

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA

Your Standing Committee on Rules of the House presents the following as its First Report.

Meetings

Your Committee met on March 9, 2016 at 3:00 p.m. in Room 255 of the Legislative Building.

Matters under consideration

Amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba

Committee Membership

- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Hon. Mr. GERRARD
- Mr. GOERTZEN
- Hon. Ms. IRVIN-ROSS
- Mr. MARCELINO (*Tyndall Park*) (*Vice-Chairperson*)
- Mr. PEDERSEN
- Hon. Mr. REID (*Chairperson*)
- Mr. SWAN
- Mr. WIEBE

Officials Speaking on Record

- Ms. Patricia Chaychuk, Clerk of the Legislative Assembly of Manitoba
- Mr. Rick Yarish, Deputy Clerk of the Legislative Assembly of Manitoba

Amendments to Rules Considered and Reported

At the March 9, 2016 meeting your committee agreed to report the following amendments to the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* with two amendments:

THAT the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba be amended as follows:

THAT these Amendments will come into force on April 20, 2016.

THAT sub-rule 2(24) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

If no Speaker

2(24) If there is no Speaker, the Clerk is to act in the Speaker's place for the purpose of calling the Assembly into session.

THAT sub-rule 4(6) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Intersessional Committee Meetings

4(6) During intersessional periods, any day on which meetings of Standing or Special Committees are held shall be considered to be a sitting day of the Legislature, but are not to be included in the count of the sitting days for Specified or Designated Bills, and the Clerk shall record the number of sitting days which are Committee days.

4(6.1) Despite sub-rule 89(8), 10 calendar days' notice is required for intersessional committee meetings.

Subsequent Intersessional Meetings

4(6.2) Five calendar days' notice is required for subsequent intersessional meetings of a committee continuing to consider legislation previously referred to it.

4(6.3) Sub-rule (6.2) may be waived if the Clerk receives a written request from the House Leaders of all Recognized Parties at the time additional meetings are scheduled.

THAT Rule 5 be repealed and replaced with the following:

Quorum

5(1) The presence of at least 10 Members of the House, including the Speaker, is necessary to constitute a meeting of the House for the exercise of its powers.

5(2) With the exception of Tuesday mornings in accordance with sub-rule (4), if there is no quorum present at the start of a sitting day, the Speaker is to adjourn the House for the sitting day.

5(3) If a quorum count is requested during a sitting of the House

(a) the division bells shall ring for one minute during which time the doors shall remain open and Members may enter the Chamber;

(b) once the division bells stop, no further Members may enter the Chamber;

(c) the Clerk shall then count and announce the number of Members present in their seats, including the Speaker;

(d) if a quorum of Members is not present, the Speaker must adjourn the House for the sitting day.

5(4) Despite sub-rule (3), no request for a quorum count may be made during Tuesday morning sittings for Private Members' Business.

5(5) With the exception of Friday sittings of the Committee of Supply referred to in sub-rule 74(13), if a quorum count is requested during a sitting of the Committee of Supply:

(a) all sections of the Committee shall recess to allow a quorum count to be requested and conducted in the House, in accordance with sub-rule (3);

(b) if a quorum of Members is not present, the Speaker must adjourn the House for the sitting day.

THAT Rule 12 be repealed and replaced with the following:

Legislative Assembly Management Commission Annual Report

12 Within two weeks after the opening of each session, the Speaker shall table the annual report of the Legislative Assembly Management Commission.

THAT sub-rule 13(1) be repealed and replaced with the following:

Deputy Speaker, Chairperson of Committees of the Whole House

13(1) A Deputy Speaker of the House, who shall also be Chairperson of the Committees of the Whole House, shall be elected by way of motion from among the Members at the commencement of the first session of each Legislature. The Member so elected shall, if present, take the Chair of each Committee of the Whole House.

THAT Rule 14 be repealed and replaced with the following:

Termination of debate before division

14(1) After Members have been summoned to the Chamber for a division, no further debate shall be permitted.

Entering and leaving during divisions

14(2) No Member shall enter or leave the Chamber during the stating of the question, or leave the Chamber after the final statement of the question until the division has been conducted and the result of the vote announced.

