finch and Charles 1 won that dispute and dissolved Parliament, but 13 years later, when England was on the verge of civil war, Charles barged into the Chamber and demanded the surrender of five members opposed to his policies. Speaker William Lenthall refused, saying, “I

have neither eyes to see nor tongue to speak in this place but as the House is pleased to direct me, whose servant I am here.” He was telling the king in no uncertain terms that the Speaker served Parliament and Parliament only. That moment was a turning point in the history of Parliament for it helped to establish the Speaker’s independence from the Crown. By the end of the 17<sup>th</sup> century the Speaker was an appointee of Parliament and not of the monarch.

*“I have neither eyes to see...” Speaker Lenthall establishing the Speaker’s independence from the Crown.*



### **Alberta’s Speakers**

The Speaker is elected by secret ballot on the first sitting day of each new Legislature. Since the Speaker represents the Assembly, he or she must serve all MLAs equally, no matter what party they belong to. This means that in the Assembly Chamber, the Speaker

- Ensures that all MLAs follow parliamentary rules as they ask or answer questions, debate or vote;
- Gives all MLAs a fair chance to speak;
- Ensures that the special rights and privileges of Members and of the Assembly as a whole are protected; and
- Cannot take part in debate, ask or answer questions during Oral Question Period or vote except to break a tie.

The Speaker is also the head of the Legislative Assembly Office (LAO), which provides a range of services to all MLAs. These include office support for MLAs in their constituencies and at the Legislature, legal and procedural advice and programs to help MLAs serve their constituents and do the Assembly’s business efficiently. As head of the LAO the Speaker also has the enjoyable task of receiving official guests of the province, such as ambassadors or consuls general.

Because the Speaker represents the Legislative Assembly, members must show the Speaker the same respect they would show the Assembly as an institution. Therefore, members

- Do not question the Speaker’s rulings on parliamentary procedure except by a formal motion of nonconfidence, although they must ask the Speaker to explain a ruling;
- Do not enter or leave the Chamber while the Speaker is standing;
- Do not interrupt the Speaker;
- Address all comments in the Chamber to the Speaker, the Assembly’s messenger to the Crown; and
- Do not walk between the Speaker and a member who is speaking.

The key characteristics of the Speakership are authority and impartiality. The Assembly grants the Speaker the authority to direct its debates and proceedings, and the Speaker does so without favouring MLAs from one political party over those from another.

**Source: The Citizen’s Guide to the Alberta Legislature  
(Courtesy of the Legislative Assembly of Alberta)**

# Provincial and State Legislatures Overview

## Two Styles of Governing:



## Provincial and State Legislatures

The Canadian and American systems of government are both democracies with roots in the British parliamentary system. As well, both Canada and the United States chose the federal system, dividing power between regional and national governments, giving each its own areas of jurisdiction. In spite of their obvious similarities, the two systems are quite different. For example, Canada is a constitutional monarchy while the United States is a republic.

### *The Person at the Top*

Constitutionally, Her Majesty Queen Elizabeth II is the Queen of Canada and the **head of state** while the real power is held by the **head of government** – the Prime Minister at the federal level or the Premier at the provincial level – and cabinet. The Prime Minister selects a Lieutenant Governor to represent the monarch in each province. The Lieutenant Governor gives Royal Assent to bills, opens and closes sessions of the legislature and accepts the Premier's resignation if the government is defeated in the Assembly.

In the United States the head of state and head of government are one and the same. This is true at both the federal (President) and state (Governor) levels. At the state level there is a Lieutenant Governor as well, but the person who fills this position is elected, presides over the state Senate and fills in for the Governor when he or she is absent.

### *The Legislatures*

All provincial Canadian legislatures are unicameral, meaning that there is only one body of elected representatives. In Alberta this body is called the Legislative Assembly.

In the United States all state legislatures except Nebraska's are bicameral, meaning that the people elect two groups of representatives: a House of Representatives and a Senate.

### *Elections*

In Canada some provinces have decided to set fixed election dates whereby a maximum term of office is specified. There is no minimum term of service as a term of government can be cut short at any time if a major government proposal is defeated. This is considered a vote of non-confidence, which results in the fall of the government and an election call. Voters elect candidates in their own constituencies and do not directly elect their Premier. The leader of the party electing the most seats normally becomes the Premier.

In state Legislatures terms of office are fixed, and citizens elect the Governor and the Legislatures separately. The whole state elects the Governor while members of the Legislature

are elected by their own districts. It is not unusual for the Governor to belong to a different political party from that of the majority of the members of the House of Representatives or the Senate.

### ***The Party System***

Political parties play an important role in both provincial and state Legislatures. However, their role in Canadian politics is clearer. In the Canadian system the survival of the government depends on party unity. Party discipline prevents members of the Assembly from publicly criticizing their party or voting against its policies or decisions. If enough government members vote against a government proposal, it can be defeated. As mentioned above, the defeat of a major government proposal is a vote of non-confidence.

In the American system the role of parties in the House is less obvious. Elected representatives frequently support their local interests at the expense of their party's overall policies, and the Governor does not necessarily control the Legislature even if the Governor's party has a majority of seats.

### ***Powers of Government***

The powers of democratic governments are divided among the executive, the legislative and the judicial branches. The executive branch administers existing laws and, through cabinet ministers, proposes new ones. The legislative branch approves laws by voting on them in an Assembly, and the judicial branch interprets the laws and applies them through the courts.

Provincial and state governments have organized these powers very differently. In Canada we have the principle of responsible government (see pages 3 to 7, *The Parliamentary System in Alberta*), meaning that the cabinet's major proposals for laws and spending must have the approval of a majority in the Legislative Assembly. In addition, the Premier and cabinet ministers, or executive branch, are also Members of the Legislative Assembly, or legislative branch, and both the Premier and cabinet ministers may vote on the bills they introduce. Thus, parliamentary government features a concentration or fusion of powers.

In the United States the executive and legislative branches are completely separate, and this total separation of powers is what most distinguishes the American from the Canadian system. A state Governor is not a member of the Legislature but is elected separately and appoints the cabinet, which does not include members of the Legislature. The Governor provides leadership and initiates important laws, particularly the state budget, but does not vote on bills in the House of Representatives or the Senate. Instead, when both Houses have passed a bill, the Governor signs it into law.

### ***Making Laws***

In both provincial and state Legislatures ideas for new laws or changes to old ones are called bills and come from the same sources: citizens, individual elected members or special-interest

groups and other organizations. However, bills become law in very different ways in the two countries

In Canadian Legislatures members introduce bills in the House at first reading. All bills are introduced in complete form and read almost exactly the same as they would should they become the law of the province. Bills are then debated in three stages—second reading, Committee of the Whole and third reading—and must pass each stage to on to the next. Passage is by a simple majority of members present for the vote. Government bills—bills that receive the prior approval of cabinet—usually pass with few, if any, amendments while bills introduced by non-cabinet members have little chance of passing at all (see pages 63 to 66, Making Alberta’s Laws). After passing third reading, bills are granted Royal Assent by the Lieutenant Governor before officially becoming law.

In bicameral US state Legislatures bills may be introduced in the House of Representatives or the Senate. In some states representatives may introduce a bill in skeleton form to see if the idea will fly before going to the trouble of drafting a complete bill. Once introduced, bills are referred to a committee that studies them, changing them where necessary to ensure their eventual passage or blocking further consideration. The committee reports its findings to the House or the Senate, depending on where the bill originated, and successful bills are considered there for some time before being put to a vote. Voting in state Legislatures is not necessarily along party lines, as it is in Canada, and often a bill sponsored by a member from the dominant party will not have enough support from that party to pass. State Legislatures also make no distinction between government bills and private members’ bills; however, some bills in some states must have a two-thirds majority to pass. Bills that pass one body than undergo the same process in the other. If bills are successful, depending on the state, the Governor signs them into law or may veto all or parts of them.

**Source: The Citizen’s Guide to the Alberta Legislature  
(Courtesy of the Legislative Assembly of Alberta)**

# Canadian and American Governance: A Comparative Look



## DEMOCRACY



<ul style="list-style-type: none"> <li>United States of America formed between 1776-83 during the War of Independence.</li> </ul>	<ul style="list-style-type: none"> <li>Canada formed in 1867 following negotiations by the British North American (BNA) colonies and the passage of the BNA Act by the British Parliament.</li> <li>Alberta founded in 1905 – 9<sup>th</sup> province.</li> </ul>
<ul style="list-style-type: none"> <li>Federal republic; presidential-congressional</li> <li>Bicameral, elected legislatures (Nebraska only unicameral legislature)</li> </ul>	<ul style="list-style-type: none"> <li>Federal constitutional monarchy; parliamentary</li> <li>Bicameral Parliament federally; elected House, appointed Senate</li> <li>All provinces have unicameral, elected legislatures</li> </ul>
<ul style="list-style-type: none"> <li>Comprehensive, written Constitution, with amendments (the first ten of which are known as the Bill of Rights). In addition, the Constitution identifies the powers of, responsibilities of, and relationships between the executive, legislative and judicial branches. Also the Constitution sets out the authority of the federal government and powers reserved to the states.</li> </ul>	<ul style="list-style-type: none"> <li>Written and unwritten Constitution. Custom, usage, practice and convention play an important part in the Canadian Constitution. For example, until 1982, the Constitution did not even make reference to the position of Prime Minister or provincial Premiers.</li> <li>In 1982, a Charter of Rights and Freedoms was added to the Constitution.</li> </ul>
<ul style="list-style-type: none"> <li>The Framers designed a system of <b>checks and balances</b>, in which the executive, legislative and judicial branches are held in check by each other. For example, the President may provide leadership and initiate important legislation, but does not vote on bills in the legislative branch. Instead, once both houses have passed a bill, the President signs it into law. If the President is not in favour of particular legislation, he/she may use the <b>veto power</b> to block parts or all of a bill. The veto can be overcome by a 2/3 majority vote in Congress.</li> </ul>	<ul style="list-style-type: none"> <li>Canada inherited a system of <b>responsible government</b> from the British tradition. In this system the executive sits in the legislative branch and depends on votes of <b>confidence</b> by the House of Commons or legislature. Confidence essentially refers to the legislature's majority support of the executive's mandate. When the legislative branch loses confidence in the executive, the cabinet must resign, call an election or form a new cabinet that can gain confidence.</li> </ul>



## FEDERALISM



<ul style="list-style-type: none"> <li>■ US composed of 50 states, the District of Columbia and seven significant territories and possessions.</li> </ul>	<ul style="list-style-type: none"> <li>■ Canada composed of ten provinces and three territories.</li> </ul>
<ul style="list-style-type: none"> <li>■ In early American history, the federation was highly decentralized – but has become more centralized over time.</li> </ul>	<ul style="list-style-type: none"> <li>■ In early Canadian history, the federation began as moderately centralized – but has become increasingly decentralized over time. Today, the Canadian federal system is often cited as the most decentralized in the world.</li> </ul>

### Dynamics of the federal systems

<ul style="list-style-type: none"> <li>■ The 10<sup>th</sup> Amendment reserves to the states all powers not given to the federal government. While this amendment has not been fully implemented in practice, evidence suggests that the Supreme Court is currently giving it more weight.</li> <li>■ However, over the past 200 years, Congress and the executive branch have asserted an expanding breadth of jurisdiction. There are very few areas where the state has sole authority, such as the structures and functions of state government itself. Yet, there are also many areas where regulation is shared, the specifics of which depend on the subject matter.</li> <li>■ Each state has its own constitution, which may not conflict with the US constitution, but may contain provisions, such as an explicit right of privacy, a right to know (about government) and a means for citizens to exercise legislative authority through initiative and referenda. These provisions may reach beyond the parameters of the national constitution.</li> <li>■ American states are active in the promotion of their states through trade missions and foreign offices, but play little direct role in federal trade policy and trade negotiations.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Canadian Constitution specifies in Sections 91 and 92 a <b>division of powers</b> between the provincial and federal orders of government. Beyond the provincial power to tax directly, the primary provincial responsibilities include: natural resources, education, and health.</li> <li>■ The territories are responsible for many of the same roles and responsibilities as provinces but these responsibilities are not constitutionally entrenched. All territorial powers are delegated from the federal government.</li> <li>■ In practice today, the division of responsibilities has many grey areas. For example, the federal government has used its fiscal powers or <b>the federal spending power</b> to attempt to influence public policy in areas of provincial responsibility.</li> <li>■ While foreign relations fall under federal jurisdiction, many provinces have been active internationally. The mandate of the Alberta government's Department of International, Intergovernmental and Aboriginal Relations is to lead the development of government-wide strategies and policies for Alberta's relations with other governments within Canada, with national and sub-national governments around the world. Alberta has played an active part in Canadian trade negotiations.</li> </ul>
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## Dispute resolution and intergovernmental relations

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| <ul style="list-style-type: none"> <li>■ The structure of American federal-state-local relations are based on legal interpretations and ongoing political negotiations. Disputes are usually played out in the bureaucracy, Congress and the courts. Rarely would the Governors meet with federal officials to secure a mutual agreement.</li> <li>■ The US Senate, which can be looked upon as a house of the states, has traditionally been the venue where regional and state interests are presented and debated. US Senators are considered important defenders of the interests of their states. However, members are also expected and empowered to look beyond parochial concerns and articulate the national interest.</li> <li>■ American governors meet regularly in the National Governors Association and in regional groups, such as the Western Governors' Association (WGA). The WGA and Western Premiers Council established a formal linkage in 1999 under Alberta's leadership.</li> </ul> | <ul style="list-style-type: none"> <li>■ Canadian Premiers meet occasionally with the Prime Minister at <b>First Ministers Meetings</b>, which are called at the discretion of the Prime Minister.</li> <li>■ In 2003, the Council of the Federation (COF) was established to serve as a forum for provincial and territorial leaders to meet and discuss issues of common interest. This council meets at least twice a year. In practice, COF works to promote relations between federal, provincial and territorial governments and is very active on a broad range of public policy issues of importance to all Canadians.</li> <li>■ These intergovernmental summits are often referred to as <b>executive federalism</b> as they are characterized by significant dispute resolution and deal-making by Canadian first ministers.</li> <li>■ Because Canada does not have an effective Senate, Canadian premiers are considered the preeminent defenders of their province's interests.</li> </ul> |
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## Funding

