



No. 8

VOTES and PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

PROVINCE OF SASKATCHEWAN

FIRST SESSION – TWENTY-FIFTH LEGISLATURE

Monday, March 29, 2004

1:30 p.m.

PRAYERS

PRESENTING PETITIONS

Petitions of citizens of the Province of Saskatchewan were presented and laid upon the Table by the following Members: McMorris, Eagles, Gantefoer, Harpauer, Bakken, Cheveldayoff, Huyghebaert, Allchurch, Brkich, Weekes, Kerpan, Dearborn, Hart, Morgan, Bjornerud, Hermanson, Wall, Elhard, Toth, Lautermilch and Trew.

READING AND RECEIVING PETITIONS

According to Order, the Deputy Clerk having favourably reported on the same pursuant to Rule 14(7), the following Petitions were read and received:

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to fund the Unity and District Seniors Lodge Project to ensure that citizens of Unity and District remain in the community for this necessary service that will bridge the gap between independent living and long term care.

(Sessional Paper No. 65)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government not to implement the Commission on Financing Kindergarten to Grade 12 Education's recommendation to expand the Provincial Sales Tax to include restaurant meals.

(Addendum to Sessional Paper No. 47)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to take the necessary steps to ensure current Crown land lessees maintain their first option to renew those leases.

(Addendum to Sessional Paper No. 48)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to work with First Nations people and the federal government to bring a prompt end to the Qu'Appelle Valley Lakes dispute so that the water level of the Qu'Appelle River system can return to normal and end the economic harm and uncertainty this dispute has caused.

(Addendum to Sessional Paper No. 49)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to ensure that the Davidson and Imperial Health Centres be maintained at their current level of service.

(Addendum to Sessional Paper No. 63)

INTRODUCTION OF BILLS

The following Bills were received, read the first time, and ordered to be read a second time at the next sitting:

Bill No. 12 - The Purchasing Act, 2004

(Hon. Ms. Higgins)

Bill No. 13 - The Labour-sponsored Venture Capital Corporations Amendment Act, 2004

(Hon. Mr. Cline)

WRITTEN QUESTIONS

The Order of the Day being called for Question No. 15, it was answered. (See Appendix)

ADDRESS IN REPLY

The Assembly resumed the adjourned debate on the proposed motion of Ms. Morin, seconded by Mr. Borgerson:

That an Humble Address be presented to Her Honour the Lieutenant Governor as follows:

TO HER HONOUR THE HONOURABLE LYNDIA M. HAVERSTOCK
Lieutenant Governor of the Province of Saskatchewan

MAY IT PLEASE YOUR HONOUR:

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Saskatchewan, in Session assembled, humbly thank Your Honour for the gracious Speech which Your Honour has been pleased to address to us at the opening of the present Session.

The debate continuing and the question being put, the Clerk informed the Speaker that there was an equality of votes on the following Recorded Division:

YEAS – 27

Calvert	Addley	Lautermilch	Hagel	Van Mulligen
Atkinson	Cline	Sonntag	Crofford	Prebble
Forbes	Belanger	Higgins	Thomson	Nilson
Beatty	Hamilton	Junor	Harper	Iwanchuk
McCall	Quennell	Trew	Yates	Taylor
Morin	Borgerson			

NAYS – 27

Wall	Toth	Elhard	Heppner	D'Autremont
Krawetz	Draude	Hermanson	Bjornerud	Wakefield
Morgan	McMorris	Eagles	Gantefoer	Harpauer
Bakken	Cheveldayoff	Huyghebaert	Allchurch	Brkich
Weekes	Kerpan	Merriman	Chisholm	Dearborn
Hart	Kirsch			

Mr. Speaker, under Rule 26(2), cast his vote in favour of the motion and stated his reason to be as follows:

The Clerk has announced that there is an equality of votes for and against the motion. Before voting I feel it appropriate to outline the principles used to guide the Speaker when casting a vote.

In parliamentary assemblies in the Westminster tradition, a central principle underlying the system is the impartiality of the Speaker. Both Erskine May and Beauchesne state the following:

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker but also, to ensure that his impartiality is generally recognized. He takes no part in debate in the House. He votes only when the voices are equal, and then only in accordance with rules which preclude an expression of opinion upon the merits of a question. [May, 22nd ed., p. 90; Beauchesne, 6th ed., p. 49]

The principle that the Speaker votes only to break a tie is enshrined in both legislation and Rules in the Legislative Assembly of Saskatchewan.

