
Report of the Saskatchewan Special Committee on Rules and Procedures

by Myron Kowalsky, MLA

A Special Committee on Rules and Procedures of the Saskatchewan Legislative Assembly was established in April 2000. The Committee was interested in creating procedures that would increase the importance of committees, enhance the role of private members, create more effective ways of dealing with public policy issues and increase public participation in the parliamentary process. Following a study which looked at procedures in several Canadian provinces as well as in legislatures in other Commonwealth countries, the Committee recommended principles it would like to see established in Saskatchewan. The committee is in the process of developing a detailed set of draft rules and procedures for presentation to the Assembly. This article is an abridged version of the committee's second report. For the entire report see:

http://www.legassembly.sk.ca/Committees/Rules/rules_report_July2001.pdf



The Legislative Assembly of Saskatchewan should reorganize its present system of standing committees to include: four policy field committees, one scrutiny committee, one private bills committee and two house issues committees.

The policy field committees would be organized so that they deal with most of the executive government's activity, with each committee covering a particular number of public policy fields, and accordingly the related government departments and agencies. The Standing

Committee on Public Accounts would be retained and serve as the Assembly's primary scrutiny committee. Most of the house committees would be reorganized into a single committee. Separate committees would be retained for Private Bills and Privileges and Elections.

Select committees would continue to be appointed by the Assembly as required (the intersessional appointment process would be absorbed by the house services committee). Specifically, the following framework for committees is recommended.

Policy Field Committees

- Standing Committee on Human Services to include Health, Social Services, Education (K to 12), Culture and Youth, Justice, Women's Secretariat, etc.
- Standing Committee on the Economy to include Finance, Economic and Co-operative Development, Labour, Agriculture and Food, Environments, Energy and Mines, Saskatchewan Opportunities Corporation, Saskatchewan Government Growth Fund Corporation, Post Secondary Education and Skills Training, Rural Re-vitalization, etc.

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- Standing Committee on Crown and Executive Agencies to include Crown Investment Corporation of Saskatchewan, Saskatchewan Property Management Corporation, Public Service Commission, Executive Council, Saskatchewan Liquor and Gaming Authority, (and all other revenue related agencies) etc.
- Standing Committee on Intergovernmental Affairs and Infrastructure to include Municipal Affairs, Municipal Board, Intergovernmental and Aboriginal Affairs, Highways, Northern Affairs, etc.

House Committees

- Standing Committee on House Services to include the various house committees – Estimates, Nominating, Continuing Select and Communications which would be combined into a single house services committee. The Speaker would continue to serve as ex-officio chair, and membership would include the house leaders, deputy house leaders, and whips. This committee would in future deal with rules and procedures reform. The committee would have authority to alter the membership of committees during intersession periods. The committee could also alter the size of the committees in cases of third parties or independent members. It would be convenient, if possible, for the House Services Committee to be established with authority to meet in advance of an opening of a new Legislature, in order to strike the committees so that committee work could commence. This idea will take some further investigation.
- Standing Committee on Privileges and Elections to remain as is.
- Standing Committee on Private Bills to remain as is.

Scrutiny Committee

- The Standing Committee on Public Accounts would continue in its present form (subject to reforms contemplated by the committee's first report and amendments to the Provincial Auditor's Act recently passed by the Assembly). The practice of electing an opposition chair should be fixed by the standing orders of the Assembly.

The new committee structure should be phased in so that a support infrastructure can be put into place, and should be reviewed after the experience of the next session.

Work of the Policy Field Committees

The policy field committees would have the following functions.

Annual Reports should be referred automatically to the appropriate policy field committee to be used as reference tools. The committees would decide which of the reports they receive will be reviewed, in similar fashion

to the present practice in the Standing Committee on Crown Corporations.

After first reading bills could be referred by motion to a policy field committee for the purpose of a hearing on the subject matter of the bill. After second reading, all bills should be automatically referred to the appropriate four policy field committees for clause-by-clause consideration. This referral processes for both situations should be incorporated in the standing orders. Provision also should be made, as an option, for a bill to remain in the Assembly for Committee of the Whole consideration.

The procedure for a bill reviewed by a policy field committee after second reading would be as follows: The policy field committee could hold public hearings on a bill in advance of clause-by-clause consideration, if that bill had not been subject to a hearing after first reading. Amendments could be made to the bill in a policy field committee during clause consideration. Upon conclusion of policy field committee consideration, the bill must be reported back to the Assembly whereupon it would be set for Committee of the Whole consideration in the Assembly. Time limits would apply to Committee of the Whole for consideration of bills reported from policy field committees. The limits would be as follows. Participation by individual members would be limited to twenty minutes each; and the time for consideration of the bill in Committee of the Whole would be set to a maximum of four hours total time.

Legislation would be a matter of priority during sessional periods. Departmental estimates would be divided into four groupings through the standing orders, so that each Budgetary Vote would be subject to committee review by the appropriate policy field committee. Estimates adopted in the policy field committees would be reported back to the Assembly for inclusion in an Appropriation Bill. Estimates would rank with legislation as a sessional priority.

The work of the Special Committee on Regulations should be absorbed by the policy field committees. Regulations and by-laws should be referred automatically by standing order to the appropriated policy field committee. The committees should be informed of new or amended regulations or by-laws by a parallel process to that used by the Standing Committee on Crown Corporations for significant transactions.