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| <ul style="list-style-type: none"> <li>■ Typically, US state legislatures receive a significant portion of funding from the federal government, which is allocated and dispersed according to various federal agency guidelines. Such programs include Social Security, veterans benefits, pensions, interstate highways and education. Thus, federal funding in a given state often exceeds 50 percent of total state government spending.</li> </ul> | <ul style="list-style-type: none"> <li>■ Federal transfers to the provinces take three forms:             <ol style="list-style-type: none"> <li>1. <b>Equalization transfers.</b> Depending on a province's financial condition, it will receive an equalization transfer from the federal government. Typically, Alberta, Ontario and B.C., contribute to the transfer, while the other seven provinces receive the transfer.</li> <li>2. <b>Canadian Health and Social Transfer (CHST).</b> The CHST is a transfer of funds from the federal government to the provinces. These funds are used by the provinces for social programs: health, social services and post-secondary education.</li> <li>3. <b>Specific cost-shared programs.</b> Several cost-shared programs, such as the national infrastructure program and the labour market development agreements, involved a transfer of funds from the federal to provincial governments.</li> </ol> </li> <li>■ Nationally, federal transfers comprise an average of 27% of provincial revenue (in Prince Edward Island, federal transfers account for as much as 41% of provincial revenue). However, in Alberta this percentage is much lower at only 11%. In recent years, Alberta's annual budget surplus has significantly surpassed its revenue from federal transfers.</li> </ul> |
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## EXECUTIVE



<ul style="list-style-type: none"> <li>■ The President (nationally), Governors (state-level) and their Cabinets (which head various departments and agencies) form the American executive branch.</li> </ul>	<ul style="list-style-type: none"> <li>■ At the Canadian federal level, the executive branch is composed of the Queen or her representative the Governor General (Head of State), the Prime Minister and the Cabinet.</li> <li>■ Provincially, the executive is comprised of the Lieutenant Governor (representative of the Queen), the Premier and the Cabinet.</li> </ul>
<b>Heads of State and Government</b>	
<ul style="list-style-type: none"> <li>■ While Governors are directly elected by the people, Presidents win office through the electoral college, a body which reflects the number of Members of Congress in each state. The candidate who receives the most votes in any given state is awarded all the electoral colleges votes in that state.</li> <li>■ Candidates for Governor or President receive their party's nomination following an extensive party primary election. However, some states have conventions or caucuses instead of primary elections.</li> <li>■ American Governors and Presidents occupy the executive branch and may not concurrently sit in the legislative branch.</li> </ul>	<ul style="list-style-type: none"> <li>■ Governors General and Lieutenant Governors are appointed by the Prime Minister.</li> <li>■ Prime Ministers and Premiers (or <b>First Ministers</b>) must be members of the House. They arrive to the position as the leaders of the majority party.</li> <li>■ Leaders of political parties (both the majority and minority parties) are elected by registered members of that party during <b>leadership conventions</b>. Leadership conventions are evolving in Canada, as several parties have adopted a full membership vote system, rather than the traditional delegate-convention system.</li> </ul>
<b>Cabinet</b>	
<ul style="list-style-type: none"> <li>■ Presidents and Governors appoint an unelected Cabinet, to head various departments and agencies. In Washington, Cabinet members are called Secretaries and at the state level, they are often called Directors or Commissioners.</li> </ul>	<ul style="list-style-type: none"> <li>■ Cabinet or <b>the government</b> is composed of elected Members of Parliament (federal) or of the Legislative Assemblies (provincial), who are appointed to Cabinet by the Prime Minister or Premier to head specific departments or agencies. In Canada, the First Ministers lead both the legislative and executive branches of government.</li> </ul>
<b>Powers</b>	
<ul style="list-style-type: none"> <li>■ Presidents and Governors possess many powers, but are held in check by a balance of power by the legislative and judicial branches.</li> </ul>	<ul style="list-style-type: none"> <li>■ In Canada, there is a concentration of power in the executive. Based on responsible government, the executive has a strong mandate to govern with the support of a majority in the House.</li> </ul>
<ul style="list-style-type: none"> <li>■ Neither the President or Governors, nor Cabinet members can appear in the House to debate a bill or respond to questions without an invitation from the legislators. While this occurs rarely, it is more common for other administration officials to appear before legislative committees.</li> </ul>	<ul style="list-style-type: none"> <li>■ As legislators and the executive, the Prime Minister, Premiers and Cabinet members regularly speak in the House and must submit to a daily <b>Question Period</b>. When the House is in session, question period provides the opportunity for the Cabinet to remain accountable and responsible as it responds to the House's questions.</li> </ul>



## LEGISLATIVE



<ul style="list-style-type: none"> <li>■ Congress is composed of 100 Senators and 435 Representatives.</li> <li>■ The Senate possesses fundamental powers in the American political system. Among these responsibilities is the confirmation of presidential and gubernatorial appointments, as well as the ratification of international agreements.</li> <li>■ State legislatures vary in size from 61 Senators in New York to 400 Representatives in New Hampshire to 20 Senators and 40 Representatives in Alaska. Some states call their lower house other names (eg. the Assembly or the House of Delegates).</li> <li>■ While service in Congress is clearly a full-time pursuit, the time commitment and remuneration for state legislators vary. For example, many states have part-time, citizen legislatures that meet every other year and whose members necessarily maintain occupations outside of politics</li> </ul>	<ul style="list-style-type: none"> <li>■ The federal House of Commons is composed of 308 MPs, including the Prime Minister and Cabinet.</li> <li>■ While the Senate is un-elected, un-equally represented and operates as the lower chamber (although called the <b>upper chamber</b>), it has the power to present legislation and approve House of Commons legislation.</li> <li>■ The Alberta Legislative Assembly is composed of 83 MLAs, including the Premier and Cabinet.</li> <li>■ Provincial legislatures range in size from 125 members in Quebec to 27 members in Prince Edward Island.</li> <li>■ All MPs and MLAs serve publicly in a full-time capacity.</li> </ul>
<h3>Elections</h3>	
<ul style="list-style-type: none"> <li>■ Senators and Representatives are accountable to specific districts and are elected by those citizens who reside in their district. The state Governor is elected by all state voters and is thus accountable to all state citizens. Federal House districts average well over half a million people in size.</li> <li>■ Elections occur on the first Tuesday of November of the last year of an elected official's term. Terms range from two years for Representatives, to 2-4 years for Governors, to four years for Presidents and six years for Senators.</li> </ul>	<ul style="list-style-type: none"> <li>■ All MPs and MLAs, including the Prime Minister, Premiers and Cabinets, represent a constituency or riding (the average riding consists of 36,000 people in Alberta and 100,000 people in the federal House of Commons).</li> <li>■ Elections can be called at any time, but must be called within five years of the last.</li> </ul>
<h3>Roles and responsibilities</h3>	
<ul style="list-style-type: none"> <li>■ American legislators perform a full-range of legislative duties, including representing a voting district, presenting legislation, debating, bargaining with the Executive branch, participating on committees and voting on legislation.</li> </ul>	<ul style="list-style-type: none"> <li>■ The role of the MP and MLA is to represent the wishes and aspirations of his/her constituency in the party caucus and in the House.</li> <li>■ During the 26 weeks per year (on average) that the House of Commons or 12 weeks per year (on average) that the Alberta Legislature sits, MPs and MLAs are responsible for debating and voting on legislation.</li> <li>■ MPs and MLAs may be chosen to sit on Committees or perform other government business. When the House is not in session, MPs and MLAs are responsible for meeting with constituents and continuing a representational role.</li> </ul>



## LEGISLATIVE



### Passing legislation

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| <ul style="list-style-type: none"> <li>■ Presidents and Governors may have legislation sponsored by senators and representatives. In Congress and in some states, each house may add or remove items from the bills, or reject them completely, and what emerges may bear little resemblance to the original proposed bill. In other states, there is scarce latitude to alter the original intent of a bill or to add <b>riders</b> that are not integrally related to the main subject of the legislation.</li> <li>■ Presidents and Governors also possess an important veto power, which can only be overridden by a 2/3 majority vote in both houses. Not all state constitutions may possess the same veto procedure.</li> <li>■ American legislatures are presented with and pass a large number of bills. For example, in Washington State, three to four thousand bills are often introduced in one 60 day session, 300-400 of which would be passed.</li> <li>■ As there is great room for individual legislators to vote independently, the American political system involves much bargaining between different groups. Fellow legislators may <b>logroll</b> in exchange for support.</li> <li>■ Lobbyists, play an important part in all facets of American politics.</li> </ul> | <ul style="list-style-type: none"> <li>■ The Prime Minister/Premier and Cabinet advance the vast majority of the legislative agenda, with the confidence of the House.</li> <li>■ <b>Backbenchers</b> or non-cabinet MPs or MLAs may present <b>private-member's</b> or non-cabinet legislation, although most legislation originates from the cabinet.</li> <li>■ Canada's legislatures tend to deal with much less legislation than their American counterparts. Often, the number presented and passed are the same, due to the consolidated majority party power in the executive and legislature. In Alberta, an average of 60 bills would be passed in one session.</li> <li>■ Lobbyists have a relatively limited and much more indirect role in Canadian politics. Lobbyists may present their position to legislative committees or to a caucus, but they must ultimately persuade the government as a whole.</li> </ul> |
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### The Speaker

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| <ul style="list-style-type: none"> <li>■ The Speaker of the House is the leader of the House majority party, and possesses a variety of important powers regarding the scheduling of bills, procedures, committee membership and decorum.</li> </ul> | <ul style="list-style-type: none"> <li>■ The Speaker of the House, who is also an MP or MLA, impartially oversees the functioning of the Legislative Assembly. The Speaker interprets the rules of conduct in the House, acts as arbitrator during debates and oversees the legislative process. The Speaker may not take part in debate, ask or answer questions during Oral Question Period, or vote except to break a tie. Most Canadian Speakers are elected by the House and also oversee a significant budget for the Legislature and its various services.</li> </ul> |
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## JUDICIARY



<b>The Supreme Court</b>	
<ul style="list-style-type: none"><li>■ Supreme Court appointed by President and confirmed by the Senate, with lifetime appointments.</li><li>■ No specific prerequisites, other than a successful confirmation by the Senate.</li><li>■ Through its constitutional interpretations, the Supreme Court has played a pivotal role in American governance. It has had the power to engage in judicial review since 1803.</li></ul>	<ul style="list-style-type: none"><li>■ Supreme Court appointed by Prime Minister, with mandatory retirement age of 75.</li><li>■ Composed of three judges from Quebec, three from Ontario, two from the West and one from Atlantic Canada.</li><li>■ The role of the Supreme Court has changed dramatically since the implementation of the Charter of Rights and Freedoms. The Court is increasingly involved in contentious issues of public policy that were previously the sole domain of elected legislatures.</li></ul>
<b>Other courts</b>	
<ul style="list-style-type: none"><li>■ For the most part, other judges are elected.</li></ul>	<ul style="list-style-type: none"><li>■ No judges in Canada are elected.</li><li>■ The federal cabinet appoints approximately 750 judges to the Supreme and Federal Courts of Canada, as well as provincial Superior and Divisional Courts.</li><li>■ Provincial cabinets appoint approximately 1250 judges to provincial courts.</li></ul>

## How Federal, State, and Local Governments Interact

The constitution not only defines the structure and powers of the federal government, but also contains general provisions regarding state government. Each state, in turn, has its own constitution which contains provisions for local governments within the state. Local governments may include cities, counties, towns, school districts, and special-purpose districts, which govern such matters as local resources or transportation networks.

The federal government is limited to the powers and responsibilities specifically granted to it by the U.S. Constitution. . Some of the powers listed in the Constitution include regulating commerce between the states, providing for national defense, creating money, regulating immigration and naturalization, and entering into treaties with foreign countries. Over time, however, the Constitution has been interpreted and amended to adapt to changing circumstances, and the powers exercised by the federal government have changed with it. Working with the states, the federal government creates certain laws and programs that are funded federally, but administered by the states. Education, social welfare, assisted housing and nutrition, homeland security, transportation, and emergency response are key areas where states deliver services using federal funds and subject to federal guidelines.

This gives the federal government the power to influence the states. For example, in the 1970s, the federal government wanted to lower highway speed limits to reduce energy consumption. Rather than simply legislate a lower speed limit, the federal government threatened to withhold money for road projects from states that did not themselves lower the speed limit in their states. In many cases, the states must also partially fund the programs to qualify for federal funds.

A local government is chartered according to its state's constitution. Just as the policies enacted by the state government must not conflict with federal law, a local government is subject to the legal environment created by the state's constitution and statutes.

As a federal government, the United States has several layers of government ranging from the federal government at the national level, to state and local governments. Two of these layers—the national and state—are addressed in the U.S. Constitution.

The U.S. Constitution gives Congress the authority to admit new states to the union. Since the ratification of the Constitution by the original 13 states, the United States has grown to encompass 50 states, varying widely in population and geographic size. In addition to the 50 states, there is a federal district—the District of Columbia—which is the national capital and not part of any state. The District of Columbia is governed by the city government, with budgetary control and administrative oversight by the U.S. Congress.

State governments are not subunits of the federal government; each state is sovereign and does not report in any constitutional way to the federal government. The U.S. Constitution and federal law, however, supersede states constitutions and state laws in areas where they are in disagreement.

**Source: About America: How the US is Governed**

**<http://usinfo.state.gov/products/pubs/abtamerica/index.htm>**



# How the U.S. is governed?

## *Structure of state governments*

The U.S. Constitution guarantees each state a republican form of government—that is, a government run by popularly elected representatives of the people. State governments generally mirror the federal government: In each state there is an elected head of the executive branch (the governor), and independent judiciary, and a popularly elected legislative branch.

## *Executive*

The executive branch of each state is responsible for administering the day-to-day operations of government, providing services and enforcing the law. It is led by a governor, elected by statewide ballot for a two- or four-year term, depending on the state. Other top executive officials who may be elected rather than appointed are the lieutenant governor, secretary of state, attorney general, comptroller, and members of various boards and commissions. Positions not filled by election are usually filled by appointment by the governor.

## *Legislative*

All states have a popularly elected legislature consisting of two chambers, except Nebraska, which has a single-chamber legislature. Legislators are elected from single-member districts and typically serve a two-year or four-year term. The names of the chambers vary by state. In most states the upper chamber is called the senate while the lower chamber may be called the House of Representatives, House of Delegates, or state assembly.

Primary duties of the legislature include enacting new laws, approving the state's budget, confirming appointments to the executive or judicial branches, and conducting oversight of executive branch operations. In many smaller states, legislators serve part-time and receive only nominal compensation. They may meet just a few weeks or months of the year before returning to their full-time occupations. In larger states, legislators serve year-round and receive the compensation and benefits of a full-time job.

## *Judicial*

State court systems have jurisdiction over matters not covered by federal courts, including most civil cases between parties in the same state, criminal cases where violations involve state or local laws, family law, and issues relating to the state constitution.

The highest court in each state is the state Supreme Court or court of appeals. Justices are typically elected to lengthy terms, but do not serve for life. The high court usually has only appellate jurisdiction—reviewing decisions by lower courts—and its decisions in turn may be appealed to the U.S. Supreme Court. The structure of lower state courts varies widely by state. Some states have separate courts for civil and criminal matters, and all states have some form of local municipal or county courts to handle minor offenses and small claims.

