

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 the following occasions:

- Tuesday, December 7, 2004
- Thursday, June 16, 2005

All meetings were held 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:

At the December 7, 2004 meeting your Committee elected Mr. SANTOS as the Vice-Chairperson on a counted vote of yeas 5, nays 0.

Substitutions received prior to commencement of December 7, 2004 meeting:

- Mr. ROCAN for vacancy
- Mr. MALOWAY for Hon. Mr. ASHTON

Agreements:

At the December 7, 2004 meeting:

Your Committee agreed that a House Rules Working Group, consisting of two government members, two opposition members, one liberal and the Speaker be struck to consider amendments to the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba.

Your Committee agreed that a Public Accounts Committee Working Group, consisting of the Chairperson and Vice-Chairperson of the Public Accounts Committee, Hon. Mr. MACKINTOSH and Mr. DERKACH be struck to consider changes to the operation of the Public Accounts Committee, with the understanding that Mr. LAMOUREUX be consulted prior to reporting to the Rules Committee.

Your Committee agreed that the Working Groups work as expidiously as possible in order for the Rules Committee to report to the House when it resumes in March 2005.

Amendments to Rules Considered and Reported:

At the June 16, 2005 meeting your committee agreed to report the following amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba:

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

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

Usual Adjournment Hour

4(4) The Speaker must adjourn the House to the next sitting day, without a motion for adjournment,

(a) at 5:00 p.m. on Mondays, Tuesdays Wednesdays and Thursdays; and

(b) at 12:30 p.m. on Fridays during debates on the motions for an Address in Reply to the Speech from the Throne and the Budget.

THAT the following be added after sub-rule 4(5):

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, and the Speaker shall record the number of sitting days which are Committee days. 10 calendar day's notice are required for intersessional committee meetings.

THAT sub-rule 5(1) be replaced with the following:

Quorum

5(1) Except during Tuesday morning sittings for Private Members Business, 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, but if there is not a quorum, the Speaker may take the Chair and adjourn the House.

THAT sub-rule 5(2) be replaced with the following:

Quorum Bell

5(2) If, during a sitting of the House, a quorum count is requested, the division bells shall ring for one minute. While the division bells are ringing, the doors shall remain open and Members may enter the Chamber, but once the bells stop, no further Members may enter the Chamber. If a quorum is not then present, the Speaker will adjourn the House without question put. Quorum counts are to be conducted by counting the number of Members present.

THAT rule 18 be replaced with the following:

Naming of a Member for an offence in the House

18(1)(a) The Speaker shall be vested with the authority to maintain order by naming individual Members for disregarding the authority of the Chair and, without resort to motion, ordering a withdrawal for the remainder of the sitting, despite Rule 15. The decision of the Speaker is subject to appeal.

18(1)(b) In the event of a Member disregarding an order of the Chair made pursuant to sub-rule (a), the Speaker shall order the Sergeant-at-Arms to escort the Member out of the chamber.

Offence in Committee

18(2) When an offence to which sub-rule (1) applies is committed in a Committee, the Chairperson thereof shall forthwith suspend the proceedings of the Committee and report the circumstances to the House; and the Speaker shall have the discretion to determine if disciplinary action will be applied to the Member in accordance with sub-rule 18(1).

Term of suspension

18(3) A suspension under sub-rule (1) or (2) shall be decided by the Speaker but shall not exceed two weeks.

Suspension from Service of House for Session

18(4) If a Member suspended under this rule is summoned under the Speaker's orders by the Sergeant-at-Arms to obey the Speaker's direction but refuses to do so, the Speaker must advise the House that force is necessary to compel obedience. The Member is then suspended from all sittings of the House for the remainder of the session.

THAT sub-rule 23(3) be replaced with the following:

Private Members' Business

23(3) 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
Orders for Return and Addresses for Papers
Private Members' Resolutions
Motions

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

Private Members' Resolutions
Orders for Return and Addresses for Papers
Motions
Public Bills
Private Bills

Thursday:

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

Public Bills
Private Bills
Orders for Return and Addresses for Papers
Private Members' Resolutions
Motions

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

Private Members' Resolutions
Orders for Return and Addresses for Papers
Motions
Private Bills
Public Bills
Deferred votes from previous Tuesday Private Members Business at 11:55 a.m.

