



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. HAWRANIK moved:

THAT Bill (No. 212) – The Historic Trans-Canada Highway Act/Loi sur l'ancienne route transcanadienne, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Messrs. HAWRANIK, SWAN and CULLEN, Hon. Mr. LEMIEUX, Messrs. PENNER and MALOWAY, having spoken,

And Hon. Mr. GERRARD speaking at 11:00 a.m. The debate was allowed to remain in his name.

Hon. Mr. GERRARD moved:

Resolution No. 14: Improving Democratic Accountability through All-Party Legislative Screening of Provincial Appointments

WHEREAS new government appointments to various boards including those of Crown Corporations are critical to the success of the operations of these boards and the operations of Crown Corporations; and

WHEREAS Crown Corporations are intended to serve the public interest with separation from the politics of government management; and

WHEREAS governing parties have, in the past, used the power of appointment for political patronage rather than public interest; and

WHEREAS the public interest is best served by appointing community leaders and citizens with qualifications appropriate to the mandate of Crown Corporations.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider all major provincial government appointments be fully screened by an All-Party Legislative Committee before appointments are confirmed.

And a debate arising,

And Hon. Mr. GERRARD, Messrs. CUMMINGS, MALOWAY, DEWAR, MARTINDALE and LAMOUREUX and Hon. Mr. ASHTON having spoken,

And Mr. DERKACH speaking at 12:00 p.m. The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. DERKACH – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Minnedosa), and to consider utilizing current technology in order to maintain these positions in their existing location. (D. C. Morgan, J. Madill, P. Woodcock and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing and the Premier to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren. (M. Domino, D. Kuzminski, E. Struch and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (G. Willim, L. Stasiuk, A. Willim and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to request the Provincial Government to immediately cancel its plans to support the construction of the OlyWest Hog Plant and Rendering Factory near any urban residential area. (L. Yang, P. Yang, C. Sayese and others)

Ms. BRICK, Chairperson of the Standing Committee on Social and Economic Development, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- Monday, June 5, 2006 at 9:00 a.m.
- Monday, June 5, 2006 at 6:00 p.m.

All meetings were held in Room 255 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 11)** – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver
- **Bill (No. 12)** – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport
- **Bill (No. 14)** – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau
- **Bill (No. 24)** – The Consumer Protection Amendment Act (Government Cheque Cashing Fees)/Loi modifiant la Loi sur la protection du consommateur (frais d'encaissement des chèques du gouvernement)
- **Bill (No. 27)** – The Tobacco Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac
- **Bill (No. 35)** – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques
- **Bill (No. 300)** – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba

Committee Membership:

Committee Membership for the meeting on Monday, June 5, 2006 at 9:00 a.m.:

- Hon. Mr. ASHTON
- Hon. Mr. BJORNSON
- Ms. BRICK (*Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Hon. Mr. LEMIEUX
- Mr. MARTINDALE
- Mrs. MITCHELSON
- Mr. PENNER
- Hon. Mr. SELINGER
- Mrs. STEFANSON

At the meeting on Monday, June 5, 2006 at 9:00 a.m. your Committee elected Mr. MARTINDALE as the Vice-Chairperson.

Substitutions received during committee proceedings on Monday, June 5, 2006 at 9:00 a.m.:

- Mr. DYCK for Mrs. STEFANSON

Committee Membership for the meeting on Monday, June 5, 2006 at 6:00 p.m.:

- Hon. Mr. ASHTON
- Hon. Mr. BJORNSON

- Ms. BRICK (*Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Hon. Mr. LEMIEUX
- Mr. MARTINDALE (*Vice-Chairperson*)
- Mrs. MITCHELSON
- Hon. Mr. SELINGER
- Mrs. STEFANSON
- Mrs. TAILLIEU

Substitutions received during committee proceedings on Monday, June 5, 2006 at 6:00 p.m:

- Mr. PENNER for Mrs. TAILLIEU
- Hon. Mr. SALE for Hon. Mr. CHOMIAK

Motions:

Your Committee agreed to the following motion during committee proceedings on Monday, June 5, 2006 at 6:00 p.m:

- *THAT THIS COMMITTEE RECOMMENDS THAT THE FEES PAID WITH RESPECT TO BILL (No. 300) – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, BE REFUNDED, LESS THE COST OF PRINTING.*

Public Presentations:

Your Committee heard five presentations on **Bill (No. 11)** – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, from the following individuals and organizations:

Ian Wishart	Keystone Agricultural Producers
Gloria Desorcy	Manitoba Branch of the Consumers Association of Canada
Tom Simms	Community Education Development Association
Jennifer Lukovich	Private Citizen
Rt. Hon. Ed Schreyer	Private Citizen

Your Committee heard two presentations on **Bill (No. 12)** – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport, from the following individual and organization:

Doug Chorney	Keystone Agricultural Producers
Diane Rybak	Private Citizen

Your Committee heard eight presentations on **Bill (No. 14)** – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau, from the following individuals and organizations:

Greg Bruce	Ducks Unlimited Canada
Doug Dobrowski	Association of Manitoba Municipalities
Jake Buhler	Manitoba Conservation Districts Association
Ian Wishart	Keystone Agricultural Producers
Roland Chaput	Private Citizen
Richard Gregoire	Private Citizen
L. Lacoste	Private Citizen
James Wade	Dairy Farmers of Manitoba

Your Committee heard one presentation on **Bill (No. 35)** – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques, from the following organization:

Brian Ardern	President, Manitoba Teachers Society
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Your Committee heard one presentation on **Bill (No. 300)** – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, from the following individual:

Len Evans	Private Citizen
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Written Submissions:

Your Committee received one written submission on **Bill (No. 11)** – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, from the following organization:

Sara Anghel	Direct Energy
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Your Committee received two written submissions on **Bill (No. 35)** – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques, from the following organizations:

Joyce Bateman	Board Chair, Winnipeg School Division
Hilda Froese	Garden Valley School Division

Bills Considered and Reported:

Bill (No. 11) – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver

Your Committee agreed, on division, to report this Bill with the following amendments:

Your committee voted to defeat Clause 3 of the Bill.

THAT Clause 7(1) of the Bill be amended by striking out "STABILIZATION AND AFFORDABLE ENERGY FUND" where it occurs in the centred heading before the Clause and in the Clause, and by substituting "AFFORDABLE ENERGY FUND", with any necessary grammatical changes.

THAT Clause 7(2) of the Bill be replaced with the following:

Purpose of the fund

7(2) The purpose of the fund is to provide support for programs and services that

- (a) encourage energy efficiency and conservation;
- (b) encourage the use of alternative energy sources, including earth energy;
- (c) facilitate research and development of alternative energy sources and innovative energy technologies.

Energy efficiency and conservation programs and services

7(2.1) The programs and services for energy efficiency and conservation referred to in clause (2)(a) must be designed and delivered to ensure

- (a) that people living in rural or northern Manitoba, those with low incomes and seniors have access to those programs and services; and
- (b) that Manitoba Hydro's residential customers have access to comparable programs and services, regardless of the energy source they use to heat their homes.

THAT Clause 7(3) of the Bill be amended by striking out "in the 2005-06 fiscal year and".

THAT Clause 10 of the Bill be replaced with the following:

Coming into force

10 This Act comes into force on a day to be fixed by proclamation.

Bill (No. 12) – The Highways and Transportation Amendment Act/Loi modifiant la Loi sur la voirie et le transport

Your Committee agreed to report this Bill without amendment.

Bill (No. 14) – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau

Your Committee agreed to report this Bill without amendment.

Bill (No. 24) – The Consumer Protection Amendment Act (Government Cheque Cashing Fees)/Loi modifiant la Loi sur la protection du consommateur (frais d'encaissement des chèques du gouvernement)

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 2 of the Bill be amended in the proposed section 165 by adding the following definition:

"local government body" means

- (a) a municipality;
- (b) a local government district;
- (c) a community or incorporated community under *The Northern Affairs Act*; or
- (d) a school division or school district established under *The Public Schools Act*;

designated as a local government body in the regulations. (« organisme d'administration locale »)

THAT the definition "government cheque" in the proposed section 165, as set out in Clause 2 of the Bill, be amended by striking out "or" at the end of clause (b), adding "or" at the end of clause (c) and adding the following after clause (c):

(d) a local government body.

THAT Clause 2 of the Bill be amended by adding the following after the proposed clause 168(1)(b):

(b.1) designating any of the following as a local government body for the purpose of this Part:

- (i) a municipality,
- (ii) a local government district,
- (iii) a community or incorporated community under *The Northern Affairs Act*, or
- (iv) a school division or school district established under *The Public Schools Act*;

THAT the proposed subsection 169(11), as set out in Clause 2 of the Bill, be replaced with the following:

Application of Public Utilities Board Act

169(11) Part I of *The Public Utilities Board Act* applies, with necessary changes, to the making of an order under this section as if the powers and duties of the board under this section were assigned to the board under that Part, except for the following provisions:

- (a) section 33 (power of board on complaints);
- (b) section 34 (power to appoint counsel) as it relates to the fees and expenses of the person appointed;
- (c) subsection 51(2) (time for service of order);
- (d) section 52 (enforcement of order);
- (e) section 56 (order as to costs) as it relates to the costs of an intervener;
- (f) section 57 (fees).