## **Powers and Responsibilities of State Governments**

As sovereign entities within the framework of the U.S. federal system, each state has its own constitution, elected officials, and governmental organizations. States have the power to make and enforce laws, levy taxes, and conduct their affairs largely free from intervention from the federal government or other states.

State governments have primary responsibilities for providing many important services that affect the everyday lives of their residents. These include:

- Setting educational standards and establishing methods for funding public education;
- Building and maintaining transportation networks;
- Establishing state-sponsored colleges and universities;
- Licensing and regulating businesses and professions;
- Creating and overseeing non-federal courts and the criminal justice system;
- Generally providing for the public safety;
- Issuing marriage licenses and driver's licenses;
- Issuing and recording birth and death certificates;
- Administering publicly funded health, housing, and nutrition programs for low-income and disabled residents;
- Managing state parks and other lands for recreation and environmental conservation purposes;
- Administering and certifying elections, including elections for federal officials;
- Commanding the state National Guard, except when called to national service.

Some of these responsibilities are delegated to or shared with local government in many states. For example, in most states, marriage licenses are issued by city or county governments.

### ***The role of state constitutions***

In contrast to the U.S. Constitution, which is broadly written, state constitutions can be very detailed and specific. Many state constitutions go on for pages describing, for example, the rules for issuing bonds or defining the jurisdiction of various state courts. Why so much detail in state constitutions? One reason is that they are more readily amended than the U.S. Constitution. In most states, approval by a majority of voters in a statewide election is all that is required.

Another reason is that states, in contrast to the federal government, are largely free to exercise any power not prohibited to them. In order to effectively restrict state government powers, the restrictions must be spelled out in the state's constitution.

Finally, most states are required by their constitutions to have a balanced budget. Exceptions, such as borrowing to finance transportation or other construction projects, must be provided for in the constitution.

**Source: About America: How the US is Governed**

**<http://usinfo.state.gov/products/pubs/abtamerica/index.htm>**

## **Roles and Responsibilities of Selected Leadership Positions United States**

The roles and responsibilities of legislative leaders vary considerably among the states. Listed below are brief synopses of the duties typically associated with selected leadership positions.

President of the Senate	Majority Leader	Minority Leader
President pro term of the Senate	Majority Caucus Chair	Minority Caucus Chair
Speaker of the House or Assembly	Majority Whip	Minority Whip
Speaker pro tem		

**President of the Senate-** The president is the principal leader of the Senate. The president typically will (1) preside over the daily sessions of the Senate, (2) preserve order in the chamber, (3) state parliamentary motions, (4) rule on parliamentary questions, (5) appoint committee chairs and members, (6) refer bills to committee, (7) sign legislation, writs and warrants and (8) act as the official spokesman for the Senate. In about 26 states, the lieutenant governor serves as the president of the Senate, and many of these duties are assumed by the president pro tem.

**President pro tem of the Senate-** The primary role assigned to the president pro tem are to (1) preside over the Senate in the president’s absence, (2) exercise the powers and duties of the president in his or her absence and (3) assume other duties as assigned by the president. Sometimes, this is an honorary position, with few substantive duties assigned. In states where the lieutenant governor presides over the Senate, the president pro tem usually assumes duties associated with a president.

**Speaker of the House or Assembly-** The speaker is the principal leader of the House or Assembly. The speaker typically will (1) preside over the daily sessions of the Senate, (2) preserve order in the chamber, (3) state parliamentary motions, (4) rule on parliamentary questions, (5) appoint committee chairs and members, (6) refer bills to committee, (7) sign legislation, writs and warrants and (8) act as the official spokesman for the House or Assembly.

**Speaker pro tem-** The primary roles assigned to the Speaker pro tem are to (1) preside over the House in the speaker’s absence, (2) exercise the powers and duties of the speaker in his or her absence and (3) assume other duties as assigned by the speaker. In some states, this is an honorary position, with few substantive duties assigned.

**Majority Leader-** The primary functions of a majority leader usually relate to floor duties. The majority leader (1) is the lead speaker for the majority party during floor debates, (2) develops the calendar and (3) assists the president or speaker with program development, policy formation and policy decisions.

**Majority Caucus Chair-** The majority caucus chair generally (1) develops the majority caucus agenda with the principal leaders, (2) presides over the majority caucus meetings and (3) assists with the development of policy.

**Majority Whip-** The duties of the majority whip are to (1) assist the floor leader, (2) ensure member attendance, (3) count votes and (4) generally communicate the majority position.

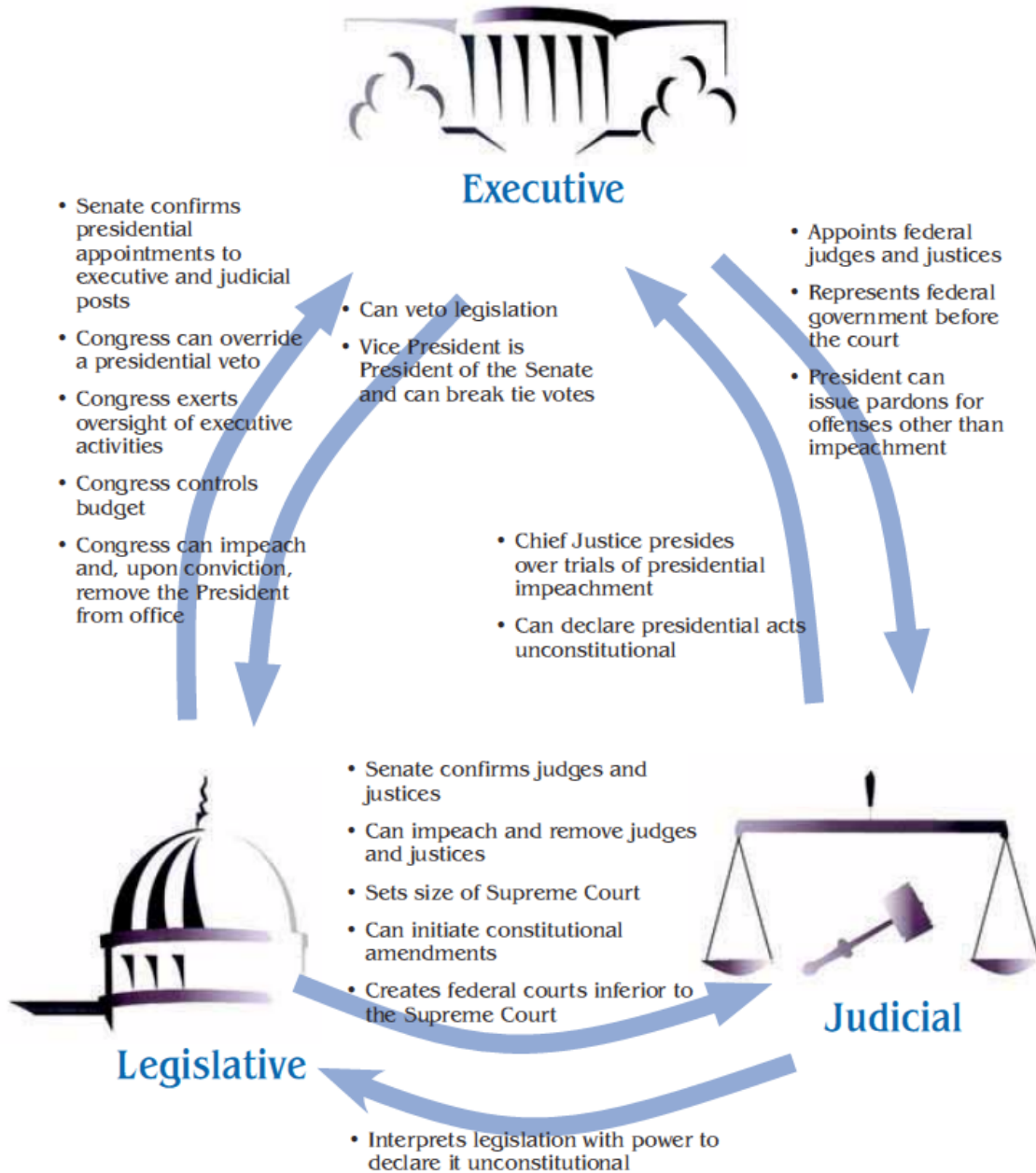
**Minority Leader-** The minority leader is the principal leader of the minority caucus. The minority leader is responsible for (1) developing the minority position, (2) negotiating with the majority party, (3) directing minority caucus activities on the chamber floor and (4) leading debate for the minority.

**Minority Caucus Chair-** The minority caucus chair (1) presides over caucus meetings and (2) assists the minority leader with policy development.

**Minority Whip-** The major responsibilities for the minority whip are to (1) assist the minority leader on the floor, (2) count votes and (3) ensure attendance of minority party members.

**Source: National Conference of State Legislatures (NCSL)**  
**<http://www.ncsl.org/programs/leaders/LRDRoles.htm>**

# Checks and Balances



Source: About America: How the US is Governed  
<http://usinfo.state.gov/products/pubs/abtamerica.index.htm>



## Funding the Government

The various levels of government use a wide variety of taxes and fees to pay for their operations. The following is a summary of the major sources of revenue for each level of government.

### Federal

- Personal and corporate income tax
- Payroll taxes for Social Security and Medicare
- Excise Taxes
- Estate and gift taxes
- Custom duties

### State

- Personal income tax (43 states)
- Corporate income tax
- State sales tax (45 states)
- Excise tax
- Business and professional permits and licenses
- Lotteries
- Transfers from the Federal Government

### County, municipal, and other local

- Real estate and personal property tax
- Commercial property tax
- Sales tax (where allowed by the state)
- Fines for traffic, parking, and other minor offenses
- Income tax or business gross receipts tax (where allowed by state)
- Miscellaneous permits, licenses, and fees

**Source: About America: How the US is Governed**

**<http://usinfo.state.gov/products/pubs/abtamerica/index.htm>**

# The Different Kinds of Legislative Resolutions

(According to Uniform Rule #49)

Resolutions are drafted according to Uniform Rule #10 and have the same time limit of introductions as bills do (after the 35<sup>th</sup> day of the second session they may only be introduced by standing committees—see Uniform Rule #44

TYPE	PURPOSE	NEEDED TO PASS	FINAL ACTION
<b>SIMPLE RESOLUTION</b> HR – HOUSE  SR – SENATE	TO EXPRESS THE WILL, WISH, VIEW, OPINION, SYMPATHY, OR REQUEST OF THE HOUSE OR SENATE	A MAJORITY VOTE OF THE FULL MEMBERSHIP OF THE HOUSE OR SENATE*	SAME AS A CONCURRENT RESOLUTION
<b>CONCURRENT RESOLUTION</b>  HCR – HOUSE CONCURRENT  SCR – SENATE CONCURRENT	SAME AS A SIMPLE RESOLUTION BUT EXPRESSES THE WISH OF BOTH HOUSES. USED FOR THE INTERNAL BUSINESS OF THE LEGISLATURE , SUSPENSION AND AMENDMENT OF THE UNIFORM RULES, REQUESTING ACTION OF EXECUTIVE AGENCIES AND INTERIM COMMITTEES, FIXING THE TIME AND PLACE FOR JOINT ASSEMBLIES, AND TO ESTABLISH JOINT COMMITTEES	A MAJORITY VOTE OF THE FULL MEMBERSHIP OF BOTH HOUSES* (UNLESS OTHERWISE REQUIRED BY THE UNIFORM RULES)	SENT TO THE GOVERNOR FOR INFORMATION AND TO THE LIEUTENANT GOVERNOR FOR FILING. THE LEGISLATIVE AFFAIRS AGENCY SENDS IT TO DESIGNATED ADDRESSEES
<b>SPECIAL CONCURRENT RESOLUTION</b>  HSCR  SSCR	TO EXPRESS DISAPPROVAL OF AN EXECUTIVE ORDER OF THE GOVERNOR	MUST BE CONSIDERED BY A JOINT COMMITTEE AND REQUIRES A MAJORITY VOTE OF THE FULL MEMBERSHIP OF THE LEGISLATURE IN JOINT SESSION	SAME AS THE CONCURRENT RESOLUTION
<b>JOINT RESOLUTION</b>  HJR  SJR	TO EXPRESS THE VIEW OR WISH OF THE LEGISLATURE TO THE PRESIDENT, CONGRESS, U.S. GOVERNMENT AGENCIES, OR OTHER STATE GOVERNMENTS. IT IS REQUIRED FOR PROPOSING OR RATIFYING AMENDMENTS TO THE U.S. CONSTITUTION, PROPOSING AMENDMENTS TO THE STATE CONSTITUTION	TREATED AS A BILL; ADOPTION BY BOTH HOUSES BY A MAJORITY VOTE OF THE FULL MEMBERSHIP	SIGNED BY THE GOVERNOR AS A FORMALITY. THE LIEUTENANT GOVERNOR SEND COPIES TO FEDERAL AND STATE OFFICERS, AGENCIES, AND JURISDICTIONS
<b>SPECIAL RESOLUTION</b>  HSR  SSR	USED ONLY TO EXPELL A MEMBER (SEC. 12, ART. II , ALASKA CONSTITUTION	REFER TO RULE S COMMITTEE, 3 READINGS, AND PASSAGE BY 2/3 VOTE OF HOUSE OR SENATE	SAME AS SIMPLE, CONCURRENT, AND SPECIAL CONCURRENT RESOLUTIONS

\*This kind of resolution does not require committee referral, three readings, or a roll call vote

Source: Alaska State Legislature



### *Idaho's Citizen Legislature*

The Idaho Legislature is responsible for translating the public will in public policy for the state, levying taxes, appropriating funds, and overseeing the administration of state agencies. These responsibilities are carried out through the legislative process—laws passed by elected representatives of the people, legislators. Since statehood in 1890, Idaho's legislators have enjoyed a rich and successful history of charting the state's growth. Much of the success can be attributed to the fact the Idaho's legislators are "citizen" legislators, not career politicians. They are farmers and rancher, business men and women, lawyers, doctors, sales people, loggers, teachers. Elected for two-year terms and in session at the Capitol just three months each year, Idaho's citizen legislators are able to maintain close ties to their communities and a keen interest in the concerns of the electorate.

### *The Legislature's Mission*

The Idaho Legislature is committed to carrying out its mission in a manner that inspires public trust and confidence in elected government and the rule of law. The mission of the Legislature is to:

- Preserve the checks and balances of state government by the independent exercise of legislative powers;
- Adopt a system of laws the promote the health, education, and well-being of Idaho's citizens;
- Preserve the state's environment and ensure wise, productive use of the state's natural resources;
- Carry out oversight responsibilities to enhance government accountability; and
- Raise revenues and appropriate monies that support necessary government services.