Private Members Private Bills and Private Members Public Bills shall be called in the order as listed on the Order Paper. When a Private Members Public Bill or Private Bill is called for debate on the Order Paper and is not disposed of within that hour, it shall be placed on the bottom of the list of bills of that type.

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

Divisions during Private Members Business

23(4) A division requested during a Private Members' Hour on Tuesday must be deferred to the Private Members' Hour the following Thursday. The deferred vote shall take place at 11:55 a.m. on Thursday.

23(4.1) A division requested during a Private Members' Hour on Thursday takes place immediately.

23(4.2) In the case of a division occurring pursuant to 23 (4.1), after the division is requested or after the vote is recorded on a division, the House shall consider the next item of business only with leave or if at least 30 minutes remain in that Private Members' Hour.

THAT sub-rule 27(2)(a) be replaced with the following:

Grievances

27(2)(a) Each Member is entitled to speak for no longer than 10 minutes on a grievance;

THAT sub-rule 31(1) be replaced with the following:

Definition of "resolution"

31(1) In this Rule, "resolution" means a vote, motion, resolution or address, but does not include a motion for the first, second or third reading of the Bill, or a motion to refer a Bill to a Committee.

THAT sub-rules 31(5) and (6) be deleted.

THAT the following be added after sub-rule 31(9):

Tuesdays – Government House Leader calls Resolutions

31(9.1) The Government House Leader or designate shall announce in the House on the previous Tuesday which resolutions will be debated during Private Members Business on the following Tuesday morning. The group of Independent Members will have the opportunity to introduce one resolution during a session on a Tuesday.

Thursdays – Opposition House Leader calls Resolutions

31(9.2) The Opposition House Leader or designate shall announce in the House on the previous Thursday which resolutions will be debated during Private Members Business on the following Thursday morning.

THAT sub-rule 31(10) be replaced with the following:

Resolutions not prioritized for a vote

31(10) When a resolution not prioritized for a vote (other than a resolution for an order for return or an address for papers) is called for the first time by a House Leader during a Private Members' Hour, and

- (a) the resolution is not disposed of within that hour, or
- (b) the Member is not present or does not proceed with the resolution at that time;

the resolution is to be placed on the Order Paper at the bottom of the list of resolutions not prioritized for a vote.

A House Leader, or designate, may not call a resolution for a second time until all resolutions have been called once.

THAT sub-rules 36(1) and (2) be replaced with the following:

Setting aside regularly scheduled business of the House

36(1) After Members' Statements in the routine business of the House, any Member may move to set aside the regularly scheduled business of the House to discuss a matter of urgent public importance, of which the Member has given prior notice to the Speaker not less than 90 minutes prior to the start of Routine Proceedings.

Explanation of motion

36(2) A Member making a motion under sub-rule (1) may explain arguments in favour of the Member's motion in not more than 10 minutes, and one Member from each of the other parties in the House may state the position of their party with respect to the motion in not more than 10 minutes.

THAT sub-rule 43(3) be replaced with the following:

10-minute limit during Private Members' Hour

43(3) No Member may speak for more than 10 minutes

- (a) during a Private Members' Hour; or
- (b) in a debate on an item of Private Members' business called by the government outside a Private Members' Hour.

THAT sub-rule 75(1) be replaced with the following:

Rules observed in Committee of the Whole

75(1) The Rules shall be observed in a Committee of the Whole House, insofar as they are applicable, except the Rules requiring seconding of motions, limiting the number of times of speaking, and, in the case of the Committee of Supply, requiring Members to rise to speak. The speaking time limit in Committee of the Whole is 10 minutes.

THAT sub-rules 77(1) and (2) be replaced with the following:

Speeches – 10 minutes

77(1) All speeches in Committee of Supply, including those of the Ministers, shall be restricted to 10 minutes.

Minister's opening address

77(2) The address of a Minister introducing the estimates of a department shall be restricted to 10 minutes.

