



No. 63

VOTES and PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

PROVINCE OF SASKATCHEWAN

FOURTH SESSION – TWENTY-SIXTH LEGISLATURE

Tuesday, May 17, 2011

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: Higgins, Junor, Forbes, Broten, Furber, Morin, Iwanchuk and Wotherspoon.

READING AND RECEIVING PETITIONS

According to Order, the following Petitions were favourably examined and pursuant to Rule 16(7) read and received:

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to develop a poverty elimination strategy.

(Addendum to Sessional Paper No. 3)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to manage the provincial finances more responsibly.

(Addendum to Sessional Paper No. 6)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to provide funding to assist Seniors' Recreation Centres to remain open and active in their communities.

(Addendum to Sessional Paper No. 27)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to enact some form of rent control to protect Saskatchewan renters from unreasonable increases in rent.

(Addendum to Sessional Paper No. 29)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to devote the necessary resources for the construction of an elementary school in Hampton Village.

(Addendum to Sessional Paper No. 77)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to begin a comprehensive, transparent and public review of Saskatchewan's potash royalty system.

(Addendum to Sessional Paper No. 125)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to provide a subsidy to personal care homes for senior citizens.

(Addendum to Sessional Paper No. 210)

REPORT OF THE STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

The following Bill was reported without amendment and consideration in Committee of the Whole having been waived by leave of the Assembly, it was moved by the Hon. Mr. Morgan:

That Bill No. 161 – The Election Amendment Act, 2010 – be now read the third time and passed under its title.

The question being put, it was agreed to on the following Recorded Division:

YEAS – 36

Wall	Morgan	Bjornerud	Norris	Draude
Krawetz	Boyd	Eagles	McMorris	Cheveldayoff
Duncan	Huyghebaert	McMillan	Harpauer	D'Autremont
Harrison	Hickie	Reiter	Hutchinson	Brkich
Hart	Schriemer	Stewart	Allchurch	Weekes
Ross	Wilson	Gantefoer	Michelson	Wyant
Ottenbreit	Chisholm	Kirsch	Bradshaw	Tell
Heppner				

NAYS – 18

McCall	Harper	Trew	Higgins	Junor
Atkinson	Nilson	Forbes	Vermette	Broten
Furber	Morin	Yates	Iwanchuk	Taylor
Quennell	Wotherspoon	Chartier		

STATEMENT BY THE SPEAKER

(Ruling on Bill Nos. 629 and 630 – Requirement for Royal Recommendation)

It is the practice of this Assembly and the Speaker's duty to review all bills in regard to Rule 65 of *The Rules and Procedures of the Legislative Assembly of Saskatchewan*. This rule states in part that any bill which proposes "any new or additional charge upon the public revenue or upon the people [...] shall be recommended to the Assembly by Message of the Lieutenant Governor before it is considered by the Assembly."

Speakers have consistently upheld the constitutional principle of the financial initiative of the Crown, including accountability for all public expenditures and initiating legislation that imposes additional charges upon the public. Members of Executive Council are held strictly accountable for all public expenditures, and accordingly, only they may initiate legislation involving the imposition of new or additional charges upon the public revenue or upon the people.

The practice in this Assembly is for bills to be introduced and read the first time with their further progress being contingent upon the Speaker affirming that they are in order pursuant to Rule 65 of *The Rules and Procedures of the Legislative Assembly of Saskatchewan*. I have now had the opportunity to review a number of bills that have been introduced and wish to draw to the attention of the Assembly *Bill No. 629 – The Independent Budget Officer Act*, and *Bill No. 630 – The Health Document Storage Act*. Both bills are presently standing on the Order Paper for second reading under Private Members' Public Bills and Orders, items No. 9 and 10 respectively.

Pursuant to Rule 23(3), these bills could be designated for priority consideration today and considered on Thursday. Therefore, to prevent consideration of bills that may not be procedurally acceptable, I must now rule whether these bills are in order.

On May 12, 2011, *Bill No. 629 – The Independent Budget Officer Act* was introduced by the Member from Regina Rosemont (Mr. Wotherspoon). The issue that I must address is whether Bill No. 629 contravenes the principle of the Crown initiative in financial matters.

Clause two of this bill establishes the Independent Budget Officer as an officer of the Legislative Assembly. Clause five details the mandate of the Independent Budget Officer and clauses eight and nine provide the legislative authority to enter into contracts and obtain services. The establishment of a new Officer of the Assembly would create a charge upon the public revenue.

