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# Province-State Legislative Relations

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**T**he number of formal and informal meetings between legislators from the Canadian provinces and the U.S. states has increased remarkably in the past twenty years. These meetings may give rise to a permanent, high-profile institution to facilitate province-state contact.

The reasons for the increased contact between state and provincial legislators are numerous and complex. For example, the foreign policies of the two countries have changed and there exists today a more co-operative spirit in Canada-U.S. relations. Furthermore, both countries are tending towards decentralization. In Canada, the provinces continue to become ever more powerful partners in the federal contract asserting that power wherever and whenever they can; one need only consider the proposal of a provincial veto over any Canada-U.S. free-trade treaty to see the truth of this statement. In the United States, the Reagan administration has attempted to "renew" federalism by transferring some programs from the national to the state governments. The states also view themselves as stronger federal partners, although the shift towards decentralization in the U.S. is less pronounced than in Canada. Perhaps of greatest importance today, provinces and states face increasingly more serious regional environmental problems which are best dealt with by officials at the local level.

There have been many studies on province-state relations recently. They have found that not only the frequency but also the number of types of contact between provinces and states have been increasing steadily. These contacts are of several kinds and can be classified as follows: *ad hoc* meetings of civil servants; the establishment of provincial offices in U.S. states (and vice versa); Canadian participation in U.S. inter-state compacts;

membership of state and provincial officials in professional organizations; membership of provinces and states in Canada-U.S. joint organizations; meetings between governors and premiers, between other members of the respective executive branches of government and between legislators from both countries.

Many political scientists have turned to the study of province-state relations because they see it as a new and fruitful sub-field of international relations. Others, of a more practical bent, are interested because they see such contacts, especially those between legislators, as a hopeful sign that Canada and the United States are moving towards a more rational, consultative mode of conducting their mutual business. It is this contact between legislators that we examine here: we shall try to describe its scope and nature, examine the difficulties that have arisen in attempting to set up formal and regular legislative interaction and assess what benefits and opportunities such interaction provides.

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## Defining Legislative Contact

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The most vexing problem in studying the contact between state and provincial legislators lies in defining what qualifies as a contact between the legislative branches of the two governments as opposed to their respective executive branches. The separation of and distinction between these two branches is the basic feature of American government, whereas their close union is, in Walter Bagehot's words, "the latent essence and effectual secret" of parliamentary government. Comparisons between the two systems are therefore difficult, and it is not always possible to find precise equivalents for American legislators in the Canadian provincial legislatures. For example, is the Senate majority leader or speaker of the House in the U.S. presidential system the effective equivalent of the premier or the government House leader in a parliamentary system? It is hard to say. Furthermore, a

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provincial premier and the ministers in his cabinet are members of both the executive and legislative branches of government. Meetings with their counterparts in the executive branch of American state governments cannot, therefore, be considered as being *between* legislators. Meetings between premiers and governors at the U.S. National Governors' Association, the Annual Conference of New England Governors and Eastern Canadian Premiers, or between premiers and governors of neighboring provinces and states (eg. Washington-B.C. or Maine-N.B.) are instead best understood as a sort of "mini-summitry" or "micro-diplomacy." We shall thus look at the involvement of premiers and ministers only insofar as they meet with their counterparts in the state legislatures.

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## Legislative Organizations

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Five organizations give state and provincial legislators the opportunity to hold serious meetings. The largest of these organizations is the National Conference of State Legislatures (NCSL). It holds numerous regional meetings, and provincial and state legislators often attend the annual conference. The NCSL not only offers Canadian legislators the chance to visit and meet their U.S. counterparts at its own conference, but also sponsors the Canada-U.S.A. Legislative Project, an organization for legislative exchanges.

This project was designed specifically to bring together provincial cabinet ministers and U.S. state legislative leaders. Instituted in 1979, it holds yearly meetings; the most recent was in February of this year to discuss the issue of free trade. Its success could indeed point the way towards the creation of a permanent structure to which all provincial and state legislatures could belong. The editors of the 1985 edition of *Canadian Legislatures* argue that the Project "has demonstrated that when a forum is provided for legislative leaders to meet together to review political, social and economic problems in an unfettered and open way, fresh solutions often occur."

The Canadian Region, Commonwealth Parliamentary Association is a third organization that provides a forum in which U.S. state legislators can meet their Canadian counterparts. Its 1986 annual meeting was attended by a number of state legislators, one of the conference topics being province-state relations.

The Association Internationale des Parlementaires de Langue Francaise (AIPLF) is an international organization bringing French-speaking legislators from Canada and the U.S. together. The Association holds both an international meeting and an Americas conference each year. Legislators from Maine, Vermont and Louisiana have attended the meetings.