### *The Chambers*

The Idaho State Capitol, following the same classical style of architecture as our nation's Capital, was started in 1905 and the central portion was finished in 1911. The East and West wings occupied by the Legislature were finished in 1921. Idaho sandstone was used in facing the outside walls and Alaskan marble was used on the floors, staircases, and trimmings. The inside walls are of Vermont marble.

During 1968, the Idaho Senate and House of representatives chambers, located on the third floor, underwent extensive remodeling for the first time since 1921. The chambers, where the members

sit while in session, were enclosed with walls, new desks were installed on risers and carpeting was added. In the balcony, new spectator seating was built. Modern acoustics, public address systems, lighting, and ventilation were installed. These changes were part of a long-range plan for a complete renovation of the third and fourth floors. Plans included the adding of a central message center and lounge for the members and remodeling of the offices occupied by employees of the Legislature and the committee meeting rooms. This phase of the remodeling was completed during 1970.

### ***The Membership***

Presently, the Idaho Legislature is composed of 35 Senators and 70 Representatives elected for two-year terms. The state is divided into 35 legislative districts, each represented by one Senator and two Representatives. Reapportionment, which must take place soon after the U.S. Census figures are published every ten years, realigns legislative districts proportionately with the census population totals. This had been the responsibility of the Legislature prior to 1994, when an amendment to the Idaho Constitution was adopted creating an independent commission to reapportion starting in 2001 and thereafter.

Elections are held in November of even-numbered years, and the newly elected legislators officially take office December 1 following the election. Representatives and senators must be citizens of the United States, electors of the state and residents of their legislative district for at least one year prior to election.

Legislative compensation is established by a citizen committee, subject to rejection by the full Legislature. Legislators receive \$15,646 per year, plus expenses for housing during the session, and \$1,700 for the office expenses. The President Pro Tempore and Speaker receive an additional \$3,000 per year.

### ***The Sessions***

Until 1969, sessions of the Idaho Legislature were held every two years. In November of 1968, the citizens of Idaho approved a Constitutional Amendment which authorized annual sessions. Since 1969, the Idaho Legislature convenes each January on the Monday on or closest to January 9<sup>th</sup>.

Extraordinary sessions of the Legislature may be called only by the Governor by proclamation and legislators may then act only upon those subjects specified in the proclamation.

### ***The Officers***

Presiding over the Senate is the Lieutenant Governor, who is an elected executive official. When presiding over the Senate, he is designated the President of the Senate. The Senate also has a President Pro Tempore, who is elected each session by the senate membership. In the House of Representatives, the Speaker of the House presides over the sessions. He is elected at the beginning of the session by the members and is a member of the majority party.

The majority party of both houses also selects majority and assistant majority floor leaders, who assist in the orderly process of the session, along with the minority and assistant minority floor leaders, who are elected by the members of the minority party.

The Speaker of the House, in cooperation with the members of the majority party, assigns the chairmanships of all committees and the memberships of the committees in the House. In the Senate, the President Pro Tem, with the approval of the Senate, assigns members to committees.

The President of the Senate and the Speaker of the House assign all bills to committees as they are processed “across the desk” during sessions.

### ***The Legislature at Work***

Each daily session of each house of the Legislature begins with the roll call of the members and a prayer by the Chaplain, who is selected by the members the first day of the session.

Traditionally, the sessions begin at 10:00 a.m. each morning and last until all immediate business to be considered is finished. In the early morning and late afternoon, committee meetings are scheduled to prevent any conflict with the sessions. Late in the sessions, late afternoon sessions are common. The sessions held at the beginning of the year are of a shorter duration as committees are meeting much of the time to consider legislation referred to their committees.

Some of the activity on the floor is necessary daily routine. For this reason, at times, members will be away from their desks. Some may be in caucuses, which are informal meetings of one political party, or perhaps testifying for their own bills before Senate or House committees. Others may be involved in hurried conferences with other members, or be seeing constituents or groups from their home districts who are visiting the Capitol. Some of the informal conferences on controversial issues occur on the floor itself.

Press, radio, and television correspondents assigned to the Legislature have been allocated desks along the sides of the podium of the chamber floor so they can follow closely the session business. Most of the media quarters are located in the basement of the Capitol in the Rotunda area.

### ***The Committee Structure***

The House of Representatives has 14 committees and the Senate has 120. Committee membership is determined basically by the interest of the individual members. Although no one member can be expected to be expert in all fields, the vast majority of members, through training or inclination, are highly conversant in certain areas. Effort is made to see that each member is assigned the committee of his choice. When appointments of committee chairmanships are made, it is customary to appoint a member of the majority party as a chairman.

Once the legislative session gets underway, the committees concern themselves with all bills assigned to them. Those interested in a particular bill are encouraged to testify before the committee to which the bill is assigned.



Committee study guarantees a fair and impartial hearing upon each bill before committee members vote upon its merits and then determine whether or not it should be sent out to the Senate or House for consideration by the entire body. Much of the decision-making and evaluation of bills, or proposed laws, is done by committees. Usually the respective houses will follow the recommendations of its committees. However, the members who support or oppose bills will often speak on controversial measures in an attempt to influence the final vote by the entire House or Senate.

### ***The Voting***

The members are seated at desks facing the Speaker or President. Their desks have microphones to be used when addressing the session. When members wish to address the House, they request recognition from the presiding officer.

The members of the House of Representatives vote through electric scoreboards at the sides of the chamber. By punching a button on their desk, they indicate “yes” or “no” votes through the lighting up of a green or red bulb alongside their names on the boards. These votes are automatically totaled. The presiding officer announces the vote after the machine has recorded the same. In the Senate, the voting is done by voice roll call vote and recorded on a tally sheet by the Secretary of the Senate. The president of the Senate then announces the vote.

A majority vote in the House and the Senate is 51% of the members present at the time of the vote. There is an exception to this rule which applies in certain issues when a two-thirds majority is required.

### ***Senate and House Staff***

The staff, at the desks just below the Speaker and the President, processes all bills and resolutions through the Legislature.

The Secretary of the State and the Chief Clerk of the House, the parliamentarians of their respective chambers, administer the legislative process. Directly responsible to the presiding officers, they are in charge of keeping a record of all business transacted during the sessions. They are responsible for the distribution of all printed bills and in charge of all documents for the session. They record and process each document for each day’s business. A bill is said to be “read across the desk” when this processing has been completed. In addition, the Secretary of the Senate and the Chief Clerk of the House have general responsibility for all Senate and House employees, including journal clerks, docket clerks, secretaries and committee staff.

The Idaho Legislature employs approximately 70 to 80 people during legislative sessions to fill various support positions. The Sergeant at Arms in the Senate and the House, under the direction of the Secretary of the Senate and the Chief Clerk of the House, oversee security, pages and doorkeepers.

### ***Publications***

Three publications are printed daily by the Legislature. The Senate and House Journals give a chronological account of the daily proceedings, including the roll call vote upon all actions which require a recorded vote.

The Journals are printed during the night and distributed to members before each session in the morning. The Mini-Data, published daily except Monday and available before the session begins each morning, lists House and Senate bills in numerical order, gives an abbreviated description and the last action on each bill. The Weekly Bill Status is published weekly on Monday, lists all bills and resolutions in numerical order, gives more detailed descriptive information and recaps all action on that bill, including roll call votes. The Weekly Bill Status also includes a complete subject index of legislation introduced. Each house of the Legislature prints and distributes all bills, resolutions and memorials introduced the previous legislative day.

Copies of these publications and all bills, resolutions and memorials are available from the Legislative Mail Room located in the basement of the Capitol.

The Legislative Council oversees the management responsibilities and permanent staff of the Legislature. The Council, established in 1963, consists of the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house, four senators appointed by the parties of the Senate, two from each party, and four representatives chosen in caucus by the parties of the House of Representatives, two from each party.

### ***Joint Finance-Appropriations Committee***

The Senate Finance Committee and the House Appropriations Committee meet as the Joint Finance-Appropriations Committee (JFAC) to establish the state budget. Meeting daily through most of the legislative session, JFAC members review the executive budget and budget requests of each state department, agency and institution, including requests for construction of capital improvements, as well as other requests for appropriations submitted to the Legislature. JFAC's recommendations on agency budgets are submitted to the Legislature in the form of appropriation bills, and rarely fail to be approved by the full Legislature. JFAC also has been asked by the Legislative Council to review legislative audits of state and local governments.

### ***Legislative Services Office***

The Legislative Services Office was created by the Legislature in 1993 to consolidate the nonpartisan staff support to Idaho's citizen legislators. In an effort to coordinate services, a Director of Legislative Services was named to oversee three formerly separate offices. Functions of the Legislative Services Office including:

- **Budget and Policy Analysis:** assists legislators with the state's budget making process and provides policy advice to individual legislators and legislative committees.
- **Legislative Audits:** conducts financial post-audits of state agencies – an effort to ensure state and local government agencies spend funds properly and in accordance with government accounting standards.
- **Research and Legislation:** conducts research for legislators, drafts legislation, staffs legislative study committees, reviews administrative agency rules, and provides

information on the legislative process and legislative history to the public and other state agencies.

- **Information Technology:** maintains the Legislature’s comprehensive computer network, which links all legislative and staff offices, and supports other legislative technology initiatives.

Streamlining legislative staff services represents the Legislature’s commitment to “reinventing government” and improving the way government works. An effort to modernize services, the team management concept encourages communication and coordination among all areas of legislative support staff.

### *Office of Performance Evaluations*

Under the direction of the Joint Legislative Oversight Committee, a staff of performance evaluators examines the effectiveness of state agency administration, makes recommendations to the Legislature about ways in which state agency operations might be improved, and helps legislators ensure that agencies operate as intended, to maximize the quality of state services provided to Idaho citizens.

### *Definitions*

**Bill:** A proposal created for the enactment of a new law, the amendment or repeal of a law already in existence, or the appropriation of public money. There is no other vehicle for the enactment of an Idaho law by the Legislature.

**Concurrent Resolution:** A measure not having the force of law, and normally used for one of three purposes – to manage and regulate the internal affairs of the Legislature, such as providing for the printing of bills; to express appreciation on the part of the Legislature; or to direct interim studies by the Legislative Council or by executive agencies. Essentially, a concurrent resolution is acted upon in the same manner as a bill. It is not signed by the Governor.

**Joint Memorial:** A petition usually addressed to the President, the Congress, or some official or department of the federal government, requesting an action that is within the jurisdiction of the official or body addressed. Essentially, a joint memorial is acted upon in the same manner as a bill and must be passed by both houses. It is not signed by the Governor.

**Joint Resolution:** A measure requiring approval of two-thirds majority of both houses; does not have to be signed by the Governor; and is used only to propose amendments to the Idaho Constitution and to ratify amendments to the United States Constitution.

**Simply Resolution:** A measure similar to a joint resolution, but passed by one house of the Legislature. Simple resolutions do not deal with the passing of laws. They are used primarily to express appreciation of the Legislature to companies, individuals, etc., or to make a point on some subject more definite than debate on the floor.

**Proclamation:** A petition that includes, but is not limited to, a vote of thanks, praise or honor for a special achievement, accomplishment, anniversary or birthday. It is voted upon by both houses.

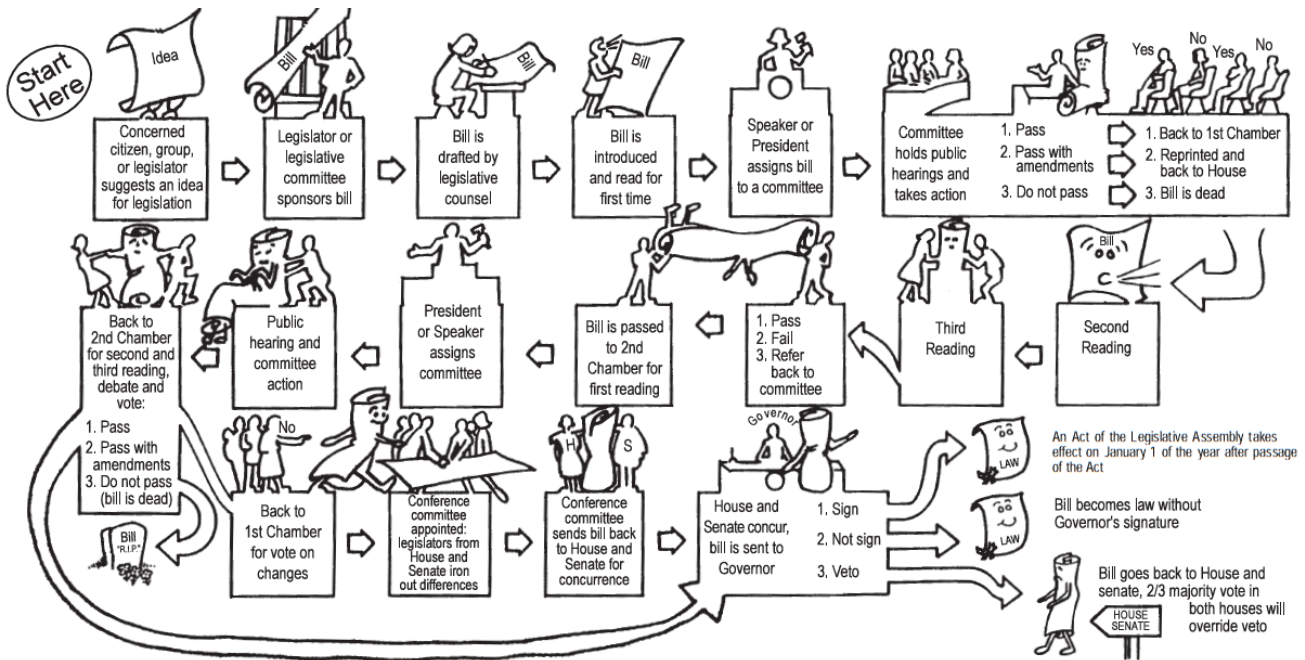
**Session Laws:** The published compilation of bills and resolutions that have passed and become law as a result of action by the current Legislature. The volume of session laws is printed in bill format, showing striking and underscoring, and in the order in which the bills became law.

**Idaho Code:** A set of books, approximately 23 volumes, containing all laws of the State of Idaho. These volumes are updated at the close of each legislative session with pocket supplements to reflect all recently passed legislation.

**Source: Legislative Services Office | PO Box 83720 | Boise, ID | 83720-0054  
Ph: 208-334-2475 | Fax: 208-334-2125**

# How An Idea Becomes Law

*A Simple View of the Oregon Legislative Process*



## *The Oregon Legislative Assembly*

The Oregon Legislative Assembly is state government's "board of directors." It is responsible for making laws dealing with Oregon's well-being, adopting the state's budget, and for setting public policy. The Legislative Assembly is made up of two bodies: the Senate and the House of Representatives. The Senate consists of 30 members elected for four-year terms. The House consists of 60 representatives elected for two-year terms. Each member of the legislature represents a district (an area determined by population). Every Oregonian is represented by one state senator and one state representative. Over 3,000 bills are considered each session. Relying largely upon work done in committees, the legislature enacts about one-third of the bills into Law. The Legislature convenes on the second Monday in January of every odd numbered year for approximately six months.