The Legislative Assembly and Executive Council Act states as follows:

Section 18: Questions arising in the Assembly shall be decided by a majority of votes, other than that of the Speaker or acting Speaker, but, where there is an equality of votes, the Speaker or acting Speaker has a vote.

The Rules and Procedures of the Legislative Assembly of Saskatchewan state the following:

Rule 26(1) The Speaker shall not take part in any debate before the Assembly.

Rule 26(2) In case of an equality of votes, the Speaker shall give a casting vote, and any reasons stated by him shall be entered in the *Journal*.

Under these rules, the Speaker is obliged to vote when the voices are equal. How then does the Speaker vote? *Marleau and Montpetit* (p. 268) summarize parliamentary convention in this area as follows:

In theory, the Speaker has the same freedom as any other Member to vote in accordance with his or her conscience; however, the exercise of this responsibility could involve the Speaker in partisan debate, which would adversely affect the confidence of the House in the Speaker's impartiality. Therefore, certain conventions have developed as a guide to Speakers (and Chairmen in a Committee of the Whole) in the infrequent exercise of the casting vote. Concisely put, the Speaker would normally vote to maintain the *status quo*.

Canadian and British authorities describe these principles or conventions as follows:

- (1) The Chair should always vote for further discussion;
- (2) Where no further discussion is possible, important decisions should not be taken except by a majority;
- (3) Where amendments to a bill are involved, the bill should be left in its existing form.

Generally, the Chair votes to maintain the *status quo* regarding the motion and leaves the matter open for future consideration.

That the Speaker should follow these principles rather than any partisan position was reinforced when this legislature unanimously made the decision to select a Speaker by secret ballot of the elected members instead of by appointment by the Premier.

These principles also apply to a vote of confidence. The vote on the Address in Reply to the Speech from the Throne is traditionally viewed as a question of confidence. In our parliamentary system, a question of confidence is a motion which, if defeated, indicates that the Government has lost the confidence of the House and is thus unable to continue in office.

In general, the principle that applies in this instance is that decisions of the legislature should be taken only by a majority. In a vote such as this one, that is a test of the Assembly's confidence in the Government, the decision of non-confidence should be clearly stated by a majority. It would not be appropriate for the vote of the Speaker alone to overturn the *status quo* as determined in the last election.

I therefore vote in favour of the motion to adopt the Address in Reply to the Throne Speech.

The motion is carried.

ENGROSSMENT OF ADDRESS IN REPLY

On the motion of the Hon. Ms. Atkinson, seconded by the Hon. Mr. Cline:

Ordered, That the said Address be engrossed and presented to Her Honour the Lieutenant Governor by such Members of the Assembly as are of the Executive Council.

APPOINTMENT OF COMMITTEE OF FINANCE

On the motion of the Hon. Ms. Atkinson, seconded by the Hon. Mr. Cline:

Ordered, That this Assembly, pursuant to Rule 103, hereby appoints the Committee of Finance to consider the Supply to be granted to Her Majesty and to consider the Ways and Means of raising the Supply.

On motion of the Hon. Ms. Atkinson:

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 4:45 p.m. until Tuesday at 1:30 p.m.

Hon. P. Myron Kowalsky
Speaker

RETURNS, REPORTS AND PAPERS TABLED

The following papers were laid upon the Table:

By the Hon. Mr. Van Mulligen:

Annual Report and Financial Statements of the Saskatchewan Pension Plan for the year ended December 31, 2003, including Supplementary Payment Information.

(Sessional Paper No. 67)

By the Hon. Mr. Quennell:

Amendment to the Bylaw of the following Professional Association:

Funeral and Cremation Services Council of Saskatchewan

(Addendum to Sessional Paper No. 62)

Report pursuant to *The Penalties and Forfeitures Act*

(Sessional Paper No. 68)

QUESTIONS AND ANSWERS

Mr. Dearborn asked the Government the following Question No. 15, which was answered by the Hon. Mr. Taylor:

To the Minister of Agriculture, Food and Rural Revitalization: (1) Have the assessments for pasture lands for 2003-2004 been adjusted in relation to the emergence of the BSE case in May of 2003? (2) If not, why not? (3) What measures are being considered to offset this?