Time limit on division bells

14(3) Not more than one hour after directing that the Members be called in, the Speaker shall

- (a) order that the division bells be turned off;
- (b) state the question again; and
- (c) immediately order the recording of the division.

Deferral

14(4) Despite sub-rule (3), and after consulting with the Whips from all Recognized Parties, the Speaker may direct that a division be deferred to a specific time set by the Speaker, with the following divisions excluded:

- (a) sub-rules 23(5) and (6) – Private Members’ Business;
- (b) sub-rule 28(14) – Opposition Day Motions;
- (c) sub-rule 32(6) – Budget motion;
- (d) sub-rules 44(4) and (5) – Address in Reply to the Speech from the Throne;
- (e) sub-rules 47(4) – Time allocation motions.

Limitations on deferral

14(5) When pursuant to sub-rule (4), the Speaker has directed that the division be deferred

- (a) the time for the division once set shall not be altered;
- (b) no further deferral shall be granted in respect of that division; and
- (c) no such deferral shall exceed 72 hours.

Business to be continued

14(6) When a division is deferred pursuant to sub-rule (4), the House shall continue with the business before it, pursuant to sub-rule 23(2).

Voting Compulsory

14(7) Every Member present and in his or her seat shall vote.

Pairing

14(8) Despite sub-rule (7), any two Members may indicate that they will not take part in any recorded division held on one or more specified dates by providing advanced notice to the Speaker of their intention to “pair” their votes.

Declaration of Voting Intentions

14(9) Following a division

- (a) the Speaker shall provide an opportunity for Members who filed advance notice of pairing to stand and declare which way they would have voted; and
- (b) the names of the Members who filed advance notice of pairing shall be printed in the *Votes and Proceedings*, immediately following the entry for the division.

Requesting a recorded division

14(10) A recorded division on any question put in the House may be requested by

- (a) a House Leader from a Recognized Party; or
- (b) any Member with the support of three other Members.

Recording of “Yeas” and “Nays”

14(11) On a recorded division, the names of Members voting “Yea” and the names of the Members voting “Nay” are to be recorded in the *Votes and Proceedings*.

THAT Rule 15 be repealed and replaced with the following:

Attendance required

15 Every Member shall attend the service of the House unless a leave of absence has been given to the Member by the Speaker.

THAT sub-rule 19(1) be repealed and replaced with the following:

Decorum on adjournment

19(1) When the House adjourns, Members shall stand and remain in their places until the Speaker has left the Chamber.

THAT sub-rule 19(3) be repealed and replaced with the following.

Crossing the Chamber

19(3) Members may not cross the Legislative Chamber between the Chair and the Mace.

THAT Rule 20 and the centered heading before it and Rule 21 be repealed and replaced with the following:

CONDUCT OF VISITORS

Visitors

20 Visitors may be admitted to the gallery and to any other parts of the Chamber that are specified for that purpose by the Speaker.

Conduct of Visitors

21 A visitor admitted to the Chamber or the gallery who creates a disturbance, or does not withdraw when directed, shall be ejected from the Chamber or the gallery by the Sergeant-at-Arms, as the Speaker may order. If necessary the visitor may be taken into custody by security staff or the Winnipeg Police Service.

THAT Rule 22 be repealed and replaced with the following:

Prayer

22 The Speaker shall read the prayer every day at the meeting of the House before any business is entered upon.

THAT Rule 24 and the centered heading before it be repealed and replaced with the following:

TABLING OF REPORTS

Tabling of Reports

24(1) Each sitting day, Ministers of the Crown or the Speaker may table reports or other documents required to be laid before the House in accordance with an Act, Regulation, the Rules of the House or a Resolution or Order of the House.

24(2) Ministers or the Speaker must provide sufficient copies of a report or document that is provided to the House for tabling. Sufficient copies will be determined by the Speaker in consultation with the House Leaders of all Recognized Parties.

Intersessional Tablings

24(3) If the House has been adjourned for more than five days, a report or document to be tabled in accordance to sub-rule (1) may instead be deposited with the Clerk.

Referral to Intersessional Committee

24(4) A report or document deposited with the Clerk is to be considered for all purposes to have been laid before the House on the first sitting day after the adjournment, but it may also be referred for the consideration of a committee intersessionally.