# Having Your Say Before A Montana Legislative Committee It's Your Right!



## *Guarantees By Constitutions*

The Constitutions of the United States and of the State of Montana ensure every citizen the right to speak on every public issue and to be heard by officials at every level of government. The Montana Legislature extends that right to any bill (which includes any resolution).

Montana's Legislature functions in a completely open atmosphere. After full consideration and with comments and advice from the public, every vote by committee and by either house must be a public vote.

## *The Citizen's Rostrum*

The key events in any bill's legislative life are the hearings before committees. Citizens may communicate personally with legislators at any time about any bill, but the committee hearing is the occasion when an individual may publicly state approval or opposition or suggest changes to a bill.

You may testify on any bill that concerns you. All committee hearings are open and are scheduled well in advance, usually at least 3 days ahead and often longer.

The hearing allows you to speak your mind before the committee takes any action and before the bill is brought to the attention of each house for debate and final vote.

## *How to Find the Committee*

Each committee of the House and Senate is assigned to a meeting room in the Capitol. Occasionally, a hearing that is expected to attract a large crowd may be moved to a larger venue; such changes are noted on hearing schedules and notices are placed outside the regular meeting rooms.

The time and place of every committee hearing is posted several days in advance on the boards reserved for that purpose in the legislative lobbies, in addition, computer terminals are placed in the legislative lobbies for the convenience of the public in obtaining accurate, up-to-the-minute information on the status of each introduced bill. You can also call or visit the Legislative Information Office, located in the 1<sup>st</sup> floor lobby in the capitol, telephone (406) 444-4800, or check hearing information on the Internet at <http://leg.mt.gov>.

The state's major newspapers also print the schedule of committee hearings each day of the session.

### ***Bills Are Available***

Copies of bills are available, at a small charge, at the Bill Distribution Room (Room 74) in the basement of the Capitol. Because amendments may change the language of a bill at any of the stages of its life, **be sure that you are referring to the latest version.** Bills are also available electronically for download from the Internet at <http://leg.mt.gov>. (Please note that the printed version of a bill is the official version; the electronic version may not be in its final form when posted.)

### ***Know The Committee***

You may find it helpful before coming to the meeting to know to who you will be speaking.

Members of all committees are appointed before the opening of the legislative session. Rosters are announced in the press, listed in various directories, and available on the Internet at <http://leg.mt.gov>.

The Speaker of the House or the Committee on Committees of the Senate designates the committee presiding officer who conducts the hearing and applies the rules of the Legislature. The vice presiding officer, who presides in the absence of the presiding officer, is also designated. Both the presiding officer and vice presiding officer are members of the party holding a majority of seats in the house that the committee represents.

A staff person from one of the legislative agencies is permanently assigned to each committee to provide professional assistance. Each committee also has a secretary assigned for session to keep the record and to perform clerical functions.

### ***Paid Lobbyists Must Register***

If you are being paid to support or oppose legislation, you must be licensed as a lobbyist by the Commissioner of Political Practices, which requires payment of a \$150 fee.

### ***Access to Committee Room***

You may enter a legislative hearing room at any time, even if the door is closed or a hearing is proceeding. The common standards of courtesy and respect apply; enter quietly if a meeting is in progress.

## ***How a Hearing Works***

Hearings are as informal and unpretentious as decorum allows.

Because the committee tries to hear several bills at each meeting, the presiding officer will allot time for proponents and opponents of each measure and will reserve a period for questions from the committee members following testimony.

Seating in committee rooms is limited, so plan to arrive a few minutes before starting time to ensure yourself a chair and to reduce diversions after the meeting opens. Sign the witness sheet for the committee record, and indicate the number of the bill that you are interested in and whether you support or oppose it.

Inquire to find out if other persons also plan to present testimony similar to yours. If so, the committee will appreciate your effort to coordinate testimony to eliminate time-consuming redundancy.

***At a hearing with many prospective witnesses, lack of time may prevent all individuals from testifying.*** In that case, you may be asked to state only your name and whether you are a proponent or an opponent (in such an instance, please be aware that you may always submit written testimony to the committee, even if you are not given the opportunity to speak due to time constraints). At a large hearing, proponents or opponents may designate one or several representatives who share their viewpoints.

The hearing opens with the bill's sponsor explaining its purpose and the background of the legislation. Statements will then be requested from proponents, followed by opponents.

When your turn to testify comes, address the presiding officer and committee members and identify yourself with your name, hometown, occupation, affiliation, or other information that will indicate your acquaintance with the subject. Be specific, confine your remarks to the subject at issue, and indicate clearly your reasons for supporting or opposing the bill.

In order for your testimony to be part of the official record, you are strongly encouraged to provide a written copy of your testimony to committee members and the committee secretary. If you have access to copying facilities, it will be helpful if you provide sufficient copies for each committee member plus two for the staff. However, do not let the fact that you have not prepared a written statement prevent you from testifying.

### ***Press Coverage***

Because all committee meetings are open, members of the media may be present. Your statements may be quoted, or you may appear on television. Additionally, many meetings are broadcast by TVMT, which is a state government broadcasting service. TVMT may distribute the televised proceedings to various Montana local access and public television stations.

### ***Questions From the Committee***

After both proponents and opponents have spoken, the presiding officer will allow committee members to ask questions. If you are called upon, respond directly, but remember that only committee members are allowed to ask questions and that you may speak only when called upon.

When committee members have concluded their questions, the sponsor will make a closing statement to end the hearing on that particular bill.

### ***Executive Action***

The committee may hear a second or even a third bill in a single meeting.

If the hearings do not consume all the meeting time allotted, the committee may go into executive session to review the information that it has gathered and to discuss its recommendations.

The executive session is also open to the public, and you are welcome to observe and listen, but the audience is not permitted to join in the discussion.

During the executive session, the members may express their view on the bill, propose and adopt or reject amendments, and finally take a recorded vote for a recommendation of “do pass” or “do not pass” or other action on the bill.

It may be necessary to continue executive action to a later meeting to allow more time for consideration.

### ***Don't Get Stage Fright***

Don't allow yourself to be intimidated by the hearing process, the objective of which is to gather all pertinent information so that the committee can make an informed recommendation. Your statement will be heard by a committee of legislators elected to represent citizens like you. Therefore, don't miss your chance to talk.

**Source: Montana Legislative Services Division  
PO Box 201706 | Helena, MT 59620-1706  
Ph: 406-444-3064 | [www.leg.mt.gov](http://www.leg.mt.gov)**



## Overview of the Legislative Process

The Washington State Legislature is made up of two houses (or chambers), the Senate and the House of Representatives. Washington has 49 legislative districts, each of which elects a Senator and two Representatives. Senators serve four-year terms and Representatives serve two-year terms. The Senate and House of Representatives meet in session each year to create new laws, change existing laws, and enact budgets for the State.

The legislative cycle is two years long. Within that two-year cycle, there are two kinds of legislative sessions: regular sessions and extraordinary, or special, sessions. Regular sessions are mandated by the State Constitution and begin the second Monday in January each year. In the odd-numbered year, for example, 2005, the regular session is 105 days; in the even-numbered year, for example, 2006, it is 60 days. Extraordinary sessions are called by the Governor to address specific issues, usually the budget. There can be any number of extraordinary sessions within the two-year cycle, and they can last no more than 30 days. To see the legislative calendar for the most recent session, go to the Cut-off Calendar on the Agendas, Schedules, and Calendars page.

The members of the House and Senate offer legislation, or bills, for consideration. The ideas for bills come from a number of places: something has happened in the last year that inspires new legislation (for instance, the change in people's perception of crime gave rise to the youth violence bills that were offered during the 1994 Session), a member wishes to address an issue that is specific to his or her district, the Legislature decides to tackle a major issue (such as regulatory reform), changes in technology dictate a change in the State's laws, etc.

Once a member introduces a bill, the legislative process begins. The process has a number of specific steps. If the bill makes it through all the steps in the chamber in which it was introduced (the "first house"), it goes to the other chamber (or "second house") and goes through the same steps there. Each step is identified and explained below.

**Prefiling:** Members can prefile bills for introduction in the month before sessions begins. (The House and Senate have slightly different rules regarding when the prefilings period begins.) Prefiled bills are officially introduced the first day of the session.

**Introduction, or First Reading:** The first thing that happens to bills on the "floor" is introduction and referral to committee. This is also referred to as the bill's first reading. (Bills must have three readings in each house in order to pass the Legislature.)

Leadership determines to which committees bills will be referred; this is usually determined by the bill's subject matter. Bills that require an appropriation or that raise revenue must also go to a fiscal committee for review. To see which bills will be introduced for the upcoming legislative day, go to the Agendas, Schedules, and Calendars page and display House Introductions or Senate Introductions.

**Committee Action:** The chair of each committee works with leadership and staff to schedule bills to be heard by the committee. Committees hold three kinds of meetings: (1) work sessions,



where issues are determined and reviewed; (2) public hearings, where testimony from interested parties is taken; and (3) executive sessions, where the committee decides how it will report the bill to the whole house. Not all bills get scheduled for hearing, so a good number of bills never get any further than committee.

Bills can be reported in several fashions, the most usual being to pass (pass the bill just as it is), do pass as amended (pass the bill as amended by the committee), and do pass substitute (the committee offers a different version to take the place of the original bill). The members on the prevailing side sign the “majority” report; those members who disagree with the majority sign the “minority” report. Not all bills coming out of committee have minority reports. To see a list of bills reported out of House or Senate committee each day, go to Standing Committee Reports.

As a bill move through the committee process, the staff prepares the “bill report”. The bill report includes a legislative history of the bill, background on the issue, a summary of the legislation, the names of those who testified on the bill, and a summary of the testimony for and against the bill. The bill report is edited as the bill moves through the process. When the bill moves to the opposite house, that house prepares a bill report as well. A bill that has finally passed the Legislature would have House, Senate, and Final bill reports.

At the start of the session, both houses agree on dates by which bills have to be reported out of committee in order to be eligible for further consideration by the Legislature. There is a “cut-off” date for bills to be out of committee in the first house and one for bills to be out of committee in the second house.

**Rules Committee:** Once a bill has been reported by the appropriate committee(s), the floor acts on the committee report and then passes the bill to the Rules Committee. Usually, the floor adopts the committee’s recommendation.

The Rules Committee is where leadership exercises the most control over the process. The Rules Committee is made up of member from both parties. Each member on the committee gets to select two or three bills that will move on to the next step in the process. Which bills a member selects could be the result of a party caucus, or another member approaching that member, or a piece of legislation about which the member feels strongly.

**Rules Review/ Rules White:** The first step in the Rules Committee process is called Rules Review in the House and Rules White in the Senate (the report that lists the bills in this step in the Senate is printed on white paper). Rules Committee members review the bills and decide whether or not to move them on to the next step.

**Rules Consideration/ Rules Green:** The next step is called Rules Consideration in the House and Rules Green in the Senate (the report is printed on green paper). Sometimes bills skip this step and go to the calendar for second reading. It is another step that allows leadership to control the process.

**Calendars/ Bill Report Books:** The Rules Committee decides which bills will be scheduled for second reading. Those bills that will probably require some debate are placed on the regular calendar. Those that are probably not controversial may be placed on the suspension calendar in

the House, the consent calendar in the Senate. The Rules Committee also decides whether a bill will be placed on the regular calendar or the suspension/consent calendar.

Each house prepares documents that list the bills scheduled to be heard on the floor. The House prepares “bill report books” (containing an order of contents and the bill report of each bill on the calendar) and “floor calendars” (a list of the bills, a brief description for each, and the committee action on each). The Senate prepares “calendars” (with an order of contents and the bill report of each bill), and “flash calendars” (the list with the brief descriptions and committee actions). The Senate flash calendar lists only those bills that were “pulled” from Rules at the last Rules Committee meeting. To see which bills are on the calendar in either house, go to House Floor Activity Report or Senate Floor Activity Report.

**Second Reading:** It is on second reading that the chamber discusses the merits of the legislations. It is here, too, where members can offer amendments to the bill. Most bills that get this far get their second reading in the couple of weeks following the committee cut-off.

If a bill has been amended in committee or on the floor in the first house, it is ordered engrossed. Engrossing a bill means incorporating the amendments into the body of the bill so that the second house gets one document. If a bill has been amended in the second house, it is returned to the first house with the amendments attached so that the first house can decide whether or not it wishes to agree with the changes the second house made.

**Third Reading:** Third reading is where the roll call vote on final passage is taken. If the bill finally passes, it continues in the process. If the bill fails on final passage, it goes no further. Under certain circumstances, the chamber may decide to reconsider the votes that was taken; in that case, the chamber has twenty-four hours to make a motion to reconsider the bill.

If the bill passes the third reading in the second house and the second house did not amend the bill, the bill has passed the Legislature.

At the start of the session, both houses agree on “cut-off” dates by which bills have to be finally passed out of the first house and finally passed out of the second house.

**Concurrence, Dispute, and Conference Committees:** If the bill has been amended by the second house, the first house has to decide whether it will concur in the amendments or not. Leadership decides which bills returned from the second house will be discussed and places those bills on the concurrence calendar (House) or concurring calendar (Senate). If the first house concurs in the amendments, the bill has passed the Legislature.

If the first house disagrees with the second house, it can ask the second house to recede from the amendments. If the second house recedes, the bill has passed the Legislature.

If the two houses cannot resolve their differences, one of them can ask for a conference committee. Members from each house meet to discuss the differences. If they agree on what is to be done, the conference committee makes a report. Both houses must adopt the conference committee report for the bill to pass the Legislature. If one house does not adopt the conference

committee report (whether by vote or inaction), the bill has not passed. The House Floor Activity Report and the Senate Floor Activity Report list the bills on the concurrence, dispute, and conference calendars.

**Enrolling:** Once a bill has finally passed the Legislature, it is enrolled. A certificate proclaiming that it has passed is attached and, if necessary, the amendments from the second house or conference committee are incorporated into the body of the bill. The bill is signed by the Speaker of the House, the Chief Clerk of the House, the President of the Senate, and the Secretary of the Senate and is sent to the Governor for his or her action.

**Governor's Actions:** The Governor reviews the bill. The Governor may decide to sign it, veto part of it, or veto all of it. If the Governor vetoes part or all of it, the Legislature may vote to override the veto. (That happens rarely.) If the governor does not act on a bill after allotted number of days, it is as if it was signed. From the Governor's desk, bills go to the Secretary of State who assigns a session law chapter number. The Chapter to Bill Table (available on the Bill/Law Cross Reference page) lists the bills that have passed the Legislature, the chapter numbers assigned by the Secretary of State, vetoes, short descriptions, and the effective dates.