Finally, there is now one regional organization that has begun to work seriously towards providing a forum for regular province-state legislative exchanges. This is the Caucus of New England State Legislatures (CNESE), in existence since 1978. The goal of the Caucus is to disseminate information and maintain lines of communication between the region's 1,323 legislators. Its annual meetings are usually attended by the speakers, Senate presidents, and committee chairmen of the six New England state legislatures. Acting upon a suggestion from the state of Maine, last year's conference invited Canadian legislators; it is hoped that in future, members of the legislatures from Eastern Canada will attend regularly.

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## Other Province-State Meetings

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The provinces and states bordering on one another have, in many cases, formed close contacts, both formal and informal. British Columbia and Washington have sponsored legislative exchanges, and in 1974 had a joint meeting of their legislatures. Maine and New Brunswick have perhaps the closest working relationship. Maine has a "Canadian Legislative Liaison Office," and has worked hard to encourage the participation of Canadian legislators in regional conferences. New Brunswick and Maine have been holding regular meetings of legislators for years. They hope Nova Scotia will soon be included.

In addition to the formal, organized meetings of legislators from the provinces and states, there are numerous informal meetings. Members from border constituencies often meet their U.S. counterparts to discuss local issues. On the prairies these most often concern irrigation and transportation problems, while legislators from Ontario and Quebec have attended numerous meetings and conferences with U.S. legislators concerning problems regarding the Great Lakes.

The majority of Canada's legislatures are still part-time institutions which devote few of their resources to the work of legislative committees. The reform movement that has brought about changes in Ottawa and Ontario to give backbenchers and committees greater power and a more significant role in the legislative process has not yet reached many of Canada's other legislatures. Nevertheless, committees from the legislatures of New Brunswick, Ontario and Quebec have travelled to meet legislators in the U.S. in recent years. In Ontario, the Standing Committee on the Legislative Assembly now regularly attends the National Conference of State Legislatures.

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## Impediments to Legislative Interaction

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Having described the scope and nature of province-state legislative interaction, we can now turn to examine some of the problems involved in facilitating these contacts. The

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most difficult problem is also the most obvious: the parliamentary system of provincial government is very different from the congressional style of state government. This dissimilarity makes it difficult to compare the legislative offices in the two systems. In addition, party government is much stronger in the parliamentary system, and provincial members cannot express their opinions as freely as their U.S. counterparts can. State legislators are likely unaware of how dire are the consequences that await a provincial member who contradicts or criticizes his or her party leader.

The federal division of powers in the two countries poses a second problem for province-state legislative contact. Foreign affairs belong constitutionally to the national governments of both countries, and there are many in Canada who argue against provincial activity in this area on the grounds that it serves only to divide and hence further weaken Canada's bargaining power with the United States.

A third difficulty in encouraging greater province-state legislative contact is that many provincial legislatures are still only part-time operations with little interest in having their members play a greater role in the legislative process. Their legislative committees, for example, remain wholly dependent on the government of the day. They lack the power to set their own agendas and the resources to travel.

Finally, there is among Canadians a latent fear of continentalism; any move towards a continental legislative body, even of a solely consultative nature, would be greeted by many with fear (if not loathing). Since we believe that this fear is somewhat irrational deriving as it does from a combination of anti-Americanism and ignorance of the benefits of province-state legislative contact, an understanding of these benefits is important.

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## Benefits of Legislative Contact

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The most important benefit resulting from greater contact between legislators from the provinces and states would, paradoxically, be a better understanding of the differences between Canadian and American government. Legislators

obviously know how the procedures and structure of their own legislature determine which bills will become law. But it is equally obvious that they often do not understand well how institutions different from their own determine policymaking in other countries. Nothing could be more valuable than that legislators understand exactly the ways in which the two different systems of government affect the formulation of public policy. The Canada-U.S.A. Legislative Project now provides a framework for the exchange of such information. The Commonwealth Parliamentary Association should perhaps consider jointly sponsoring this body, thereby making it a more powerful bi-national institution.

Nor is the exchange of information between provincial and state legislators limited to comparing their two different systems of government. Legislators discuss new ideas, different policy options, and what might best be called the political necessities that govern policy choices in Canada and the U.S. Understanding the latter is particularly important in reducing the friction between Canadian and American legislators that results from a simple ignorance of motives.

Elected politicians represent the interests of their constituents. One cannot understand a politician's actions without understanding the interests he or she represents. Regular formal meetings between legislators from the provinces and the states would thus serve the valuable function of providing our politicians with some necessary lessons in political education. In addition, they would raise the public profile of the provinces and the states and would provide legislators with friendly contacts that could prove useful when problems arise.

In sum, contact between legislators from the provinces and states is increasing; such contact is necessary and should, within proper limits, be encouraged. The difficulties that hinder legislative contact can be dealt with and the benefits arising from it are significant. For this reason, legislators in the provinces and states should consider setting up a permanent, jointly-sponsored institution that would hold annual meetings and encourage regional meetings. Any institution that educates legislators about legislatures benefits the democratic process.