



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 69

FIRST SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

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

THAT Bill (No. 43) – The Sustainable Development Amendment and Consequential Amendments Act/Loi modifiant la Loi sur le développement durable et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. MAGUIRE and ENNS, Hon. Mr. GERRARD and Mr. REIMER having spoken,

And the Question being put. It was agreed to, on division.

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. Ms. FRIESEN:

THAT Bill (No. 35) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. LOEWEN and PENNER (Emerson) having spoken,

And Mr. ENNS speaking at 12:00 p.m.

The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

Mr. SANTOS, Chairperson of the Committee of Supply, presented the Report of the Proceedings of the Committee of July 26, 2000 as follows:

IN THE COMMITTEE

In the section of the Committee of Supply in the Chamber, on Wednesday July 26, 2000, considering the estimates of the Department of Education and Training, a voice vote was held on a motion of censure moved by Mr. DERKACH. Whereupon a counted vote was requested and Members sitting in Room 254 and Room 255 returned to the Chamber. A counted vote was held on the motion, which was defeated (29-18).

The following Resolutions were adopted:

1.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding FOUR MILLION, SEVEN HUNDRED FIFTY-FOUR THOUSAND, SEVEN HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

OTHER ASSEMBLY EXPENDITURES \$4,754,700.00

for the fiscal year ending the 31st day of March, 2001.

1.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THREE MILLION, NINE HUNDRED SIX THOUSAND, SEVEN HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

OFFICE OF THE PROVINCIAL AUDITOR..... \$3,906,700.00

for the fiscal year ending the 31st day of March, 2001.

1.3 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TWO MILLION, EIGHT THOUSAND, THREE HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

OFFICE OF THE OMBUDSMAN \$2,008,300.00

for the fiscal year ending the 31st day of March, 2001.

1.4 RESOLVED that there be granted to HER MAJESTY a sum not exceeding SIX HUNDRED EIGHTY-THREE THOUSAND, ONE HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

OFFICE OF THE CHIEF ELECTORAL OFFICER..... \$683,100.00

for the fiscal year ending the 31st day of March, 2001.

1.5 RESOLVED that there be granted to HER MAJESTY a sum not exceeding FIVE HUNDRED SIXTY-FOUR THOUSAND, TWO HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

OFFICE OF THE CHILDREN'S ADVOCATE \$564,200.00

for the fiscal year ending the 31st day of March, 2001.

1.6 RESOLVED that there be granted to HER MAJESTY a sum not exceeding ONE HUNDRED EIGHTY-ONE THOUSAND, ONE HUNDRED DOLLARS for LEGISLATIVE ASSEMBLY:

AMORTIZATION OF CAPITAL ASSETS..... \$181,100.00

for the fiscal year ending the 31st day of March, 2001.

16.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding FOUR MILLION, FOUR HUNDRED NINETY-ONE THOUSAND, FIVE HUNDRED DOLLARS for EDUCATION AND TRAINING:

ADMINISTRATION AND FINANCE \$4,491,500.00

for the fiscal year ending the 31st day of March, 2001.

Resolutions were reported.

Report was received and the Committee of Supply obtained leave to sit again.

Mr. NEVAKSHONOFF, Chairperson of the Standing Committee on Law Amendments, presented its Seventh Report, which was read as follows:

Your Committee met on Wednesday, July 26, 2000 at 10:00 a.m. in Room 255 of the Legislative Building to consider Bills referred. At that meeting, your Committee elected Mr. NEVAKSHONOFF as the Chairperson and Mr. SANTOS as the Vice-Chairperson.

Your Committee has considered:

Bill (No. 23) – The Jury Amendment Act/Loi modifiant la Loi sur les jurés

and has agreed to report the same with the following amendments:

MOTION:

THAT section 3 of the Bill be struck out and the following be substituted:

3 *Section 23 is repealed and the following is substituted:*

Minimum notice

23 Unless the judge in special circumstances orders otherwise, a summons served under section 22

(a) if delivered under clause 22(a), must be delivered at least 12 days before the day the appearance must be made; and

(b) if sent under clause 22(b), must be sent at least 17 days before the day the appearance must be made.

