

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 October 3, 2018 at 6:00 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. Mrs. DRIEDGER (*Chairperson*)
- Mr. HELWER
- Ms. FONTAINE
- Hon. Mr. GOERTZEN
- Hon. Mr. GERRARD
- Mr. JOHNSTON
- Mr. MARCELINO
- Mr. MICKLEFIELD
- Mr. PIWNIUK (*Vice-Chairperson*)
- Mr. SWAN
- Hon. Mr. WHARTON

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 October 3, 2018 meeting your committee agreed to report the following amendments to the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba*:

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

THAT the definition of “the Leader of the Official Opposition” in sub-rule 1(3) be replaced with the following:

- (g) **“the Leader of the Official Opposition”** means the Member recognized by the Speaker as occupying the position of Leader of the Official Opposition, pursuant to section 52.16 of *The Legislative Assembly Act*;

THAT sub-rule 2(1) be amended by deleting the 6th paragraph and by replacing it with the following:

On the last Thursday sitting prior to the Remembrance Day Week, the House will not adjourn until the questions have been put and Royal Assent granted for the following items:

- (a) the Designated Bills;
- (b) the Business of Supply set out in sub-rule 76(1) including *The Loan Act* and *The Appropriation Act*; and
- (c) *The Budget Implementation and Tax Statutes Amendment Act*.

Any remaining steps for these items not dealt with 60 minutes prior to the usual adjournment hour will have all remaining questions put to a vote following the provisions outlined in sub-rules (21), (23) and (23.1).

THAT sub-rule 2(10) be repealed and replaced with the following:

Second Reading moved for Specified Bills

2(10) On the same sitting day identified in sub-rule (9), and after Bills have been designated by the Opposition parties, the House is to not see the clock until the Second Reading motions have been moved for all Specified Bills.

- (a) For each Specified Bill that has not yet been called for debate by this day, debate shall proceed as follows:
 - i. the Minister may speak for a maximum of 10 minutes;
 - ii. a question period of up to 15 minutes may occur according to the provisions of sub-rule 137(5);
 - iii. Critics and each Independent Member may speak for a maximum of 10 minutes; and
 - iv. the debate shall then be concluded for that day, pending Second Reading Completion Day as per 2(11).
- (b) For each Specified Bill that has been called for debate previously, debate shall proceed as follows:
 - i. any Members identified in 2(10)(a) who have not yet spoken in the debate shall be afforded the opportunity to speak;
 - ii. if the question period has not yet occurred, it shall take place as described in paragraph (a)(ii); and
 - iii. if the question period was previously interrupted, it shall continue as described in paragraph (a)(ii), and;
 - iv. the debate shall then be concluded for that day, pending Second Reading Completion Day as per 2(11).

THAT sub-rule 2(15) be repealed and replaced with the following:

Actions to complete Second Reading, Report Stage and Concurrence and Third Reading of Specified Bills

2(15) If the actions referred to in sub-rules (11), (13) and (14) have not been completed by the noted date, the following provisions are to apply:

- (a) the House will not adjourn on that day until the Speaker has put all the applicable questions on all Specified Bills;
- (b) if Routine Proceedings has not concluded 90 minutes prior to the usual adjournment hour, the Speaker must terminate Routine Proceedings and proceed to Orders of the Day;
- (c) Sixty minutes prior to the usual adjournment hour the Speaker will interrupt debate and put all questions on the remaining Bills with no further debate or amendment, except for the debate provisions allowed under 2(10) and 2(14);
- (d) Matters of Privilege and Points of Order will be deferred until all votes are completed;
- (e) despite sub-rule 14(4), divisions on these Specified Bills cannot be deferred;
- (f) if a deadline day falls on a Friday sitting during the debate on the Budget Motion, the provisions of sub-rules (b) and (c) shall proceed as follows:
 - i. The Speaker must terminate Routine Proceedings immediately upon conclusion of Oral Questions.
 - ii. Thirty minutes after the conclusion of Oral Questions the Speaker will interrupt debate and put all questions on the remaining Bills with no further debate or amendment, except for the debate provisions allowed under 2(10) and 2(14).

THAT sub-rule 2(17) be repealed and replaced with the following:

Designated Bills

Second Reading Completion Day for Designated Bills

2(17) Within two sitting days of the session resuming, the question for Second Reading of Designated Bills must be put. Emergency recall sittings are exempt from this provision.

