

## Sessional Order 2020

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MOVED BY: Hon. Mr. GOERTZEN

SECONDED BY:

THAT in order to accommodate the use of virtual technology for sittings of the Manitoba Legislative Assembly and of the Assembly's Committees, the following sessional orders are to apply until the dissolution of the 42<sup>nd</sup> Legislature.

Amended November 19, 2020; December 3, 2020; May 18, 2021; December 1, 2021; March 1, 2022; March 24, 2022; April 11, 2022; June 1, 2022, December 1, 2022, June 1, 2023

THAT the Assembly's customary procedures and practices remain in effect for Members situated in the Assembly Chamber and committee rooms unless otherwise noted.

THAT in the event of a discrepancy with the existing Rules, the provisions of the sessional order are to apply.

THAT in the event of public safety requirements as set out by an *Order* under *The Public Health Act* prescribed by the Chief Provincial Public Health Officer, the Speaker, House Leaders of Recognized Parties and the Honourable Member for River Heights (or their designates) collectively will have the ability to vary, pause or postpone the proceedings of the House and Committees until the said *Order* is terminated. Upon termination of the said *Order*, the proceeding of the House and Committees will resume immediately.

THAT for the purpose of attendance, all MLAs participating virtually or observing the Throne Speech proceedings outside of the Chamber due to physical distancing requirements are deemed to be in attendance retroactive to October 7, 2020.

### Virtual Proceedings

**1** Notwithstanding the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba*, the House and the Assembly's Committees can meet from time to time in virtual proceedings, which includes Members physically present in the Chamber or committee room and Members participating from locations outside of the Chamber or committee room using an approved videoconferencing technology platform.

### *Definitions*

#### Definitions

**2** In this Sessional Order,

**“committee proceeding”** means a meeting of the Assembly's Committees taking place in a committee room or the Chamber and remotely from locations outside of a committee room or the Chamber using an approved videoconferencing technology platform.

**“Moderator”** means a Legislative Assembly employee acting under the authority of the Speaker to facilitate the remote participation of Members in the proceedings.

**“sitting of the House”** means a sitting of the House taking place in the Chamber and remotely from locations outside of the Chamber using an approved videoconferencing technology platform.

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“**virtual proceeding**” means a sitting of the House or committee proceeding using an approved videoconferencing technology platform involving Members of the Legislative Assembly who are not physically present in the Chamber or committee room.

“**virtually**” means participating in a virtual proceeding and appearing visually on the approved videoconferencing technology platform screens in the Chamber or committee room.

### *Quorum and Attendance*

#### **Quorum and Attendance**

**3** Members who are participating virtually in the proceedings are to be counted as part of the quorum of 10 Members required as set out in sub-rules 5(1) and 75(2) and section 8 of *The Legislative Assembly Act*.

#### **Quorum Count**

**4** If a quorum count is requested during a sitting of the House

- (a) the division bells shall ring for one minute during which time the doors shall remain open and Members may enter the Chamber or join the sitting virtually;
- (b) once the division bells stop, no further Members may enter the Chamber or join the sitting virtually, with the Moderator to block online access once the division bells have stopped;
- (c) the Clerk shall then count and announce the number of Members present in their seats in the Chamber and those Members who are present virtually, including the Speaker; and
- (d) if a quorum of Members is not present, the Speaker must adjourn the House for the sitting day.

### *Virtual participation*

#### **Notice to participate virtually**

**5** Members are to provide two hours’ written notice to the Speaker and the Clerk of their intent to participate virtually on any sitting day.

- (a) In the event that this notice requirement is not met, a Member may appeal to the Speaker in writing for an exception.
- (b) With two hours’ written notice to the Speaker and the Clerk, if necessary Members may participate virtually in the proceedings of any Committee of the Assembly, even if they have participated in House proceedings in person that same day.

Amended April 11, 2022

#### **Audio and video functions**

**6** Members who are participating virtually must have their audio and video functions enabled with their faces identifiable in order to be included as part of the quorum, to participate in proceedings and to vote.

**7** Members participating virtually must keep their audio muted until recognized by the Chair and should also mute their audio if stepping away from the screen.

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### *Dress Code*

#### **Dress code**

**8** Business professional attire comparable to attire worn in the Chamber is required for Members participating virtually.

### *Electronic devices*

#### **Use of electronic devices**

**9** Members participating in a sitting of the House or a committee proceeding may use electronic devices in silent mode. During Oral Questions, such devices should be kept below the desk or table and out of the camera's view.

### *Decorum on Adjournment*

#### **Decorum on Adjournment**

**10** When the House adjourns, Members present in the Chamber shall stand and remain in their places until the Speaker has left the Chamber, while Members participating virtually shall not log off until the Speaker has adjourned the House.