**Carryover:** The Legislature works within the frameworks of a two-year cycle. For instance, the 2005-06 Session is the 59<sup>th</sup> Session of the Legislature. There will be at least two regular sessions, a "long" session in 2005 (105 days) and a "short" session in 2006 (60 days). There could also be any number of special sessions, none of which can last longer than 30 days.

Therefore, just because a bill did not make it all the way through during the regular session in the odd-numbered year (for example, 2005) does not mean it is "dead". At the end of the session, all bills in the second house are returned to the first house; so a House bill in committee in the Senate when session ends is returned to the House. At the start of the next session, be it a special session or the next regular session, bills from the previous session are reintroduced and retained in their present position.

"Carryover" bills can be taken up again in subsequent session during the biennium. The Legislature has a lot of latitude with these bills. The first house can place the bill on the calendar for third reading and send it right back to the second house, or it can make the bill go to committee and through the whole process again. This is in addition to the new bills introduced during the current session. This procedure can make it difficult to keep track of bills during a special session or the second regular session. If a bill does not make it through the process by the end of the two-year cycle, it is "dead".

# Canadian Government Overview

## Powers of the Nation and Provincial Governments

The national Parliament has power “to make laws for the peace, order and good government of Canada,” except for “subjects assigned exclusively to the legislatures of the provinces.”



*The provincial legislatures have the constitutional right of direct taxation for areas under provincial jurisdiction, such as education*

The provincial legislatures have power over direct taxation in the province for provincial purposes, natural resources, prisons (except penitentiaries), charitable institutions, hospitals (except marine hospitals), municipal institutions, licenses for provincial and municipal revenue purposes, local works and undertakings (with certain exceptions), incorporation of provincial companies, solemnization of marriage, property and civil rights in the

province, the creation of courts and the administration of justice, fines and penalties for breaking provincial laws, matters of a merely local or private nature in the province, and education (subject to certain rights of the Protestant and Roman Catholic minorities in some provinces).

Subject to the limitations imposed by the *Constitution Act, 1982*, the provinces can amend their own constitutions by an ordinary Act of the legislature. They cannot touch the office of Lieutenant-Governor; they cannot restrict the franchise or qualifications for members of the legislatures or prolong the lives of their legislatures except as provided for in the *Canadian Charter of Rights and Freedoms*.

Of course the power to amend provincial constitutions is restricted to changes in the internal machinery of the provincial government. Provincial legislatures are limited to the powers explicitly given to them by the written constitution. So no provincial legislature can take over powers belonging to the Parliament of Canada. Nor could any provincial legislature pass an Act taking the province out of Canada. No such power is to be found in the written constitution, so no such power exists.

Similarly, of course, Parliament cannot take over any power of a provincial legislature.

Parliament and the provincial legislatures both have power over agriculture and immigration, and over certain aspects of natural resources; but if their laws conflict, the national law prevails.

Parliament and the provincial legislatures also have power over old age, disability and survivors' pensions; but if their laws conflict, the provincial power prevails.

By virtue of the *Constitution Act, 1867*, everything not mentioned as belonging to the provincial legislatures comes under the national Parliament.

This looks like an immensely wide power. It is not, in fact, as wide as it looks, because the courts have interpreted the provincial powers, especially “property and civil rights,” as covering a very wide field. As a result, all labour legislation (maximum hours, minimum wages, safety, workers’ compensation, industrial relations) comes under provincial law, except for certain industries such as banking, broadcasting, air navigation, atomic energy, shipping, interprovincial and international railways, telephones, telegraphs, pipelines, grain elevators, enterprises owned by the national government, and works declared by Parliament to be for the general advantage of Canada or of two or more of the provinces.

Social Security (except for employment insurance, which is purely national, and the shared power over pensions) come under the provinces. However, the national Parliament, in effect, established nation-wide systems of hospital insurance and medical care by making grants to the province (or, for Quebec, yielding some of its field of taxes) on condition that their plans reach certain standards.



*federal Parliament exclusive power over national defence*

The courts’ interpretation of provincial and national powers has put broadcasting and air navigation under Parliament’s general power to make laws for the “peace, order and good government of Canada,” but otherwise has reduced it to not much more than an emergency power for wartime or grave national crisis like nation-wide famine, epidemics, or massive inflation (though some recent cases go beyond this).

However, the Fathers of Confederation, not content with giving Parliament what they thought an ample general power, added, “for greater certainty,” a long list of examples of exclusive national powers: taxation, direct and indirect; regulation of trade and commerce (the courts have interpreted this to mean interprovincial and international trade and commerce); “the public debt and property” (this enables Parliament to make grants to individuals – such as family allowances – or to provinces: hospital insurance and medicare, higher education, public assistance to the needy,

and equalization grants to bring the standards of health, education and general welfare in the poorer provinces up to an average national standard); the post office; the census and statistic; defense; beacons, buoys, lighthouses and Sable Island; navigation and shipping; quarantine; marine hospital; the fisheries; interprovincial and international ferries, shipping, railways, telegraphs, and other such international or interprovincial “works and undertakings” – which the courts have interpreted to cover pipelines and telephones; money and banking; interest; bills of exchange and promissory notes; bankruptcy; weights and measures; patents; copyrights; Indian and Indian lands (the courts have interpreted this to cover Inuit as well); naturalization and aliens; the criminal law and procedure in criminal cases; the general law or marriage and divorce; and local works declared by Parliament to be “for the general advantage of Canada or of

two or more of the provinces” (this has been used many times, notably to bring atomic energy and the grain trade under exclusive national jurisdiction). A 1940 constitutional amendment gave Parliament exclusive power over unemployment insurance and a specific section of the Act of 1867 gives it power to establish courts “for the better administration of the laws of Canada.” This has enabled Parliament to set up the Supreme Court of Canada and the Federal Court.

As already noted, the national Parliament can amend the Constitution in relation to the executive government of Canada and the Senate and the House of Commons, except that it cannot touch the office of the Queen or the Governor General, nor those aspects of the Senate and the Supreme Court of Canada entrenched by the amending formulas.

Though Parliament cannot transfer any of its powers to a provincial legislature, nor a provincial legislature any of its powers to Parliament, Parliament can delegate the administration of a federal Act to provincial agencies (as it has done with the regulation of interprovincial and international highway traffic); and a provincial legislature can delegate the administration of a provincial Act to a federal agency. This “administrative delegation” is an important aspect of the flexibility of our constitution.

**Source: *How Canadians Govern Themselves*, Eugene A. Forsey**





## A Comparison of Provincial & Territorial Governments

The most substantial differences between the two are the system of government and the election process. Elected Members who belong to a party such as the Progressive Conservative, Liberal or New Democratic parties form provincial governments. All provinces have a Premier. He or she is the leader of the party that has the largest number of elected Members.

Members of the government of the Northwest Territories are individuals who are not members of a party, but are elected as independents by the people in their constituency or riding. There are 19 constituencies in the Northwest Territories, which are represented by 19 Members. Soon after a general election, the Members elect, from amongst themselves, one Member to fill the position of Speaker and another to Premier. (The title was formerly Government Leader). They also choose six other Members to be Executive Council Members, also called Cabinet Ministers. The absence of party structures allows each Member to vote as he or she wishes on any subject matter. Approval of any decision requires agreement by the majority of Members. This is called consensus government.

The two major differences between the legislative powers of Territories and that of provinces are the power of the provinces to amend their constitutions and control the management and sale of public lands.

The Constitution Act of 1982 granted each province the power to amend its own constitution. The constitution of the Northwest Territories is the Northwest Territories Act, which is a federal statute. Therefore, only the Parliament of Canada has the right to amend the provisions of the Act, and amend the constitution of the Northwest Territories.

Each province has control over the sale and management of public lands. Most land in the territories remains Crown (federal) land. Aboriginal governments with settled land claims are also large landowners. Unlike a province, the three territories do not have the power to deal with all lands within their boundaries.

In the past, the federal government appointed a Lieutenant Governor to rule over any decisions made by a province. For the Territories, a Commissioner was appointed. Today, the roles of both the Lieutenant Governor and Commissioner are mostly ceremonial.

There are several other areas in which the power of the Territories is not the same as that of the provinces. A province is allowed to borrow money solely on credit, while the NWT's power to borrow is subject to approval of the Governor-in-Council. As well, the power of the Territories to incorporate companies is restricted so that certain companies, such as those in the telephone or air transportation business, cannot be incorporated under a Territorial Act.

Should the Northwest Territories wish to pursue provincial status, it will be necessary to amend the Constitution of Canada. This will require consent of the Parliament of Canada and a double majority from the provinces - seven of ten provinces with at least 50 percent of the population of Canada.

**Source: Northwest Territories Legislature Website**

## INFORMATION ON CONSENSUS GOVERNMENT

### **What is Consensus Government?**

The Northwest Territories is one of only two jurisdictions in Canada with a consensus system of government instead of one based on party politics. In our system, all Members of the Legislative Assembly (MLAs) are elected as independents. Shortly after the election, all Members meet as a Caucus to set priorities for that Assembly. The Caucus remains active throughout their term as the forum where all Members meet as equals.

Members who are not in Cabinet are referred to as Regular Members. They become the “unofficial opposition.” They are responsible, through questioning in the House and the work of standing committees, for holding the government accountable and responsive to the people of the Northwest Territories.

Compared to the party system, there is much more communication between Regular Members and Cabinet. All legislation, major policies, and proposed budgets pass through the Regular Members’ standing committees before coming to the House. This gives Members a chance to make changes and put their “fingerprints” on initiatives before they’re made public, unlike in other systems. This influence comes at price for Regular Members: they often get advance notice of announcements and issues before the public does, but can’t tell their constituents.

The 11 Regular Members also hold the balance of power, as only seven Cabinet Ministers are elected. A Cabinet that ignores the direction favored by the majority soon runs into trouble. Even so, consensus government does not mean that unanimous agreement is necessary for decisions to be made, motions passed, and legislation enacted. A simple majority carries the vote.

### **Election of the Speaker, Premier, and Ministers:**

Once elected, the Members hold a territorial leadership meeting at the Legislative Assembly in Yellowknife. The first order of business is the election of the Speaker by secret ballot. This reflects the importance of the Speaker, who presides over the Assembly as a whole and enforces the rules.

The next task is electing the Premier. Members have many discussions behind the scenes as candidates measure their support leading up to the election, which has been held in public since the 12th Assembly. Candidates are nominated and given 20 minutes to present their platforms. Then the floor is opened for a limited number of questions from each Member, and a secret ballot vote is held. Sometimes it takes several ballots before any candidate receives more than 50% of the votes.

The election of six more Cabinet ministers comes next. Again candidates are nominated and outline their platforms in public before a secret ballot vote takes place. After meeting with his or her team of ministers, the Premier assigns them to head up one or more departments.

Some Members choose not to accept nominations to Cabinet because they prefer to be free to ask tough questions of ministers in the House and before standing committees. They feel they can better represent their constituents as Regular Members.

It rarely happens, but the Premier and/or Cabinet ministers can be removed by passing a motion of non-confidence in the House. Motions of censure are a less extreme measure that can put a Premier or Minister under considerable public pressure.

### **Differences from Provincial Governments:**

The most substantial differences between the two are the system of government and the election process. Elected Members who belong to a party such as the Progressive Conservative, Liberal or New Democratic parties form provincial governments. All provinces have a Premier. He or she is the leader of the party that has the largest number of elected Members.

There are several areas in which the power of the Territories is not the same as that of the provinces. A province is allowed to borrow money solely on credit, while the NWT's power to borrow is subject to approval of the Governor-in-Council. As well, the power of the Territories to incorporate companies is restricted so that certain companies, such as those in the telephone or air transportation business, cannot be incorporated under a Territorial Act.

Should the Northwest Territories wish to pursue provincial status, it will be necessary to amend the Constitution of Canada. This will require consent of the Parliament of Canada and a double majority from the provinces - seven of ten provinces with at least 50 percent of the population of Canada.

### **Operations of the Legislative Assembly:**

Although the Legislative Assembly of the Northwest Territories does not have the same legislative powers as the assemblies of the provinces, it acts, in most respects, as a provincial legislature.

Members of the Legislative Assembly debate, pass motions, and advise the Executive; they discuss and enact legislation, approve funds for various public services, and present petitions on behalf of their constituents. Members also question the Executive to obtain information on its progress in carrying out their direction or on other matters of public interest.

Standing and Special Committee activities have become a major part of Members' responsibilities. Special Committees are set up by the Assembly to gather information and public input on particular issues or subjects and report to the Assembly, which then debates and either adopts or changes their recommendations. Standing committees deal with assembly business of a continuing nature.

During session, the Assembly operates according to standard parliamentary rules for debate, with some modifications to allow for northern circumstances. The Assembly frequently refers questions to Committee of the Whole, where a more informal discussion can take place. This is well suited to an Assembly where Members do not represent political parties and decisions are made by consensus.

Sessions are held for approximately 14 weeks of the year, depending on the amount of business to be dealt with. The longest sitting of the year is the budget sitting, held early in the year when Members review the Government's annual budget.

## The Provincial General Election

Canada's Constitution requires that provincial elections be held at least once every five years, but they are usually held approximately every four years. A government that waits until the end of its legal term to call an election runs the risk of being forced to call one at a bad time politically, thus reducing its chances of winning. Conversely, governments that take advantage of favourable political winds by calling an election too soon—a snap election—risk criticism for wasting public money. Governments normally look for the happy combination of an upsurge of popularity at the polls and the winding down of their mandate to call an election.

Holding an election is a complex affair, beginning well before the Premier formally asks the Lieutenant Governor to dissolve the Legislature.

### *Constituencies*

The difficult decisions surrounding an election are not all made by voters. One of these decisions is how to divide the province into voting districts, or constituencies, each of which has one MLA. Currently there are 83 constituencies, representing over 3 million Albertans. Constituency boundary lines change every few years and are normally determined by a special body called the Electoral Boundaries Commission.

The Electoral Boundaries Commission is made up of a chairperson appointed by the Lieutenant Governor in Council and four members (commissioners) appointed by the Speaker: two on the recommendation of the Premier and two on the recommendation of the Leader of the Official Opposition in consultation with the other opposition leader or leaders. A boundaries commissioner must have a thorough knowledge of electoral law combined with an understanding of the needs and wishes of constituents.

The commission draws the boundaries mainly on the basis of population but also considers common community interests, the geographical area, natural boundaries such as rivers, political boundaries such as county lines and city limits and other factors. Its decisions are guided by a law called the *Electoral Boundaries Commission Act*. When the commission changes boundaries, the changes must become law before they can take effect.