- (a) For each Designated Bill that has not yet been called for debate by this day, debate shall proceed as follows before the question is put:
 - i. the Minister may speak for a maximum of 10 minutes;
 - ii. a question period of up to 15 minutes may occur according to the provisions of sub-rule 137(5); and
 - iii. Critics and each Independent Member may speak for a maximum of 10 minutes.

- (b) For each Designated Bill that has been called for debate previously, debate shall proceed as follows before the question is put:
- i. any Members identified in 2(17)(a) who have not yet spoken in the debate shall be afforded the opportunity to speak;
 - ii. if the question period has not yet occurred, it shall take place as described in paragraph (a)(ii); and
 - iii. if the question period was previously interrupted, it shall continue as described in paragraph (a)(ii).

THAT sub-rule 2(21) be repealed and replaced with the following:

Actions to complete Second Reading, Report Stage and Concurrence and Third Reading of Designated Bills

2(21) If the actions referred to in sub-rules (17), (19) and (20) have not been completed by the noted date, the following provisions are to apply:

- (a) the House will not adjourn on that day until the Speaker has put all the applicable questions on all Designated Bills;
- (b) if Routine Proceedings has not concluded 90 minutes prior to the usual adjournment hour, the Speaker must terminate Routine Proceedings and proceed to Orders of the Day;
- (c) Sixty minutes prior to the usual adjournment hour the Speaker will interrupt debate and put all questions on the remaining Bills with no further debate or amendment, except for the debate provisions allowed under 2(17) and 2(20);
- (d) Matters of Privilege and Points of Order will be deferred until all votes are completed;
- (e) Despite sub-rule 14(4), divisions on these Specified Bills cannot be deferred.

THAT the following be added after sub-rule 2(23)

Actions to Complete the Business of Supply

2(23.1) If the required actions for the Business of Supply taking place in the Committee of Supply, Committee of the Whole or in the House have not been completed by the last Thursday sitting prior to the Remembrance Day Week, the following provisions are to apply:

- (a) if Routine Proceedings has not concluded 90 minutes prior to the usual adjournment hour, the Speaker must terminate Routine Proceedings and proceed to Orders of the Day;
- (b) if not already in Committee of Supply or Committee of the Whole 60 minutes prior to the usual adjournment hour, the House must resolve into Committee of Supply or Committee of the Whole;
- (c) Sixty minutes prior to the usual adjournment hour the Chairperson or the Speaker will interrupt debate and put the questions on all remaining items with no further debate or amendment;
- (d) Matters of Privilege and Points of Order will be held until all votes are completed;
- (e) despite sub-rule 14(4), divisions on these items cannot be deferred.

THAT sub-rule 23(4) be repealed and replaced with the following:

Private Members' Business

23(4) Subject to sub-rule 4(3), Private Members' Business shall be considered as follows when the House sits on Tuesdays and Thursdays:

Tuesday:

10:00 a.m. to 11:00 a.m. (Private Members' Hour)

Private Bills
Public Bills
Motions

11:00 a.m. to 12:00 noon (Private Members' Hour)

Private Members' Resolutions
Motions

Thursday:

10:00 a.m. to 11:00 a.m. (Private Members' Hour)

Public Bills
Private Bills

Motions

11:00 a.m. to 12:00 noon (Private Members' Hour)

Private Members' Resolutions

Motions

Deferred votes from previous Tuesday Private Members' Business at 11:55 a.m.

THAT the following be added after sub-rule 23(4):

Sequence of Private Members' Bills

23(4.1) Private Members' Private Bills and Private Members' Public Bills shall be called in the following sequence as listed on the *Order Paper*:

- (a) Report Stage;
- (b) Debate on Report Stage;
- (c) Concurrence and Third Readings;
- (d) Debate on Concurrence and Third Readings;
- (e) Second Readings;
- (f) Debate on Second Readings.

When a Private Member's Public Bill or Private Bill is called for debate and is not disposed of within that hour, it shall be placed on the bottom of the list of Bills of that type on the *Order Paper*.

House Leaders Authorized to announce Private Members' Bills for debate

23(4.2) House Leaders of Recognized Parties have the authority to announce Private Members' Bills sponsored by Members of their own Caucuses for debate in the first Hour of Private Members' Business. The House Leaders are further authorized to call more than one Private Members' Bill for debate during that hour, and may allocate blocks of time for consideration of each Bill within the first Hour of Private Members' Business.