### *Speaking on the record*

#### **Order in Addressing the Chair**

**11** Every Member in the Chamber desiring to speak shall rise in their place and address themselves to the Speaker. In accordance with the Legislative Assembly seating plan, Members seated in supplementary seating must proceed to a stand up podium microphone to speak, while Members participating virtually shall signal the Moderator of their intention to speak, and should speak from a seated position once recognized.

### *Tabling of Documents*

#### **Tabling of Document**

**12** A Member presenting a report or document to the House while participating virtually must state that they are "tabling" a report or document, and must provide an electronic copy to the Moderator immediately.

### *Motions*

#### **Motions to be in writing**

**13** All motions shall be in writing, except motions to adjourn a debate or to adjourn the House. This includes motions moved by Members participating virtually, which must be submitted electronically to the Moderator immediately.

#### **Motions moved and seconded**

**14** Members must be in attendance, including virtually, to move or second a motion.

### *Putting the Question*

#### **Conduct during the Putting of the Question**

**15** When the Speaker is putting a question, all Members are to remain seated and are not to make any noise or disturbance.

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### *Recorded Divisions and Voting*

#### **Request for recorded division**

**16** A recorded division on any question put to the House may be requested by

- (a) a House Leader from a Recognized Party; or
- (b) any Member with the support of three other Members including Members participating virtually who raise their hands to show support.

#### **No Debate permitted**

**17** After all Members have been summoned to the sitting for a division, no further debate shall be permitted.

#### **Conduct during stating of the question**

**18** No Member shall enter or leave the sitting whether present in the Chamber or participating virtually during the stating of the question, and may not leave the sitting during the final statement of the question until the division has been conducted and the result of the vote announced.

#### **Time Limit on Division Bells**

**19** Not more than one hour after directing that the Members be summoned to the sitting, the Speaker shall

- (a) order that the division bells be turned off;
- (b) state the question again; and
- (c) immediately order the recording of the division.

#### **Requirement to vote**

**20** Every Member present whether in their seat or participating virtually must vote. Voting will first be conducted with the Members seated in the Chamber followed by the Members participating virtually.

#### **Conducting the vote**

**21** For the Members participating virtually, the vote will be conducted by calling the names of Members individually starting with the Leaders of Recognized Parties and then alphabetically, with each Member to say yea or nay when their name is called.

### *Points of Order and Matters of Privilege*

#### **Raising of Points of Order and Matters of Privilege**

**22** Members participating virtually must signal the intent to raise a point of order or matter of privilege by unmuting their audio and seeking the floor.

#### **Procedure on Point of Order**

**23** A Member addressing the House, if called to order by either the Speaker or on a point of order raised by another Member, shall cease deliberations and be seated, and if participating virtually shall mute their audio while the point of order is being stated, after which the Member may explain.

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### **Privilege rulings subject to challenge**

**24** 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; including Members participating virtually who raise their hands to show support.

### *Naming a Member*

### **Naming a Member**

**25** The Speaker shall be vested with the authority to maintain order by naming individual Members for disregarding the authority of the Chair and ordering a withdrawal from the Chamber or termination of virtual participation for the remainder of the sitting day.

### **Disregarding an order of the Chair**

**26** In the event of a Member disregarding an order of the Chair made pursuant to sessional order 25, the Speaker shall order the Sergeant-at-Arms to escort the Member out of the Chamber or direct the Moderator to terminate the virtual participation of the Member.

### **Suspension**

**27** A suspension under sessional order 26 shall be decided by the Speaker but shall not exceed two weeks, including virtual participation.

**28** If a Member refuses to obey the Speaker's order to accompany the Sergeant-at-Arms out of the Chamber, the Speaker must then advise the House that force is required to implement the order. Any Member removed from the Chamber by force is then suspended from all sittings for the remainder of the session.

### *Moment of Silence*

### **Moment of Silence**

**29** At the conclusion of the Speeches for condolence motions, the Speaker puts the question and asks Members to signify their approval of the motion by observing a moment of silence, with Members present in the Chamber to rise.

**30** With unanimous consent, a moment of silence may be observed with the Members present in the Chamber to rise and the Members participating virtually to remain seated.

### *Standing Committees*

### **Rules governing Standing Committees**

**31** The Government House Leader, the Official Opposition House Leader and the Member for River Heights (or their designates) collectively are authorized to make further changes to rules governing Standing Committees when the House is not sitting by providing a letter to the Speaker detailing such changes.

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### **Presentations to Standing Committees**

- 32** (a) Public presentations to Bills at Standing Committees may take place remotely or in person, with presenters appearing either virtually, by telephone, or by being present in the committee rooms.
- (b) When appearing before a Standing Committee, representatives of a Crown Corporation or an Office of the Assembly may participate in the meeting either in person or virtually.

Amended November 19, 2020; April 11, 2022

### **General Provisions**

#### *Amendments*

- 33** After adoption by the House, this Sessional Order may be amended only by
- (a) unanimous consent of the House;
- (b) passage of a subsequent Sessional Order by the House; or
- (c) written agreement of all House Leaders if the House is not sitting.