Answer:

Adjustments to all property assessments occur as part of the regular revaluation cycle. This will happen next in 2005. Consideration will be given to the BSE situation in setting percentages of value for assessments for 2005.

NOTICE OF WRITTEN QUESTIONS

The following Questions were given notice on day no. 5 and are to be answered by day no. 10:

Mr. Dearborn, to ask the Government the following Question No. 22:

To the Minister of Justice: How much has the provincial government spent so far having government lawyers defend the Minds Eye Entertainment financial restructuring plan?

Mr. Dearborn, to ask the Government the following Question No. 23:

To the Minister of Saskatchewan Property Management Corporation: Please advise when the paintings of former Premiers Roy Romanow and Grant Devine will be hung in the legislative building?

Mr. Dearborn, to ask the Government the following Question No. 24:

To the Minister of Agriculture, Food and Rural Revitalization: What studies are being undertaken by your department regarding the potential effects of the completion of the Brazilian Super Highway by 2007 on bulk commodity prices and the corresponding effect on farmers' incomes in Saskatchewan?

The following Questions were given notice on day no. 6 and are to be answered by day no. 11:

Mr. Bjornerud, to ask the Government the following Question No. 25:

To the Minister of Agriculture, Food and Rural Revitalization: How much did the province contribute to the PFRA Rural Water Development Program in 2001-02?

Mr. Bjornerud, to ask the Government the following Question No. 26:

To the Minister of Agriculture, Food and Rural Revitalization: How much did the province contribute to the PFRA Rural Water Development Program in 2002-03?

Mr. Bjornerud, to ask the Government the following Question No. 27:

To the Minister of Agriculture, Food and Rural Revitalization: How much did the province contribute to the PFRA Rural Water Development Program in 2003-04?

Mr. Bjornerud, to ask the Government the following Question No. 28:

To the Minister of Agriculture, Food and Rural Revitalization: How much will the province contribute to the PFRA Rural Water Development Program in 2004-05?

Mr. Stewart, to ask the Government the following Question No. 29:

To the Minister of Agriculture, Food and Rural Revitalization: As of this date, how many CFIP claims are left to be processed?

Mr. Stewart, to ask the Government the following Question No. 30:

To the Minister of Agriculture, Food and Rural Revitalization: (1) For the fiscal year 2002-2003, how much has the province paid out for CFIP claims? (2) What was the average amount paid by the province per claim?

Mr. Stewart, to ask the Government the following Question No. 31:

To the Minister of Agriculture, Food and Rural Revitalization: (1) For the fiscal year 2003-2004, how much has the province paid out for CFIP claims? (2) What was the average amount paid by the province per claim?

Mr. Elhard, to ask the Government the following Question No. 32:

To the Minister Responsible for Saskatchewan Power Corporation: (1) What are the estimated cost savings to SaskPower as a result of the move to the new Saskatoon Service centre this month? (2) Further to this, was a cost benefit analysis done for this move and will it be made public?

Mr. Hermanson, to ask the Government the following Question No. 33:

To the Minister of Finance: (1) How much was spent on the planning and design of the ads used in the provincial government's advertising campaign regarding the federal equalization formula? (2) What company was contracted to produce these

The following Questions were given notice on day no. 7 and are to be answered by day no. 12:

Mr. Dearborn to ask the Government the following Question No. 34:

To the Minister of Industry and Resources: (1) How much money was paid to Phoenix Advertising for the Future is Wide Open Campaign? (2) What was their commission?

Mr. Elhard to ask the Government the following Question No. 35:

To the Minister Responsible for Saskatchewan Government Insurance: What research was done to justify the lower hourly rate SGI is now proposing to Saskatchewan auto body shops as compensation for paint work?

Mr. Wakefield to ask the Government the following Question No. 36:

To the Minister of Finance: (1) For the year 2000, what were the dates of all meetings between provincial finance officials or the Minister of Finance and the federal government, dealing specifically with the problems with the federal equalization formula detailed recently by Professor Thomas Courchene? (2) What was the nature of any correspondence between the provincial finance department and the federal government on this specific issue? (3) Will you table that correspondence?