Bill (No. 27) – The Tobacco Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac

Your Committee agreed to report this Bill without amendment.

Bill (No. 35) – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques

Your Committee agreed to report this Bill without amendment.

Bill (No. 300) – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba

Your Committee agreed to report this Bill without amendment.

On motion of Ms. BRICK, the Report of the Committee was received.

Mr. REID, Chairperson of the Standing Committee on Legislative Affairs, presented its Fourth Report, which was read as follows:

Meetings:

Your Committee met on Monday, June 5, 2006 at 6:00 p.m. in Room 254 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 22)** – The Elections Reform Act/Loi sur la réforme électorale

Committee Membership:

- Mr. CUMMINGS
- Mr. DEWAR
- Hon. Mr. DOER
- Mr. GOERTZEN
- Ms. KORZENIOWSKI
- Hon. Mr. MACKINTOSH
- Mr. MALOWAY
- Mr. MCFADYEN
- Mr. REID (*Chairperson*)
- Mr. SCHULER
- Mr. SWAN

Your Committee elected Ms. KORZENIOWSKI as the Vice-Chairperson.

Public Presentations:

Your Committee heard two presentations on **Bill (No. 22)** – The Elections Reform Act/Loi sur la réforme électorale, from the following individuals:

Sidney Green	Private Citizen
Roy McPhail	Private Citizen

Bills Considered and Reported:

Bill (No. 22) – The Elections Reform Act/Loi sur la réforme électorale

Your Committee agreed to report this Bill, with the following amendments:

THAT Schedule A to the Bill be amended in the English version of Clause 200(3) by striking out "may" and substituting "must".

THAT Schedule B of the Bill be amended by replacing clause 6 with the following:

6 Section 6.2 is amended by striking out "or any person employed under the Chief Electoral Officer" and substituting ", the commissioner, or any person appointed or employed by the Chief Electoral Officer or the commissioner,".

THAT the proposed clause 37.4, as set out in clause 13 of Schedule B to the Bill, be replaced with the following:

Application

37.4 For certainty, nothing in sections 37.1 to 37.3 prevents a professional fundraiser, event organizer, call centre, or other similar entity retained for fundraising purposes by a candidate, leadership contestant, constituency association or registered political party from doing one or both of the following:

(a) soliciting a contribution on behalf of the candidate, leadership contestant, constituency association or registered political party;

(b) collecting information from an individual who wishes to make a contribution and forwarding the information to the candidate, leadership contestant, constituency association or registered political party.

THAT Clause 24(1) of Schedule B to the Bill be amended

(a) by replacing the proposed clause 56(1)(c) with the following:

(c) is by a Crown agency, is in continuation of earlier publications or advertisements and is required at the time for ongoing programs of the agency.

(b) by adding "or" at the end of clause 56(1.1)(b); and

(c) by replacing clauses 56(1.1)(c) and (d) with the following:

(c) is in continuation of earlier publications or advertisements and is required at the time for ongoing programs of the government department or Crown agency.

On motion of Mr. REID, the Report of the Committee was received.

Mr. NEVAKSHONOFF, Chairperson of the Standing Committee on Agriculture and Food, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Monday, June 5, 2006 at 9:00 a.m. in Room 254 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 19)** – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural
- **Bill (No. 20)** – The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act/Loi modifiant la Loi sur la protection des exploitations agricoles familiales et la Loi sur la propriété agricole
- **Bill (No. 30)** – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence

- **Bill (No. 31)** – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux

Committee Membership:

- Mr. AGLUGUB
- Hon. Ms. ALLAN
- Mr. DEWAR
- Mr. EICHLER
- Mr. FAURSCHOU
- Mr. MAGUIRE
- Mr. NEVAKSHONOFF
- Hon. Mr. RONDEAU
- Mr. SCHELLENBERG
- Mr. SCHULER
- Hon. Ms. WOWCHUK

Your Committee elected Mr. NEVAKSHONOFF as the Chairperson.

Your Committee elected Mr. AGLUGUB as the Vice-Chairperson.