The committee could make recommendations to the Assembly with respect to regulations and by-laws reported to be ultra vires or on the basis of a public policy issue. The policy field committees could hold public hearings on any regulation or by-law.

The policy field committees should have power to initiate enquiries. A self-referencing ability would be subject to a majority decision of the committee. Funding

available for investigations would be capped (a global budget would be approved at the beginning of each fiscal year for each committee), and all requests for additional funding would be made to the Board of Internal Economy. There should be time limits on enquiries and extension to these limits would be made by appeal to the Assembly (or, if the house is not in session, to the House Services Committee). References to conduct reviews could be received from Ministers. The committee could, by majority decision, overturn a ministerial order of reference. The Assembly could also issue an order of reference to a policy field committee. Enquiries would not be a matter of priority during sessional periods, but would be the main focus of activity during periods when the Assembly is adjourned.

The government should be required to respond to policy field committee reports within 120 calendar days.

The order of priority for policy field committees should be as follows: estimates, bills, regulations, annual reports; enquiries.

Membership and Size of Committees

Membership of committees should continue to reflect the ratio of standings in the Assembly. All committees should be limited to seven members.

The following terms would apply to the policy field committees. Membership could be expanded by majority decision of the committee to include a "non-voting" member. A non-voting member would be added to the committee membership for the purpose of participating in hearings on a particular subject. The non-voting member would be eligible to receive a committee per diem and re-imbursement for expenses. A government member should serve as chair and opposition member to serve as vice-chair for the policy field committees. The chair would not have a casting vote, but a deliberative vote. All ties in votes would be considered the same as a defeat of the motion.

Scrutiny and house committees should be limited in size to seven members but otherwise remain as is with respect to voting and allocation of chairs.

Substitutions would be permitted, except for that of the Chair, on all committees.

Other Matters

Those members who serve committees should continue to receive a per diem and re-imbursement for living ex-

penses (present formula). Extra duties remuneration of Chairs and Vice-Chairs would be set in Board of Internal Economy directives.

A constant remark heard by the study delegation was that in order for committees to properly function, they must be adequately supported. Therefore it is recommended that generalist researchers be employed by the Office of the Clerk to serve committees. Other staffing needed will be assessed over the course of the next year, as the new committee structure is established and exact requirements identified.

Given the increase in committee activity, it is recommended that one properly equipped and appointed committee room for hearings be established with television, audio visual presentation equipment, and seating for the public. Another smaller deliberation committee rooms should be established. All committee rooms must be capable of Hansard and television broadcast.

No more than two committees requiring Hansard or television broadcasting would meet simultaneously so the main committee rooms would have to be time-shared.

It is recommended that on any sitting day the House could recess, as required, to facilitate the work of committees. The House would then reconvene to receive reports from committees (i.e. bills, estimates etc.) before adjourning each day.

Because four committees would be working on business previously dealt with by the house, the need for as many weekly house hours will be reduced. Tuesday would be a government day and Private Members' Day would be moved to Friday (with notice of business to be on Wednesday).

Private Members' Day

Every private members' day should include a 75-minute debate, with the choice of subject to rotate between the government and opposition caucuses (present rules but every week). An item of business from the caucus that did not pick the subject 75-minute debate would follow.

For items of business after the 75-minute debate, the precedence of the business would rotate as described above and each caucus could designate two items. The designation of business would be as follows. On a sitting day chosen for notice or private members' day business (i.e. Wednesday of each week), the caucuses would submit a notice of motion, and/or designate a private members' item of business already on the order paper (i.e. bills or adjourned debates) for priority consideration. Those items would then be placed on the private members' day order paper in the proper order of precedence following the 75-minute debate.

Items of business (other than 75-minute debate) could be adjourned but no more than three times. After an item had been adjourned the third time then the designation "Item to be Voted" would be applied on the Order Paper.

Private Members' public bills that pass second reading would go to the appropriate policy field committee.

Implementation

If this report is adopted by the Assembly, it is recommended that the proposed changes be staged-in beginning with the next session. The new rules would be phased in as follows:

Standing Orders will be drafted by the Clerk of the Committee to reflect the changes recommended in this report, and the new standing orders presented to the Assembly for adoption at the commencement of the next session of the present Legislature. This would be accomplished through a third report of this committee. However, the standing orders would be adopted on a provisional basis, with the exception of the creation of the Standing Committee on House Services.

The provisional basis of these rules would be for two reasons. The first reason is so the Assembly has time to adjust to the new committee system. The second reason is that a stage-in period will better enable the Assembly to evaluate and build the infrastructure required to sup-

port the new committee system. At the end of the next session, your committee will evaluate the experience of the policy field committee and make recommendations with respect to the provisional rules.

Conclusion

It is your Committee's conclusion that the changes recommended in this report will serve to enhance the influence of individual Members' during the Legislative Session. More activity will increase opportunities for participation. And if the experience of other parliaments is any indication the changes will also promote co-operation between Members and caucuses. Much of this will be accomplished through a revitalized committee system.

It is your Committee's observation that the activities of the committees do help to promote awareness on public policy issues. The new approach to committee work advocated in this report is meant to provide a greater opportunity for the public to participate in the legislative process. The changes will also give Members of the Legislative Assembly more opportunity to be informed about community issues and problems. It is your Committee's conclusion that the recommendations in this report will strengthen the Legislative Assembly.