Mr. Wakefield to ask the Government the following Question No. 37:

To the Minister of Finance: (1) For the year 2001, what were the dates of all meetings between provincial finance officials or the Minister of Finance and the federal government, dealing specifically with the problems with the federal equalization formula detailed recently by Professor Thomas Courchene? (2) What was the nature of any correspondence between the provincial finance department and the federal government on this specific issue? (3) Will you table that correspondence?

Mr. Wakefield to ask the Government the following Question No. 38:

To the Minister of Finance: (1) For the year 2002, what were the dates of all meetings between provincial finance officials or the Minister of Finance and the federal government, dealing specifically with the problems with the federal equalization formula detailed recently by Professor Thomas Courchene? (2) What was the nature of any correspondence between the provincial finance department and the federal government on this specific issue? (3) Will you table that correspondence?

Mr. Wakefield to ask the Government the following Question No. 39:

To the Minister of Finance: (1) For the year 2003, what were the dates of all meetings between provincial finance officials or the Minister of Finance and the federal government, dealing specifically with the problems with the federal equalization formula detailed recently by Professor Thomas Courchene? (2) What was the nature of any correspondence between the provincial finance department and the federal government on this specific issue? (3) Will you table that correspondence?

The following Questions were given notice on day no. 8 and are to be answered by day no. 13:

Mr. Hart to ask the Government the following Question No. 40:

To the Minister of Labour: In the year 2000, what was the total cost of office renovations for the Workers' Compensation Board, including design, labour, furniture purchases or rentals, and art purchases or rentals?

Mr. Hart to ask the Government the following Question No. 41:

To the Minister of Labour: In the year 2001, what was the total cost of office renovations for the Workers' Compensation Board, including design, labour, furniture purchases or rentals, and art purchases or rentals?

Mr. Hart to ask the Government the following Question No. 42:

To the Minister of Labour: In the year 2002, what was the total cost of office renovations for the Workers' Compensation Board, including design, labour, furniture purchases or rentals, and art purchases or rentals?

Mr. Hart to ask the Government the following Question No. 43:

To the Minister of Labour: In the year 2003, what was the total cost of office renovations for the Workers' Compensation Board, including design, labour, furniture purchases or rentals, and art purchases or rentals?

Mr. Dearborn to ask the Government the following Question No. 44:

To the Minister Responsible for Saskatchewan Property Management Corporation: How much money was spent in the 2003/2004 budget year for decorative art purchases in government office buildings and Crown Corporation buildings?

Mr. Brkich to ask the Government the following Question No. 45:

To the Minister of Justice: (1) Who is the Chair of the Provincial Mediation Board for tax enforcement, as well as the members of the Board? (2) Further to this, what are the official Board policies when it comes to handling tax enforcement cases in a timely manner?

Mr. Huyghebaert to ask the Government the following Question No. 46:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1991?

Mr. Huyghebaert to ask the Government the following Question No. 47:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1992?

Mr. Huyghebaert to ask the Government the following Question No. 48:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1993?

Mr. Huyghebaert to ask the Government the following Question No. 49:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1994?

Mr. Huyghebaert to ask the Government the following Question No. 50:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1995?

Mr. Huyghebaert to ask the Government the following Question No. 51:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1996?

Mr. Huyghebaert to ask the Government the following Question No. 52:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1997?

Mr. Huyghebaert to ask the Government the following Question No. 53:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1998?

Mr. Huyghebaert to ask the Government the following Question No. 54:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 1999?

Mr. Huyghebaert to ask the Government the following Question No. 55:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 2000?

Mr. Huyghebaert to ask the Government the following Question No. 56:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 2001?

Mr. Huyghebaert to ask the Government the following Question No. 57:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 2002?

Mr. Huyghebaert to ask the Government the following Question No. 58:

To the Minister of Environment: What were the names of the people drawn to receive big game licenses, including mule deer, white tail deer, antelope, elk and moose for the year 2003?

NOTICE REGARDING PETITIONS FOR PRIVATE BILLS

Notice is hereby given, in accordance with Rules 75 and 78 of the Legislative Assembly of Saskatchewan, that the time for filing Petitions for Private Bills with the Clerk of the Legislative Assembly will expire on the twentieth sitting day, and that the time for presenting Petitions for Private Bills to the Legislative Assembly at its present Session will expire on the twenty-fifth sitting day of the said Session.

GWENN RONYK
Clerk of the Legislative Assembly