No Tabling during Dissolution

24(5) A report or document may not be deposited with the Clerk under this Rule during a dissolution period.

Recorded in Votes

24(6) A record of any report or document deposited with the Clerk must be entered in the *Votes and Proceedings*.

THAT sub-rules 25(1) and (2) be repealed and replaced with the following:

Ministerial Statements

25(1) Each sitting day, Ministers of the Crown may make statements or announcements of Government policy.

Notice of Ministerial Statement

25(2) The Government must provide written notice to the Speaker, all Recognized Parties, and any Independent Member(s) of the intention to deliver a Ministerial Statement 90 minutes before Routine Proceedings. The notice must include the subject matter of the statement.

THAT Rule 27 be repealed and replaced with the following:

One Grievance per Session

27(1) Each Member may raise one Grievance during a session of the Assembly.

Speaking Time

27(2) Members may speak for no longer than 10 minutes on a Grievance.

No Restriction on Subject Matter

27(3) There shall be no restriction on the subject matter raised in a Grievance.

No Restriction on Number of Grievances Daily

27(4) There shall be no restriction on the number of Grievances that may be raised on any given day.

Terminated Same Day

27(5) A Grievance is terminated when the House adjourns and shall not be continued or resumed at the next or any subsequent sitting of the House.

Restrictions

27(6) Grievances shall not be considered

- (a) while the motion for an Address in Reply to the Speech from the Throne is listed on the Order Paper; or
- (b) while the motion for approval by the House in general of the budgetary policy of the Government is listed on the Order Paper, but Grievances shall be called on the day the Budget is delivered.

THAT sub-rule 28(2) be repealed and replaced with the following:

Distribution of Opposition Days

28(2) The Official Opposition shall be entitled to not less than two Opposition Days in each session and the second largest Recognized Opposition Party shall be entitled to one Opposition Day in each session. If there is only one Recognized Opposition Party it could be entitled to all three Opposition Days.

THAT sub-rule 28(3) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Filing of Motion During Session

28(3) During a sessional period, an Opposition Day Motion shall be filed with the Clerk on a sitting day before the House adjourns, or before the usual adjournment hour, whichever is later.

Filing of Motion Between Sessions

28(3.1) Between sessional periods, an Opposition Day Motion must be filed with the Clerk before 12:00 noon on the last business day before the sessional period begins.

THAT sub-rules 28(4) and (5) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Placing on the Order Paper

28(4) An Opposition Day Motion shall be placed on the Order Paper on the first sitting day after it is filed despite sub-rules 60(1) and 64(2).

Consideration of Motion

28(5) Subject to sub-rule (11), an Opposition Day Motion shall be considered on the same day it appears on the Order Paper.

THAT sub-rule 28(11) be repealed and replaced with the following:

Restrictions

28(11) No sitting day shall be designated an Opposition Day during consideration of

- (a) the motion for an Address in Reply to the Speech from the Throne;
- (b) the motion to approve in general the budgetary policy of the Government; or
- (c) a Constitutional Amendment Motion.

THAT sub-rule 30(1) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Orders not taken up

30 Subject to sub-rule 23(4), any business listed under sub-rule 23(2) not taken up or proceeded with when called may be allowed to stand and retain its precedence.

THAT sub-rule 30(2) be repealed.

THAT sub-rule 31(2) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Submitting a Resolution

31(2) Each Private Member may submit one resolution in each legislative session to the Clerk, who shall determine if it is procedurally correct. A resolution under this Rule may not have more than one “Resolved” clause.

Moving a Resolution

31(2.1) When moving a resolution in the House, a Member is only required to read the “Resolved” clause, but the entire text of the resolution – including the “Whereas” clauses – shall be recorded in the *Votes and Proceedings* and *Hansard*.

THAT sub-rule 31(5) as concurred in by the House on June 29, 2015, be repealed and replaced with the following:

Private Members’ Resolution Question Period

31(5) Following a Sponsor’s opening speech, a question period of up to 10 minutes on the resolution may occur. This 10 minute question period shall count as part of the three hours of debate on the Resolution.