Substitutions received during committee proceedings:

- Mr. JENNISSEN for Hon. Mr. RONDEAU

Public Presentations:

Your Committee heard two presentations on **Bill (No. 19)** – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural, from the following organizations:

David Rolfe, President
James Wade

Keystone Agricultural Producers
Dairy Farmers of Manitoba

Your Committee heard two presentations on **Bill (No. 30)** – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence, from the following organizations:

Doug Dobrowski
Don Thompson

Association of Manitoba Municipalities
Manitoba Fire Chiefs Association

Your Committee heard five presentations on **Bill (No. 31)** – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, from the following individuals and organizations:

Ken Crockatt
David Rolfe, President
Betty Green
Andrew Dickson
James Wade

Manitoba Cattle Producers
Keystone Agricultural Producers
Canadian Animal Health Coalition
Private Citizen
Dairy Farmers of Manitoba

Bills Considered and Reported:

Bill (No. 19) – The Agri-Food and Rural Development Council Act/Loi sur le Conseil du développement agroalimentaire et rural

Your Committee agreed to report this Bill without amendment.

Bill (No. 20) – The Family Farm Protection Amendment and Farm Lands Ownership Amendment Act/Loi modifiant la Loi sur la protection des exploitations agricoles familiales et la Loi sur la propriété agricole

Your Committee agreed to report this Bill without amendment.

Bill (No. 30) – The Fires Prevention and Emergency Response Act/Loi sur la prévention des incendies et les interventions d'urgence

Your Committee agreed to report this Bill without amendment.

Bill (No. 31) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux

Your Committee agreed to report this Bill without amendment.

On motion of Mr. NEVAKSHONOFF, the Report of the Committee was received.

During Oral Questions, Mr. Speaker interjected and requested that the words "spreading mistruths" spoken by the Honourable Minister of Family Services and Housing be withdrawn.

WHEREUPON Hon. Ms. MELNICK withdrew her remarks.

Following Oral Questions, Mr. Speaker made the following ruling:

During debate of Bill (No. 23) – The Safer Communities and Neighbourhoods Amendment Act on May 17, 2006, the Honourable Member for Inkster raised a point of order to indicate that he had not been commenting on the presence or absence of Members from the Chamber. The Deputy Speaker took the matter under advisement in order to peruse Hansard.

After having perused the record, I would note that the Honourable Member did not have a point of order. Further, I must advise the Honourable Member that it is not appropriate to reflect on a ruling or advice given by a Presiding Officer. If a Member disagrees with a ruling or advice offered from the Chair, the Member should challenge the ruling and not debate the merits of the ruling or advice on a point of order. I offer a caution to the Honourable Member about using a point of order in this manner and ask that this type of action not be repeated in the future.

Pursuant to Rule 26(1), Messrs. DERKACH and REID, Mrs. TAILLIEU, Messrs. JENNISSON and DYCK made Members' Statements.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. SELINGER:

THAT Bill (No. 25) – The Consumer Protection Amendment Act (Payday Loans)/Loi modifiant la Loi sur la protection du consommateur (prêts de dépannage), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LAMOUREUX and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. LATHLIN:

THAT Bill (No. 32) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LAMOUREUX and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Ms. MCGIFFORD:

THAT Bill (No. 29) – The Degree Granting Act/Loi sur l'attribution de grades, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

Hon. Ms. MELNICK moved:

THAT Bill (No. 38) – The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)/Loi modifiant la Loi sur la Société d’habitation et de rénovation (fonds destiné à la revitalisation des logements), be now read a Second Time and be referred to a Committee of this House.

(Recommended by His Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Ms. MELNICK having spoken,

The debate was, on motion of Mr. LAMOUREUX, adjourned.

Hon. Ms. MELNICK presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 38).

(Sessional Paper No. 81)

Hon. Mr. ROBINSON moved:

THAT Bill (No. 28) – The Manitoba Museum Amendment Act/Loi modifiant la Loi sur le Musée du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ROBINSON having spoken,

The debate was, on motion of Mr. LAMOUREUX, adjourned.

Tuesday, June 6, 2006

Hon. Mr. SELINGER moved:

THAT Bill (No. 34) – The Public Interest Disclosure (Whistleblower Protection) Act/Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles), be now read a Second Time and be referred to a Committee of this House.

(Recommended by His Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. SELINGER having spoken,

And Mr. HAWRANIK speaking at 5:00 p.m. The debate was allowed to remain in his name.

Hon. Mr. SELINGER presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 34).

(Sessional Paper No. 82)

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, June 7, 2006.

Hon. George HICKES,
Speaker.