It is stated in Erskine May 23rd edition at pages 881 and 882, that a particular legislative proposal requires to be authorized by a money resolution when a proposal involves a new expenditure or charge upon the public revenue that is not already covered by legislative authorization. Further on page 883, "the expenses connected with the establishment of a new department" require a Royal Recommendation. The establishment of a new Independent Officer of the Assembly would be similar to the establishment of a new department. I would also refer Members to the ruling of Speaker Hagel on April 7, 1997. In his ruling, Speaker Hagel found that the creation of a Health Ombudsman as an Officer of the Assembly and the associated office created a charge on public moneys. Further, Speaker Brockelbank ruled on March 11, 1980 that the establishment of an information commissioner required a Royal Recommendation. Similarly, rulings on May 6, 1998 by Speaker Hagel and June 12, 2001 by Speaker Kowalsky found bills seeking to create a commission constituted an expenditure of public funds and required a Royal Recommendation.

For these reasons, I find that Bill No. 629 requires a Royal Recommendation. The Member from Regina Rosemont is not a member of Executive Council, therefore I must rule that the said bill is out of order and be removed from the Order Paper.

With respect to the second Bill in question, on May 12, 2011, *Bill No. 630 – The Health Document Storage Act* was introduced by the Member from Saskatoon Eastview (Ms. Junor). The issue that I must address is whether Bill No. 630 requires an expenditure of public funds and thus contravenes the principle of the Crown initiative in financial matters.

Upon review, clause three requires the Ministry of Health to establish a medical file storage facility for both paper and electronic documents. The establishment of a medical file storage facility would require a financial expenditure by the Ministry of Health. Erskine May 23rd edition at page 884 clearly states that “the authorization of a single payment out of the Consolidated Fund requires a recommendation.” Further, Bill No. 630 provides the Office of the Saskatchewan Information and Privacy Commissioner the additional legislative authority to maintain and organize the medical file storage facility. I would refer Members to Erskine May 23rd edition at page 883, which states “expenses arising out of the imposition of new duties on an existing department or authority” require a Royal Recommendation.

This Bill imposes new duties on the Office of the Information and Privacy Commissioner and the Ministry of Health. I refer Members to similar rulings by Speaker Brockelbank on May 20, 1980 and Speaker Tusa on May 1, 1990 where they ruled that a bill that imposed new duties on existing Independent Officers required a Royal Recommendation.

It is for these reasons that I find that *Bill No. 630 – The Health Document Storage Act* contravenes the principle of the Crown initiative in financial matters. Bill No. 630 requires a Royal Recommendation. The Member from Saskatoon Eastview is not a member of Executive Council and not entitled to obtain such a recommendation. Accordingly, I must rule that the said Bill is out of order and be removed from the Order Paper.

Thereupon, Bill Nos. 629 and 630 were withdrawn.

COMMITTEE OF FINANCE

Summary of Resolutions adopted:

GENERAL REVENUE FUND

SUPPLEMENTARY ESTIMATES 2010-2011

EXECUTIVE BRANCH OF GOVERNMENT

Resolved, That there be granted to Her Majesty for the twelve months ended March 31, 2011 the following sums:

BUDGETARY EXPENSES

- | | | |
|----|--|--------------|
| 1. | For Advanced Education, Employment and Immigration | \$78,059,000 |
| 2. | For Corrections, Public Safety and Policing | 13,187,000 |

3.	For Education	68,614,000
4.	For Energy and Resources	36,226,000
5.	For Enterprise and Innovation Programs	800,000
6.	For Enterprise Saskatchewan	3,000,000
7.	For Environment	37,015,000
8.	For Health	162,996,000
9.	For Highways and Infrastructure	29,500,000
10.	For Innovation Saskatchewan	8,500,000
11.	For Justice and Attorney General	3,771,000
12.	For Office of the Provincial Capital Commission	100,000
13.	For Office of the Provincial Secretary	60,000
14.	For Social Services.....	42,140,000

LEGISLATIVE BRANCH OF GOVERNMENT

15.	For Conflict of Interest Commissioner.....	\$50,000
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GENERAL REVENUE FUND

MAIN ESTIMATES 2011-2012

EXECUTIVE BRANCH OF GOVERNMENT

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2012 the following sums:

BUDGETARY EXPENSES

1.	For Advanced Education, Employment and Immigration	\$854,034,000
2.	For Agriculture	415,808,000
3.	For Corrections, Public Safety and Policing	378,554,000
4.	For Education	1,261,463,000
5.	For Energy and Resources	49,078,000
6.	For Enterprise and Innovation Programs	27,347,000

7.	For Enterprise Saskatchewan	41,803,000
8.	For Environment	188,888,000
9.	For Executive Council	12,102,000
10.	For Finance	201,903,000
11.	For First Nations and Métis Relations	82,203,000
12.	For Government Services	45,905,000
13.	For Health	4,462,129,000
14.	For Highways and Infrastructure	270,893,000
15.	For Information Technology Office	19,659,000
16.	For Innovation Saskatchewan	3,467,000
17.	For Justice and Attorney General	150,604,000
18.	For Labour Relations and Workplace Safety	16,958,000
19.	For Municipal Affairs	388,668,000
20.	For Office of the Provincial Capital Commission	9,813,000
21.	For Office of the Provincial Secretary	3,579,000
22.	For Public Service Commission	36,743,000
23.	For Saskatchewan Research Council	18,133,000
24.	For Social Services	822,956,000
25.	For Tourism, Parks, Culture and Sport	106,698,000