MOTION:

THAT the following be added after section 3 of the Bill:

3.1 Clause 46(a) is amended by adding ", having been personally served with the summons or having acknowledged receipt of it," after "who".

Your Committee considered:

Bill (No. 36) – The Summary Convictions Amendment Act/Loi modifiant la Loi sur les poursuites sommaires

which had previously been considered by the Standing Committee on Law Amendments on July 24, 2000 at 10:00 a.m., and has agreed to report the same with the following amendment:

MOTION:

THAT the following be added after proposed subsection 17.1(2), as set out in section 3 of the Bill:

Reduction or waiver of penalty

17.1(3) Despite subsection (1), a justice may reduce or waive a penalty at a hearing de novo requested under subsection 17(6) if the person satisfies the justice that exceptional circumstances exist.

NOTE: Bill (No. 23) – The Jury Amendment Act/Loi modifiant la Loi sur les jurés was reported in the 6th Report of this Committee as being agreed to, in error. Bill 23 had not been considered clause by clause at the meeting of the Law Amendments Committee of Monday, July 24.

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

Hon. Ms. FRIESEN presented:

Annual Report of the Municipal Board for the year ending December 31, 1999.

(Sessional Paper No. 200)

Thursday, July 27, 2000

Pursuant to Rule 23(1), Ms. KORZENIOWSKI, Messrs. LOEWEN, SANTOS, PENNER (Emerson) and STRUTHERS made Members' Statements.

On motion of Mr. DYCK:

ORDERED that the composition of the Standing Committee be amended as follows:

Law Amendments:

Mr. PENNER (Emerson) for Mr. SCHULER.

Public Utilities and Natural Resources:

Mr. PENNER (Steinbach) for Mrs. DRIEDGER,
Mr. MAGUIRE for Mr. GILLESHAMMER,
Mr. TWEED for Mr. PENNER (Emerson).

On motion of Mr. DEWAR:

ORDERED that the composition of the Standing Committee be amended as follows:

Law Amendments:

Mr. REID for Ms. ALLAN,
Hon. Mr. ASHTON for Ms. ASPER,
Hon. Mr. SALE for Mr. SMITH (Brandon West),
Mr. SCHELLENBERG for Mr. STRUTHERS,
Mr. JENNISSEN for Hon. Ms. MCGIFFORD.

Public Utilities and Natural Resources:

Wednesday, July 26, 2000 at 6:30 p.m.
Hon. Mr. ASHTON for Hon. Mr. LATHLIN.

Public Utilities and Natural Resources:

Mr. STRUTHERS for Mr. SCHELLENBERG,
Hon. Ms. FRIESEN for Hon. Mr. ASHTON,
Hon. Mr. LATHLIN for Mr. AGLUGUB.

By leave, it was agreed that the Standing Committee on Law Amendments would meet at 2:45 p.m., Thursday, July 27, 2000, concurrently with the House.

Bill (No. 5) – The Wildlife Amendment Act/Loi modifiant la Loi sur la conservation de la faune, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in, on division.

Bill (No. 8) – The Enforcement of Judgments Conventions and Consequential Amendments Act/Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 10) – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 13) – The Taxicab Amendment Act/Loi modifiant la Loi sur les taxis, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 15) – The Water Rights Amendment Act/Loi modifiant la Loi sur les droits d'utilisation de l'eau, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

The Order of Day having been read for consideration of Bill (No. 20) – The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles, as amended and reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mr. PENNER (Emerson):

THAT Bill 20 be amended by striking out the proposed section 16.1, as set out in section 5 of the Bill and amended in Committee, and substituting the following:

"Mainline vendor" defined

16.1(1) In this section, "**mainline vendor**" means a vendor who

- (a) manufactures or distributes new combines and new tractors with engine capacities of 100 horsepower or more; or
- (b) is a member of a related group of vendors
 - (i) at least one member of which manufactures or distributes new combines, and
 - (ii) at least one member of which manufactures or distributes new tractors with engine capacities of 100 horsepower or more.