### *Running an Election*

The complex task of running a provincial general election belongs to Elections Alberta, the Office of the Chief Electoral Officer. This office must do the following:

- Divide constituencies into polling districts
- Hire enumerators to count the voters and returning officers to count the votes
- Make sure voting is conducted according to the rules
- Take care of all election paperwork
- Issue the official election results

### ***First Past the Post***

In Canadian elections winners are chosen through the single-member plurality system, or “first past the post.” In other words, the candidate winning the most votes in a constituency is the winner, even if he or she received less than 50 percent of the “popular vote,” which is the total number of votes cast. Another voting system used by some democracies is proportional representation, in which parties win seats according to the percentage of the total votes cast in their favour. There are many countries using this system, including Germany, Switzerland and Ireland.

At one time only men who owned property could vote. Women’s right to vote was recognized in Alberta in 1916 while First Nations didn’t receive the right to vote in Alberta until 1965.

### ***Political Parties***

When a group of people have similar ideas about the major issues affecting people in a democratic society, they may form a political party with a view to electing some of their people to office and thus having a better chance of putting their ideas into practice. Joining a political party can be an effective way for you to influence parties and politicians because of your voice will be heard when policies are being formed or reviewed. In an election campaign, on the other hand, candidates concentrate on promoting policies that are already largely in place.

Young adults can get involved by joining a party’s youth association. Information on party youth associates or provincial political parties in general is available from individual party headquarters. These are listed in the white pages of your telephone directory under the party’s name. Alberta’s major political parties are the Progressive Conservatives, the Liberals, and the New Democrats. The Progressive Conservatives and the Liberals have their roots in the 19<sup>th</sup> century, while the New Democratic Party was born in the 20<sup>th</sup> century. The same parties are prominent in federal politics and also in the politics of other provinces. All of these parties have both federal and provincial wings, and each wing has its own members and selects its own candidates.

Political parties begin the work of choosing candidates long before an election. Each party tries to select or nominate, one candidate to run in each constituency. Candidates who don’t belong to a political party are called independents.

### ***Making Your Choice***

You might want to vote for a candidate based strictly on individual qualifications. However, when you vote, you vote for both your candidate and for the party that candidate represents unless the candidate is running as an independent rather than as a member of a party. So when choosing a candidate in an election, listen not only to the candidate but also to the party leader. Party leaders will tell you what their party intends to do if they form a government while individual candidates may also focus on what they want for their constituencies.

Candidates go door to door during their campaigns. If they come to your door, don't be afraid to ask questions. In fact, people seeking public office will want you to ask questions. Remember that they are competing for your vote, and a chance to explain the wisdom of their party's policies is a chance to convince you to vote for them. In an election campaign the voter is supreme. Pick the issues that most concern you, and find out what your candidates and their parties plan to do about them.

If you don't get a chance to talk to candidates face to face, call their campaign headquarters. As well, when candidates or parties have previously held seats in the Legislative Assembly, you can find out how they handled issues in the past by reading copies of *Hansard*, which can be found on the Assembly's website, [www.assembly.ab.ca](http://www.assembly.ab.ca), and is searchable by keyword. If you know the important details about an issues, your questions will be more to the point, and you will be better able to judge how much the candidates know about that particular issues and whether they are on your side. One of the best ways to find out about a party's election platform is to attend a public meeting of all the candidates in your constituency, where the candidates for one constituency get together to talk about issues and answer voters' questions. You might have a chance to hear how would-be MLAs would deal with your concerns and those of other people. If you miss the all-candidates' meeting, you may be able to take part in a phone-in program, watch candidates' panel discussion or read their statements on important issues in the paper.

The media are helpful sources of information about candidates and issues. Television, radio, and newspapers all offer extensive coverage of election issues, the best of which involve the candidates themselves speaking on various matters.

The final choice is yours to make on election day. Once you have asked questions, collected information and thought about the alternatives, you can go to your polling station ready to mark an X next to the name of your carefully chosen candidate. Alberta is divided into 83 constituencies. One Member of the Legislative Assembly represents each constituency, and that member represents everyone within the constituency's boundaries, regardless of how they voted in the last election or whether they voted at all.

### ***Elections Alberta***

If you are not sure which constituency you live in or which MLA represents you in the Assembly, please contact Elections Alberta at (780)427-7191 or write to

Elections Alberta  
#100, 11510 Kingsway Avenue  
Edmonton, Alberta T5G 2Y5  
E-mail: [info@elections.ab.ca](mailto:info@elections.ab.ca)

Check the Legislative Assembly of Alberta website at [www.assembly.ab.ca](http://www.assembly.ab.ca) or call Legislature Information at (780)427-2826

**Source: The Citizen's Guide to the Alberta Legislature  
(Courtesy the Legislative Assembly of Alberta)**





## Members of the Legislative Assembly (MLAs)

*Saskatchewan Legislative Assembly is made up of 58 persons known as “Members” or “MLAs”. Each Member represents a certain area of the Province known as a constituency or riding. There are 58 such areas, defined by The Representation Act, 2002. But how does any one of these persons become a Member of Legislative Assembly in the first place? Are they chosen by the Premier? Are they chosen by a political party (for example, the Liberal Party, the New Democratic Party, or the Saskatchewan Party)? For the answer to these questions, let’s follow the process of becoming a candidate and getting elected as an MLA.*

### **Candidates**

#### **Qualifications of candidates**

According to The Election Act, any person 18 years of age or older who is ordinarily resident in Saskatchewan, who is a Canadian citizen and who is not disqualified from voting (a Judge, for example) is eligible to become a candidate for election to the Saskatchewan Legislative Assembly. That person must file nomination papers and pay a deposit of \$100 to the Returning Officer. This is the person officially responsible for conducting elections within the constituency in which the person chooses to be a candidate.

#### **Party candidates**

Before formally filing his or her nomination papers, any person eligible to be a candidate may already have been chosen by a political party to be that party’s official candidate. Political parties usually hold a particular point of view on a wide range of issues such as the environment, health care, education, etc. (known as the party platform) and they choose a candidate who will support those views. This person may become better known as a result of media coverage of their party nomination and because of the support and resources of that particular political party, its members, and its volunteers during the election campaign.

#### **Independent candidates**

A candidate who is not a member of a political party is considered to be an independent candidate. These persons usually campaign on a single issue of importance to them (for example, the environment) rather than on a wide range of issues supported by the membership of a political party. These candidates frequently pay their own election expenses, such as the cost of printing, advertising and lawn-signs, and thus do not receive as much attention as do candidates supported by a political party with its broader financial resources.

## *The Election*

### **Calling a general election**

The Constitution of Canada requires that a general election be held at least every five years from the date of the last election. Within that period, the Premier names a specific day as Election Day, sometimes known as “dropping the Writ”. This formally starts the election period, which lasts from 28-34 days. The Writ has the effect of immediately “dissolving” the Assembly, that is, there are no “Members” of the Assembly during this period. However, the executive government—the Premier and the Cabinet Ministers—remain in place throughout the election period. Thus, while we have no elected Assembly, we do have continuous government.

### *Election Day*

On Election Day, the names of voters will be checked off against the list of eligible voters as they are handed a ballot paper and enter a polling booth to vote for the candidate of their choice. The ballot is then placed in the ballot box under the watchful eye of scrutineers representing each candidate. Scrutineers do not see how any individual has voted. Their job is to ensure that the ballot box was empty before the voting started, that only eligible persons are permitted to vote, that persons are not voting more than once, and that the counting of votes is done fairly. When the count is completed, the results are reported by the Returning Officer to the Chief Electoral Officer, who officially announces the election of the candidate receiving the most votes through a formality known as the “return of the Writ”. This then completes the process of electing a candidate as a Member of the Legislative Assembly.

### **Taking a seat in the Assembly**

An elected candidate may now be considered a Member of the Legislative Assembly of Saskatchewan, but there is one more vital step to be taken by the Member before becoming fully functional as a Member—that step is the “swearing-in” ceremony, in which the Member takes an Oath (or make an Affirmation) of Allegiance. Only then may the Member take his or her seat in the Assembly chamber to participate in the day-to-day proceedings.

**Source: Legislative Assembly of Saskatchewan Website**



## **The Legislative Assembly of British Columbia** *The Role of the Government and Opposition*

### ***Shaping British Columbia's Future***

In the grand and historic British Columbia Parliament buildings, our elected representatives – called Members of the Legislative Assembly or MLAs – come to meet, debate and pass the laws that govern the people of British Columbia, and help shape the future of our province.

### ***Government in B.C.***

BC's system of government is based on Great Britain's which dates back over 800 years. Under this system, one MLA is elected from each of the 79 ridings across the province to speak on behalf of the people of that riding. Together, the elected MLAs make up the BC Legislative Assembly.

The primary function of the Legislative Assembly (also known as the House) is to make laws. When the House is sitting, MLAs are responsible for making arguments for and against all proposed new laws (called bills) and considering the views and concerns of British Columbians before deciding to support or reject the bill.

It is also the job of MLAs to examine the activities of Cabinet Ministers and their ministries to approve taxes, and to debate and vote on government funding requests.

### ***The Government***

The political party that wins the largest number of seats in a general election forms the governing party, and its leader becomes the head of the provincial government, known as the Premier.

It is up to the Premier to select a small group of MLAs from his or her party to work as ministers of the Crown, in charge of the day-to-day activities of individual government ministries (such as the Ministry of Forests or Ministry of Health Services) and for proposing new laws.

Together, the Premier and the ministers can be collectively referred to as the Government, the Executive Council, or the Cabinet. Cabinet ministers are responsible to the Legislative Assembly, which means they must account for their actions and plans.

### ***The Opposition***

#### **DID YOU KNOW...**

*The House "sits" – is in session – only part of the year. When the House is not in session, MLAs work in their home ridings, advising and helping their constituents in dealing with government programs and services. They may also serve on one or more legislative committees, brought together to discuss social and economic issues of importance to British Columbians*

The opposition consists of elected members who do not belong to the governing party. MLAs in opposition may belong to a political party or they may be independent members.

The primary role of the opposition is to question government actions and present alternatives to government positions. For example, opposition members will review government spending plans, debate proposed government bills and may try to modify the bills by suggesting amendments.

If the opposition consists of a sufficient number of members, a “shadow cabinet” is usually established. In a shadow cabinet, each opposition MLA is assigned to watch one specific ministry very closely and ask questions about that ministry’s plans and activities.

THE SPEAKER OF THE HOUSE

*The key figure in the Legislative Assembly, the Speaker of the House, is an MLA elected by the other members of the Legislative Assembly to oversee debates and make sure everyone follows established rules of behaviour and procedure. If an MLA decides not to follow the rules, the Speaker can ask the MLA to withdraw from the House for the day.*

### ***Holding Government Accountable***

The opposition is key to making sure government remains accountable to the people of British Columbia. Opposition MLAs have a number of opportunities to question the government and comment on its actions, including:

- *The Speech From the Throne*- Written by the government, the Speech from the Throne is read by the Lieutenant Governor at the opening of every new legislative session. The speech outlines the government’s plans for the session – to introduce a tax cut, for example, or to increase spending on hospitals. MLAs then have up to six days to debate government priorities and plans.
- *The Budget*- Usually right after the Speech from the Throne and the debate following it, the government will introduce the provincial budget. Read by the Minister of Finance, the budget speech outlines how much the government’s new and ongoing programs will cost and where it will get the money to pay for them (from taxes, for example, or other revenue). MLAs then have six days to debate the budget and question government costs and figures. The government’s future spending plans are then debated and reviewed by a committee.
- *Question Period*- Held while the House is in session, Question Period is an intense, 30-minute period every Monday to Thursday afternoon when MLAs are allowed to ask Cabinet ministers direct questions about what the government is doing and why it is doing it. Often both heated and noisy, it is up to the Speaker to keep order throughout Question Period.
- *Debates on Bills*- Any MLA may

THE QUEEN AND THE LIEUTENANT GOVERNOR

*As a constitutional monarchy Canada’s head of state is Queen Elizabeth II. She is also the head of state for each of Canada’s provinces and territories.*

*In BC, as elsewhere in Canada, the federal Governor General appoints a Lieutenant Governor to act on behalf of the Queen. The Lieutenant Governor is responsible for reading the Speech from the Throne and forgiving Royal Assent to bills, which means they can then become law.*

propose a new law (called a bill), but most are introduced by Cabinet ministers. All bills must pass through three “readings” – as well as an in-depth study by the committee of the Whole House – before becoming law, to ensure MLAs have the time and opportunity to examine each bill closely and suggest changes or improvements. If the majority of MLAs support a bill, it will eventually become an Act of the Assembly (a law).

- *Government Bills*- Any government bill that requires spending public funds (our tax dollars) or imposes a new tax must be accompanied by a recommendation or “message” from the Lieutenant Governor. This tradition dates back hundreds of years, when only the King or Queen could raise funds for public projects.

#### MINORITY GOVERNMENT

*If the governing party holds more than 51 percent of the seats in the Legislative Assembly, they have a “majority” government and losing a vote of non-confidence will probably never happen, since government party members will usually (although not always) vote to support government actions.*

*Occasionally, however, a party wins less than 51 percent (but more than any other single party) and forms what is called a “minority government.” Then, the government must look to MLAs from other parties for support – and those MLAs will hold the balance of power.*

*There have been three minority governments in British Columbia. The last was in 1952.*

#### ***Maintaining Confidence***

The government cannot spend any public funds or make any new laws without the approval of the Legislative Assembly.

After the debates on the Speech from the Throne and the budget are completed, MLAs will vote on whether or not to approve the government’s plans and expenditures. MLAs will also vote on each bill as it passes through the reading process.

If a majority of elected members do not support the plans announced in the Speech from the Throne, the amounts outlined in the budget or certain designated bills, this means the government has lost the confidence – the support – of the House, and a provincial general

election may be called. (Without a vote of non-confidence, the government must call an election every four years from the date of the last election.)

#### ***Visiting the Legislative Assembly***

We welcome visitors. Free tours of the BC Parliament Buildings are available Monday through Friday throughout the year, and on Saturdays and Sundays in the summer months.

To see MLAs in action, visitors are welcome in the public galleries of the Legislative Chamber whenever the House is sitting. The galleries are often full during Question Period – the 30-minute period every Monday to Thursday afternoon when MLAs ask questions about government activities.

For more information on the work of the Legislative Assembly, please contact:  
Public Education and Outreach | Room 144, Parliament Buildings | Victoria BC V8V 1X4  
Ph: 250-387-8669 | Fax: 250-356-5981 | PEO@leg.bc.ca | www.leg.bc.ca

Yukon Legislative Assembly  
Information Sheet No. 8  
Assembly Time Periods



The business of the Legislative Assembly is divided into different time periods. This information sheet explains the difference between a sitting day, a Sitting, a session and a Legislative Assembly.