THAT sub-rule 78(4) be replaced with the following:

Notice before questioning of Ministers

78(4) The Official Opposition House Leader must, by 4:00 p.m. on the previous sitting day, table in the House a list of Ministers of the Crown who may be called for questioning in the debate on the concurrence motion. This list is to be in effect until a new list is tabled. More than one Minister can be questioned at the same time on similar or related subject matter, however notice of this arrangement must be provided by the Opposition House Leader when tabling the list of Ministers on a previous sitting day. It is to be clearly identified whether Ministers are being questioned concurrently or questioned sequentially. Ministers appearing on the list after the first name listed are not required to be in the Chamber, however the Committee will recess for five minutes to allow the Ministers to attend, once their place in the sequence is reached. The First Minister is only eligible to be called once on the concurrence list, while other Ministers of the Crown can be called for a maximum of three times. By the end of each sitting to consider concurrence, the critic conducting the questioning must indicate whether questioning of the current Minister is concluded or is to continue at the next sitting of the committee.

THAT sub-rule 83(1) be replaced with the following:

Standing Committees

83(1) At the beginning of the first session of each Legislature, a Special Committee of seven Members must be appointed to prepare and report, without delay, the proportional representation of Members by party 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

THAT sub-rule 83(3) be deleted.

THAT sub-rule 85(2) be replaced with the following:

Committee Membership Lists

85(2) At the start of each committee meeting, the Whip or the Whip's designate must provide in writing to the Committee Clerk the membership list of Members to serve on the committee for that particular meeting. Changes can also be made during the meeting by the Whip or Whip's designate providing written notification to the Chairperson.

THAT sub-rule 85(3) be replaced with the following:

Notice of Committee Meetings

85(3) Notice of Committee Meetings shall be provided to the Whip of each caucus.

THAT sub-rule 85(4) be deleted.

THAT rule 87 be replaced with the following:

Order in Committee and speaking times

87(1) The Chairperson of a Standing Committee or a Special Committee or a Special Committee of the House, shall maintain order and shall decide all questions of order subject to an appeal to the Committee.

87(2) No MLA attending a Standing and Special Committee meeting may speak for more than 10 minutes in any debate, however there is no limit on the number of times a Member can speak, unless otherwise agreed to by the Committee.

THAT sub-rule 92(4) be replaced with the following:

Evening Meetings to begin at 6:00 p.m.

92(4) A Standing or Special Committee that meets in the evening to consider a Bill must meet at 6:00 p.m. As an exception, if a Committee considering a Bill in the afternoon has not finished hearing presenters at 6:00 p.m., it may recess and reconvene at 7:00 p.m.

THAT sub-rule 92(5) be replaced with the following:

Sitting past midnight

92(5) Except with the unanimous consent of the Committee, a Standing or Special Committee that meets to consider a Bill in the evening must not sit past midnight to hear committee presentations unless:

- (a) the Committee has already heard presentations on two previous evenings; or
- (b) fewer than 20 presenters are registered to speak to all Bills being considered when the Committee meets at 6:00 p.m.

After hearing presentations, the Committee may sit past midnight to consider the Bill clause by clause.

THAT sub-rule 132(2) be replaced with the following:

Form of Petition

132(2) A petition must be in the form set out in Appendix A and must be signed by at least 15 petitioners. The names and addresses of the first 15 petitioners must be legible. If more than one page is required for signatures of petitioners, the subject matter of the petition must be indicated on each page. The signature of the Member must also appear at the top of the original petition.

THAT sub-rule 138(3) be replaced with the following:

Report on Bills

138(3) All amendments made to a Bill in any Committee shall be reported to the House on the sitting day following the conclusion of the Bill's review by the committee, and every Bill reported from any Committee, whether amended or not, shall be received by the House on report thereof.

THAT sub-rule 138(9) be replaced with the following:

Restrictions on Amendments

138(9)(a) No motion to amend a Report Stage Amendment shall be accepted except by unanimous consent.

138(9)(b) No amendment to a Bill moved in committee may be moved as a Report Stage Amendment.

THAT sub-rules 138(10) and (11) be replaced with the following:

Limitation on Debate

138(10) Members are limited to 10 minute speeches when considering Report Stage, except that the Premier or the Leader of the Official Opposition may speak for 30 minutes.