For this purpose, two vendors are related if one is controlled by the other or they are controlled by the same person or group of persons.

Application of sections 16.2 to 16.12

16.1(2) Sections 16.2 to 16.12 apply to every dealership agreement with a mainline vendor

(a) whether entered into before or after this section comes into force; and

(b) despite any provision to the contrary in the agreement;

and do not apply to any other dealership agreement.

And the debate continuing on the amendment,

And leave having been denied to have the matter remain in the name of Hon. Mr. ASHTON,

And the Question being put. It was negatived, on the following division:

YEA

CUMMINGS	MAGUIRE
DACQUAY	MITCHELSON
DRIEDGER	PENNER (Emerson)
DYCK	PENNER (Steinbach)
ENNS	REIMER
FAURSCHOU	ROCAN
GERRARD	SCHULER
GILLESHAMMER	SMITH (Fort Garry)
HELWER	STEFANSON
LAURENDEAU	TWEED 21
LOEWEN	

NAY

AGLUGUB	MACKINTOSH
ALLAN	MALOWAY
ASHTON	MARTINDALE
ASPER	MCGIFFORD
BARRETT	MIHYCHUK
CALDWELL	NEVAKSHONOFF
CERILLI	REID
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
FRIESEN	SCHELLENBERG
JENNISSON	SELINGER
KORZENIOWSKI	SMITH (Brandon West)
LATHLIN	STRUTHERS 29
LEMIEUX	

Thursday, July 27, 2000

The Order of Day having been read for consideration of Bill (No. 20) – The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles, as amended and reported from the Standing Committee on Law Amendments, the House resumed the Interrupted Debate on the Proposed Amendment of Mr. PENNER (Emerson):

THAT Bill 20 be amended by striking out the proposed section 16.8 as set out in section 5 of the Bill and amended in Committee.

And the debate continuing on the amendment,

And leave having been denied to have the matter remain in the name of Mr. PENNER (Emerson),

And the Question being put. It was negatived, on division.

Bill (No. 20) – The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles, as amended and reported from the Standing Committee on Law Amendments, was concurred in, on division.

Bill (No. 22) – The Court of Queen's Bench Surrogate Practice Amendment Act/Loi modifiant la Loi sur la pratique relative aux successions devant la Cour du Banc de la Reine, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 24) – The Personal Property Security Amendment and Various Acts Amendment Act/Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives, reported from the Sanding Committee on Law Amendments, was concurred in.

Bill (No. 25) – The Interpretation and Consequential Amendments Act/Loi d'interprétation et modifications corrélatives, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 27) – The Correctional Services Amendment Act/Loi modifiant la Loi sur les services correctionnels, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 28) – The Northern Affairs Amendment and Planning Amendment Act/Loi modifiant la Loi sur les Affaires du Nord et la Loi sur l'aménagement du territoire, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 30) – The Social Services Administration Amendment Act/Loi modifiant la Loi sur les services sociaux, reported from the Standing Committee on Law Amendments, was concurred in.

Thursday, July 27, 2000

Bill (No. 32) – The Victims' Rights Amendment Act/Loi modifiant la Loi sur les droits des victimes, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 34) – The Statute Law Amendment Act, 2000/Loi de 2000 modifiant diverses dispositions législatives, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 39) – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 40) – The Business Names Registration Amendment, Corporations Amendment and Partnership Amendment Act/Loi modifiant la Loi sur l'enregistrement des noms commerciaux, la Loi sur les corporations et la Loi sur les sociétés en nom collectif, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 41) – The Balanced Budget, Debt Repayment and Taxpayer Protection Amendment and Consequential Amendments Act/Loi modifiant la Loi sur l'équilibre budgétaire, le remboursement de la dette et la protection des contribuables et modifications corrélatives, reported from the Standing Committee on Law Amendments, was concurred in.