LENDING AND INVESTING ACTIVITIES

26.	For Advanced Education, Employment and Immigration	\$50,000,000
27.	For Enterprise and Innovation Programs	4,000,000
28.	For First Nations and Métis Relations	350,000

LEGISLATIVE BRANCH OF GOVERNMENT

29.	For Children's Advocate	\$1,631,000
30.	For Conflict of Interest Commissioner	145,000

31.	For Information and Privacy Commissioner	1,114,000
32.	For Legislative Assembly	8,295,000
33.	For Ombudsman	2,777,000
34.	For Provincial Auditor	7,932,000

GENERAL REVENUE FUND

MAJOR CAPITAL EXPENDITURE

Executive Branch of Government

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2012, the following sums, which to the extent that they remain unexpended for that fiscal year are also granted for the fiscal year ending on March 31, 2013:

1.	For Highways and Infrastructure Capital	\$285,300,000
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On motion of the Hon. Mr. Krawetz:

Resolved, that towards making good the supply granted to Her Majesty on account of certain charges and expenses of the public service for the fiscal year ending March 31, 2011, the sum of four hundred eighty-four million, eighteen thousand dollars be granted out of the general revenue fund.

On motion of the Hon. Mr. Krawetz:

Resolved, that towards making good the supply granted to Her Majesty on account of certain charges and expenses of the public service for the fiscal year ending March 31, 2012, the sum of nine billion, nine hundred forty-five million, six hundred thirty-two thousand dollars be granted out of the general revenue fund.

On motion of the Hon. Mr. Krawetz:

Resolved, that towards making good the supply granted to Her Majesty on account of certain charges and expenses of the public service for the fiscal year ending March 31, 2012, which to the extent that they remain unexpended for the fiscal year are also granted for the fiscal year ending on March 31, 2013, the sum of two hundred eighty-five million, three hundred thousand dollars be granted out of the general revenue fund.

The said Resolutions were reported, read twice and agreed to, and the Committee given leave to sit again.

THE APPROPRIATION ACT, 2011 (No. 1)

Moved by the Hon. Mr. Krawetz: That Bill No. 175 – The Appropriation Act, 2011 (No. 1) – be introduced and read the first time.

The question being put, it was agreed to and the said Bill was, accordingly, read the first time.

By leave of the Assembly and pursuant to Rule 72(2), the said Bill was then read a second and third time and passed under its title.

On motion of Mr. D'Autremont:

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 3:34 p.m. until Wednesday at 1:30 p.m.

Hon. Don Toth
Speaker

RETURNS, REPORTS AND PAPERS TABLED

The following papers were laid upon the Table:

By the Hon. Mr. McMillan:

Bylaws, Rules and Regulations of the following Professional Associations and amendments thereto, under provisions of the respective Acts:

Law Society of Saskatchewan

Chiropractors' Association of Saskatchewan

Saskatchewan Association of Medical Radiation Technologists

Saskatchewan Teachers' Federation

Funeral and Cremation Services Council

College of Physicians and Surgeons of the Province of Saskatchewan

Saskatchewan Institute of Agrologists

(Addendum to Sessional Paper No. 58)

Report pursuant to *The Family Farm Credit Act*, dated April 15, 2011.

(Sessional Paper No. 214)

NOTICE OF PRIORITY ITEMS

On Thursday:

No. 1 (Opposition)

ADJOURNED DEBATE

On the proposed **Motion No. 2** moved by Mr. Forbes:

That this Assembly calls on the government to recognize the urgent nature of the housing and affordability crisis across the province, as evidenced by the fact that the Salvation Army is having to turn people away from its emergency shelters in Saskatoon due to over capacity for the first time;

And further, that in making this call, the Assembly urges the government to do the following:

- (1) To immediately assist emergency shelters to increase their capacity to provide desperately needed services during cold winter months;
- (2) To immediately begin the process of developing a comprehensive affordable housing strategy and a comprehensive poverty reduction strategy to address the underlying causes of this crisis.

No. 2 (Government)

Not submitted – Item of business determined pursuant to Rule 23(3)

No. 3 (Opposition)

SECOND READINGS

Bill No. 625 – The Saskatchewan Respectful Language Act

(Mr. Forbes)

No. 4 (Government)

Not submitted – Item of business determined pursuant to Rule 23(3)