Combining the amendments

138(11) The Speaker may select or combine amendments or clauses to be proposed at the Report Stage.

THAT Appendix A be replaced with Appendix A to these amendments.

THAT Appendix D be replaced with Appendix D to these amendments.

THAT Appendix E to these amendments be added as Appendix E to the Rules.

2. THAT the Clerk may re-number the Rules, Orders and Forms of Proceedings of the Legislative Assembly and make other minor corrections that in no way alter the intended meaning of these Amendments.
3. THAT the Clerk may prepare revised Rules incorporating these Amendments.
4. THAT these Amendments will come into force immediately.
5. THAT these Amendments will be permanent changes to the rules.

APPENDIX A

MODEL PETITION

TO THE LEGISLATIVE ASSEMBLY OF MANITOBA:

These are the reasons for this petition: (or: The background to this petition is as follows:)

(Briefly summarize the problem or grievance and any necessary background information)

We petition the Legislative Assembly of Manitoba as follows:

(Set out the action the Legislative Assembly is being asked to take or not take)



Name (Please print)	Address	Signature
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTE: A minimum of fifteen signatures is required for the completion of the petition.

APPENDIX D
FINANCIAL PROCEDURE GUIDE
BUDGET PROCEDURE

1. **Finance Minister** (without notice or leave) moves Budget Motion.
2. **Page** picks up motion and delivers it to the Speaker.
3. **Speaker** proposes motion to the House.
4. **Finance Minister** presents Budget Address.
5. **Leader of the Official Opposition** adjourns debate.
6. **Finance Minister** advises the Speaker that there are two messages from His Honour, the Lieutenant Governor.
7. **Sergeant-at-Arms** picks up messages and delivers them to the Speaker.
8. **Speaker** reads messages. (all Members stand)
9. **Sergeant-at-Arms** delivers messages (when read) to the Clerk.
10. **Government House Leader** moves adjournment of the House.

**INTERIM SUPPLY PROCEDURE
(WHEN INTERIM SUPPLY FOLLOWS THE BUDGET)**

1. **Speaker** announces that the House will resolve into Committee of Supply.
2. **Committee of Supply** considers resolutions respecting interim supply. (debatable)
3. **Chairperson of Committee of Supply** presents the report of the Committee to the House and moves that it be received. (non-debatable)
4. **The House** considers and adopts the motion regarding interim supply. (notice not required)
5. **Finance Minister** moves First Reading of the Interim Supply Bill. (may not be debated, amended or adjourned)
6. **House staff** distributes copies of Interim Supply Bill immediately after adoption of First Reading.
7. **Finance Minister** moves Second Reading of Interim Supply Bill and referral to Committee of the Whole. (debatable - may be agreed to without debate or adjourned)
8. **Speaker** announces that the House will resolve into Committee of the Whole to consider and report on Interim Supply Bill for Concurrence and Third Reading.
9. **Committee of the Whole** considers Interim Supply Bill. (debatable)
10. **Chairperson of the Committee of the Whole** presents report of the Committee to the House and moves that it be received. (non-debatable)
11. **Government House Leader** moves the Concurrence and Third Reading Motion. (debatable - may be agreed to without debate or adjourned)
12. **Lieutenant Governor** grants Royal Assent to Interim Supply Bill.