During this question period

- (a) questions may be addressed to the Sponsor by any Member in the following sequence:
 - (i) the first question may be asked by a Member from another party,
 - (ii) any subsequent questions must follow a rotation between parties;
- (b) each Independent Member may ask one question; and
- (c) no question or answer shall exceed 45 seconds.

THAT the following be added after sub-rule 31(8) as concurred in by the House on June 29, 2015:

Private Members’ Resolutions – Intersessional Notice

31(8.1) Pursuant to sub-rules (6) and (7), and despite sub-rules 60(3) and 64(2), when a sitting period resumes during a week when Private Members’ Business would be considered

- (a) by 12:00 noon two business days before the sitting period begins, a House Leader or designate shall file with the Clerk’s Office the Resolution to be debated during the first Tuesday and Thursday of the Private Members’ Business sitting;
- (b) by 4:30 p.m. two business days before the sitting period begins, a copy of the filed Resolutions must be provided by the Clerk’s office to the House Leaders of all Recognized Parties and to Independent Members; and
- (c) resolutions filed during an intersessional period shall appear on the Order Paper on the first Tuesday and Thursday of Private Members’ Business, without appearing on the Notice Paper.

THAT the following be added after sub-rule 32(3) as concurred in by the House on June 29, 2015:

One Amendment and Sub-Amendment

32(3.1) Only one amendment and one sub-amendment may be accepted to the motion for approval by the House, in general, of the budgetary policy of the Government.

THAT Rule 38 be repealed and replaced with the following:

Tabling Documents

- 38(1)** A Member presenting a report or document to the House must state that he or she is “tabling” the report or document.
- 38(2)** Members must provide sufficient copies of any report or document that is provided to the House for tabling. Sufficient copies will be determined by the Speaker in consultation with the House Leaders of all Recognized Parties.
- 38(3)** Members are not required to table reports or documents that have already been tabled or are already part of the public record.
- 38(4)** Any report or document tabled more than once does not need to be recorded again as a Sessional Paper or Tabled Paper.
- 38(5)** Where in a debate a Member directly quotes from private documents, including digital representation or correspondence, any other Member may require the Member who is speaking to table a printed copy of the document quoted.

THAT sub-rule 42(2) be repealed and replaced with the following:

Exceptions

- 42(2)** The 30-minute limit does not apply to
- (a) the Leader of the Government or of a Recognized Opposition Party;
 - (b) a Minister moving a Government Order; or
 - (c) a Member making a motion of “no confidence in the Government”, or the Minister replying to the motion.

A Leader of a Recognized Party who has not yet spoken in a debate may, by giving written notice to the Speaker, designate one Member who may speak in that debate with unlimited time. In this instance, the 30-minute limit will then apply to the Leader.

THAT the following be added after sub-rule 44 as concurred in by the House on June 29, 2015:

One Amendment and Sub-Amendment

- 44.1** Only one amendment and one sub-amendment may be accepted to the Address in Reply to the Speech from the Throne.

THAT Rule 52 be repealed.

THAT sub-rule 60(1) be repealed and replaced with the following:

One-day notice of motion

- 60(1)** One day’s notice must be given of the following motions:
- (a) to introduce a public Bill other than a supply Bill;
 - (b) under Rule 47(1) (time allocation motion);
 - (c) to present a resolution;
 - (d) to appoint a committee;
 - (e) to place a Written Question on the Order Paper.

THAT sub-rule 60(2) as concurred in by the House on June 29, 2015, be repealed replaced with the following:

Responses by Members

60(2) A Member replying to a Written Question must do so within 30 days of the Written Question appearing on the Order Paper. If the reply is received when the House is not sitting, the Clerk shall provide the answer in writing to the Member who asked the question, while also notifying all Recognized Party Caucuses and Independent Members that a reply has been received and is available upon request.

THAT sub-rules 64(1) and (2) be repealed and replaced with the following:

Motions to be in writing

64(1) All motions, except motions to adjourn a debate or to adjourn the House, shall be in writing.

If filed with the Clerk

64(2) A motion requiring notice must be filed with the Clerk. If the motion meets procedural requirements, the notice is to be reproduced on the Notice Paper and placed on the Order Paper as described in Rule 60.

THAT Rule 69 be repealed.