- (a) On Tuesday mornings the Government House Leader or designate shall announce Private Members' Bills for debate.
- (b) On Thursday mornings the Official Opposition House Leader or designate, or the House Leaders or designates of other Recognized Opposition Parties, shall announce Private Members' Bills for debate.
- (c) If there is more than one Recognized Opposition Party:
 - i. The House Leaders or designates of all Recognized Opposition Parties must submit to the Speaker a written agreement on dividing time on Thursday mornings.
 - ii. In the event of an impasse the Speaker shall make a determination as to this division of time.

THAT Sub-rule 23(7) be repealed.

THAT Rule 24 be repealed and replaced with the following:

Selected Bills

24(1) Each Recognized Party may select up to three Private Members' Bills per session to proceed to a Second Reading debate and vote.

Bills to proceed to a Second Reading vote

24(2) Each Independent Member may select one Private Members' Bill per session to proceed to a Second Reading debate and vote, and despite Rule 69(1), an Independent Member will not require a seconder to move each Reading motion for their selected Private Members' Bill.

Written notice

24(3) Written notice of each selected Bill, indicating the sitting day and time when the debate and vote will occur, must be provided to the Speaker by the Government House Leader (or designate) and the Independent Member no later than two weeks prior to the scheduled end of the Fall Sittings.

Scheduling Independent Members' Selected Bills

24(4) As part of the written notice required in 24(3), an Independent Member and the Government House Leader or designate must agree on a date and time for the debate and vote on the selected Bill, and notify the Speaker in writing of the details.

- (a) In the event of an impasse, the Speaker shall make a determination as to the scheduling of these debates.

- (b) The Government House Leader or designate will announce Independent Members' Private Members' Bills for debate on Tuesdays.

THAT Sub-rule 34(7) be repealed and replaced with the following:

Disposal of questions

34(7) On the sixth of the six days, at 30 minutes before the usual adjournment hour, unless debate has previously been concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion, and any amendments thereto. The House shall not adjourn until all the required actions have taken place.

THAT Sub-rule 34(10) be repealed and replaced with the following:

Termination of debate

34(10) On the eighth sitting day after the main motion has been moved, at 30 minutes before the usual adjournment hour, unless debate has previously been concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion, and any amendments thereto. The Speaker shall not hear Points of Order or Matters of Privilege until all questions relating to this debate have been disposed of. The House shall not adjourn until all the required actions have taken place.

THAT the following be added after sub-rule 36(2):

Rulings subject to challenge

36(3) The Speaker shall determine if a prima facie case of privilege has been established and provide the House with a rationale for this decision. Rulings of the Chair dealing with Matters of Privilege may be challenged by:

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

THAT Sub-rule 47(3) be repealed and replaced with the following:

Disposal of questions

47(3) On the sixth of the six days, at 30 minutes before the usual adjournment hour, unless debate has previously been concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion, and any amendments thereto. The House shall not adjourn until all the required actions have taken place.

THAT Sub-rule 47(6) be repealed and replaced with the following:

Termination of debate

47(6) On the eighth sitting day after the main motion has been moved, at 30 minutes before the usual adjournment hour, unless debate has previously been concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion, and any amendments thereto. The Speaker shall not hear Points of Order or Matters of Privilege until all questions relating to this debate have been disposed of. The House shall not adjourn until all the required actions have taken place.

THAT Sub-rule 83(1) be repealed and replaced with the following:

Standing Committees

83(1) At the beginning of the first session of each Legislature, or anytime the composition of the House membership changes, the House Leaders or designates of all Recognized Parties must meet to consider the representation of Members – based on the number of seats each Recognized Party holds in the House – to serve on the following Standing Committees of the House:

- Agriculture and Food
- Crown Corporations
- Human Resources
- Intergovernmental Affairs
- Justice
- Legislative Affairs
- Private Bills
- Public Accounts

Rules of the House
Social and Economic Development
Statutory Regulations and Orders

- (a) If the House Leaders or designates determine that a change in Standing Committee membership composition is required, they must report the new composition in writing to the Speaker.
- (b) In the event of an impasse, the Speaker shall determine Standing Committee membership composition and report that in writing to all Members.
- (c) The new Standing Committee membership composition is effective upon receipt by the Speaker of a letter from the House Leaders, or in the case of sub rule 83(1)(b), once the Speaker reports to all Members.
- (d) At the next sitting of the House the Speaker must table the letter documenting the new Standing Committee membership composition.

Agreements

Your Committee reached the following agreements during the meeting on October 3, 2018:

- THAT these amendments to the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba* come into force on November 20, 2018.
- 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 – October 2018”, be included at the end of the Hansard transcript of this meeting.

Submitted by,

Hon. Myrna DRIEDGER, Chairperson
October 3, 2018