MAIN AND CAPITAL SUPPLY PROCEDURE

1. **Speaker** announces that the House will resolve into Committee of Supply to consider the resolution respecting the Capital Supply Bill.
2. **Committee of Supply** considers the resolution respecting Capital Supply Bill – The Loan Act. (no debate if 100 hour time limit has expired)
3. **Chairperson of the Committee of Supply** presents the report of the Committee to the House and moves that it be received. (not debatable)
4. **Government House Leader** moves Concurrence Motion and Committee of Supply considers it. (debatable motion - 100 hour time limit does not apply)
5. **Chairperson of the Committee of Supply** presents the report of the Committee to the House and moves that it be received. (not debatable)
6. **Government House Leader** moves Concurrence Motion in the House. (cannot be debated, amended or adjourned)
7. **House** considers and adopts motion regarding Capital Supply Bill. (no notice required)
8. **House** considers and adopts motion regarding Main Supply Bill. (no notice required)
9. **Finance Minister** moves First Reading of Main Supply Bill – The Appropriation Act. (may not be debated, amended or adjourned)
10. **House staff** distributes copies of Main Supply Bill – The Appropriation Act immediately after adoption of First Reading Motion.
11. **Finance Minister** moves Second Reading of Main Supply Bill – The Appropriation Act, and referral to a Committee of this House. (debatable motion – may be agreed to without debate or adjourned)
12. **Finance Minister** moves First Reading of Capital Supply Bill – The Loan Act. (may not be debated, amended or adjourned)
13. **House staff** distributes copies of Capital Supply Bill – The Loan Act, immediately after adoption of the First Reading Motion.
14. **Finance Minister** moves Second Reading of Capital Supply Bill – The Loan Act, and referral to a Committee of this House. (debatable motion - may be agreed to without debate or adjourned)
15. **Speaker** announces that the House will resolve into Committee of the Whole to consider and report on Capital Supply Bill – The Loan Act, and Main Supply Bill – The Appropriation Act, for Concurrence and Third Reading.
16. **Committee of the Whole** considers Capital Supply Bill – The Loan Act, and Main Supply Bill – The Appropriation Act. (debatable matter, but no debate if 100 hour time limit has expired)
17. **Chairperson of the Committee of the Whole House** presents report of the Committee to the House and moves that it be received. (not debatable)
18. **Other Minister of the Crown**, usually **Government House Leader**, moves Concurrence and Third Reading of Capital Supply Bill – The Loan Act. (debatable motion – may be agreed to without debate or adjourned)
19. **Other Minister of the Crown**, usually the **Government House Leader**, moves Concurrence and Third Reading of Main Supply Bill – The Appropriation Act. (debatable motion – may be agreed to without debate or adjourned)
20. **Lieutenant Governor** gives Royal Assent to Capital Supply Bill – The Loan Act, and Main Supply Bill – The Appropriation Act.

APPENDIX E – SPEAKING TIMES

Rule	Debate	Speaking Time	Exceptions
43(1) 43(2)	Budget Debate	30 minutes	Unlimited speaking time for: <ul style="list-style-type: none"> • Leaders of recognized parties (may be transferred) • Ministers moving Government Orders • Members making “no confidence” motions • Ministers replying to “no confidence” motions
77(1) 77(2)	Committee of Supply Minister’s Opening Statement	10 minutes 10 minutes	
27(2)(a)	Grievances	10 minutes	
36(2) 36(4)	Matters of Urgent Public Importance	10 minutes / 10 minutes	Member has 10 minutes to explain why MUPI debate should proceed. One member from each of the other recognized parties may respond for 10 minutes. If debate proceeds Members have 10 minutes. Total debate shall not exceed two hours.
26(1)(b)	Member’s Statements	2 minutes	
25(3)	Ministerial Statements	-	Time of Critic’s response must not exceed Minister’s Statement
28(7)	Opposition Day Motions	10 minutes	
43(3)	Private Member’s Business	10 minutes	
138(10)	Report Stage Amendments	10 minutes	30 minutes for: <ul style="list-style-type: none"> • Leaders of recognized parties (may be transferred)
43(1) 43(2)	Second Reading of government bills	30 minutes	Unlimited speaking time for: <ul style="list-style-type: none"> • Leaders of recognized parties (may be transferred) • Ministers moving Government Orders • Members making “no confidence” motions • Ministers replying to “no confidence” motions
87(2)	Standing and Special Committees	10 minutes	Members may speak more than once
43(1) 43(2)	Third Reading of government bills	30 minutes	Unlimited speaking time for: <ul style="list-style-type: none"> • Leaders of recognized parties (may be transferred) • Ministers moving Government Orders • Members making “no confidence” motions • Ministers replying to “no confidence” motions
43(1) 43(2)	Throne Speech Debate	30 minutes	Unlimited speaking time for: <ul style="list-style-type: none"> • Leaders of recognized parties (may be transferred) • Ministers moving Government Orders • Members making “no confidence” motions • Ministers replying to “no confidence” motions
48(2)	Time Allocation Motions	10 minutes	

Submitted by,

Hon. George HICKES, Chairperson
June 16, 2005