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty:

IN THE COMMITTEE

The following Resolutions were adopted:

RESOLVED that a sum not exceeding Three Billion, Two Hundred Eighty-Five Million, Nine Hundred Forty-Four Thousand, Eight Hundred Five Dollars (\$3,285,944,805.00), being Fifty-Five Percent (55%) of the total amount to be voted as set forth in Part A (Operating Expenditure) of the Estimates, be granted to Her Majesty for the Fiscal Year ending the 31st day of March, 2001.

RESOLVED that a sum not exceeding Twenty-Nine Million, Seven Hundred Thousand Dollars (\$29,700,000.00), being Fifty-Five Percent (55%) of the total amount to be voted as set out in Part B (Capital Investment) of the Estimates, be granted to Her Majesty for the Fiscal Year ending the 31st day of March, 2001.

Resolutions were reported.

Report was received and the Committee of Supply obtained leave to sit again.

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of Ways and Means for raising of the Supply to be granted to Her Majesty:

IN THE COMMITTEE

The following Resolutions were adopted:

RESOLVED that towards making good the Supply to be granted to Her Majesty on account of Certain Expenditures of the Public Service for the Fiscal Year ending the 31st day of March 2001, the sum of Three Billion, Two Hundred Eighty-Five Million, Nine Hundred Forty-Four Thousand, Eight Hundred Five Dollars (\$3,285,944,805.00), being Fifty-Five Percent (55%) of the total amount to be voted as set forth in Part A (Operating Expenditure) of the Estimates for the Fiscal Year ending the 31st day of March, 2001, laid before the House at the present Session of the Legislature, be granted out of the Consolidated Fund.

RESOLVED that towards making good the Supply to be granted to Her Majesty on account of Certain Expenditures of the Public Service for the Fiscal Year ending the 31st day of March 2001, the sum of Twenty-Nine Million, Seven Hundred Thousand Dollars (\$29,700,000.00), being Fifty-Five Percent (55%) of the total amount to be voted as set out in Part B (Capital Investment) of the Estimates for the Fiscal Year ending the 31st day of March, 2001, laid before the House at the present Session of the Legislature, be granted out of the Consolidated Fund.

Resolutions were reported.

Report was received and the Committee of Ways and Means obtained leave to sit again.

By leave, on motion of Hon. Mr. SELINGER, Bill (No. 51) – The Interim Appropriation Act, 2000 (2)/Loi n° 2 de 2000 portant affectation anticipée de crédits, was introduced, read a First Time and ordered for Second Reading immediately.

By leave, Hon. Mr. SELINGER moved:

THAT Bill (No. 51) – The Interim Appropriation Act, 2000 (2)/Loi n° 2 de 2000 portant affectation anticipée de crédits, be now read a Second Time and be referred to the Committee of the Whole.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

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

Thursday, July 27, 2000

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

THAT Bill (No. 35) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. ENNS speaking,

And the attention of Mr. Deputy Speaker having been drawn to the absence of a quorum at 4:20 p.m.,

And Mr. AGLUGUB, Hon. Ms. BARRETT, Messrs. DYCK and ENNS, Hon. Ms. FRIESEN, Hon. Mr. MACKINTOSH, Messrs. NEVAKSHONOFF, SANTOS and STRUTHERS being present,

By leave, it was agreed to waive Rule 4 and to proceed with the interrupted debate on Bill 35,

And Mr. ENNS concluding his remarks,

And Mr. CUMMINGS, Hon. Mr. GERRARD and Mr. PENNER (Steinbach) 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 then adjourned at 6:00 p.m. until 1:30 p.m. Monday, July 31, 2000.

Hon. George HICKES,
Speaker.