THAT Rule 78 be repealed and replaced with the following:

Referral of Bills to Committee of the Whole

78 Any Bill after having been read a second time may, on the same day, be referred to the Committee of the Whole. The Committee may then consider all the bills so referred to it, and report the bills along with any amendments to the House immediately after the Committee raises.

AMENDMENT

THAT Rule 78 be amended by deleting the word “raises” and replacing it with “rises”.

THAT sub-rule 129(5) be repealed and replaced with the following:

Presenting Petitions

129(5) When the Speaker calls “Petitions” during Routine Proceedings, any Member whose name appears on the Order Paper under “Petitions” may present his or her petition. The Member must read the full text of the petition.

AMENDMENT

THAT sub-rule 129(5) be amended by adding at the end “, and may read the names of the first three petitioners”.

THAT sub-rule 134(4) be repealed and replaced with the following:

Committal to Committee

134(4) Every Bill, after having been read a second time, shall stand referred to a committee.

THAT the following be added after sub-rule 135(14):

135(15) The mover of a Concurrence and Third Reading motion is not considered to have spoken in debate, and may speak immediately or at the end of the debate.

THAT Rule 139 be repealed and replaced with the following:

Officers

139 The Officers of the Assembly are

- (a) the Clerk of the Legislative Assembly, who may also be known and called the Clerk of the House;
- (b) the Deputy Clerk;
- (c) the Assistant Clerks;
- (d) the Law Officer of the Legislative Assembly;
- (e) the Deputy Law Officer of the Legislative Assembly; and
- (f) the Sergeant-at-Arms.

THAT clause (b) of Rule 140 be repealed and replaced with the following:

- (b) have direction over the Deputy Clerk, Assistant Clerks, Hansard, Chamber Branch, and other staff that may be employed in connection with the House;

THAT Rule 142 be repealed.

THAT Rule 144 be repealed.

THAT sub-rule 145(1) and the centered heading before it and sub-rule (2) be repealed and replaced with the following:

DEPUTY CLERK

Deputy Clerk

145(1) The Deputy Clerk may be present at the Table in the Legislative Chamber during the sittings of the House and shall assist the Clerk in his or her duties.

145(2) In the absence of the Clerk, the Deputy Clerk, or in his or her absence, such person as is appointed by the Speaker, shall perform the duties of the Clerk.

THAT Rule 148 and the centered heading before it be repealed.

THAT Rule 149 be repealed.

THAT Rule 150 be repealed.

THAT Rule 156 be repealed.

THAT Appendix E be amended by replacing the information pertaining to “Rule 135(10) – Report Stage Amendments” with the following:

135(10)	Report Stage Amendments	10 minutes	30 minutes for: Leaders of Recognized Parties
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THAT Appendix E be amended by replacing the information pertaining to “Rule 42(1) and 42(2) – Second Reading of Government Bills” with the following:

42(1)	Second Reading of	30 minutes	Unlimited speaking time for:
42(2)	Government Bills		Leaders of Recognized Parties (may be transferred)
			Ministers moving Government Orders

THAT Appendix E be amended by replacing the information pertaining to “Rule 42(1) and 42(2) – Concurrence and Third Reading of Government Bills” with the following:

42(1)	Concurrence and	30 minutes	Unlimited speaking time for:
42(2)	Third Reading of		Leaders of Recognized Parties (may be transferred)
	Government Bills		Ministers moving Government Orders

Agreements

Your Committee reached the following agreements during the meeting on March 9, 2016:

- THAT the following agreement to delete the Point of Order Appendix from the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* made at the June 26, 2015 meeting of the Standing Committee of the Rules of the House be included in the committee report from today’s meeting.

THAT the item “POINT OF ORDER” in the APPENDICES be repealed.

- THAT the Clerk may re-number the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* and make other minor corrections that in no way alter the intended meaning of these amendments.
- THAT the Clerk prepare revised rule books incorporating all amendments, additions and deletions.
- THAT these amendments to the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* are permanent.
- THAT the document entitled: “Legislative Assembly of Manitoba Rule Change Proposals – March 2016”, be included in the Hansard transcript of this meeting.
- THAT these amendments to the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* come into force on April 20, 2016.

Submitted by,

Hon. Daryl REID, Chairperson
March 9, 2016