***Sitting Day***

Each day that MLAs gather in the Assembly Chamber to transact their business is referred to as a sitting day. The days and hours of sitting are outlined in Standing Order 2(1) which says, “The time for the meeting of the Assembly shall be 1:00pm on each Monday, Tuesday, Wednesday and Thursday unless otherwise ordered. The normal hour of adjournment shall be 5:30pm.” Though 5:30pm is the normal hour of adjournment a member may move a motion to adjourn anytime during the sitting day. This often happens just before 5:30pm.

It is also possible to extend these sitting hours. Standing Order 2(5) says, “A motion to sit beyond the normal hour of adjournment must be moved by the Government House Leader or designate at least one-half hour before the normal hour of adjournment. Such motion shall specify the business to be dealt with and may be moved either with the Speaker in the Chair or while the Assembly is in Committee of the Whole.” Motions to extend sitting hours are rare.

Notwithstanding Standing Order 2(1), the Assembly does not sit on statutory holidays (Easter Monday, Thanksgiving Monday, Remembrance Day, etc.) The number of sitting days is not fixed. There were 211 sitting days during the 31<sup>st</sup> Legislative Assembly (2002-2006).

***Sitting***

A sitting is a group of consecutive sitting days. Section 13 of the *Yukon Act* says, “The Legislative Assembly shall sit at least once every 12 months.” The Standing Orders refer to the Assembly twice a year – in the Spring and Fall – for a maximum of 60 days total.

It is up to the Premier to decide when a Spring or Fall sitting will begin. Standing Order 73(2) says that once the Premier has decided when the Assembly will begin sitting, he or she “shall advise the Speaker...in sufficient time to allow the Speaker opportunity to give a minimum of two weeks notice of the date on which the House shall meet.” (This rule does not apply to a Sitting that takes place immediately after a general election).

Once the Assembly reconvenes the government has five sitting days to introduce all the bills it wants dealt with during that Sitting. Once all the bills are introduced the three party House leaders will negotiate how many sitting days there will be in that Sitting. Standing Order 75(2) allows for a minimum of 20 sitting days a maximum of 40 sitting days for any one Sitting. If the House leaders cannot reach an agreement Standing Order 75(3) says the Spring and Fall Sittings shall be a maximum of 30 days each. At the end of the final sitting day of a Sitting the House will be adjourned until the Premier calls it together again.



### ***Session***

A session begins with a Speech from the Throne. It ends when the session is prorogued or the Assembly is dissolved for a new election. Ending a session by prorogation effectively wipes out the Order Paper – any bills or motions still there are removed and the agenda commences anew – new throne speech, new bills, new motions, etc. There is no rule that determines how long a session will be. That is up to the Premier. The 31<sup>st</sup> Legislative Assembly was one continuous session. There were two sessions during the 30<sup>th</sup> Legislative Assembly (2000-2002) and one session during the 29<sup>th</sup> Assembly (1996-2000). Since the 1990s the tendency has been toward fewer sessions. During the 1980s it was not uncommon for there to be a new session each year. That is no longer the case.

### ***Legislative Assembly***

A Legislative Assembly begins the first time the Assembly meets in the chamber after a general election. The first pieces of business are the election of the Speaker and the Speech from the Throne. An Assembly ends when it is dissolved, either by law or by request of the Premier.

According to section 11(1) of the *Yukon Act* an Assembly can last a maximum of five years from the return to the writs (the official confirmation of results) of a general election. The most recent general election took place on October 10, 2006. The return to the writs took place on October 16, 2006. Accordingly, the current Legislative Assembly – the 32<sup>nd</sup> – will, by law, dissolve on October 16, 2011 unless the Premier asks the Commissioner to dissolve it before that date. The latter is what almost always happens. The Premier seeks a dissolution because he or she wants to have a general election. The Premier has the right to ask the Commissioner for a dissolution at any time he or she wants. A Legislative Assembly, therefore, has no fixed time period, though there is – by law- a maximum length of time for it.

As mentioned the current Assembly is the 32<sup>nd</sup>. Yukon's Legislative Assemblies are numbered consecutively beginning with the first wholly-elected territorial council elected on June 28, 1909. At some time in the future – not later than October 16, 2011 – the 32<sup>nd</sup> Assembly will be dissolved, a general election will be held and the 33<sup>rd</sup> Assembly will meet at some point after that.

For more information contact the Office of the Legislative Assembly at  
Box 2703 | Whitehorse, Yukon, Canada, Y1A 2C6  
Phone: 867-667-5498 | Fax: 867-393-6280 | Email: yla@gov.yk.ca  
Legislative Assembly's website: <http://www.legassembly.gov.yk.ca>

## Glossary of US Legislative Terms

### **Amendment**

Formal proposal to change the language of a bill after it has been introduced.

### **Approved by the Governor**

Signature of the Governor on a bill passed by the Legislature.

### **Bicameralism**

Refers to a two-house legislature. Used in all States except Nebraska

### **Bill**

A proposed law introduced in the House or Senate and identified with a number.

### **Bill Analysis**

A document that must be prepared by committee staff prior to hearing the bill in committee. It explains how a bill would change current law and sometimes mentions support and opposition from major interest groups.

### **Coauthor**

Any member of either house, with the agreement of the author of the bill, may add his or her name to that member's bill as coauthor, usually indicating support for the proposal.

### **Codes**

Bound volumes of law organized by subject matter. The code to be changed by a bill is referred to at the top of the bill

### **Concurrence**

One house approving a bill as amended in the other house. If the author is unwilling to move the bill as amended by the other house, the author requests nonconcurrence in the bill and asks for the information of a conference committee.

### **Concurrent Resolution**

A measure introduced in one house which, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the business of the Legislature

### **Conference Committee**

Usually compose of three legislators (two from the majority party; one from the minority party) from each house who meet in public session to forge one version of similar Senate and House bills. The final conference committee version must be approved by both Assembly and Senate. House conferences are chosen by the Speaker; Senate conferences are chosen by the Senate Rules Committee.

### **Consent Calendar**

A group of noncontroversial bills passed by a committee or the full House or Senate on one vote.

### **Constituent**

Citizen residing within the district of a legislator.

### **Constitutional Amendment**

A resolution affecting the Constitution adopted by the Legislature or presented by initiative, requiring an affirmative vote or the electorate to become effective.

### **Do Pass**

The affirmative recommendation made by a committee in sending a bill to the floor for final vote; do pass as amended – passage recommended providing certain changes are made.

**Enrolled Bill**

Whenever a bill passes both houses of the Legislature, it is ordered enrolled. In enrollment, the bill is again proofread for accuracy and then delivered to the Governor. The enrolled bill contains the complete text of the bill with the dates of passage certified by the Secretary of State and the Chief Clerk of the Assembly.

**‘Extraordinary’ or ‘Special Session’**

A special legislative session called by the Governor to address only those issues specified in the proclamation. Measures introduced in these sessions are numbered chronologically with a lower case x after the number (i.e., 28x); they take effect immediately upon being signed by the Governor.

**First Reading**

Each bill introduced must be read three times before the final passage. The first reading of a bill occurs when the measure is introduced.

**Fiscal Committee**

The Ways and Means Committee in the House and the Appropriations Committee in the Senate to which all fiscal bills are referred if they are approved by policy committees. If the fiscal committee approves a bill, it then moves to the floor.

**Floor**

The House or Senate chambers.

**Hearing**

A committee meeting convened for the purpose of gathering information on a specific subject or considering specific legislative measures.

**House of Representatives or Assembly**

The lower house of a State legislature, apportioned on the basis of population. The normal term is for two years.

**Initiative**

A method of legislating that requires a vote of the people instead of a vote of the legislature for a measure to become law.

To qualify for a statewide ballot, statutory initiatives must receive 384,974 signatures and constitutional amendment initiatives must receive 615,958 signatures.

**Item Veto**

The Governor’s refusal to approve a portion or item of a bill; however, the remainder of the bill is approved.

**Law**

Rule of conduct determined by the people through their elected representatives, or by direct vote.

**Policy Committee**

Each house of the legislature has a number of committees referred to as “policy” committees. As bills are introduced in each house the Rules committee assigns each to a policy committee. The policy committee sets up public hearings on the bills, conducts hearings and following such testimony, votes on whether or not to recommend passage of the bill to the floor of the respective house. Other actions a policy committee may take include amending a bill and re-referring it to the same or another committee for additional hearings.

**President of the Senate**

Most state constitutions designate the Lieutenant Governor as President of the Senate, allowing him to preside over the Senate and cast a vote only in the event of a 20-20 tie. The Lt. Governor's role is largely ceremonial because he has not cast a tie breaking vote since 1975 and, in practice, does not preside over the Senate.

**Reading**

Presentation of a bill before either house by the reading of the title thereof; a stage in the enactment of a measure. A bill, until passed, is either in process of first, second or third reading, no matter how many times it has actually been read.

**Resolution**

An opinion expressed by one or both houses which does not have the force of law. Concurrent resolutions are voted on by both houses but do not require the Governor's signature; joint resolutions are voted on by both houses.

**Roll Call**

A vote of a committee or the full House or Senate.

**Second Reading**

Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported from committee.

**Section**

Portion of the codes, cited in each bill which proposes to amend, create, or replace same

**Senate**

The upper house of a State legislature, consisting of X members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

**Session**

Period during which the Legislature meets: Regular- the biennial session at which all classes of legislation may be considered; Extraordinary- special session, called by, and limited to matter specified by the Governor; Daily- each day's meeting; Joint- meeting of the two houses together.

**Speaker**

Highest ranking member of the House; elected by all House members at the beginning of each two-year legislative session.

**Statutes**

Compilation of all enacted bills, chaptered by the Secretary of State in the order in which they become law, and prepared in book form by the State Printer.

**Third Reading**

Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

**Unfinished Business**

That portion of the Daily File that contains measures awaiting Senate or Assembly concurrence in amendments taken in the other house. Also contains measures vetoed by the Governor for a 60-day period after the veto. The house where the vetoed bill originated has 60 days to attempt to override.

**Veto**

The Governor's refusal to approve a measure sent to him/her by the Legislature.

## Glossary of Canadian Terms

**Asymmetrical Federalism** A federal system of government in which powers are unevenly divided between provinces, i.e. some provinces have greater responsibilities or more autonomy than others.

**Auditor General** The official of Parliament whose staff audit the expenditures of government departments and who provides an annual report on instances of funds being unlawfully or unwisely spent.

**Backbencher** Members of Parliament on the government side who sit on the backbenches and are not in cabinet, or those similarly distant from shadow cabinet posts in opposition parties.

**Cabinet** The cabinet is made up of the prime minister (premier at the provincial level) and the heads of all government departments or cabinet ministers as well as any ministers without portfolio. It determines the direction of public policy for the government.

**Cabinet Solidarity** A convention that all cabinet ministers publicly support whatever decisions the cabinet has taken, regardless of their personal views.

**Caucus** A meeting of legislators of any one party to discuss parliamentary strategy and party policy.

**Code Civil** The unique system of civil law used in Quebec.

**Code of Law** A comprehensive set of interrelated legal rules.

**Confederation** A federal system of government in which sovereign constituent governments create a central government but balance of power remains with constituent governments.

**Confidence** Support for the government by the majority of the members of parliament.

**Crown Corporation** Corporations owned by the government that assume a structure similar to a private company and that operate semi-independently of the cabinet.

**Deputy Minister** The Canadian public servant who heads each government department, manages the department, and advises the minister.

**Dissolution** Before a general election is held, the prime minister or premier asks the governor general (or Lt. Governor in the provinces) to dissolve parliament.

**Disallowance** A power given to the federal government in the Constitution Act, 1867, under which the cabinet can nullify any provincial law, even though it has received royal assent from the lieutenant-governor of the province.

**Executive Federalism** A federal process directed by extensive federal-provincial interaction at the level of first ministers, departmental ministers, and deputy ministers.

**Free Vote** A legislative vote in which members are not required to toe the party line.

**Head of Government** The person in effective charge of the executive branch of government; the prime minister in a parliamentary system.

**Head of State** An individual who represents the state but does not exercise political power.

**Majority Government** A parliamentary government in which the party in power has over 50 percent of the seats in the legislature.

**Ministerial Responsibility** The principle that cabinet ministers are individually responsible to the House of Commons for everything that happens in their department.

**Ministry** The entire group of MPs appointed by the Prime Minister to specific ministerial responsibilities.

**Minority Government** A parliamentary government in which the government party has less than 50 percent of the seats in the legislature.

**Notwithstanding Clause** Section 33 of the Charter of Rights and Freedoms, which allows federal or provincial legislatures to pass laws that may violate certain sections of the Charter.

**Official Opposition** In a parliamentary system, the largest of the opposition parties, given a special role to play in the legislative process.

**Opposition** Those members of Parliament who are not part of the government of the day.

**Order-in-Council** Decision by Cabinet which carries legal force.

**Parliamentary Sovereignty** The supreme authority of parliament to make or repeal laws.

**Party Discipline** The convention that all MPs within any party vote together, as predetermined in the party caucus and enforced by the party whip.

**Portfolio** The administrative responsibility carried by a minister, usually some combinations of departments and other agencies.

**Prerogative** The residual powers of the Crown that can be exercised at its own discretion.

**Prime Minister's Office** Support staff appointed by the Prime Minister to carry out political functions.

**Private Member's Bill** Public bills introduced in the legislature by members who are not in the cabinet.



**Privy Council** A ceremonial body made up of all present and former cabinet members.

**Privy Council Office** A governmental department that supports the prime minister, cabinet, and cabinet committees in devising government policy.

**Proclamation** The announcement of the official date a new law will take effect.

**Provincial Courts** Courts created by provincial statute, staffed by judges appointed by the province to deal with matters such as small claims and minor criminal offences.

**Question Period** Held each afternoon for approximately 40 minutes (depending on province) when parliament is in session. Question Period is a time when the opposition parties try to find out more about, and critically question government policy. Frequently during this time the opposition attempts to embarrass the government and the government tries to give as little information as possible.

**Readings** First, second and third readings representing the introduction and debate of proposed bills in the legislative chambers.

**Red Tory** A conservative with collectivist leanings.

**Report Stage** The stage in the legislative process after the second reading when the House debates the committee's report on a proposed bill.

**Representative Democracy** A system of government based on the election of decision-makers by the people.

**Residual Powers** Those powers in a federal system of government not explicitly allocated in a constitution.

**Royal Assent** The approval of a bill by the Crown.

**Senate** Canada has a bicameral (two-chamber) parliament—the House of Commons and the Senate. Senators are appointed by the prime minister and usually closely associated with the governing party. They must retire at age seventy-five.

**Shadow Cabinet** The cohesive group of specialized critics in the official Opposition party.

**Treasury Board** A cabinet committee and government department whose primary responsibility is to oversee government spending.

**Source: Mark o. Dickerson & Tom Flanagan**  
*Authors of An Introduction to Government and Politics, 5<sup>th</sup> Ed.*